MEGA-PROJECTS, LAND TENURE AND LOCAL INSTITUTIONS CHANGES IN NAKUPRAT-GOTU COMMUNITY CONSERVANCY IN ISIOLO COUNTY, KENYA

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DECLARATION

Declaration by Candidate:

This research thesis is my original work and has not been presented for the award of degree or any other award in any university. Where reference has been made to the work of others, credit has been given appropriately. This work must not be reproduced in part or whole without prior permission of the author and, or Kenyatta University.

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DEDICATION

To a noble woman, my mother Esther Tallai (*Ka-Masai*), for diligently and continuously inspiring me to be who we both dream of.

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LIST OF ACRONYMS AND ABBREVIATIONS

ADC- African Development Corridors

ASAL- Arid and Semi-Arid Land

AWF- African Wildlife Foundation

BRI- Belt and Road Initiative

CAMPFIRE- Communal Areas Management Programme for Indigenous Resource

CBC - Community-based Conservancy

CBD- Convention on Biological Diversity

CBNRM- Community-based Natural Resource Management

CCA- Communal Conservation Areas

CCR- Community Conserved Resources

CIDP- County Integrated Development Plan

CLA- Community Land's Act

EMCA- Environment Management and Coordination Act

EU- European Union

FGDs- Focused Group Discussions

FPIC- Free Prior Informed Consent

GoK- Government of Kenya

ICOs- International Conservation Organizations

IKS- Indigenous Knowledge System

IMPACT- Indigenous Movement for Peace Advancement and Conflict Transformation

IPBES-	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPLCs-	Indigenous People and Local Communities
IUCN-	International Union for Conservation of Nature
KII-	Key Informants Interview
KNBS-	Kenya National Bureau of Standards
KVP-	Knowledge, Values and Practices
LAPSSET-	Lamu Port-South Sudan-Ethiopia Transport Corridor
NCP-	Nature's Contribution to People
NGC-	Nakuprat Gotu Conservancy
NGCDMP-	Nakuprat Gotu Conservancy Development and Management Plan
NRT-	Northern Rangeland Trust
SDGs-	Sustainable Development Goals
SEA-	Social and Environmental Audit Report
SEZ-	Special Economic Zone
SPSS-	Statistical Packages for Social Sciences
UN-	United Nations
UNCHE-	United Nations Conference on the Human Environment
UNCED-	United Nations Conference on Environment and Development
UNCSD-	United Nations Conference on Sustainable Development
UNPFII-	United Nations Permanent Forum on Indigenous Issues
WSSD-	World Summit on Sustainable Development

ABSTRACT

Community-Based Conservation (CBC) in Northern Kenya occur in diverse socio-ecological and socio-political contexts, which often influence their success and changes. Recently, the region was proposed for implementation of the Lamu Port South-Sudan Ethiopia Transport (LAPSSET) corridor; a large-scale infrastructural development associated with resort cities, highways, pipelines, railway lines, among others. If fully implemented, these mega projects will massively encroach on land formerly under the Nakuprat-Gotu conservancy in Isiolo. This study utilized the perspectives of 'economies of anticipation' to explore emerging land tenure changes as the LAPSSET corridor and other ancillary projects take shape. It further examined the dynamics facing local institutions used to conserve and govern natural resources in the context of emerging issues, and its implication to the CBC system. The conservancy under study is an important ecosystem for wildlife and pastoralism and is owned by previously warring Turkana and Borana pastoralist communities, brought together under a common conservancy unit to harmoniously share resources. The study adopted a descriptive research design and a mixed method approach. Primary data was collected from a sample size of 110 members of the conservancy, the management committee, conservation actors as well as government agencies. Respondents were engaged through semi-structured interviews, key information interviews (KIIs) and focused group discussions (FGDs). Additionally, secondary sources including journals, relevant reports, and library materials were used. Quantitative data was organized and analyzed using the statistical packages for social sciences (SPSS) and further complimented the qualitative results which were analyzed and presented using thematic coding analysis. The findings of the study revealed that Nakuprat-Gotu's CBC model has been a sustainable land-use model and a critical tool in supporting organized access, use and benefit sharing of communally owned resources among the Turkana and Borana. With the anticipation of mega-projects, communities are increasingly expressing hope and expectations, fears, and contestations about the uncertain future of their land, the conservancy, and pastoral livelihoods. These manifest through the changes in land views explained through the notion of 'commodification of commons' where communal land within the conservancy becomes a commodity for exchange in arm's length market. Consequently, the area has witnessed massive land tenure changes that have also been characterized by pseudoformal land registration arrangements, foreign land acquisitions and privatization, as well as land grabs albeit with manifold layers of contestations and conflicts. Local institutions, referring to informal rules, regulations, norms, and values for conservation of nature, that have hitherto played an instrumental role in governing the commons, are facing new strains given the emerging land tenure issues and coupled political instrumentalization. The rule of the elders, who are the custodians of communal property, are increasingly losing their grasp on local land matters and suffer from the weight of recent institutional innovations and replacement. With the increasing value of land owing to the proposed mega projects, traditional institutions and councils of elders face political pressure to provide "social licenses" to land-related transactions. Findings also showed that indigenous norms and customary expressions, which conservation was pegged on, is under threat following the expectations of modernity promised in the ongoing plans and discussions that present the corridor as a 'game changer' in the north. These emerging issues raise critical concerns on the future of a community-based conservation model in the region.

CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

Indigenous People and Local Communities (IPLCs) who are custodians of community-conserved territories have for long used their rich traditional ecological knowledge (TEK) and robust customary institutions to utilize and conserve their natural resources (IPBES Report, 2019). Subsequently, global conservation practices and frameworks have evolved overtime, to facilitate formal recognition of local communities' values and systems of biodiversity management (Hoole, 2014), and their role in sustainable development. In 1972, the Rio Earth Summit dubbed the 'United Nations Conference on the Human Environment' (UNCHE) highlighted the relationship of natural environment and human development as a significant concern. Later, the World Summit on Sustainable Development of 2002 and the United Nations Conference on Sustainable Development of 2012 emphasized on bottom-up approaches, recommending, and endorsing community-based conservation (CBC) ideals as a strategy for sustainable development. These structural adjustments in conservation have also facilitated for institutionalized traditional and locally led systems that increasingly replace centralized forms and its political authority over resource management imposed in Africa during and after the colonial era (Galvin, Backman, Luizza, and Beeton 2020; and Cockerill and Hagerman, 2020).

Consequently, communities and conservation bodies across the world endorsed the CBC system; a conservation strategy that underscores the coexistence of people and their environment by promoting cultural values for preservation of ecological systems (Krasny and Tidball, 2012). In Bolivia, South America for instance, CBC was first implemented in the 1990s (Noss and Cuéllar, 2001). Soon after, McDaniel (2003) exploring the Bolivian case reveals that this system transformed decision making from individual to collective level, revolutionized land tenure systems and socio-political institutions. Elsewhere, De-Jong, Ruiz, and Becker (2006) further acknowledged that the approach helped the country in restoration and protection of biodiversity, as well as improving their rural livelihoods.

In Sub-Saharan Africa, CBC ideals have been practiced across the region (Adams and Hulme, 2011). Namibia adopted this conservation strategy much earlier in 1990 when

the country gained independence. The system was also supported with the Nature Conservation Act of 1996 that is thought to have significantly facilitated the success of the CBC programme (Tallis, et.al.2008). As a result, there has been fundamental transformation in the country's environmental management systems and remarkable success in socio-economic development (Tallis, et.al, 2008).

In East Africa, CBC has become an effective remedy for the realities of the region's poverty level and unprecedented rate of resource depletion (Butt, 2011 and Nelson, 2012). The popular 'park beyond park' model in Kenya was introduced in the late 1990s by the Kenya Wildlife Service (KWS), following the recommendations and provisions in the National Environmental Action Plan (NEAP), (1994) and later the Environmental Management and Coordination Act (EMCA), (1999, revised in 2012) that empower citizens to participate in natural resource management. This system was adopted after a series of consultations over sustainable management of limited natural resources (Kibiti in Nelson, 2010). The model was considered an effective strategy to reverse the contravention of local communities' rights, who had lost their land to parks and did not benefit from wildlife-based revenues (Nelson, 2012). The CBC initiative was strongly supported by the International Union for Conservation of Nature (IUCN) and was further popularized by Trust Funds established by the European Union (EU) that encouraged collaborative and innovative conservation measures (Western, Waithaka and Kamange, 2015). Since the inception of CBC agenda in the last two decades, private landowners and communities have increasingly adopted conservancies as a land use practice in Kenya (Western et.al, 2015). As a result, conservancies have increased from 10, which were entirely on private ranches in 2001 to 230 in 2014 mostly found on communal lands (Western et.al, 2015).

In Northern Kenya, stakeholders and community members have since 2004 came together to develop a network of CBC occupying more than 2.4 million acres of rangeland (Glew et.al, 2010). According to Lelesimoi (2014), the CBC system in the region has led to enhancement of security, promoted education, created employment and conservation of key natural resources. Greiner (2012) notes that the development of CBC initiatives in this region was a strategy to bring win-win socio-economic and environmental outcomes, in the resource-based conflict hotspot area. He observes that CBC practices in the region occur in complex social contexts resulting in significant

social effects and land tenure dynamics. To date, 75% of the wildlife found outside Protected Areas (PAs) are managed through the CBC systems (LAPPSET, 2017).

Isiolo County, for instance, has five major conservancies; Oldonyiro, Leparua, Nakuprat-Gotu, Nasuulu and Biliqo-Bulesa found in community lands, managed by the local communities with the support of the Northern Rangeland Trust (NRT). Lekalkuli (2011) contends that climate change, land tenure security and socio-economic factors are some of the reasons for the widespread adoption of CBC systems in Isiolo County. These conservancies are found in territories described in Wemanya (2015) as diverse and with complex socio-ecological features, varied ecosystem livelihood and resilience patterns. Notably, the community conservancies have developed management plans that are instrumental in dealing with their unique socio-ecological dynamics (NRT, 2011).

Despite communal conservation serving the twin goals of environmental protection and contributing to development by promoting human wellbeing through, for instance, tourism-based economies (see Adams and Hulme, 2011), these critical ecosystems are not immune to change. Apart from naturally induced factors that affect the survival of communal conservancies, human-induced changes such as development projects play a major role in transforming conservancy land and the people. This is true particularly for most of the Sub-Saharan Africa where mega projects (large-scale development projects that occupy large chunks of land) are implemented in communally owned lands. In Kenya, for instance, the LAPSSET Corridor is one of the mega projects in question.

The Kenyan government launched the LAPSSET Corridor in 2012 embedded in Kenya's Vision 2030 as a strategy to facilitate the transition to an industrialized, middle-income country (Kasuku, 2018). The LAPSSET corridor identified Isiolo as one of its main hubs (Kasuku, 2018), a region that then conserved its rich biodiversity and practice conservation-compatible livelihood, like pastoralism on communal land (NRT, 2015). The plans and ongoing implementation of the large-scale infrastructure projects linked to the LAPSSET corridor (cities, airport, pipelines, roads, etc.) are causing widespread impacts on local communities within the traverse (Enns, 2018). The study examined how such planned developments affects the future of community

conservancies within which they traverse, by mainly focusing transformation on land tenure and changes in the local institutions reflected in the councils of elders that constitute part of the conservancy committees The study uses the case study of the Nakuprat-Gotu Conservancy in Isiolo's Ngare Mara Ward.

1.2 Statement of the Problem

There exist heated debates in the global academic and policy arena over the complementarities and conflicts between conservation and development (Laurance et.al., 2016). CBC has in some context been presented as a panacea in integrating the often conflicting dimensions of conservation and economic development (Berkers, 2007 and Brooks, 2013). Some scholars have rethought the CBC model's ability to deal effectively with multiple objectives; Fabricius and Collins (2007); Laperye (2010); Mosimane and Silva (2015); Galvin, Beeton and Luizza (2018). (Tubey, Kyalo and Mulwa (2019); Galvin, Backman, Luizza and Beeton (2020). Nelson (2004) still highlights that CBC systems may encounter fundamental challenges as external groups enter local conservation spaces.

Isiolo county which has adopted CBC as its predominant conservation model (NRT, 2015) is a key hub and traverse area for the LAPSSET corridor and other ancillary projects (LAPSSET, 2017). Studies that have explored the LAPSSET corridor present it as a game changer that opens up Northern Kenya, with some studies taking analytical perspectives to the implications of politics of the mega-infrastructural projects in the region Enns (2017) and Elliot (2016). However, literature gaps exist particularly on how the implementation of large-scale development projects in communally owned landscapes could influence the CBC model. This study sought to clarify how community land tenure and local institutions used to govern the CBC system are potentially transformed, to expand the CBC debate in Northern Kenya and around the world.

Nakuprat-Gotu conservancy which is under communal land tenure and has been earmarked for state-led large-scale linear infrastructural projects and numerous private investments including institutions of higher learning, world-class medical facilities, livestock markets, and other 'masked' projects is selected as the study area. The conservancy is traversed by an inter-regional highway, opening up the conservancy

area. Additionally, it is situated close to a proposed resort city and a special economic zone. This makes it a prime land for private accumulation by various ambitious actors, for economic enrichment particularly through land speculation.

The study investigated how the ongoing and planned development projects in the Nakuprat Gotu conservancy re-ordered tenure arrangements among various actors, including the Nakuprat Gotu community, land-seeking institutions, and investors. It sought to understand interaction and feedback of these land dynamics with the CBC ideals, which entails traditional conservation-compatible livelihoods as well as harmonious use and governance of communal resources. It interrogated the local institutions that play a critical role in offering robust structures to support access, use and benefit sharing of communal resources, to understand how the anticipations and changes brought by large-scale developments influence, change, or affect them.

1.3 Research Questions

The study was guided by the following research questions:

(a) How are the land tenure changes informed by mega-infrastructural plans and changes influence the Nakuprat-Gotu's community conservancy model?
(b) How are the emerging dynamics facing the traditional and local institutions that foster conservation of communal resources impacting Nakuprat-Gotu's CBC model?
(c) How are the implications of these land and institutional changes on conservation ideals and the sustenance of the Nakuprat Gotu conservancy?

1.4 Research Objectives

The main objective of the study was to examine the implications of land tenure and institutional changes on Nakuprat Gotu's CBC system in Isiolo, Kenya because of the planned implementation of the LAPSSET corridor. In this respect, the central interest was to find out the extent to which large-scale project plans and projects have informed or are likely to affect CBC ideals, as guided by the objectives below.

1.4.1 Specific Objectives

(i) To examine land tenure changes as informed by mega-infrastructure in Nakuprat-Gotu conservancy and the ensuing disruptions on the CBC model.

(ii) To analyze the emerging changes facing the traditional and local institutions that foster conservation of communal resources in the Nakuprat-Gotu's CBC model.

(iii) To explore the implications of these land and institutional changes in Nakuprat Gotu's community conservancy model.

1.5 Significance of the Study

There are four respects in which this study is significant. First, it stimulates the discussions and ideas on the Africa's Development Corridor (ADC) agenda which has significantly informed Africa Union's Agenda 2063, the long-term strategic development plan for socio-economic growth. Specifically, it outlines the possible outcomes of the interaction of Africa's infrastructural development ambitions on the continent's much hailed CBC system. As a result, it contributes scientific knowledge on the interplay between development and conservation and particularly how planned mega projects affect community-based conservation models in rural landscapes. Secondly, it also aims to show the implications of mega project implementation on changes in land tenure and local institutions in communal conservancies using Nakuprat-Gotu conservancy as an example.

Thirdly, this work is instrumental in interpreting Kenya's Vision 2030 development blueprint and understanding the effects of state-led flagship projects at grassroots-based conservation and livelihoods. In this light, it is hoped to create awareness for policy action by senior bureaucrats, development practitioners both in national and local governments in Kenya. In addition, this work facilitates the need to urgently provide unique support strategies to conserve 75% of wildlife in community lands as premeditated in Isiolo County Integrated Development Plan (2017-2022). Lastly, it offers a resource base that is useful in understanding how modern development trajectories threaten indigenous knowledge systems.

1.6 Conceptual Framework

The proposed study reconstructs its conceptual framework from the 'economies of anticipation' discussed by Cross (2015), which implies that development areas and mega-infrastructure are 'promising zones' where people conceptualize possible futures not just for themselves but also for others, while holding hope, desire, anxiety, and fear.

It explains how various actors (powerful capitalists, politicians, and local communities) orient themselves in the wake of the 'promising' infrastructural plans. It expounds on the consequences of different aspirations of these actors, as they converge and conflict in the same territories.

The framework below depicts that the robustness of a CBC system is pegged on key tenets, which include the facilitation of a win-win realization of conservation and development goals, community inclusivity in natural resource governance, peaceful co-existence of communities through harmonious sharing of resources under the conservancy unit and sustainable pastoralism as a traditional livelihood activity. The CBC system is dependent on key components, for instance land tenure and related uses, as well as the institutions that govern land and natural resource use, for its sustenance.

As shown in the framework below, large-scale projects and other development ambitions attracted by the promising economy occur in unregistered community land whose communal resources are governed largely through local institutional arrangements. The framework projected that the intervening variable; the economies of anticipation in the face of large projects advanced the susceptibility of unregistered community land to land grabs, claims, dispossession, and unjust compulsory acquisition, given lack of security of land tenure and weak policies supporting the CBC model and its local institutional governance arrangements. Resultantly, this would strain existing forms of governance of commons, anticipating that the ongoing development corridor agenda in Northern Kenya; particularly Isiolo county, an upcoming economic hub, could present new challenges to the existing CBC system.

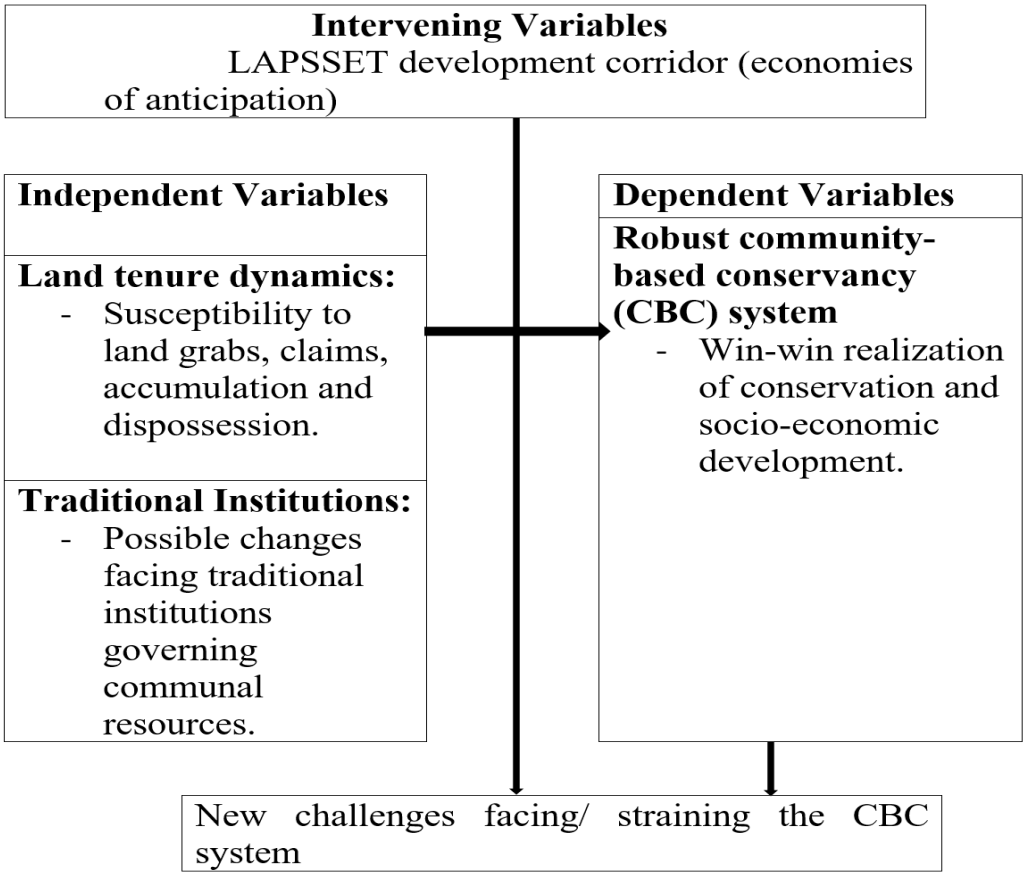

Figure 1.1: Conceptual framework

(Source: Author)

1.7 Definition of Terms

Commons: Resources that provides users with tangible benefits but which nobody in particular owns or has exclusive claim to.

Community-based Conservancy (CBC) System: A system of collective choice arrangements where the locals conserve their natural resources, land, and territories, while freely practicing conservation-compatible livelihood systems for socio-economic development (Cockerill and Hagerman, 2020).

Community land: A system of holding or using land as a resource that is undivided but shared by people found within the area (Alden Wily, 2018).

Development corridors: Transport routes and economic hubs which evolve to enable an increasing range of social-economic development activities (Enns, 2018).

Indigenous People: People identified through their unique traditions, socio-cultural, socio-economic, or socio-political orientations. These dimensions are in most cases unique from the dominant populations (Beteille, 1998).

Land tenure: This implies the relationship of people with respect to their land. These relationships are customarily or legally defined among people (Alden Wily, 2019).

LAPSSET corridor: Eastern Africa's largest and most ambitious infrastructure project bringing together Kenya, Ethiopia and South Sudan consisting of seven key infrastructure projects, that is, a port, highways, crude oil pipeline, standard gauge railway lines, international airports, resort cities and the High Grand Falls dam (LCDA, 2018).

Northern Rangeland Trust: A community conservancy membership organization that seeks to develop resilient community conservancies, which transform people's lives, secure peace, and conserve natural resources (NRT, 2017).

Traditional institutions: Informal laws, norms, rules and regulations that govern the use of natural resources.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

Literature related to the proposed study was reviewed thematically. First, the study gives an overview of the CBC ideals, including the tenets, norms and systems that inform the governance of natural resource under the model. Thereafter, the politics of anticipation of mega projects, their ensuing effects on various facets in the lives of indigenous peoples and local marginalized communities, environmental conservation and management, and other socio-economic aspects for instance, land and livelihoods was widely explored. Lastly, literature engages with the implication (or future) of communal conservancies given the changes discussed here on land ownership and transfer as well as local institutions. Knowledge gaps which the study seeks to fill were established.

2.2 The Community-based Conservation (CBC) Model

According to Kalvelage et al. (2021), the CBC model seeks to strike a balance between nature conservation and economic growth by establishing spatial and institutional settings that maintain and even regain biodiversity while simultaneously allowing for sustainable land use. It is a land tenure and land use governance arrangement to conserve wildlife while providing for the livelihoods of pastoralist communities (Kalvelage et.al., 2021). The model is growing in numbers throughout Africa, particularly in the arid and semi-arid (ASAL), providing connected landscapes that complement national parks and reserves (Galvin et.al., 2020).

Conservation literature provides many examples of positive outcomes from participatory approaches to sustainable natural resource conservation in developing nations. Wartkin, (2003) highlights that CBC programs promote natural resource conservation by acknowledging local stakeholders' autonomy, particularly by transferring the power of authority to local stakeholders through democratic procedures, such as inclusion in management decisions, legitimized access to natural resources, and local development with revenues derived from sustainable use of natural resources, practices generally termed participatory democracy. Additionally, DeCaro and Stokes (2008) highlight the CBC system realizes better success when there is free

and open democratic participation in management, substantive recognition, and inclusion of local stakeholder identity, and respectful, non-coercive social interaction.

Examining the model, Lerno (2022) notes that community conservancies are in most cases developed by communities in partnership with public agencies or are associated with nongovernment organizations. Communities are the most dominant decision-maker and enforcer or may be the co-designers or co-implementers of conservation activities (Lerno, 2022). In this case, they democratically elect a representative board from the community which determines benefit-sharing mechanisms as well as drives the strategic development of the conservancy and oversee operations.

NRT (2016) explaining their CBC model, states that well-governed, independent community institutions are the foundation of successful community conservation, enabling a more holistic and socially relevant approach to conservation. They add that the establishment of the model is through a peer-led process through the council of elders made up of respective chairpersons of the community institutions. The institution is a strong and effective forum that resolves complex and often deep rooted historical or current environmental and social challenges (NRT, 2016). The success of CBC is easily achieved in countries with great accountability and stability in governance, where the local people enjoy civic liberty as well as economic equality (see Brooks, et.al., 2013). In Cox et.al. (2010) well defined social and geographic boundaries are essential in community-based conservation.

The inception of the CBC system and ideals in environment and development programmes have been widely promoted. The World Conservation Congress realized that the achievement of conservation goals will remain unachieved if they are not integrated with development (Igoe et.al., 2010). The CBC system was seen to have a great potential to conserve resources and provide means of livelihoods for the local people (Daily et.al., 2000). The model is a creative solution to the threats of intergenerational social and ecological challenges (Brockington et.al., 2008 and Daily et.al., 2000), which treats local communities as partners and not adversaries of conservation. Conservation scholars agree that the system brings together the conservationists and developers, reshaping their relations and delivering a win-win scenario (Brockington et.al., 2008).

For Africa to achieve sustainable development and conservation, Hulme and Murphee (2008) recommend considering local communities' needs through CBCs. Nelson (2012) studying the CBC system in Tanzania discusses how the system generates new forms of revenue, employment opportunities and other supplementary benefits from tourism investments. In Kenya, Western et.al., (2015) assert that the model presents an opportunity to derive conservation without major sacrifices, hence popularly adopt it as a land use practice. The approach has since its establishment in the 1990s ensured conservation of biodiversity and presented an alternative livelihood approach for pastoralist communities (Muthiani et.al., 2011).

2.3 Institutional Arrangements in Community-based Conservancies

According to Brooks et.al. (2013) CBC institutional functions should ensure community participation in the initiation, establishment, and the daily activities to realize success. They explain that being a participatory venture, local governance spearheading conservation practices should adopt communities' cultural setting and traditions. This echoes Ostrom's design principle of community-based resource management (CBNRM) discussed in Cox, Arnold, and Tomas (2010) that there should be an agreement between conservation rules and local conditions. Cox et.al. (2010) further discuss these local conditions as the community's ideologies, predominant customs, or even livelihood strategies.

Collective choice arrangements where the locals who are affected by the operational rules actively participate in modifying the operational rules is a vital principle for CBC's success (Ostrom, 1990). Other design principles necessary for institutional success of CBC include effective monitoring, sanctions, efficient conflict resolution mechanisms and small common enterprises nesting with larger enterprises (Ostrom, 1990). Silva & Mosimane (2014) point out that people participating in community-based conservation are sometimes motivated not only by economic ends of conservation, but also their strong attachment to place, preferences for social cohesion which keeps them together even when economic incentives do not materialize.

2.4 Integration of IK and Global Efforts in the Conservation Governance

Lerno (2022) observes that indigenous knowledge, practicality, priorities, and global scientific efforts are coming together to protect biodiversity, to ensure reduction and

mitigation of human-wildlife conflict, protection of critical habitat and species, reduction of impacts of development and creation of incentives for wildlife protection while enhancing livelihoods. The value of indigenous knowledge (IK) was recognized by scientists, managers, and policymakers, and became an evolving subject of national and international law (Mauro and Hardison, 2000). Indigenous peoples themselves have repeatedly claimed that they have fundamental rights to IK because it is necessary to their cultural survival, and this principle is increasingly being recognized in international law.

According to the United Nations Permanent Forum on Indigenous Issues (UNPFII, 2015) approximately 370 million Indigenous People exist, translating to 5% of the world's population. These populations use traditional practices to underpin local livelihood and environmental well-being (UNPFII, 2015). Local efforts of Indigenous People in using traditional ecological knowledge (TEK) to conserve biodiversity were acknowledged in key reports (IPBES Report, 2019). Moreover, TEK received significant attention in global forums; for instance, the Convention of Biodiversity Framework (CBD) which empowered contracting member states to respect and utilize indigenous knowledge in natural resource management (Jasmine et al. 2015).

However, recent reports challenge the transmission of indigenous knowledge, the problem of access and benefit sharing (Lemos and Agrawal 2006; Morgera and Tsioumani 2010), and the ability to apply TEK within the broader society, outside IP territories (IPBES, 2019). Additionally, emerging concerns of the IPLCs and the use of TEK in resource governance has been the interaction and feedback of the evolutionary socio-ecological and political environments (Reyes-Garcia, et.al., 2010). The IPLCs have been noted to occupy territories under various tenure and access regimes, facing ongoing resource extraction, energy, and transport infrastructure while states continuously neglect the potential of TEK (Reyes-Garcia et al., 2010). While Kenya's Traditional Knowledge and Cultural Expressions Act of 2016 gives power to IPs to effectively use the knowledge to conserve the resources, these IPLCs are facing significant challenges. Ayaa, (2013) also notes that community social organizations are becoming less vibrant and no longer have power and authority to control activities and behavior in the twenty first century. This study explores the position of TK and related

institutions in supporting resource access, use and benefit sharing in a dynamic CBC model.

2.5 Challenges Facing the Community Conservancy Model

Despite the positive outcomes, it has been argued that the model can also bring along some negative returns. Mariki, (2016) reasons that this approach could lead to cumulative accumulation, while Kelly, (2011) argues that it can lead to green grabbing, and accumulation by dispossession, (Harvey, 2003). Mariki, (2016) adds that the approach could delineate local people from their resources hence making empty promises of the locals' involvement as significant partners. Policies supporting this approach attract and benefit large-scale landowners, (GFC, 2008) whereas marginal groups and women are victims and disadvantaged in markets due to lack of title deeds of land, (Brockington et al. 2008). GFC (2008) insist that the monetary powerful actors dominate the market, negotiating and influencing the rules of the market and have a better chance in the negotiation process from onset, (Nelson 2012).

DeCaro and Stokes (2008) exploring community-based natural resource conservation programs in developing nations observe that they face many implementation challenges, including garnering local support in an economically and socially sustainable fashion despite economic hardship and historical alienation from local resources. They further note that different administrative designs create social atmospheres that differentially affect endorsement of conservation goals, which may be fewer effective motivators and less economically and socially sustainable than others. Other reviews have identified several factors as contributing to the mixed successes of CBC programs, including conflict between CBC's fundamental objectives to promote both natural resource conservation and local development, competing local and conservation interests, unreliable and/or unsustainable (economically or socially unwise) incentive systems, and failures to implement genuine local participation (Newmark and Hough, 2000).

2.6 The Interaction and Tensions between Conservation and Development

According to Hope and Cox (2015), development corridors are transport routes and other ancillary projects which evolve to enable an increasing range of social-economic development activities. These infrastructural advancements reflect the 'death of

distance' (Cairncross, 1997), the 'space of flows' (Castells, 1996), the 'global village' (McLuhan, 1962), 'time-space compression' (Harvey, 1990), the 'network society' (Castells, 2004), and countless ways of space and time reimaginations (Graham, Andersen, and Mann, 2015).

According to Mosley and Watson (2016) large-scale infrastructure causes widespread impacts (on land and communities) whether its visions have been fully implemented or not. They attribute this to the '*economies of anticipation'* discussed by Cross (2015). The planned infrastructure is looked at as 'promising infrastructure' which holds hope, desire, anxiety, and fear. They are zones where people conceptualize possible futures not just for themselves but also others (Cross, 2015).

Larkin (2013) understands these infrastructures as not just technical objects that shape modernity but also tools that stimulate the 'enthusiasm of imagination'. Politicians, journalists, and academics have all acknowledged that large-scale infrastructural advancements are enabling new and unprecedented types of economic, social, and political connectivity and relationships. Large-scale development zones are viewed as places of emotive imagination and aspirations where the future is felt, encountered, and inhabited. Amongst all these anticipations, is the dreams of profit and improvement among those who are set to be most affected by their construction (also noted in Mulenga, 2010; Browne, 2015). Cross (2015) however highlights that this expectation presents a platform for diverse speculation. He further discusses that state visions of growth are interpreted and appropriated in a manner that brings conflict and immodest alignment with the dreams and desires of diverse communities (also discussed in Enns, 2017; Elliot, 2016).

2.6.1. Emerging Conservation Challenges Along Development Corridors

Globally, development corridors being land-demanding span across vast amounts of land, some of which are conservation areas. Laurance et.al. (2016) note that African development corridors traverse key Protected Areas (PAs) that are further encroached by mining and agricultural activities.

Mega-development projects and resulting environmental impacts have been examined by some scholars (Gellert and Lynch; 2003; Laurance et.al., 2015; IUCN, 2017). These projects are found to significantly alter the biological, geological, and physical

attributes of landscapes (Gellert and Lynch, 2003). They also have significant ecological effects when they traverse places of high environmental value Laurance, Sloan, Wang, and Sayer (2015). For example, the China's Belt and Road Initiative (BRI), a large-scale transportation infrastructure coupled with development of new ports in the Pacific and Indian Oceans, deserves some attention (Liu and Dunford, 216). Ascensao et.al., (2018) reveal the detrimental effects of the BRI already occurring in Southeast Asia and Tropical Africa. Their study echoes Van der Ree, Grilo and Smith (2015) who identify wildlife mortality, restricted movement and spread of invasive species as major impacts. Elsewhere, Laurance, Goosen and Laurance (2009) note that mega-projects exacerbate illegal logging and poaching facilitated by increased access to the remote regions.

In Africa, there is some scanty literature exploring the environmental effects of mega-projects. It is noted that approximately 33 development corridors are emerging across 38 countries, spanning about 53,000 Kilometers (Enns, 2017). These corridors which are the newest thing to hit the region are projected in Laurance (2015) to have great social-ecological cost due to land pressure and further threaten biodiversity. These projects will reorder the relations between nature and society by bringing with them new spatial patterns and new forms of human-environment relations (Enns, 2017 and Elliot, 2015). Furthermore, an analysis by Laurance et.al. (2015) recommended that 5 out of the 33 corridors were advisable; that is, they had manageable effects on the ecosystem. Twenty-two of them were marginal and the remaining 6 were inadvisable, with irreversible effects on the environment. The above cited work discusses the environmental impacts of mega-projects. This study explored the effects of infrastructural development and plans on communal conservation systems and the ensuing social and environmental effects.

According to Laurance (2015) development corridors frustrate ecological integrity by facilitating deforestation, resource extraction and fragmentation of ecological communities. The concept 'environmental justice' highlights that development projects may have immense effects on ecology, and that these consequences need to be examined in relation to their socio-economic implications (Gardner and Gerharz, 2016). Jackson and Sleigh (2000) discussing the impending destruction of development projects on fragile physical environments mention that these projects endanger the rare

flora and fauna, and the precious historical relics within their traverse. Elsewhere, development corridors have been regarded as' 'hot spots" of degradation whose current land-use change and intensification in African savannas need to be investigated (CRC, 2018).

2.6.2. Socio-economic Issues of Communities Affected by Development Projects

Large-scale infrastructure projects have been seen to raise significant socio-economic issues to communities across the globe. These projects being land-demanding encourage an ambitious dream of private accumulation by developers and capitalists to feed into their desire for economic growth and personal enrichment (Cross, 2015). Divergent dreams for the future are held by different actors converging in and around these zones hence shaping politics of control, consent, and submission. Cross (2015) and Enns (2017) note that in some cases, there is collision of different futures which result in conflict and contestation. Cross (2015) further explains that these advancements result in people transforming to market futures therefore reimagining their livelihoods.

Generally, an increased network density which is facilitated by development corridors, increases economic interaction as noted in Henning and Saggau (2012). Elsewhere, it is observed that the more cohesive a geography is, the more distributed the impacts tend to be Brunner and Hans Peter (2013). Development corridors have been recorded to have both high economic benefits and social costs. It is argued in Enns (2017) that such development interventions lead to further marginalization of communities who are not able to participate in the economies of the corridor, hence forced to migrate to inhospitable localities or to live amongst hostile host populations. These communities may never recover socially from these experiences.

Jackson and Sleigh (2000) highlight the less voiced concern for the dispersion and forced resettlement of local communities as an outcome of large-scale projects, which makes landlessness one of the significant consequences of such zones. The economic opportunities for newly landless people are normally few compared to those of elites (Gardner and Gerharz, 2016). These people generally lack skills, which allow them to play a significant role in the formal employment opportunities along the corridor. As a result, there is increasing immersion of people who on one hand are equipped with

opportunities for vast profits and those with the least; hence exacerbating social and economic inequality (Makki and Geisler, 2011; Levien 2011a, Levien 2011b and Gardner et.al., 2012 in Gardner and Gerharz, 2016).

Kochore (2016) looking at the LAPSSET corridor explains several political and societal conflicts in recent years. The trend of land speculation along the planned corridor has caused tensions amongst residents and investors (see also Browne 2015). Population density change and growth through migration caused by economic interaction influence supply and demand in markets as a result of development corridors (see Brunner and Hans-Peters 2013). This is projected in Isiolo County CIDP Report (2018-2022), with the total population expected to surpass the current KNBS projections of 165,000 by the year 2022 due to the ripple effect of the LAPSSET project.

2.6.3. Pastoralism as a Form of Livelihood within the LAPSSET Traverse

Pastoral societies across the globe are generally experiencing processes that are redefining their territories and reshaping their resource utilization patterns (Nori et al., 2008). Jackson and Sleigh (2000) view intensification and modernity resulting from development corridors as a threat to existing community livelihoods hence causing shifts to informal urban jobs, which causes economic dysconnectivity from previous livelihoods that would be transferred across generations. Gardner and Gerharz (2016) affirm that local communities rarely benefit from the employment opportunities presented by these projects due to lack of skills and capacities.

Development corridors span across arid and semi-arid lands, most of which pastoralism is the predominant livelihood (see Laurance et.al., 2016). In Kenya, the LAPSSET corridor project is likely to change pastoral activities significantly. The corridors' optimism has caused mixed concerns over its possible adverse effects on livelihoods (Wemanya, 2015). Some pastoralists see it as a great and viable opportunity, while the other majority are worried about the long-term impacts of the project on their rights, cultures, and livelihood. Greiner (2016) mentions that the LAPSSET corridor is highly contested amongst local pastoral groups. This is because the project presents the hope that pastoralists will access urban markets and even export opportunities for their

products and the fear that it will impede livestock movements; hence exacerbating the vulnerability of local communities and instigating social conflicts (Browne 2015).

The Isiolo CIDP Report 2018-2022 emphasizes that diversification of livelihoods would be paramount since there would be creation of substantial job opportunities directly related to the corridor development. This is viewed as an opportunity that would decrease the number of youths engaging in cattle rustling in pastoralist areas along the LAPSSET corridor.

2.6.4. Land Contestations and Conflicts Related to Mega Development Projects

Land is evidently one of the most emotive issues in the face of large-scale development plans and projects (Mkutu-Agade et.al., 2011). They highlight that countries struggle with land rights definitions and redefinitions, resolving issues on property right changes, boundary redrawing, land claims and sales in the face of mega-projects. Elsewhere, Cross, (2015) notes that in such cases land acquisition is not entirely governed by blueprints, but also by speculative regimes that may work against local communities. Korf et. al. (2015) taking a fascinating standpoint argue that elites particularly those from indigenous communities are the ones directing terrorization, decentralization, and commodification. Greiner (2016), highlighting an important aspect of communal land enclosures, states that it occurs at individual, community, and ethnic levels.

Chuang (2015), while exploring China's new townships, discusses that rural land dispossession is a dominant mechanism of capital accumulation. Gardner and Gerharz (2016) picking a South Asian large-scale infrastructure case, note that whenever land is valued for its productive potential; land loss, enclosures and dispossession become the norm. When these people's land is dispossessed from them, their livelihoods are also displaced (Gardener and Gerharz, 2016).

Enns (2017) study on Africa's development corridor shows that land becomes significantly valuable, locals who are unequipped to participate in the emerging economy get displaced or pushed to less desirable sides (see also, Hall, 2011). Gardner and Gerharz (2016) affirm that local communities rarely benefit from the employment opportunities presented by these projects due to lack of skills and capacities. Expounding on forms of displacement, Elliot (2015) records that powerful private

investors dominate in these regions to fulfill their investment ambitions. Population influx caused by economic interaction along development corridors influence supply and demand in markets (Brunner and Hans-Peters, 2013).

Levien (2013) further notes that the persuasive power of these projects that seem to transform regions from 'backwardness' mostly mute the resistance of the locals to land loss. Cross (2015) gives an account of land dispossession processes in the economic zones of South India; he notes that these land-demanding plans encourage massive private accumulation by elites who seek economic growth and personal enrichment. He clarifies that land acquisition is not entirely governed by a singular logic of accumulation directed by policies but mostly through a speculative regime of dispossession in the previously marginal areas. These means undermine the rights of the local communities (see also Levien 2011a, 2011b, 2012, 2013, and Cross 2014).

Displacement seems to be a significant consequence to communities that previously lived on lands that have been earmarked for development. It is recorded that several years ago, more than 30 million people in India had been displaced from their lands by 'development' (see Walker 2008 in Gardner and Gerharz, 2016). A global report indicates that rural livelihoods depend on land as the main form of production, hence secure access whether through formal, informal, or customary tenure is crucial for rural households to enjoy sustainable livelihoods (Food and Agriculture Organization, 2002).

2.7 Theoretical Framework: The Economies of Anticipation

The study reconstructed its theoretical framework from the 'economies of anticipation' discussed by Cross (2015), which implies that development areas and mega-infrastructure are promising zones where people conceptualize possible futures not just for themselves but also for others, while holding hope, desire, anxiety, and fear. It explains how various actors (powerful capitalists, politicians, and local communities) orient themselves in the wake of the 'promising' infrastructural plans, and the interactions and feedback of their divergent ambitions. Dalakoglou (2017) exploring the concept economies of anticipation describe infrastructure as a locus of imagination, hopes and dreams. Development visions of powerful capitalists, politicians, and local communities in the wake of the 'promising' infrastructural plans converge and conflict in common zones.

In Muller-Mahn, Mkutu and Kioko (2021), these dynamics are discussed from the lenses of politics of aspiration, in which hope is produced and performed in public debates, political negotiations, and planning processes. Additionally, although infrastructural advancements often reflect the dreamscapes of modernity (Jasanoff and Kim 2015; Müller-Mahn 2020), the implication on social-ecological transformation demands close attention even when the underlying vision is not fully implemented (Mosley and Watson, 2016).

Larkin (2013) also notes that infrastructure projects are not just technical objects that shape modernity but also tools that stimulate the enthusiasm of imagination that could enable new and unprecedented types of economic, social, and political connectivity, relationships, and disruptions. In this case, large-scale development zones are increasingly viewed as places of emotive imagination and aspirations where the future is felt, encountered, and inhabited and as Cross (2015) notes, these presents a platform for diverse speculation. This leads to conflict and immodest alignment with indigenous way of life (also discussed in Enns, 2017; Elliot, 2016).

These perspectives of economy of anticipation are therefore crucial in gaining a deeper understanding on the ongoing dynamics in Nakuprat Gotu community conservancy, as mega-developments interact with the conservation model.

2.8 Summary of Literature Review and Gaps Identified

The foregoing review of literature expounds on the CBC model, as well as its successes and challenges. Literature affirms the role of Indigenous People and Local Communities (IPLCs) in biodiversity conservation, and the importance of incorporating traditional knowledge and cultural institutions in conservation, particularly evidenced in the CBC system. The reviewed literature further underscores the impact of large-scale projects on the environment, and the consequences of anticipation of mega development plans on host communities' socio-economic livelihoods.

Globally, studies on the dynamics facing the sustainability of the CBC model in the context of the politics of anticipation of mega-projects are scanty. While some scholars have discussed the impacts of the LAPSSET project on communities in Northern Kenya, none has given a specific focus to the interaction and feedback of these large-scale development visions and projects on conservancy models under unregistered

community land. In this case, there is a critical information gap on key issues, including the changes in land tenure and local institutional dynamics, and their potential impacts on the CBC model. This study filled this lacuna, using the case of Nakuprat Gotu conservancy, as it highlights the dynamics facing a CBC model, by exploring land tenure dynamics and institutional changes, as a result of large-scale infrastructure changes.

CHAPTER THREE: METHODOLOGY

3.1 Introduction

This chapter focuses on the methods that were adopted in the study. Generally, it explains what the researcher did to address the research questions. It discusses the research design, sampling strategies and data analysis techniques that were adopted.

3.2 Study Area

Isiolo county is in the Northern part of Kenya, which borders the following counties: Marsabit to the North, Samburu to the West, Wajir and Garissa to the East, Tana River, Meru and Laikipia to the South (KIRA, 2014). The county covers an area of 25,605 square kilometers comprising Isiolo, Merti and Garbatulla sub-counties. Isiolo county is a key traverse region for the LAPSSET project, as shown in the map below:

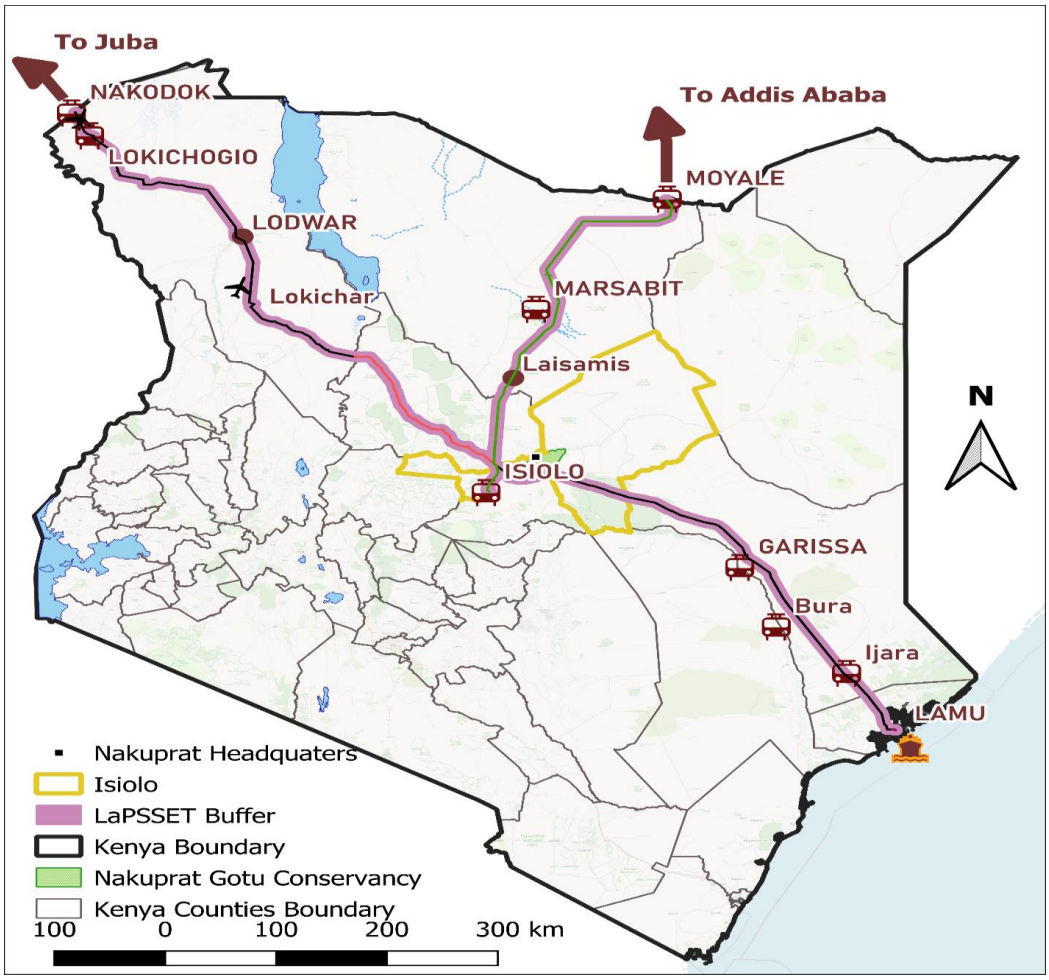

Figure 3.1: LAPSSET Routes and Isiolo as a key hub

(Source: Modified from ILRI Mipakani Project)

The study was conducted in Nakuprat Gotu Conservancy, in Ngare Mara Location in Isiolo East Division, Isiolo North sub-county, where the issues under study were playing out. The conservancy has four zones namely, Nakuprat, Gotu, Attan and Aregai. The area is earmarked to be traversed by the Isiolo county section of the LAPSSET's linear infrastructural components. The conservancy is owned by semi-nomadic Turkana and Borana pastoralists who are approximately 15, 900 (KNBS, 2019). Pastoralism is the predominant form of livelihood and the main mode of saving. Many community members earn income through sale of livestock and a few people are engaged in small business-like bead work and casual labor. Households in the conservancy are 7% wealthy, 19% middle, 31% poor and 42% very poor (Nakuprat Gotu Conservancy Management Plan 2015-2019).

According to a KIRA Report published in 2014, the county had been rated among the highest conflict hot-spot areas due to recurring conflicts over natural resources between the Turkana, Borana and Samburu. Cattle rustling and competition over natural resources has majorly contributed to conflicts KIRA, (2014). These conflicts are normally spurred by cattle rustling where one community re-stocks its livestock by raiding another community, retaliatory attacks as a result of the raids, competition for water and pasture during drought and incitement by political figures (Nakuprat Gotu Conservancy Management Plan 2015-2019).

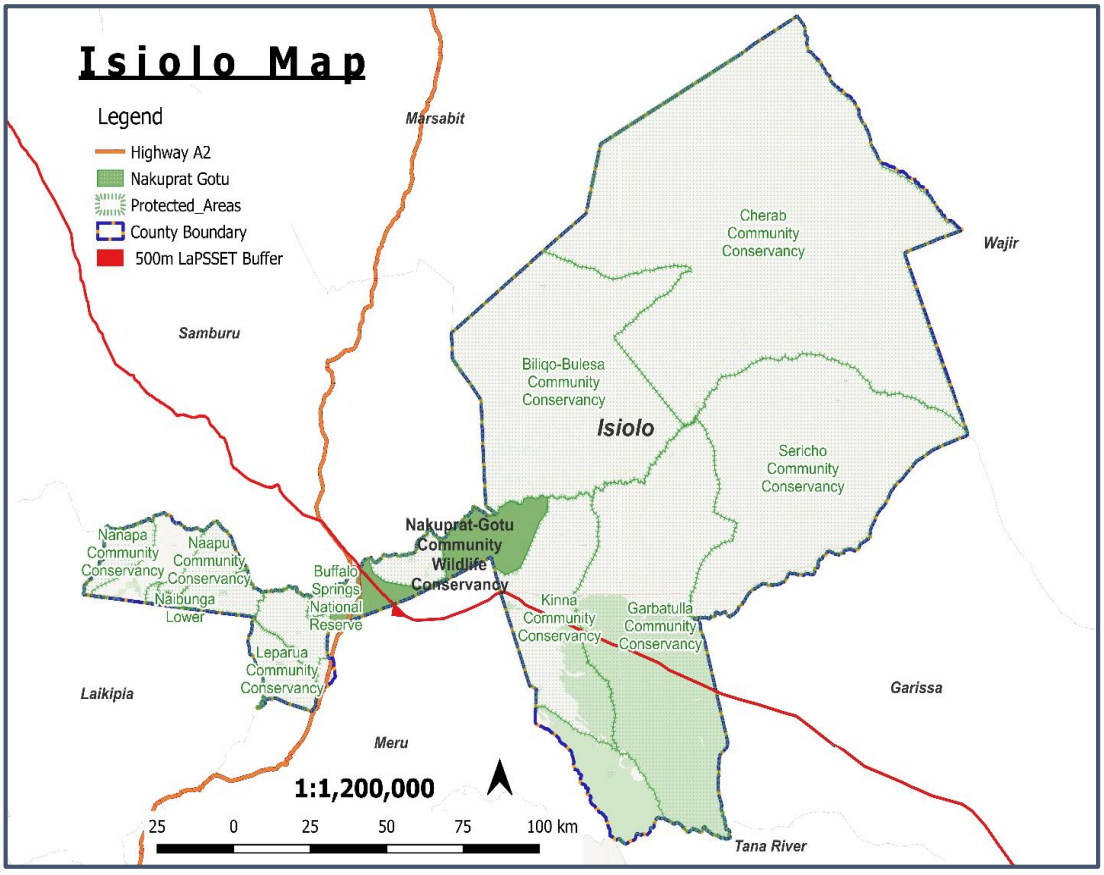

Figure 3.2: A map showing the Nakuprat Gotu in Isiolo County

(Source: Author 2020)

3.3 Study Design

This study utilized descriptive research design to extensively address the issues under scrutiny. This design was useful in analyzing facts and developing an in-depth understanding of an issue, to systematically describe a complex phenomenon and situation (Bernard, 2002). The design helped answer what, when, where, and how the dynamics under the conservancy were playing out. to analyze facts and helps you in developing an in-depth understanding of the research problem. The research design enabled the study to determine the dynamics under scrutiny in their natural setting, while adopting both qualitative and quantitative research methods to gather facts (Bernard, 2002). Qualitative methods were widely used to conduct interviews through one-on-one conversations through in-depth-interviews and key informant interviews with a sample of respondents, seeking to understand their attitude, expert opinion, and habits as recommended in Orodho, (2004). Additionally, observations where the

researcher recorded what is seen, heard, or encountered as field notes, as well as focused-group discussions that enabled detailed engagement with specific groups within the conservancy, were used. Quantitative techniques involved collecting and analyzing numerical data to describe characteristics of the target population.

3.4 Target Population

The target population for the study included 15,900 people with a sample size of 150 people drawn from organized groups in Nakuprat-Gotu conservancy particularly the council of elders, women, youth, men's groups, land committee and other social groups engaged in semi-structured interviews.

$$n = \frac{N}{1 + N(e)^2}$$

Where: n= sample size e = precision level (5%) and N = population size.

n=15900/1+15900(0.05*0.05) n=150

The sample size of 150 was reached at using Yamane's formula, recommended for a target population of around 15,000 people. The study reached saturation level at a response rate of 75% and directly engaged 110 respondents.

Some members drawn of the mentioned groups were further brought together in groups of 7-12 people and engaged in-depth discussions on thematic issues in the form of focused-group discussions (FGDs). The study also engaged the conservancy management committee and conservation actors working in the area including but not limited to; Northern Rangeland Trust, Save the Elephant Foundation, Gravy Zebra and Ewaso Lions. Additionally, the national and county government departments for instance, the Isiolo County Lands Office, Kenya Wildlife Service (KWS), Kenya Highway Authority (KeNHA) and National Environment Management Authority (NEMA) in key informant's interviews (KIIs).

3.5 Sampling Procedures

Nakuprat Gotu conservancy has 13 settlement areas with approximately 15,900 people in total (Nakuprat Gotu Plan 2015-2019). The study adopted multi-stage cluster sampling where it used simple random sampling to select 7 cluster samples from the 13

settlement areas. This is because the 13 settlement areas are mutually homogenous yet internally heterogeneous.

The sampled settlement areas were put into 14 strata (two per each settlement area) and respondents were drawn from each selected stratum. This ensures that enough data is gathered from the study population, for accurate understanding and perspectives of the study objectives. Stratified random sampling was further used to select from respondents per selected clusters as respondents of a semi-structured interview, as segregated by age and gender.

The study further used non-probability sampling strategies; first it adopted purposive sampling to identify key informants' interviews (KIIs) and focused group discussion (FGD) participants drawn from organized groups, conservancy management, civil society organizations and government officials, reaching a small-scale respondent for in-depth analysis as recommended in Richie and Lewis, (2003). Purposive sampling was also chosen as it is convenient for intensive case studies, critical and sensitive cases Bernard (2006). Additionally, snow-balling sampling designs were instrumental in getting respondents living in remote villages, who offered in-depth understanding of traditional and historical knowledge on systems of conservation of commons.

3.6 Instruments

The primary sources of data extensively relied on both qualitative and quantitative methods, using instruments such as; an interview guide, focused-group discussion guide and key informant guide. Prior to data collection, the reliability of the research tools was subjected to testing through piloting, to ensure that questions are clearly understood and to facilitate revision where necessary as recommended in Newing et.al., (2011). The pilot study provided valuable information, not only for the main study, but understanding aspects such as feasibility.

3.7 Data Collection Procedures

A sample of 110 respondents drawn from the selected settlement areas were engaged through semi-structured interviews. Identified groups, for instance the conservancy board of management, conservancy rangers, youth groups, women groups, sages/elders, the lands committee, religious leaders, and other organized groups were engaged through 7 different focused-group discussions. Some members drawn from the above

groups were further engaged through key-informants' interviews to gain deeper insights. Expert knowledge gained from respondents from community, civil society, and government institutions facilitated in-depth understanding of issues under scrutiny. Field notes and observation checklist was also used to record interactions and phenomena as recommended by Ritchie and Lewis, (2000).

3.8 Data Analysis and Presentation

Data processing involved verifying, and sorting out the questionnaires, checking of completeness and reviewing the written notes to ensure that relevant data is valid and well-organized. Quantitative data that described the demographic of the population was collected using the questionnaire, and were cleaned, coded, and entered the Statistical Packages for the Social Sciences (SPSS) to organize and draw meaning of the data.

Qualitative data was analyzed using thematic content analysis. Data was reviewed, organized, collated and thematized to come up with detailed narratives and discussions. Thereafter, thematic analysis was used to identify, analyze, and develop sub-themes, as well as report patterns from detailed discussions according to the specific objectives and research questions (Braun and Clarke, 2006). The analyzed qualitative data was then presented thematically according to the objectives as narratives and discussions.

Quantitative data was presented using graphs, tables and figures based on the SPSS analysis. The photographs taken from the field were used as plates to enhance the discussion related to the specific themes. Relevant oral informants were cited to support their views, opinions, values, and attitudes. Finally, the main findings and discussions were compiled and presented in a thesis format.

3.9 Ethical Considerations

This study observed a set of standards to regulate the activities of the research, consider the welfare of the respondent, avoid deception and prevent bias, as recommended in Madhushani (2016). Beyond getting informed consent, the researcher ensured that the respondents were adults who understood the choice made in terms of participating in the research, and that the purpose of the study was clarified as well as any perceived risks to the participants. While the participants were granted the freedom to express themselves freely, the right to privacy was guaranteed. Absolute confidentially and anonymity has been maintained by disguising key individuals

and groups. Respondents were free to withdraw at any stage of the study, should they feel uncomfortable or get exempted from any discussions that would cause psychological torture or stress.

CHAPTER FOUR: RESULTS AND DISCUSSION

4.1. Introduction

This chapter presents findings on the land tenure changes linked to the planned implementation of the Lamu Port South Sudan-Ethiopia Transport Corridor (LAPSSET) and other ancillary projects on communally owned land. It further discusses the dynamics facing local institutions used to conserve and govern natural resources, as well as other emerging conservation related issues in Nakuprat-Gotu community conservancy, Isiolo County. The findings have been discussed and interpreted in relation to the study's objectives. The objectives were examining the land changes in Nakuprat-Gotu community conservancy and the ensuing conflicts; analyzing the emerging dynamics facing the traditional and local institutions that foster conservation of communal resources in the Nakuprat-Gotu's CBC model; and exploring the implications of these land and institutional changes on conservation ideals and the Nakuprat Gotu conservancy model.

The discussion of the findings was guided by the conceptual framework which anticipated that the planned and already rolled-out state-led mega-infrastructure projects would result in land transformation and disruption of local institutional systems, hence having implications on the community-based conservation model. The study was also pegged on the theory of 'economies of anticipation' which explains how various actors (powerful capitalists, politicians, and local communities) orient themselves in the wake of the 'promising' infrastructural plans (Cross, 2015). The theory of transformative environmental governance and adaptive governance was used to interrogate valid dynamics of environmental governance transformation in the anthropocene era, resulting in significant disruptions and changes Chaffin et.al. (2016).

The study is presented in narratives, figures, and tables. The first part of the chapter represents a description of the response rate and the presentation of the demographic information of the respondents. The objectives have been discussed in the subsequent sections of the chapter.

4.2. Response Rate

The study targeted community groups and key stakeholders of the Nakuprat-Gotu Conservancy including civil society organizations, the conservancy management

committee and relevant government departments, all who were key in understanding the CBC dynamics in the context of the current challenges. The questionnaire response rate for the targeted community members whom a questionnaire was administered was 110 out of 150, which translates to 74% response rate. This was deemed as good representation based on the assertion in Nulty (2008) and Mugenda and Mugenda (2014) that; 50% return rate is adequate, 60% is good and 70% as a very good. The return rate was hence considered to provide the required information for the purpose of data analysis and formative arguments on Nakuprat Gotu's CBC model.

4.3. The Demographics and General Information of the Participants

The study perceived that demographic information and general information of the respondents was critical in providing a clear picture on how the ongoing changes and disruptions in the conservancy affect different segments of the population. In this case, a descriptive research design was useful in generating the demographic and general information, particularly on the gender, age, highest level of formal education, religion, forms of livelihoods of the participants as presented and discussed below:

4.3.1 Gender of the Respondents

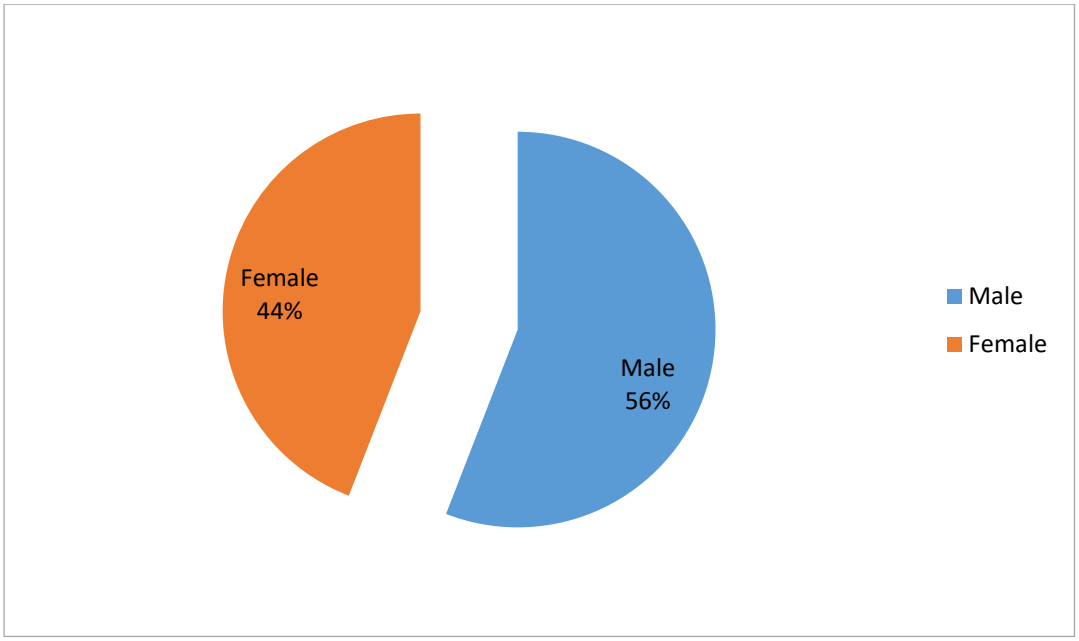

Figure 4.1: Gender of the Respondents in Nakuprat Gotu Conservancy

(Source: Author 2020)

As figure 4.1 above displays, 56% of the respondents were male whereas the remaining 44% were women. The study had good representation of both genders, though women were fewer compared to men, even though they are equally, and in some cases are disproportionately affected by the CBC dynamics that the study explored.

George et al. (2015) note that in patriarchal societies, males form the majority heads of households and are considered the landowners, explaining why there was a higher proportion of respondents of men than women. This can also be taken to mean that men, given their socio-cultural privileges, have more opportunities to proactively amplify their voices and shape narratives on emerging issues and natural resource governance, through meeting and other interactions. This is despite the fact that literature affirm that indigenous women, like those in Nakuprat Gotu, have a fundamental role in natural resources conservation and preservation (Mago and Gunwal, 2019; Dankelman and Davidson, 2013 and Schneider 2013) and suffer adversely from related impacts.

> *"Women in the community are believed to be the caregivers and co-creators of nature and have a duty to protect and safeguard it for the future generations. However, our socialization and cultural dynamics hinders our ability to proactively participate in matters relating to the conservancy as much as men. In the recent past, majority of us are beginning to leverage on key spaces to raise our voices and concern, because no one is better placed to speak for us than ourselves."*
>
> (FGD 3 with a women group in Ngare Mara village, 2020)

Oral accounts, as noted above, from female participants confirm that their role in the sustenance of the CBC system is undeniably crucial, although they face dynamics that strain mainstreaming of their voices into CBC-related discussions. The subordinate role that they assume due to socialization, as well as capacity gaps and household responsibilities were cited as key contributing factors to relatively less participation. Nevertheless, the study adequately captured the perspectives of both women and men engaged.

4.3.2. Distributions of Respondents by Age and Literacy Levels

Table 4.1 Age of Respondents

Category	No.	%
18-30 years	27	24.3
31-40 years	44	39.6
41-50 years	33	29.7
Above 50 years	7	6.3
Total	111	100

(Source, Author 2020)

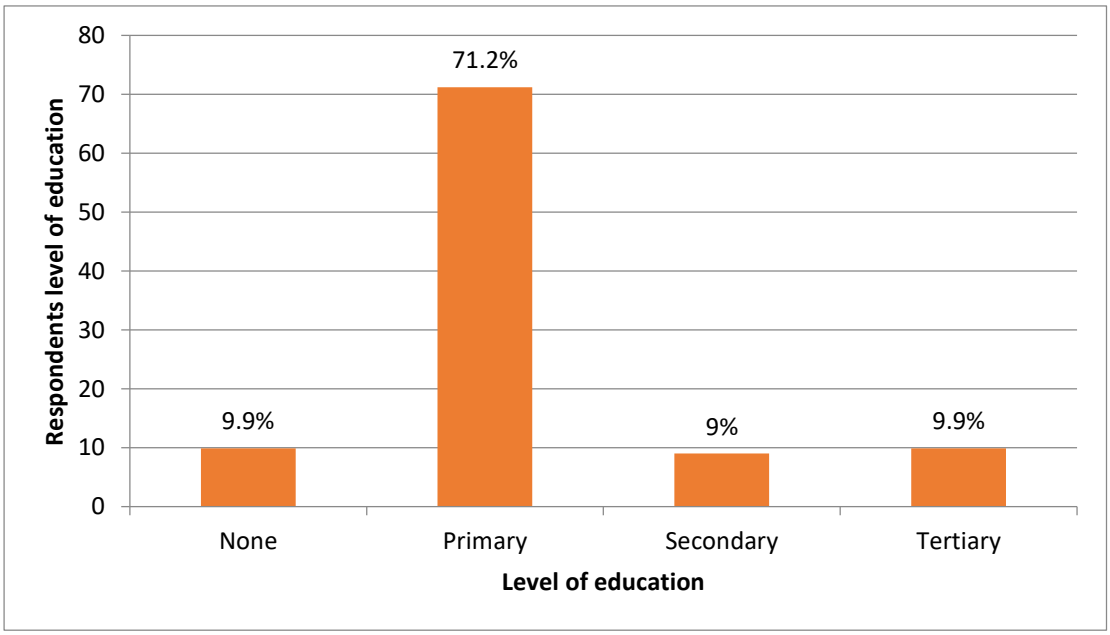

Figure 4.2: Level of Education of the Respondents

(Source, Author, 2020)

The interaction with different segments of the population enabled the research to gain different insights on the conservancy model. The elders who constituted 6.3% of the respondents, majorly fell under the 9.9% of the respondents who did not have any formal education. Their significant roles as custodians of the traditional knowledge and the leadership they provided in customary institutional systems, mostly informed, and shaped their viewpoints on the current dynamics facing conservation, access, use and utilization of communal resources and institutional transformation. The community being highly cultural, the perspectives of these elders, for a long time remained

fundamental in not just shaping the decisions of the management of resources but in the integration of modern systems of resource governance.

Approximately 29.7% of the respondents were 41-50 years, most of whom fell under the spectrum of people with little formal education (71.2%) having attained or shortly enrolling to primary education, although some of them had no formal education. The perspectives of this segment of the population, observably, were informed by a hybrid understanding of rich cultural expressions and to some extent the emerging modern systems. They held strong views on the interactions and feedback of the two systems. Another 39.6% of the respondents were between 31-40 and 24.3% were between 18-30 years, having a mix of community elites, reformed cattle rustlers (community warriors) and a few with some form of advanced formal education. Perceptibly, these segments of the population majorly influenced the speculations on the emerging economies and the competing notions of beneficiaries of development than older generations.

4.3.3. Marital Status of the Respondents

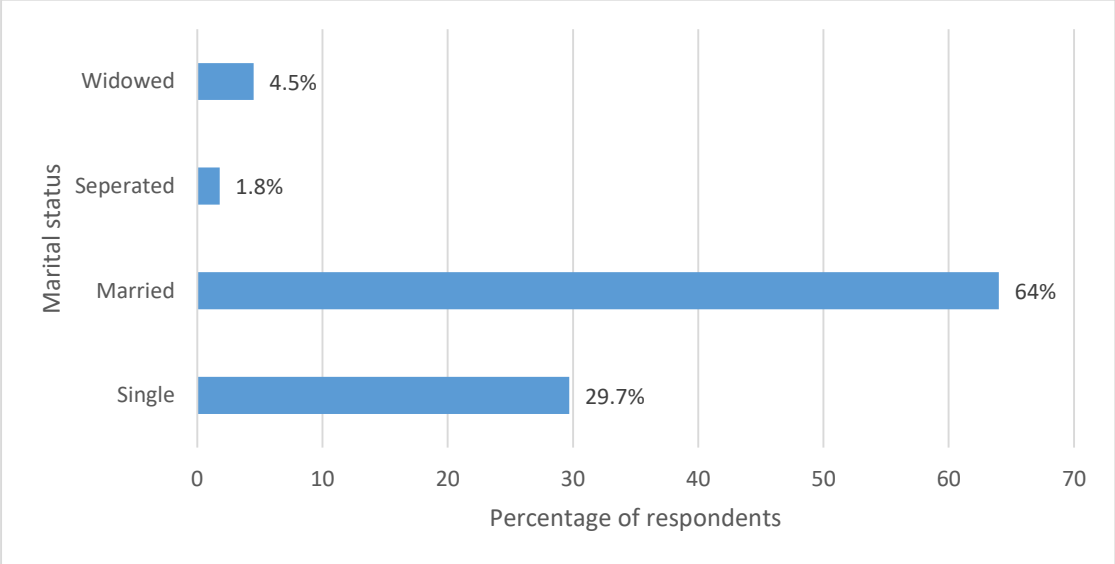

Figure 4.3: Marital Status of the Respondents

(Source, Author 2020)

The majority (64%) of the respondents were married, 4.5% were widowed and another 1.8% were separated. These respondents were all engaged in the capacity of head of households. 29.7% of the respondents were single and mostly fell under the youth's

(18-35 years) age bracket. This data was essential in understanding how land-related and other natural resource related decision making were made at household levels.

4.3.4 Religious Orientation

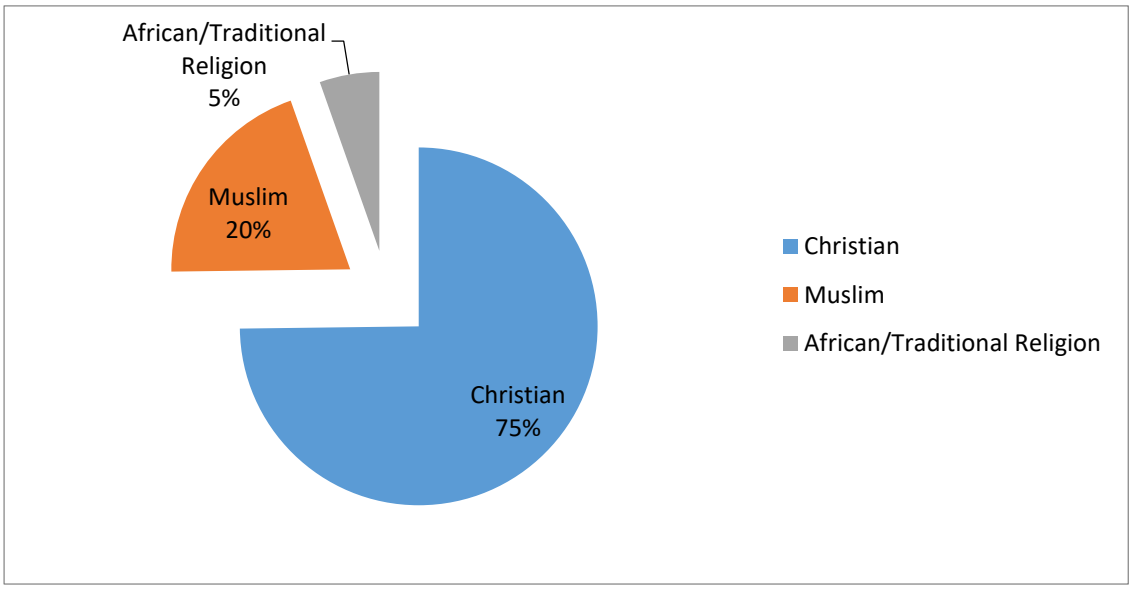

Figure 4.4: Religious orientation of the respondents

(Source, Author 2020)

Majority (75%) of the respondents were Christians, while 20% were Muslims and another 5% practiced African Traditional Religion (ATR). While the majority of the respondents were affiliated to modern religious practices, ATR practices were still acknowledged and respected as the community's predominant way of living. It was noted that most churches had conformed to the ATR standards to accommodate more members of the community. In this case, the ATR's cultural expressions were not entirely replaced by modern religious institutions, but rather co-existed. As a result, conservation of communal resources and other CBC ideals held by the followers of modern religion was still largely informed by customary beliefs and practices.

4.3.5 Residence in Nakuprat Gotu in Ngare Mara Ward

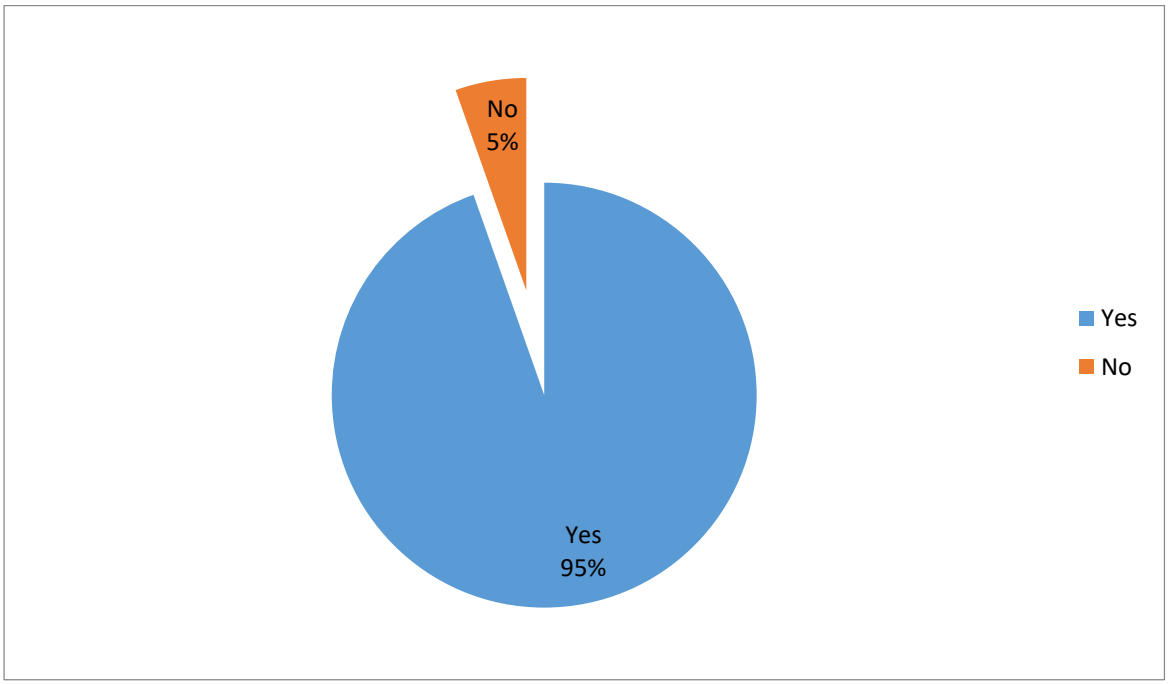

Figure 4.5: Residence of the respondents in Nakuprat Gotu

(Source: Author, 2020)

Most respondents (95%) were permanent residents of Ngare Mara ward, hence were members of the Nakuprat Gotu conservancy. Permanent residents helped the study gain an in-depth insider and long-term perspectives on the areas, and the subsequent changes observed overtime. Approximately 5% of the respondents were either experts working with conservation bodies or new immigrants whose movement to the area had been caused by various reasons.

4.3.6: Duration of Residence of the Respondents

Table 4.2: Duration of residence in Nakuprat Gotu Conservancy

Category	No.	%
Above 15 years	72	64.9
11-15 years	11	9.9
6-10 years	22	19.8
0-5 years	6	5.4
Total	111	100

(Source: Author 2020)

While the majority (64.9%) of the respondents had lived in the area for more than 15 years, it is worth noting that the community has been relatively mobile. This is attributed to the fact that the survival of the pastoralist community is contingent on mobility in search of pasture and water, making migration a fundamental trait. The respondents who had lived for more than 15 years acknowledged that migration for them has been an existential necessity, having moved in and out of the area overtime. Movements in and out of the area were directed and regulated by the elder's system, demarcating a few areas as key (temporary) settlement areas.

However, the local administration leaders pointed out that they have witnessed a higher rate of oddly permanent immigration in recent years. Previously, pasture seeking pastoralists would settle using temporary structures, but until recently the community has become less mobile, with the installation of permanent structures and in some cases fences. Only 5.4% of the respondents engaged were new immigrants, with notably most of them not yet present physically (absentee landlords) who had bought land, marked them or put-up structures. The population influx currently being witnessed in previously scarcely populated or non-settlement areas of the conservancy is causing tensions, conflicts, and influencing contestations.

4.3.7 Nature of Residence of the Respondents

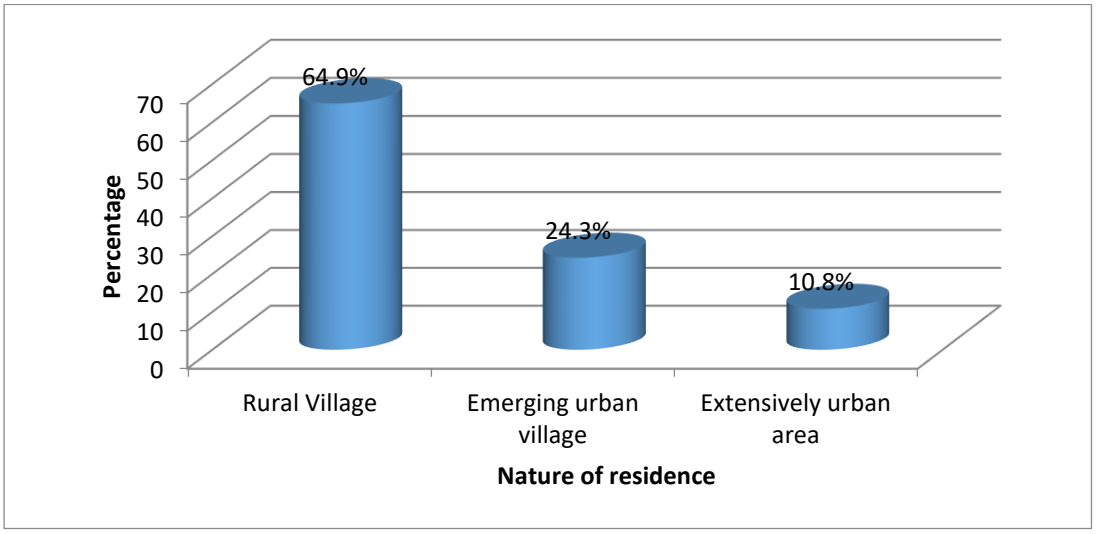

Figure 4.6: The nature of the nature of the area of residence of the respondents
(Source: Author, 2020)

The study broadly categorized the study area into rural villages, emerging urban villages, and extensively urban areas. Majority of the respondents (64.9%) live in the rural set-up, particularly *Daaba, Nakuprat, Nasuroi, Ariamowoi, Chumvi, Chumvi Yare, Attir, Kisile, Akarateretе, Lowangila, Attan, Aukot, Kiwanja, Epiding, Complex, Ltungai* and *Asinyen* settlement areas. These areas are adjacent to grazing areas, core conservation areas, wildlife corridors and key water points. While there was no evidence of emerging business premises, there were signs that key actors had demarcated chunks of these lands for development purposes, demonstrated by painted twigs and trees, piled stones and in some cases permanent fences. Some of these areas, for instance, *Daaba, Ltungai* and *Nakuprat* became key points of land speculation as earmarked regions to be traversed by the LAPSSET project's components. This led to the scramble by the community and outsiders to own land in the hope to gain from direct compensation. 24.3% of the respondents were from emerging urban villages which include *Tractor, Manyatta Zebra, Chokaa* and *Kona* settlement areas. These areas, previously rural, now have permanent and semi-permanent structures, with a growing population of settled people. 10.8% of the respondents were from *Ngare Mara shopping center* which is more developed.

4.3.8 Sources of Livelihoods for the Respondents

Table 4.3: Primary occupation and sources of livelihood of the respondents

Category	No.	%
Pastoralists	94	84.7
Businesspersons	8	7.2
Formal employment	5	4.5
Student	4	3.6
Total	111	100

(Source: Author, 2020)

Pastoralism, a conservation-compatible livelihood strategy, is the most prevalent source of livelihood among the community found within the Nakuprat-Gotu conservancy, constituting 84.7%. Other small-scale businesses, including livestock-related businesses, charcoal burning, and retail traders stood at 7.2%. The business community was noted to be growing, given the current changes in the area.

4.3.9: Professional Training of the Respondents

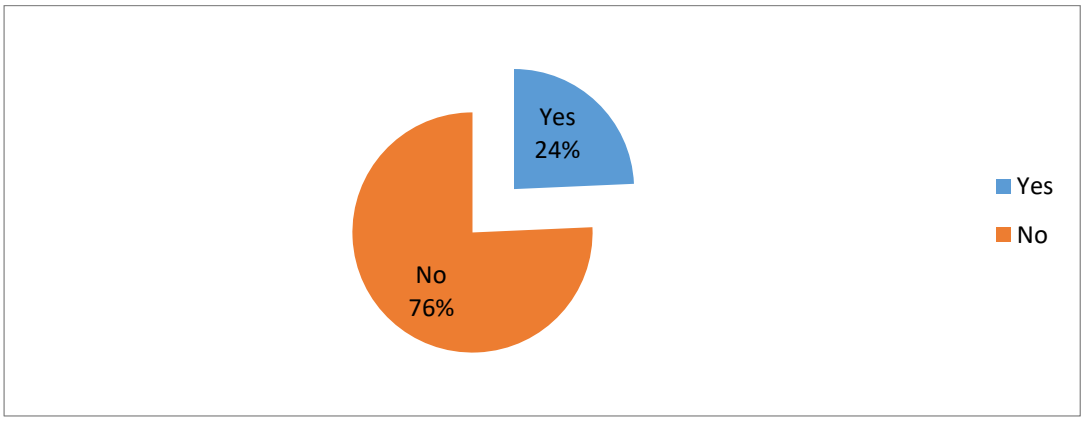

Figure 4.7: Professional training received by the respondent

(Source, Author 2020)

Notably, youth and women groups from the community have organized themselves into groups to tap into the emerging economic opportunities. However, the majority of them (76%) had not received any form of professional training, hence lacked the competitive advantage of benefiting from the anticipated opportunities. The remaining 24% had received short-term training on conservation, security, peace building, and other skills gained through formal education.

4.4. Overview of the Emerging Issues at the Nakuprat Gotu Conservancy

4.4.1 The Nakuprat Gotu Conservancy

The Nakuprat-Gotu conservancy is a community-owned conservancy, 39,300 hectares in size under community land (former trust land) earmarked to be traversed by the LAPSSET corridor. The conservancy is owned by Turkana (dominantly Christians) and Borana (dominantly Muslims) who are semi-nomadic pastoralists with historical resource-based conflicts. According to KNBS, (2019), the conservancy has approximately 12, 700 people in four locations namely, Ngare Mara, Attan, Nakuprat and Gotu.

> "*These four locations are divided into 8 sublocations which include Zebra, Ngare Mara, Attan, Aregai, Daaba, Nakuprat, Boji Dera and Gotu. These sub locations are further classified into 13 settlement areas surrounding and within the conservancy."*
>
> KII 5, Senior Chief, Ngare Mara (2020).

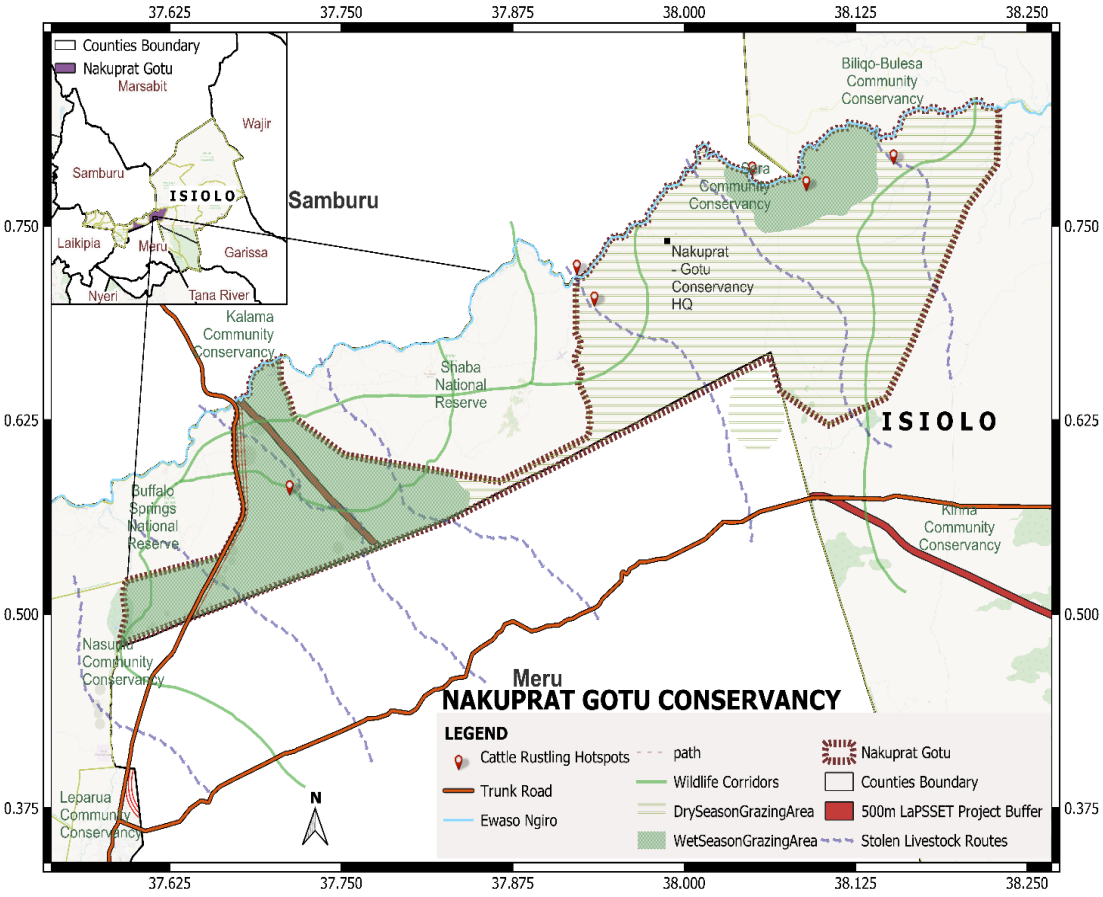

Figure 4.8: A detailed map of key components in the Nakuprat Gotu Conservancy (Source, Author, 2020)

4.4.2 Establishment of the Nakuprat-Gotu Conservancy

The harsh and unpredictable nature of the environment, competition over resources, cultural-driven raids and retaliatory attacks heightened rampant conflicts among the Borana and Turkana communities in Ngare Mara ward for decades. While the two communities had clearly defined boundaries, there were often forceful overlaps and entries into each other's land. Neighboring communities, taking advantage of the conflict situation, would access and use natural resources in the land without following the right customary procedures.

Elders from the Turkana and Borana community were mobilized and drawn from all the settlement areas to engage in the peace-building negotiations and bench-marking

events to neighboring conservancies, facilitated by the NRT. This led to a consensus to donate land from Ngare Mara and Gotu areas under a common unit, the present day Nakuprat-Gotu conservancy. The conservancy in 2011 and was then registered as a community-based organization (CBO).

The boundaries of both Turkana and Borana communities were mapped, documented, and merged into a common conservancy, with the elders clearly demarcating key conservation areas, settlement areas, water points and socio-cultural sites. The Turkana's side of the conservancy is named 'Nakuprat' while the Borana side is 'Gotu' hence the Nakuprat-Gotu conservancy. Although these borders were clear, it was no longer restrictive as the two communities could freely graze and use natural resources within the conservancy freely, and with the guidance of the elders. The conservancy seeks to avert resource-related conflicts caused by competition for pastoral resources for the existing and invading pastoralist communities, the ensuing inter-ethnic raids, retaliatory missions. Additionally, it seeks to control conflicts by advancing securitization, enhancing traditional and introducing modern strategies for amicable natural resource governance, as well as conflict-transformation by supporting former cattle rustlers through capacity strengthening programmes to support in conservation.

The Ngare Mara community attest that the conservancy has been a peace-building tool that has brought together the warring Turkana and Borana community in the common grazing areas, as well as help reduce human-wildlife conflicts and mortality rates, as well as enhance conservation of biodiversity.

> "*We (the elders) were approached by the Northern Rangelands Trust (NRT) at a time when the conflict situation was dire, after a series of retaliatory attacks among the Turkana, Borana and Samburu communities. Our land had become a battle ground. The NRT engaged us in peace talks which we were at first reluctant to participate in. We did not understand the conservancy model, and there were a lot of speculations on the intentions of formally developing a conservancy with our 'enemies'. As the situation worsened, we welcomed NRT's idea, and we were brought together with elders from the other communities in a peace-building mission. NRT facilitated a discussion on the importance of more organized natural resource access, use and benefit sharing through a*

conservancy model. We were taken for benchmarking in key conservancies, like Namunyak, West Gate and Kalama in Samburu County, where we learnt how communities can harmoniously govern and benefit from their communal resources. The elders from Ngare Mara ward were convinced that this will be a solution to the conflict issues, while resulting in socio-economic development from communal resource use and conservation."

KII 3, with an elder who was involved in conservancy establishment in Ngare Mara (2020).

4.4.3. The Nakuprat Gotu Conservancy as a Key Conservation Area

The common wildlife found in the conservancy include grevy zebra, Somali ostrich, reticulated giraffe, gerenuk and the beisa oryx. Other species include gazelles, impalas, waterbucks, dik-diks, hippos, olive baboons, warthogs, lions, leopards, cheetahs, cape buffalo, hyenas, elands, jackals, klipspringer, mongooses, and bats as well as variety of bird species like the Sandgrouse, just to mention a few. The conservancy also acts as a buffer zone for three major protected areas; Shaba, Buffalo springs, and Bisanadi National Game Reserves. Additionally, some of the natural assets in the conservancy include water resources, that is, boreholes, natural springs, shallow wells and the Ngare Mara, Isiolo and the Ewaso Nyiro rivers. The conservancy is endowed with indigenous tree species and other vegetation species governed by the conservancy environmental management committees and village elders.

Some of the key wildlife corridors include Waso-Malka, Sharin-Jajaab, Buffalo Springs-Lutaunga- Malka Guthuba-Kuro-Marsabit and Shaba reserve-Joy's Camp, where human settlements were discouraged. Key conflict spots between human and wildlife include Akunoit, Attan, Boji Dera, Ngare Mara, Chumvi yare, Kiwanja, Chafa Gafarsa, Malka Bur Kuke Daaba, Zebra, and Godhu Rupa where communities were encouraged to adopt strategies informed by traditional knowledge to harmonize their interaction with wildlife. Key springs protected under the wider conservancy are Kanchora Golcha, Sharingi Springs, Natar, Chafa Gutho, Boji Dera, and Gotu. Wildlife areas include Kuq Mossa (Lions), Chafa Gafarsa (Buffaloes), Chafa Gafarsa (Gravy's zebra), Shaba National Reserve (Giraffes), Boji Springs, Oryx Boji Dera (Ostrich)

Jajaab, Joy's Camp and Kubi Obe. Poaching zones are Ngare Mara, Attan, Kisile Chumvi Yare, and Bara Mbate with heightened patrols and community awareness.

Boji Dera, Gotu, Shaba Kubwa, Nakuprat, Zebra Ngare Mara, Ltungai, Complex are key tourist areas where new tourism partnerships/sites and cultural manyattas have been established.

The dry season grazing areas include Apule, Akunoit, Dere Idhi, Bul Dathe, Malka Guthuba, Iyan Mayu, Ilat, Biliki Boji, Shaba Kubwa, Boji Dera, Magad, Chafa Gate, Nauwa, Bul Dokata, Gotu, Chafa Gutho, and Iji while the wet season grazing areas are Saatish, Aregae, Nakuroi, Jajaab, Chokaa, Ltungai, Magado, Kubi Dhakara, Nauwa, Akunoit, Biliki Dera, Ngapawo, Kakalot, Kubi Obe, , Kuq Intal Hapi, Daaba, Marerei, and Daka Dima. These grazing areas were controlled through the grazing management plan. Nambaute, Gotu, Nauwa, Jajaab, Aregae Marerei, Ngapawoi, and Kubi Obe, are some of the areas considered to be degraded and were managed under the rangeland rehabilitation programme.

In the last 10 years, the grazing distance between settlements and pasture has expanded 8km to 25km into the conservancy, particularly during dry seasons. In wet seasons, however, the livestock were grazed within the settlement areas, and the patterns which were previously governed by the elders and currently managed through the conservancy grazing committee. The conservancy model seeks to support the community, get better socio-economic services, improve rangeland management, ensure robust peace and co-existence, conserve wildlife and grow the economy. The conservancy is managed through a management plan, which was created through participatory processes where conservancy members were engaged or represented in decision-making.

4.4.4. Large Scale Infrastructural Projects in Nakuprat Gotu Conservancy

Ngare Mara ward in Isiolo North, where the conservancy is found, forms part of the larger, former Northern Frontier District, which is envisaged to be transformed by mega-infrastructure projects spearheaded by the Government of Kenya, the World Bank, and the Africa Development Bank (ADB). The area is an emerging, significant development area; a LAPSSET route already traversed by the Lamu-Ethiopia interregional highway and has been surveyed for the Lamu-Lokichar crude oil pipeline. The highway is already acting as a decongestant for other private corporations'

investments by capitalists attracted by the looming economy in the region. Further, the area borders a gazetted land for a major resort city and the Isiolo special-economic zone (SEZ). Approximately 18 kilometers away is an international airport which was refurbished and upgraded to be a game changer for the economies in the region.

Besides the LAPSSET components, key development projects are taking shape in the area, as attracted by these development visions. These include land-demanding government-related projects and plans, for instance the Ministry of Defense (MoD) seeks to expand and secure land for military training under the School of Combat Engineering and the School of Artillery, in Chokaa and Tractor areas, respectively. Moreover, the county government and national government have constructed a livestock market facility and an upgraded market within Ngare Mara, with a plan to tap into external markets through increased connectivity brought by the LAPSSET highway and the proposed standard gauge railway.

The private sector, for instance the Catholic University of East Africa (CUEA) have acquired land to develop a learning institution in Manyatta Zebra in Ngare Mara ward. Also, Kenya Medical Supplies Authority (KEMSA) facility seeks to build a multi-billion facility that will be a warehouse and a central point for drugs and medical supplies for prescribed public health programs, the national strategic stock reserve. Other private investors have sought large portions of formerly communal land to build medical facilities, factories, and service industry facilities. Additionally, agricultural projects are being planned with approximately 10 big wells have been dug within the conservancy, to support agricultural projects.

4.5. Land Tenure Changes within the Nakuprat Gotu Conservancy

The conservancy sits on unregistered community land (former trust land) held in trust by the county government of Isiolo, on behalf of the community. The study explored contestation, dispossession, grabbing and the dynamics of lack of secure tenure on their communal land against the anticipation of projects and the rising value of land, and the possibility of these disrupting the conservancy model.

4.5.1. Traditional Land Views of the Nakuprat Gotu Community

Traditionally, the Nakuprat Gotu community, like other pastoralist communities, have been viewing land as a resource that is fundamental to their identity, existence, and

wellbeing. Land was not personalized, privatized as it was a communal resource, passed down by forefathers and onwards to the future generations, for continued pastoral livelihood system and conservation of natural resources. Their land rights definitions were based on communal understanding and on the ability to access the resources for their livestock. The community's mandate was to guard it from 'trespassers' forcefully entering their land to seek pasture or to impede their ability to access their land for purposes of pastoralism.

Settlement areas, core conservation areas, and grazing areas were the key sections demarcated by elders with relatively vague and sometimes clear strict boundaries, depending on the sensitivity of the area. The elder's land use system was primarily guided by traditional ecological knowledge (TEK) passed down through generations, and would address the critical concerns of ensuring conservation, economic wellbeing and to avert human-wildlife and inter-community and intra-community conflicts. Elders who formed part of the study's respondents and were also part of conservancy development affirmed that these arrangements were promoted through the conservancy system. The donation of land by the two communities; Turkana and Borana and merging the land into a common conservancy, and the local institutions promoting and conserving it through locally led land use systems bore fruits of co-existence, protection of natural resources and promoting pastoralism.

4.5.2. Implications of Entries by Different Actors in the Community Land Hosting the Conservancy

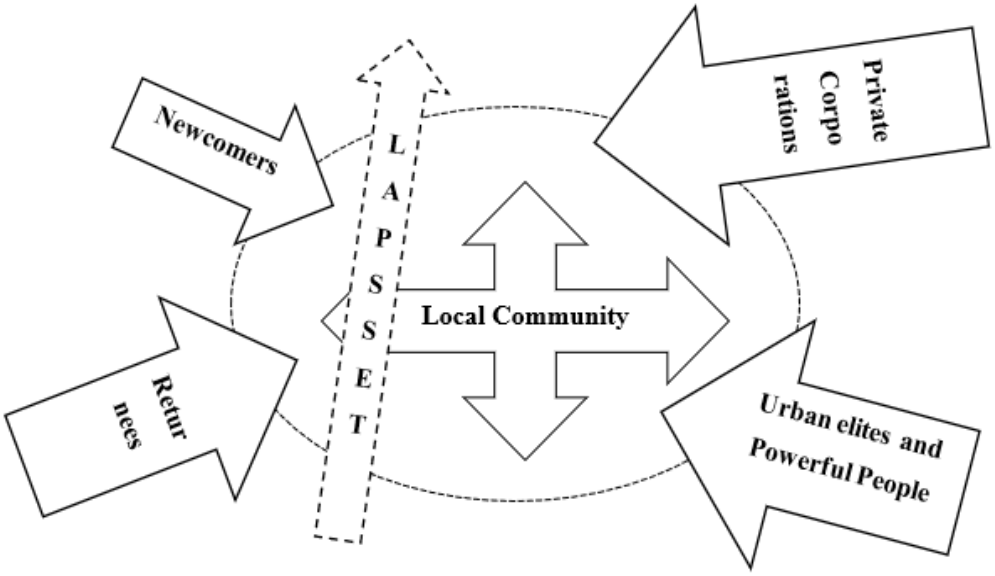

Figure 4.9: Entries and expansion into the community land and conservancy areas
(Source: Author, 2020)

The figure above shows how different actors are entering and positioning themselves on community land causing the witnessed contestations, claims and land grabs. As noted, and supported in Cross (2015), these dynamics are not governed by blueprints, but advanced through speculation. Different land actors gave diverse explanations to their current positioning; majority of the community who have been living in the area want to benefit from the promised compensation should some of the LAPSSET components materialize, existing institutions were seeking to mark the boundaries of land given to them by the community, although they were accused to be expanding into communal land, while newcomers were attracted and sought to position themselves to benefit in the emerging economy. A section of the community observed that large tracts of land had been lost through land grab, and land sale driven by greed, intimidation, deception and in some cases lost through explicit violent means, citing government-related projects, for instance the training grounds by the Kenya Defense Forces (KDF).

4.5.3. Power Dynamics on Land Ownership in Nakuprat Gotu Conservancy

The announcement of the LAPSSET and other projects in the area evoked different views and values towards land, making it the most emotive issue and resource. First, it awakened power imbalances among the members of the conservancy, with the Turkana community claiming that they are less politically represented in Isiolo county compared to their counterparts, the Borana community. In this case, there are allegations that the power plays would lead to dispossession of the Turkana community's land at the advantage of the Borana people, if the conservancy is left as a common unit. These fears held by the Turkana community were exacerbated by the fact that the conservancy land lacked security of tenure (unregistered), and was held in trust by the county government, which the Turkana community felt under-represented.

According to the conservancy management, Nakuprat Gotu was registered as a community-based organization in 2011. The NRT mentioned that their mandate was to facilitate organized and harmonious land-use models in the form of conservancies. In this case, securing tenure, from the conservancy management perspective, was not a direct responsibility, given they only support a harmonious sustainable land-use model.

During the process of the development of the conservancy, it was noted that land ownership was not a major concern, as compared to conflict resolution and conflict transformation through amicable sharing of resources among the warring pastoralist communities. The council of elders confirmed that at this time, the notion of 'securing tenure' through formal registration of land was not a popular concept for the indigenous community within the former trust land. They mentioned that they have historically been the land-governing institution and had the power to make key land-related institutions, and the notions of county government having a hand in unregistered land which is now gaining value in the eyes of various actors, was in their opinion, problematic.

> *"This is our land; our ancestors lived and were buried here. We use the land and resources communally. We fear that formal processes, like registration may lead into subdivisions that come into conflict with our land use and governance systems and have serious implications on pastoralism."*
>
> FGD 5- Elders Meeting in Daaba (2020)

4.5.4. Ongoing Land Claims, Grabs and Dispossession on Conservancy Land

There were evidence of land claims, sale and grabs outside the demarcated townships and key settlement areas, some within the core conservation areas, and previously unsettled land, as depicted in the pictures below:

Figure 4.10: Piled stones used as beacons to mark ownership within the community land

(Source: Author, 2020)

The piled stones were found outside demarcated settlement areas and on a traditionally grazing area within the conservancy, which has been held communally and could not be privatized. It was alleged that such activities were undertaken at night, and in most cases, individuals making such claims were not known.

Figure 4.11: Construction of a permanent house to mark ownership

(Source: Author, 2020)

A permanent house was constructed on a key migratory route. This is a change that defies traditions and norms in the conservancy area given that; first, most structures of the semi-nomadic community were previously temporary or semi-permanents, and settlement areas were well demarcated, outside migratory routes.

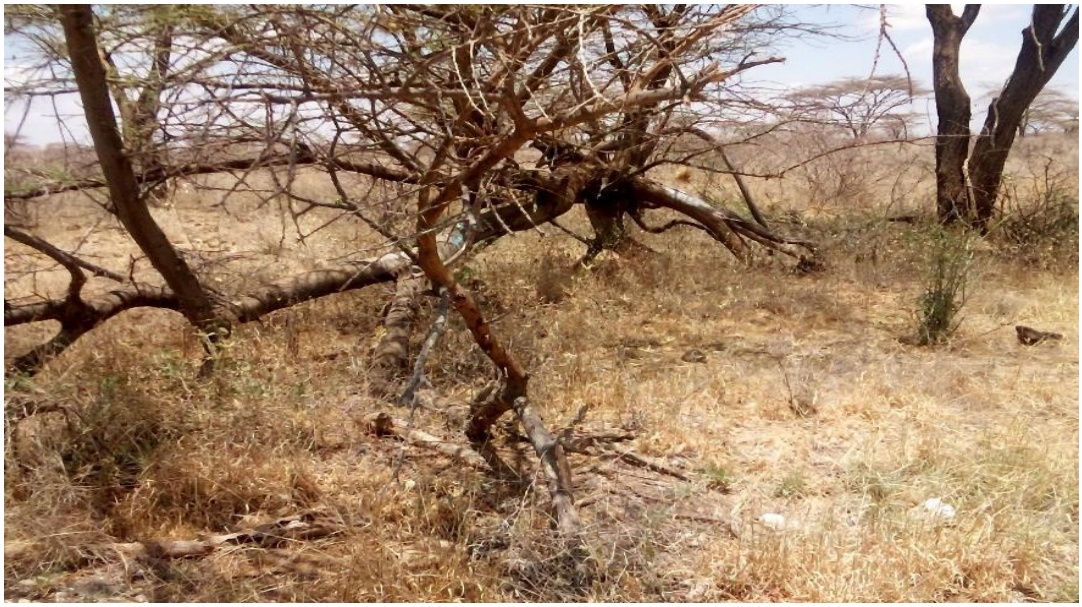

Figure 4.12: Painted twigs at a key conservation area as a land claim

(Source: Author, 2020)

Figure 4.13: Erection of permanent fences to affirm claims to land and with anticipation to develop permanent structures

(Source: Author, 2020)

Figure 4.14 A multibillion company that has acquired this land for private purposes

(Source: Author, 2020)

Figure 4.15 Ongoing construction work by a Sisters Congregation facility

(Source: Author, 2020)

Figure 4.14, 4.15 and 4.16 (above) are private investors and non-profit organizations drawn to the area by the promising economy. The institutions had acquired land within the Nakuprat-Gotu conservancy, through the elders, in modes that, as explained in Cross (2015), were not necessarily governed by a singular logic of accumulation directed by policies but mostly by speculative regime of dispossession, as explained later in this chapter. Figures 4.14 and 4.15 are found within traditional migratory corridor and a key grazing area, respectively, while the structure in Figure 4:16 is found on a traditional an access route for community and livestock, linking settlement areas and grazing zones. These examples show the level of private accumulation of formerly communal land and the ongoing transformation of the area through erection of permanent houses. The signages are clear marks of ownership of the land and send a clear message to passerby or potential speculators that this land belongs to specific actors.

4.5.4.1 Accounts on Land Changes in the Nakuprat Gotu Conservancy

Previously, and as reflected in the conservancy management plan, there were clearly demarcated boundaries of core conservation areas, migratory routes, and settlement areas. In settlement areas, like other sections of the conservancy, land was still held under communal tenure, although a clan's or an extended family's temporary and semi-permanent structures, including households and *bomas* (cowsheds) were clustered together within the settlements. Heads of households, clans and families were vested with the powers of ensuring that immediate activities by the members of the households followed community norms of communally conserving natural resources through amicable access, sustainable use, and proper benefit sharing. Land outside the settlement areas was meant for grazing and conservation purposes, and its uses were guided by the council of elders from the larger community. Decisions on land use of the larger chunk of land were made in the interest of the larger community.

More recently, and as land value increases, the community members began to claim land outside settlement areas, with the aim of seeking to privatize some portion of land, particularly areas speculated to the LAPSSET traverse, or an area eyed by key investors, with the hope of getting compensation from the land. In these areas, and as depicted in *figures 4.11, 4.12, and 4.13* (above), communities scrambled to privatize the land, based on a "first-come-first have" basis. The majority mentioned that the whole area was

their ancestral land, and the community had the right to 'claim' any part of it; a notion and attitude informed by the appetite of non-indigenous land speculators.

Different groups within the community, particularly the youth, seeking to benefit from the emerging economy, organized and demarcated large portions of land for sale or private ownership (*see 4.13*). In most cases, there were cases of overlapping ownership and interests; first, cases where different groups and individuals claimed ownership over the same parcel of land were on the increase, and secondly, the privatization of some parcel of land, particularly the dry season grazing areas and cultural sites within the conservancy came into sharp conflicts with community's land use arrangements and norms, and with the community elders who held alternative values and views of such sections.

4.5.4.2 Land Claims by Expansionist Institutions

Existing (old) institutions who had been given land by the community to construct social amenities and security projects were expanding their land to acquire more land, given the growing land interests in the area. The study recorded key cases of a religious institution and a state department whose expansionist nature has caused conflicts with the community and with the land use model in the conservancy.

First, an association of sisters of the Catholic, who came in 1980s to start up the church and other social amenities, had been donated a parcel of land to establish its facilities. The institution, as discussed in the upcoming sections of this work, has co-existed with the community found within the conservancy. The community highlighted key corporate social responsibilities (CSR) and outreach services offered by the institutions, including bursaries, scholarship, health projects and water supply services.

The community reported that the institution has been an ally until recently where the association of Catholic sisters re-marked their boundaries, claiming a larger portion of land than allocated, and putting up permanent structures which close out key traditional access routes by the community, that connect settlement areas and grazing land in the conservancy, as seen in *figure 4.16 above*. While this evoked mixed reactions, the manifold land issues and contestations within the conservancy members seemed to have lessened the focus on the institutions' expansion, as they were also invested in other cases and processes termed to be 'serious' as expounded below.

Secondly, the community found in Chumvi, Chumvi Yare and Chokaa settlement areas came into sharp conflict with the Kenya Defense Forces (KDF) School of Artillery and School of Combat Engineering, respectively over what was termed as expansion of land and re-drawal of boundaries by state department. Oral accounts of the elders engaged in the study mentioned that these two KDF training units came into the area between 1970-1980s, to establish training grounds. Explaining their entry strategy, the KDF explained their intentions to the elders, who supported them in identifying strategic location for their training, and in donating parcels of land to them.

At the time of establishment of the conservancy, these two key institutions were locked within the conservancy area and their borders were well known to the community members. Most recently, (2018) after several years of co-existence with the community, the School of Artillery issued eviction notices to conservancy members in Chumvi and Chumvi Yare; settlement areas that, according to the elders have existed since time immemorial. The institution also erected beacons on what they considered their borders, and this according to the elders had encroached the grazing land and significant area of the conservancy.

On the other hand, the school of combat engineering evicted the community found within Chokaa settlement area, by erection of beacons and intensification of military activities, that threatened the occupants of the area, hence moving away from their traditional settlement and creating a new settlement area in *Kona* (Corner), in land that was considered a migratory route for livestock and wildlife. Reflecting on the recent and sudden expansionist nature of the KDF, the community held views that this could be the state's strategy to dispossess community out of the land and turn it into public land, to avoid compensation costs, should the LAPSSET corridor traverse the mentioned areas. In some cases, there were speculations that powerful actors were disguising under the name "KDF" to seek the land for their own capitalist selfish interests.

4.5.4.3 Land Access and Ownership by New Institutions

As for new institutions seeking land in the area, it was observed that they either came through key land actors' "cartels" who were mostly a few members of the community who have held different positions related to land management or retiree civil servants

and politicians. Interestingly, some approached the elders to get the social license to enter the area and continue with other forms of transactions with key actors. In the case of a public institution for instance, they held a goat-eating ceremony with the elders (the *akiriket ritual*) to gain land, as will be further explained in other section of this chapter.

In other cases, the land-seeking actors colluded with either or both land committees and local leaders, while key individuals were said to be buying land from the community through a willing-buyer willing-seller arrangement, and at a throw-away price. Most of the land sold to outsiders were parcels within the Isiolo-Marsabit highway, which were key settlement areas and buffer zones for the conservancy. The area also connected the conservancy to other key greater conservation blocks like parks, reserves, and other conservancies. As more of these lands were sold by the community, more new settlements in former core conservation areas emerged. Additionally, land sales were, observably, sold below the market value, and as explained by a key informant:

> *"People sell their land to new people at a throw-away price, because the land sellers (who are the community) are facing tough economic situations given the decline of livestock productivity in the area, and also that land is still vast- they can easily move and claim any part of the conservancy as long as they are members of the community."*
>
> Interviewee 2 from Kiwanja (2020).

4.5.4.4 Speculative Land Grabs by Powerful Actors

Community members, and particularly the land committee expressed fears that some section of the land, though appeared to be vacant (or free) had been long acquired or grabbed by powerful actors. In some cases, it was mentioned that perusal of files at the land offices proved that some section of the conservancy were under as private land. The community feared that random land allocation, without their knowledge and consent may have already dispossessed them of their critical resources, like grazing areas, cultural sites, and other valuable resources within their land.

> *"The problem is, we see the land as vacant, but we don't know what the files in offices in Nairobi and here in Isiolo have. We know our land has gained interests and powerful actors are strategizing to grab land from us."*
>
> FGD 3 with the elders in Manyatta Zebra (2020).

4.5.5. Dynamics of Land Registration and Securing Tenure in the Conservancy

Community members at the forefront of land struggles, particularly the community land management committee, thought that registration of land was the solution towards the ongoing dispossession, reflecting the arguments of Browne (2015) that lack of secure land rights is exacerbating an unprecedented scramble for land within the LAPSSET traverse. While the Community Land Act (2016) stipulates that community land should be registered in accordance with its provisions and the provisions of the Land Registration Act, 2012, the steps towards land registration were highly contested.

A section of the Turkana community was against a blanket approach of registering land according to administrative units, for instance, the Ward system, as that brings together other ethnic communities within the Ward as direct beneficiaries of benefits accrued from the conservancy. Even within the conservancy-owning communities, conversations around whether the Borana and Turkana land merged to form a conservancy unit, should be separated to avoid conflicts in future, especially as Nakuprat (Turkana) side seem to be more lucrative given the planned projects, than Gotu (Borana) side, and that the Borana's had relatively good political will and more political representation.

Communities, through their leaders, have pushed for registration of a section of the conservancy, as settlement areas within townships, and under private ownership, and allotment letters had been issued at the time of the study, awaiting the titling process. The pursuit for land title deeds, as observed by an elder, is redefining the land-related culture; land is no longer an indispensable commodity, but an emerging subject of privatization and contestation. Approximately 4,000 title deeds were later issued in July 2022 to the residents within key settlement areas.

The larger parcel of land under the conservancy remains unregistered. Efforts to register it are hampered by the ongoing contestation on the approach of registration and the unresolved land conflicts with key actors like the KDF School of Artillery in Kiwanja, whose court cases remain unresolved. Civil society organizations supporting the community to register the land face the challenges emanating from these contestations, and the slow process by the National Land Commission (NLC) as well as inadequate capacity of the community and their committees to understand the relatively technical

processes. The emotiveness of the land subject has also led to contestations and politics over key conservation actors, for instance the motives behind NRT's support to the conservancy which has caused diverse opinion and divisions. However, NRT and other conservation bodies claim that they are invested in supporting the conservancy as a land-use model and is not a land-owning entity. The lack of secure land tenure and the ongoing contestation continue to delay registration, is as explained by majority of the community, continues to open windows of opportunity for land grabs.

4.6 Dynamics Facing Local Institutions Supporting the CBC Model

4.6.1The Council of Elders and the Village Elders System

The community of Nakuprat Gotu are part of the 25% indigenous pastoralist community in Kenya, as categorized by the International Work Group for Indigenous Affairs (IWGIA). Observably, the community has richly embedded traditional and cultural knowledge, values and practices that have facilitated the governance of their natural resource rich land and unique cultural practices. Specifically, the community has a robust traditional council of elders' system that guides land-use, ownership and transfer, livelihood strategies, settlement patterns and equitable sharing of their communal resources under the conservancy model.

The elders in Nakuprat Gotu conservancy narrated that they employ their rich traditional ecological knowledge to understand phenomena; for instance, weather patterns, designate grazing areas, identify wildlife areas, conservation areas, community cultural sites and guide settlement patterns. They have deeply entrenched indigenous and local knowledge, beliefs and norms used to resolve issues arising from insecurity of land and natural resources. The institution is highly cultural and often male-dominated, hence uses patriarchal customary practices and norms to undertake their land and natural resources custodianship roles.

The Nakuprat Gotu CBC system offers an opportunity for the community to advance their perspectives on managing traditional lands and the natural environment. Community resilience emerges from social factors among the two ethnic groups, such as the sharing of knowledge, learning, cultural norms, economic strategies, regulatory enforcement, and ecological factors such as high biodiversity, greater abundance of key species, and a complete community structure, as also emphasized in Hughes et al. 2003;

Bellwood et al. 2004; Ostrom 2009. Observably, and as noted in IWGIA (2020), the proliferation of development projects and visions of modernity witnessed in Nakuprat Gotu, is causing fundamental transformation on cultural institutions and systems, which significantly affects the CBC model.

4.6.1.1 The Structure of the Elders System and their Roles in CBC Governance

The council of elders has been one of the most significant institutions that spelt out village/settlement by-laws on community land use patterns and use of communally owned resources in the Nakuprat section of the conservancy. As seen in *figure 4.17* below, the council of elders are structured in a manner that there is local presence at all areas of the conservancy area. The village-based elders coordinated use and management of communal resources at settlement areas level, in close coordination of the Turkana council of elders for the Nakuprat section of the conservancy and the Borana council of elders for the Gotu section.

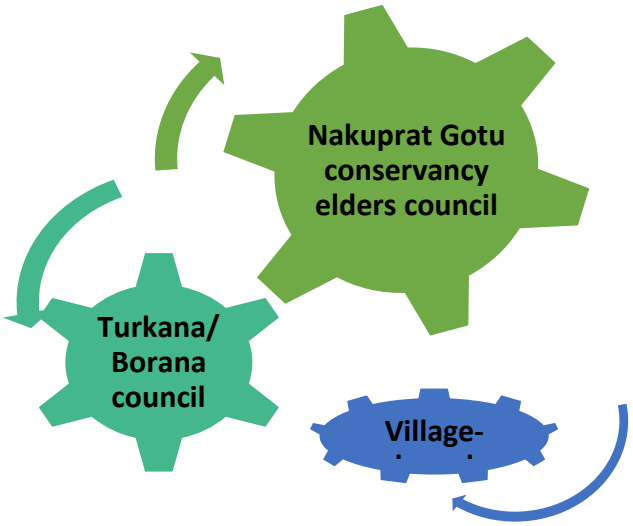

Figure 4.16: Coordination among the elders at various levels in the conservancy (Source, Author 2020)

The village elder's system instructed the community on how to conserve their water and other natural resources, spelling out norms and schedules for resource use. For instance, cutting of specific tree species (with special cultural values) was highly prohibited. Other natural resource access and use, for instance sand harvesting and stone collection for sale were strictly guided by the elders, who stipulated the methods

of collection and the sections to be avoided. Additionally, different plant species were conserved due to their medicinal values based on the community's traditional knowledge. The elders also played significant roles in resolving socio-political issues, right from culturally endorsing political leaders, solving conflicts, and making pertinent decisions related to all facets of the community, most significantly on land governance.

Issues on land governance and natural resources touching on a larger section of the conservancy, for instance the Nakuprat section were meant to be discussed by more than one village elders of the affected region, and in consultation with the Turkana council of elders, or the Borana council of elders, depending on the jurisdiction. However, each council of elders had representation in the conservancy management where issues affecting both communities and the larger conservancy area were discussed and resolved. The council of elders from the Nakuprat section and those in the Gotu side of the conservancy worked in a coordinated manner, with frequent engagements through the conservancy management. This improved co-existence and harmonized resource access and use within the conservancy.

4.6.1.2 Turkana Village and Council of Elders Promoting Conservation of Natural Resources

Traditionally, elders held informal gatherings and cultural meetings under the canopy of *Acacia Tortilis* locally known as '*Ewoit*' which were marked as their cultural and social-religious sites. Their activities were highly ritualized; to strategize and make decisions on communal resource governance, socio-political issues, as well as other household related ceremonies, including resolving disputes, blessings and spelling out curses on different actors and individuals within the conservancy. Through the village elder system, a group of elders were assigned to various settlement areas, and elders from all the settlement areas remained coordinated under the larger Turkana council of elders.

Figure 4.17: A canopy Acacia tortilis in a cultural sacred ground
(Source, Author 2020)

4.6.1.3 Promoting the Conservation of Wildlife and Key Wildlife Areas

The Turkana elders identified and named special points which were strictly considered as key conservation areas which were to be conserved by all members of the community for instance, '*Nataruk*' a vulture's habitat, '*Awar-naparan'* is a highly vegetated, breeding site for most mammals, and '*Anokang'itukoi*' also known as *'Manyatta Zebra' is recognized* as a grazing ground and habitat for the Gravy Zebras. Other areas identified as key wildlife areas are '*Nasuroi*', antelopes' habitat, *Nachomin*, baboons' habitat, '*Awoiang'idirin*i' the oryx habitat, '*Atapen*', Guinea Fowl's Habitat, '*Marerei*' grazing land, *'Kisile'*, the buffaloes breeding ground and '*Akai Etom'*, directly translated as the elephant bedroom. The elders highlighted that they believe in co-existence and balance of nature, and further narrated that wildlife management and pastoralism were compatible livelihood activities with economic returns and rich cultural meanings for the community. They highlighted the importance of the elephant

as a ‘keystone species’ that helped clear thickets hence making grazing corridors for their livestock to access pasture in closed-up areas, particularly during dry seasons.

Figure 4.18 A picture of grazing land for both wildlife and livestock in Marerei (Source: Author, 2020)

Figure 4.19: A Picture of Nachomin (Baboons' habitat)

(Source: Author, 2020)

The elders had identified, marked, and named approximately sixteen wildlife and livestock corridors, access routes and dispersal areas along the present day 'Isiolo-Marsabit' road which is a section of the LAPSSET interregional highway. The identified areas were highly restricted from encroachments and backed up with traditional sanctions. They recognized that their land is a buffer zone for key protected areas (Samburu National Park, Meru National Park, Shaba National Reserves, Buffalo Springs National Reserve) and that the months of June and July are a season of wildlife movement, hence they grazed far from the migratory routes as they forestall human-wildlife conflicts, especially with the carnivores. During this time cultural events, song and dances were held by community members, including women, late in the evening for the wildlife, particularly those which clans identified with as their 'totems.'

4.6.1.4 Promoting Sustainable Land Use, Ownership and Conflict Resolution

Traditionally, Turkana elders largely guided the land-use plan, by clearly marking key areas of human use, human settlement, wildlife, and grazing areas as well as core-conservation areas within the conservancy. The Nakuprat Gotu Conservancy management plan was informed by these set of rules and norms that guided various uses within the conservancy, which were established during the creation of the conservancy model in the area. The elders narrated the community mapping initiatives, that involved elders walking through and across the conservancy marking land-uses and drawing border lines, identifying critical resources and core conservation units. Settlement areas and settlement patterns were organized and directed by the conservancy as well grazing patterns both during raining and dry seasons.

Settlement outside the convectional grazing areas, by nomadic groups, were directed and arranged by elders. The elders sat down with new coming actors and governments, who sought to establish institutions and social amenities, to identify appropriate areas for occupancy. Additionally, village elders supported house-hold level land dynamics, for instance possible conflicts, which were mostly resolved under the '*Ewoit*' tree through an '*Akiriket*.'

> "*The 'Akiriket' is a significant cultural event among the Turkana community conducted by purely male elders who convene to, declare blessings, make decisions, resolve disputes and/or pronounce curses with regards to various*

events in the community. The ceremony was conducted in identified 'culturally sacred' areas under a canopy of the 'Ewoit' tree species. The designated areas are normally a few meters from the homesteads to facilitate for the undisrupted ritual process, but also to allow for ease of access of any item from the homestead."

KII 7 held in Manyatta Zebra, 2020

Figure 4.20: A picture showing an Akiriket site from a distance
(Source: Author, 2020)

4.6.2 Overview of the Akiriket System and Related Cultural Practice

Ordinarily, *Akiriket* was conducted when there were celebration events or if member(s) of the community requested for an elder's sitting to seek the elder's intervention in a given matter. The elders who qualified to sit and perform the *Akiriket* were bestowed with key responsibilities including community land governance, sustainable use of communal resources and inter-community co-existence. Initially, the system was meant to deliberate on household issues, however, it's mandate expanded with the emerging

issues surrounding land and communal resources, which the elders had a duty to oversee.

The process entails elders being provided with a 'sacrifice' by the person seeking the prayers or interventions. The sacrifice is in most cases either a goat or a bull, depending on the nature of the matter at hand. The elders would slaughter the sacrifice, deliberate on the issue, reach a decision, and pronounce blessings or curses upon a matter by smearing blood or dung from the intestines, and eat the meat to seal the agreements.

In terms of the structure of the *Akiriket*, the Turkana community identifies with two age-sets; the *Ng'imor/Ngimampolia* and the *Ng'irithae* age sets, who identify with the mountain and the leopard, respectively as totems. The sons of *Ng'irisae* men would become *Ng'imor* after the initiation. Married women identified with the group that their husbands belonged to, and unmarried girls identified with their father's group although this would change upon marriage. A married woman's age-set could be easily identified through the *Alagama* (a special metal-necklace) they wear around the neck. The *Ngi'irisae* women wear a golden necklace while the *Ng'imor* wear a silver one. Although the *Akiriket* ceremony was a purely patriarchal cultural activity, the women in the community narrated their satisfaction in the process since they indirectly identified with the two age-sets through representation by either their fathers (for the unmarried) or spouses (for the married).

The participants of the '*Akiriket*' are the male elders and the younger men who have undergone *Athapan*, an initiation process to transition from childhood to adulthood. During the *Akiriket* ceremony, the two age-sets sat under the *Ewoi* tree, facing the North; the direction of Mount Loiyangalani where their ancestors originated from. They arrange themselves in a semi-circular form, with the elders from the *Ng'imor* age-set sitting on the left-hand side, from the end to the center, while the *Ng'irithae* sit from the right-hand side end to the center. The elders would position themselves according to their age, which was determined by the time of initiation, with the eldest in the two age-sets sitting at the center on *'Epokorcho'* (a traditional elder's seat curved from wood, that symbolized leadership and power; it is a symbol of a ruler). Those who sit close to the center have more power to influence decisions and are older, more respected and considered wiser.

During the ritual ceremony, the eldest of the elders sat in the middle of the curve and deliberated the discussion, and once they reached an agreement, they would pray to their 'gods' then the animal offered is killed using a pierce of the spear. The 'ceremony of the spear' is then conducted; this involves taking the blood drawn from the offered animal and mixing it with either milk or dung (directly drawn from the large intestines). The mixture is then smeared on the element(s); object, party or the resource which is to be blessed and the elders will pronounce blessings/decisions/curse they reached in unison.

Other than the elders' structure of sitting, there are three other significant points of the *Akiriket* ceremony; raw meat-roasting preparation, roasting point and serving points. The furthest point from the elders' sitting was the roasting point, where younger men supported the elders in roasting. The middle point is the slaughtering point, strategically positioned to allow for easy monitoring and directing the handling of special parts of the slaughtered animals. Lastly, is the serving point which is the closest point to the elders. The eldest elders from the two age-sets receive roasted meat from the servers, share and distribute following to minimize conflicts. The elders with special roles and status in the community were given special parts (for instance the seers).

Figure 4.21: Meat eating session after the Akiriket cultural ritual witnessed by the researcher

(Source: Author, 2020)

The elder's system is thought to have had pure intentions and conducted activities for the common and greater good of the community. For the longest time in Ngare Mara, the communities have harmoniously governed and used their land and other communal resources under the guidance of the Elders' system, resolved key issues and made important decisions through the "*Akiriket"* system. The system has been regarded as a sovereign institution that held a 'holistic worldview on co-existence among communities and biodiversity', valuing balance, respect, and duality of natural and human communities. The elders described the institution as 'open, organized and peaceful', comparing it with the often conflicting and contested groups, for instance committees within the conservancy groups. The elders emphasized that the institution was based on reaching agreements in an open meeting under the '*Ewoit*' tree, and these agreements would be communicated to other members of the community.

4.6.2 The Ng'ateok (Seers) Clan of the Elders in the Turkana Community

Some members of the customary elder's institution have special powers and are referred to as *'Ng'ateok'* the seers who have supernatural insights and the ability to foresee the future hence guiding the decision making on land and natural resource management. The seer-elders who were predominantly from the *'Ng'ateok* (the seers) revealed their visions regarding various phenomena with power and authority. The clan was highly respected that their women wore distinct beads (plain green and black colors) while the other women in the community had multi-colored beads.

The gifted elders of the '*Ng'ateok*' clan foresaw times and seasons, for instance droughts, rains and other natural calamities that would cause resource-based competitions and conflicts, hence the elders would give instructions to the community on grazing patterns, water resource use and strategies of preserving dry season grazing pattern. In cases where conflicts and raids were foreseen, the '*morans'*; (young men who have just undergone initiation phase, believed to be strong and brave) were notified to prepare and protect the community against the attack or invasion by the other invading community. The elders had special abilities to study and get insightful revelations from the galaxy patterns and the state of the intestines of a slaughtered animal (specifically goats) to foresee the future, particularly phenomena that will affect the community and their resources.

> "*When a drought was foreseen, the elders asked every household to establish an* '*Amaire- a fenced-off piece of land where the calves would graze as the livestock are driven away in search of pasture and water."*
>
> KII 1 in Ngare Mara (2020).

Resultantly, the council of elders relied on the wisdom and gifts of the *Ng'ateok* clan in making key decisions related to infrastructural development, land governance and issues facing communal resources. More recently, this group further become a key target for land and resource seeking investors and political actors, who tried to co-opt them to sign into their land deals, for their own interests.

4.7 The Integration of Traditional and Cultural Expressions in CBC Model's Aspects

4.7.1 The Embodiment of Cultural Expressions in Modern Social Facilities

The elder's institution was respected by new-coming institutions seeking to develop social and religious facilities, that they were invited to offer 'blessings' during their launch. According to these institutions, they were aware that the community was deeply embedded in their culture, and for them to earn a social license of presence and operation in the area, they had gained the goodwill from the elders, and further conform to the standards even though some of the institutions subscribed to contemporary religion. The effort to conform to the cultural standards of the community is evident in the structure and form of the newly built churches which portrays Turkana culture, as captured by the researcher in the images below:

Figure 4.22: The shape of the catholic church in the form of the Akiriket structure
(Source: Author, 2020)

Figure 4.23 A statue of Biblical characters represented as a Turkana woman and young boy

(Source: Author 2020)

Figure 4.24: The priest's 'Ekicholong' a traditional Turkana seat symbolizing authority

(Source: Author, 2020)

Figure 4.25: A traditional cup at the church entrance where 'holy water' was stored

(Source: Author, 2020)

Figure 4.26: Christ of the modern Christian religion presented as a traditional Turkana warrior

(Source: Author, 2020)

The cultural symbolism and integration of key cultural practices by these institutions resulted in ease of access of social licenses of operations in the area. Resultantly, they gained good will from the elders within the conservancy, even from those that ascribed to African traditional world-views and from the Islamic communities. The good-will was leveraged on in seeking land for the institution, and elders were further appeased through ritualized processes like bull-eating ceremonies, through the *akiriket* ceremony.

4.7.2. Integration of the Conservancy Committee and the Elders System under the New Governance Arrangement

The Modern Conservancy Management Institution

Since 2015, conservancy has an elected board of 12 members (including 2 women) representing 12 zones within the Nakuprat Gotu Community Trust Land area. The board appoints and oversees a small management staff, and a security force of 29 rangers. The board is divided into sub-committees who are in charge of grazing, rangeland management, benefit-sharing of financial resources and advancement of tourism opportunities. Through its membership with NRT, the conservancy uses innovative approaches to tackle drought and help rehabilitate the rangeland. The community rangers are on daily patrol resolving conflict over livestock and natural resources and working with communities to maintain security.

The Council of Elders' Role under the New Conservancy Management Arrangement

The elders work closely with the conservancy committees in supporting them understand different dynamics of various zones in the conservancy. The community holds a community social fund, generated from tourism revenue and other community projects. The decisions on the spending priorities are made at the annual general meetings (AGM) with all conservancy/community members present. The AGM remains the most important event for community-wide communication; the board, sub committees and elder's forum play an important role in raising awareness and informing our community about decisions made.

Additionally, the conservancy demarcations were informed by the elders' traditional knowledge and the long-term existence in the conservancy areas, to understand the dynamics of key regions. The elders noted that the conservancy management acknowledged their role and value in the continued support of a model that is governed majorly under a modern system. However, they felt that the existence of a new management system and adoption of new ideals has transformed them from primary decision makers to a subordinate role, where they rubber stamp decisions made by other actors. Their representation at the conservancy management board was in their opinion not adequate and representative. The conservancy model also employed participatory approaches of community engagement, a model that ensured the often-marginalized voices like those of women are heard, suppressing their critical voices, in some instances.

Observably, public participation process for key projects, for instance the LAPSSET project largely excluded them. In cases where they are invited, they face accessibility challenges in terms of the technical terms used during deliberations, lack of formal education to peruse through documents, and sometimes lack of logistical support to travel to venues, for instance when key meetings are held in Isiolo town. In most cases, the elders were not aware of the deliberations, and a few members of the community, hand-picked by powerful actors to represent them, but did not fully represent their interests. Additionally, the conservancy management highlighted that they had not been engaged in key LAPSSET discussions, including the strategic environmental assessments (SEA), hence the fear that the implementation of the planned projects may come into sharp conflict with conservation and traditional livelihoods.

4.7.3. Evolution of Local Institutions Governance Arrangements for Communal Land and Natural Resources

Figure 4.27: Institutional Changes on land governance system

(Source: Author, 2020)

Traditional Village Elder System (Patriarchal Council of Elders)

For a long time, the village elders' system had been vested with the powers to make land-related decisions, and to oversee the transfer of 'ownership' of communal land in various instances. Community members displaced by conflicts and disaster-related events were, for example, resettled by the elders as they guided settlement patterns and land use.

As land issues became more emotive in Ngare Mara, given the consequential increasing land-value, the 'land-seekers' realized that the village elders were the most influential institution in the community on matters regarding land-governance. Resonating with Chapman and Kagaha, (2009) the cultural institution is highly ritualized and feared, hence customary laws and sanctions provided were highly respected due to the fear of a curse by 'powerful' elders (also noted in West and Kloeck-Jenson (1999).

External actors, for instance KEMSA and CUEA seeking land in the Manyatta Zebra section of the conservancy, took advantage of this to seek means to access the system and have the 'blessing' from the elders to acquire large tracts of land. It is noted that the capitalists, private investors, and other land-seeking parties reached the elders through local politicians, local administration officers and community elites who had been endorsed by the elders into their various positions of power, hence were trusted

by the elders. The elders gave land to these actors in an *akiriket*, and other formalization processes were facilitated by the community elites.

The elders were used to rubber-stamp large-scale land dispossession. The external actors would bring a bull or a goat, and have the elders bless the land and officially change ownership from communal to privately-owned land, they would pronounce that the 'actor' is then part of the community and pronounce a 'curse' on anyone that would come to contest the decisions. The elders recalled that some of the social investment promises for the local community made by land seeking investors are yet to be fulfilled. These promises were made orally without any written agreements, hence making it difficult for the community to hold these actors accountable. The elders, beginning to realize the implications of large-scale land dispossession on pastoralism, cite two significant reasons for their actions; one, they were previously not keen on land value and viewed land as a tool for livelihood that could not be depleted, and secondly, the 'promising' corporate social responsibilities stated by the developers for instance digging up wells for their livestock.

> "*Our land has undoubtedly gained value and interest. It has attracted a variety of 'land-eaters', they are now all over and are still coming in. The area, which was feared, considered a bush, a hide-out for cattle rustlers, is now lucrative because of this road and the LAPSSET which we see it as a 'power-saw' that is cutting down the trees in the former 'bush' and ushering in newcomers who are coming for our land."*
>
> KII 2, an Elder in Manyatta Zebra (2020).

Eventually, the inherent role and cultural practices were intruded by external interests and eventually manipulated to drive the land dispossessions. They were continually manipulated and co-opted by powerful actors to bypass customary rights of the community. The elders' institution that previously viewed communal land as an inalienable cultural resource, whose full ownership was through inheritance and not purchase, began to hold sittings where they issued approvals for privatization, for external actors with either investment, extractions, or consumerism interests, causing conflicts between them and other community members within the conservancy.

Politically Instigated Land Committee

In 2014, when land was emerging as an emotive issue, a committee from the larger Ngare Mara ward formed by a few members of the elite and political class to govern land-related issues. According to the community, they were not engaged in the selection of the approximately 10 members, but they were hand-picked, with their area representation not being quite clear. The committee claimed to represent the entire Ngare Mara ward, yet its composition was not ethnically-representative. It was however noted that they sought to support the elder's system, which in their opinion was not proactive and was discriminatory in nature, as its membership constituted of men, women and youth who were to actively engage in land-related issues.

Informants noted that the institution did not replace the elder's system but rather ran parallel without clear roles, and basis for its quick establishment. In this case, it purported to operate under the desirable hybrid of traditional and contemporary practices 'an institution opens for community members who were citizens of the modern state.' The political representation and engagement of local leaders in the committee was for political manipulation in expectation of votes. This institution then advanced land dispossession and the confusion around overlapping land claims, as most of their land-related decisions and transactions were secretive. Allegedly, major land deals and transactions were made in their tenure.

Members of the old land committee were not engaged in any direct form in conservancy management, even though the land they governed was entirely within the Nakuprat Gotu conservancy. With the inception of a new legislative framework governing community land, the institution was dissolved and lost to a new system, although a significant amount of land was lost, and perspectives of land changed during their tenure.

New Land Institutional Arrangement

There have been policy and institutional framework reforms as far as the governance of communal land is concerned. The Community Lands Act, (2016) repeals the Land (Group Representatives) Act and the Trust Lands Act (Chapter 287 and 288 of laws of Kenya, respectively). This Act makes provisions for the recognition, protection and

registration of community land rights and provides for the conversion of community land, special rights, and entitlement with respect to community land, environment and natural resources management of community land and settlement of disputes relating to community land. The new legal environment is meant to address the legal loopholes to avoid the adverse effects of these anticipations and contestations on community land. The implementation of this new legal action has resulted in fundamental changes in Ngare Mara.

Constitutionally guided Land Committee

The Community Land Act (2016) provides the development of by-laws to guide land governance, and the election of a Community Land Management Committee (CLMC) by the entire community and is overseen by the national and county government representatives. The elected CEMC shall oversee the by-laws and manage the daily activities on the land. The committees, unlike the old committee and like the elders, were specific to zones which were homogenous. The committee provides a platform for the community to engage in policy dialogue and decisions in a manner that conforms to legal standards. It uses constitutional and legal accounts to reshape the less satisfying elements of land rights.

The committee was viewed as an institution that will bring order to the complex set of overlapping land rights continuously contested and re-negotiated by previous institutions. It prioritized equity and inclusiveness for equitable representation of the society, as it was legally required that women and youth are well represented.

In the current contexts of land dynamics, their main role is to solve intra-communal land issues, demarcate and plan for community land. They support the community in revising previous acquisition strategies, identifying gaps, and claiming back some land. Through the new institution, the community is gaining new strength; and are 'demanding land actors for signed agreements rather than promises.'

Challenges of the Constitutionally Guided Land Committee

The study noted key challenges facing the modern land committee; including**,** lack of trust by community members who view them as Land sellers, given past traumas from other institutions, including the old land committee. Legal capacity constraint

influenced their inability to fully interpret the legal frameworks that guide their mandate hence inability to operate effectively and engage meaningfully with other actors. Additionally, the persistent mindset affected the operation of the new committee that comes under the 'new order'.

Big actors who came through former institutions undermine such new institutions. In this case, there is a confusion over who holds the mandate to support land governance between the new land committee and the former regimes. In most cases, issues of manipulation and interference by powerful people leading to cases of corruption, unjust land dispossession and continued land grab were raised. Additionally, conflicts arising from big-actors, intra-community and between the different governance regimes e.g., professional development plan of the defunct county council, which are not responsive to the current dynamics were noted. Lastly, it was observed that the community is confined to their settlement areas, whereas some decisions made by the other zones affect their operation area, yet they cannot make these decisions jointly.

The transformation of the community land institutions witnessed in Ngare Mara, is referred to in Acemoglu and Johnson (2005) as introduction of 'property rights' institutions that protect citizens against expropriation by the government and powerful elites, and other "contracting institutions". Many social and economic changes in Africa have forced existing customary systems to adapt and be reinterpreted (Chimhowu, 2019).

Despite the ongoing adjudication, community land tenure will remain a major land holding system in the area. Efforts to formally register community land under the Ward system will ensure that this is under formal collective entitlement (single title deed). Inventories for community land in Isiolo were submitted on 23rd March 2019. The move to acquire a 'single title deed' on community land is raising a lot of emotive protests among the community in Nakuprat Gotu. There were tensions between the sharing ethnic groups (Turkana and Borana); recent wrangle in conservancy management and recent motions attempting to push for division of the conservancy into two, so that each community can hold a separate title. However, the land registration process was inhibited by key land cases, some with ongoing court process on some large parcels of land within the conservancy claimed by the Kenya Defense Force, and

other actors. The delay in the court processes is seen as a tactic used by a few influential actors to delay registration and continue ungoverned subdivisions, through the elders and other manipulative systems.

The study agrees with Burns, et. Al., (2007), that prerequisites for good land governance and effective implementation of land policies, efficient land administration; the process of determining, recording, and disseminating information about land rights, land use and land value, a clear and consistent policy and legal framework, and an appropriate integration between land institutions – all require strong institutions. In fact, a small disruption in land governance resulted in long-term socio-ecological changes in the conservancy (e.g., Laidler 2006; Lauer & Aswani 2010; Gearhead et al. 2011). Table 4.4 below compares the traditional institutions (council of elders) with the emergent parallel institutions, that is, the old land committee and the new land committee.

Table 4.4: Comparison of the institutional land governance in the conservancy

Traditional Institutions (Patriarchal council of elders)	Politically instigated Land Committee	Constitutionally guided committee New Land Committee
• Elders (purely male) were the major custodians of land, hence responsible for making land-related decisions. • Being highly cultural, they employed Indigenous Knowledge to manage land and natural resources in their villages. • These Turkana elders in Ngare Mara used 'rituals' to transfer large tracts of land from one actor to another in a harmonious manner. • They do this in a cultural event where elders and initiated men perform the 'ceremony of the spear' to 'bless the land' thereafter a meat-eating ceremony locally known as 'Akiriket.' • This institution is currently losing power and has been replaced by 'modern' land management institutions provided by law.	• This institution was politically driven, composed of 'hand-picked' men, women, youths (elites) and some local leaders. • It did not replace the 'elders' system' hence ran parallel without clear roles and basis for establishment. • It was established by local leaders for political manipulation in expectation of votes. • It purported to operate under a hybrid of traditional and contemporary practices 'an institution opened for community members who were citizens of the modern states.' • It populated the confusion of how community land dispossessed, hence ongoing overlapping land claims. • It represented an entire ward, yet its composition was not ethnically-representative.	• Specific to zones which are externally homogenous yet internally heterogeneous. • A platform for the community to engage in policy dialogue and decisions in a manner that conforms to legal standards. It uses constitutional and legal accounts to reshape the less satisfying elements of land rights. • Viewed as an institution that will bring order to the complex set of overlapping land rights continuously contested and re-negotiated by previous institutions. • It prioritizes equity and inclusiveness for equitable representation of society. • Their main role is to solve intra-communal land issues, demarcate and plan for community land. • They support the community in revising previous acquisition strategies, identifying gaps, and claiming back some land. • Through the new institution, community gaining new strength; 'demanding signed agreements rather than promises'

(Source: Author, 2021)

Community Conservancy Management Committee (CCMC)

The CCMC, an NRT-supported outfit, has an elected board of 12 members (including 2 women) representing 12 settlement zones within the Nakuprat Gotu Community Trust Land area. The board appoints and oversees a small management staff, and a security force of 29 rangers. The board is divided into sub-committees who oversee grazing, rangeland management, benefit-sharing of financial resources and advancement of tourism opportunities. Through its membership with NRT, the conservancy uses innovative approaches to tackle drought and help rehabilitate the rangeland. The community rangers are on daily patrol resolving conflict over livestock and natural resources and working with communities to maintain security. The land tenure issue is not a thematic area expressly outlined in the conservancy management plan, although the overarching goal is to support the conservancy model; as a sustainable land-use strategy.

Dynamics Facing the Community Conservancy Management Committee

Community conservancy, and therefore it's management bodies in Northern Kenya are challenged on critical basis, especially on the lenses of green-grabbing and land grabbing by conservation actors. Land has become a highly politicized issue, particularly for communities whose land remains un-registered. The Nakuprat-Gotu conservancy management body did not proactively engage in land-related issues, even though major land-related decisions within the conservancy spaces are being undertaken. This, observably, is in a bid to sanitize their conservation model, from the heated contestations in the region. The conservancy board has therefore purely focused on supporting communities drive their own conservation agenda as opposed to engaging in or intervening on ongoing land dynamics. In this case, large-scale land dispossession and land transactions for state-led projects and private investments in the area raises key fears on imposed land-use arrangements that could conflict with the conservancy management plan.

4.8 Implications of the Ongoing Changes on Conservation and the Conservancy Model

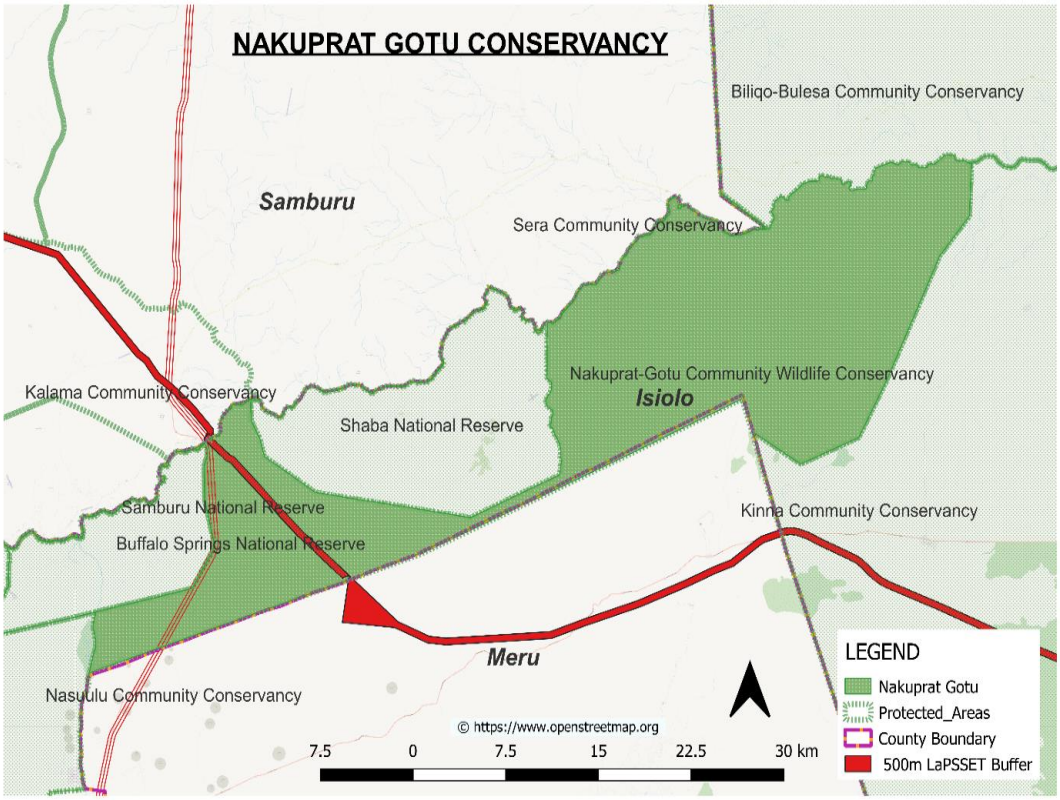

Figure 4.28: A picture of Nakuprat Gotu Conservancy Showing Key Protected Areas

(Source: Author, 2020)

Key sections of the conservancy are being encroached, or its access routes blocked, while some beacons have been placed on crucial migratory corridors. Grazing areas are under strain, from the ongoing intensification, expansion of settlements and prolonged droughts, causing the wildlife and livestock to crowd in key sections, causing degradation, possible conflicts, and competition of resources.

Human-wildlife relations which were traditionally guided and governed by elders and community's traditional knowledge, are arguably being eroded through lack of intergenerational transfer, but also through the notion of modernization and competing land interests. As a result, some practices that promoted community conservation ideals are becoming a subject of contestation. The implications of the ongoing changes are explored through the original purpose of the Nakuprat-Gotu's CBC model which are;

supporting traditional livelihood practices (pastoralism), conservation of wildlife and natural resources and the conservancy as a peace-building tool among warring communities. Other emerging conservation issues are also discussed.

4.8.1 Implications on Pastoralism as a Conservation Compatible Traditional Livelihood

The current dynamics (intensification, land subdivision and encroachment) are redefining pastoralist territories and reshaping their resource utilization patterns, hence a threat to the existing traditional livelihood. Approximately 53.2% informants indicated that these changes were extremely negative, 37.8 % (negative), 5.4 % (neutral), 1.8% less negative impacts, and 1.8% mentioned that this would have no impacts at all on traditional livelihoods. Hence, the majority informants see these changes as a threat to the long-standing pastoralism livelihood system that northern Kenya is known for. Nevertheless, a section of the informants also saw the dream of infrastructural connectivity in the Nakuprat Gotu conservancy as an opportunity for ease of access-to-access urban markets and even export opportunities for their products.

Figure 4.29: An upcoming upgraded livestock sale yard in Ngare Mara

(Source: Author, 2020)

However, some of the pastoralists, especially the elders, indicated that they were not willing to tap into these opportunities given their cultural attachments with their livestock. Most importantly, the ongoing land dynamics and related fragmentations was creating a paradox for pastoralists and was seen as a major disruption, as it had started hampering their flexible and secure access to land to ensure grazing, as lack of adaptive movement of livestock means poorer production. This would hence exacerbate the vulnerability of local communities and arguably instigate social conflicts.

The youth indicated that exploring opportunities for diversification of livelihoods would be paramount since there would be creation of substantial job opportunities directly related to the corridor development. Observably, the youth's plan and hopes on economic activities were not compatible to conservation (like pastoralism), as the majority were coming together in groups to leverage on existing government funds (e.g., the Youth Fund) to start up small-scale businesses.

The preceding discussion indicates that different age categories have different opinions, fears, anticipations, and expectations of large-scale infrastructure development in the

Nakuprat Gotu conservancy. Each category is driven by age-specific values on pastoralism and communal conservancy resources. Notably, however, it is likely that these age-based differences around the hopes, values and fears brought about by the proposed LAPSSET corridor, for instance, and the accompanying changes on land tenure and local institutions, could instigate a broader generational crisis when youths and the elders see the future and value resources differently.

4.8.2 Peace and Conflict Dynamics in the Conservancy

The study juxtaposed the fact that the conservancy was created as a 'peace building' tool within the emerging dynamics. Over 90% of the informants sampled for the study noted that the existing issues relating to land tenure changes, changes in the local institutions, and the ensuing conflicts have negatively impacted ethnic relations between the Turkana and Borana. Arguably therefore, these dynamics threaten the peacebuilding goal for which the conservancy was created. Various layers of conflicts were witnessed, observably, some being common to a pastoralist community, while others were new, creating more complicated layers of conflicts. Conflict has been a cause of mobility among the pastoralists, but aspects like threats of evictions from contested areas are also emerging.

While some of the conflicts were playing out at the project's inception phase, it is likely that more serious conflicts and violence could emerge during the implementation phase of the mega infrastructure projects in the studied area. These sentiments are also expressed in the 2017 Strategic Environmental Assessment (SEA) report of the LAPSSET corridor by the LAPSSET Corridor Development Authority. The report also details major disruptions of wildlife habitats and the appropriation of huge chunks of land of communal conservancies within its traverse.

4.8.3 Layers of Pre-Project Conflicts within the Conservancy

Land-related Conflicts between the Community and Hosted Actors

In the wake of the witnessed land dynamics, various actors are seeking to mark and secure their boundaries. In 2019, the Kenya Defense Force- the school of Artillery in Kiwanja, and the School of Combat Engineering in Chokaa are beaconing and demarcating their boundaries, beyond the previously allocated land. According to

community members living in these areas, the institution had approached the elders in the 1960s-1970s asking for a small parcel of land to put up tents for training. They were supported by the elders to identify the most suitable land within the community land, which they have occupied to date and developed training centers. Recently, KDF has come into sharp conflicts with the community when the beaconing process began and KDF served eviction notices to communities in Akarateretе, Chumvi Yare, Kiwanja, Tractor, Chokaa and Ltungai who are affected by the redrawn boundaries. The community has protested this move, viewing it as an expansionist tactic to grab more land.

> *"KDF has become that guest that the community welcomed, and supported in settling, but turned against the host. They are forcefully evicting us out of our land, we are being teargassed, our houses are being marked, we have been commanded to stop building permanent structures. We have been forced to write our names and give our identity card numbers, without knowing how that would be used. The KDF is claiming a large tract of grazing land and conservancy. We rely on our leaders and courts to help us secure our rights."*
>
> FGD 4 Elders in Chumvi Yare and Kiwanja (2022).

A section of the respondents questioned the new move of land encroachment by an institution that had settled within the community for approximately 50 years. They held the opinion that powerful actors were using the KDF to dispossess communities of their land. In this case, there were contestations with regards to the expansion of boundaries of KDF alongside other entities that were awarded the land in the past. Additionally, for the new land seeking entities coming into play with promises of social returns through corporate social responsibility (CSR), communities are also vetting the existing (older) ones to understand how they have supported their socio-economic development. Large tracts of land have been awarded to new and promising entities against the request of the old ones to expand.

Inter-community and Inter-Institutional Conflicts

Inter-community (inter-person, inter-family, inter clan and inter-generational) conflicts played out in the current contests related to commodification and privatization of land. The LAPSSET corridor's unclear and sometimes contradictory declarations have fueled public anxiety and driven speculative scramble and land privatization in Ngare Mara, as people seek to benefit from probable compensation should the state need more

land on which to set up the promised developments. Intergenerational conflicts were witnessed as different groups; elders and youth hold different visions on the conservancy and the development projects, and how the youth position themselves for gains, at the expense of community norms. These positions then come into conflict with the traditional borders and conservancy management plan, exacerbating various layers of conflicts, re-organization, and re-thinking conservancy border lines. Observably, the youth position themselves in 'prime' areas to guard it from speculators, but with visions of gaining from it.

> *"Our fathers will leave this land to us; we have been conserving it for the future generation. We respect the borderlines set out by the elders, but external actors do not recognize them. They are grabbing our land, left, right and center, and planning to put up structures and activities that are not conservation compatible. It feels like we have been conserving for this long, only for it to be taken away from us through manipulative and sometimes forceful means. In this case, we want to 'take' it as well, so we can benefit as natives. This entire land now belongs to us, we have marked them with paints and stones (showing an area within a core conservation and dry season grazing elder preserved by the elders)."*
>
> FGD 5, with a Youth Group in Kisile, 2020.

On the other hand, elders hope that as land is being reorganized and privatized in other sections of the conservancy, the land claimed by youth is a section that would be maintained as key conservation and grazing areas The youth, challenging this perspective, and based on previous experiences of the elders transacting land, argue that the elders want the parcel, so they can sell it to land-seeking actors.

4.8.4 Implications on Conservation Arrangements and the CBC Model

Mostly, environmental dynamics are assessed after project implementation, or as projections through the EIA systems. This study, taking a different angle, looked at how anticipations and alignment of different visions is likely to cause, inform or inspire sudden conservation arrangements and rearrangements in the conservancy. It examines how the rapid transformations undermine conservation values and practices as projects, plans and visions proliferate into previous core conservation areas.

Re-drawal of Conservancy Boundaries

Community members within the conservancy are redrawing their boundaries, fencing off their 'private land' and putting up signs to show claims, and, in some cases, sale of land was reported. The notions of land territorization, privatization, and commodification of communal land are playing out, conflicting with the ideals of the CBC model, as a land use, land governance model.

The witnessed land claims would arguably have irreversible impacts on the conservancy models, as the scramble was not guided and in compliance with the land use plans. The National Lands Commission's 'Ardhi House' in Isiolo, speaking to the issue, affirms that they will not issue formal documents of ownership to lands on wildlife corridors, core conservation areas and contested parcels. The community on the other hand claimed that the office was colluding and transacting with economically, politically, and socially powerful actors, community elites and manipulating key institutions like the council of elders to grab their land and denying community the right to own their ancestral land.

Tensions between ethnic groups sharing the conservancy (Borana and Turkana) are re-surfacing, and violent conflicts seem inevitable as emotive issues around land arise. A section of the Nakuprat Gotu conservancy members want a clear border between the two ethnic groups to avoid conflicts resulting from 'encroachment' as LAPSSET projects traverse the region. Beyond the ethnic levels, some people who thought the ongoing land sales and grabs would affect conservation wanted the conservancy borders to be further redrawn, to create more conservancies under one common unit of Nakuprat Gotu conservancy, given that the community land committee tasked to support with land governance were found at that level.

Closure of Conservation and Wildlife Corridors

Majority of the respondents (59.5%) indicated that ongoing dynamics were going to impact the human-conservation relations in an extremely negative manner, while 32.4% ranked the impacts as negative, another 4.5% were neutral on the issue, 1.8% reasoned that the impacts would be less negative, and lastly 1.8% said there will be no negative impacts at all.

The Nakuprat Gotu community has wildlife migratory routes and paths well acknowledged, understood, and conserved through traditional ways of living and cultural expressions. Their land being a buffer zone to Buffalo Springs, Shaba and Bisanadi National Reserves, a key route for wildlife migrating to Meru National Park, and a key habitat, the community has studied migration patterns over years named four key routes as major corridors. The key corridors include Anok Ang'itukoi, Manyatta Zebra, Awar Naparan and Ltungai, connecting the conservancy with the parks and other key conservation regions.

The community also believed that they are meant to coexist with wildlife, and in this case, they did not put-up fences, to allow wildlife to move freely, even close to homesteads. Their settlement, movement and grazing patterns have been informed by these carefully considered patterns and seasons of migration of key wildlife. During the establishment of the conservancy and in its management plan, such arrangements were factored in, with the contribution of the elders.

However, the community noted that there were some signposts mounted during the construction of the A2 (Isiolo-Moyale road) that marked migratory paths in the wrong locations, misinforming development actors and external conservation agencies.

> *"Wildlife movements do not always conform to "linear structures," demarcation is not easy, it must be marked by people who understand the dynamics."*
>
> FGD 6 in a community group Ngare Mara, 2020.

The community observed that other actors, including investors, view the corridors as a 'concept' rather than a conservation tool, and a protected area. Interviews with respondents reveal that corridors and surrounding areas are easy to grab by outsiders, as community members tend to avoid settling around them, hence they were not 'owned' by the community. Their understanding of corridors resonated with Hess and Fischer (2001) who describe them as migratory pathways, conservation conduits, connecting agents, habitat remnants, barriers (to development), filters (for ecological processes), and conservation extension. Additionally, the situation in Ngare Mara proves that corridors can also be 'drivers and points of speculation.'

In the wake of the anticipation of mega-projects and related land dispossession, accumulation and speculation, a community in Chokaa indicated that they were on

notice of eviction by the government, as the areas they have historically settled on, is a wildlife corridor and a migratory route, as per the development plans. Understanding the migration and movement dynamics of wildlife and livestock, the community think that the concept ‘corridor’ is being used to manipulate communities, dispossess, and grab their lucrative land. In this case, resistance of the corridors by the community is emerging.

The community indicated that legitimate corridors connecting Nakuprat-Gotu conservancy with other key conservation areas, as well as thousands of livestock for pastoralist communities in the region had been beaconed, surveyed, and will be privatized by institutions, investors, and powerful individuals. The communities criticizing the recent moves, question whether they are a real conservation solution or just the latest bandwagon to advance land interests. Critiques, particularly community elites, who do not conform to traditional beliefs, or are not conservation enthusiasts, question whether these corridors are proven to enable wildlife movement effectively, as they view this as a current expansionist trend by ‘people with interest’ on community land. They view the concept as one that is overused by conservation agencies and abused by local politicians, and that corridors are forced into communities’ territories.

The elder’s institutions maintained that corridors should remain natural, organic, and non-complicated, challenging Orrock and Damschen (2005) view that corridors can divide intact matrix landscapes with a new linear fragment of protected space. The elders see corridors in many forms; as, wildlife and livestock corridor, conservation corridor and reserve areas where grazing of both livestock and wildlife occur, in dry seasons. Corridors in the area are key to livelihoods and community but then the interlinkages and connectivity is being strained by ongoing parcellation of land. Movement, for their livestock, is necessary to access these patchy resources (also noted by Hobbs et al., 2008). However, bodies like Kenya Wildlife Service (KWS) approach to corridors and conservation seem to borrow from the scholarly understanding stated and is less informed by traditional knowledge and cultural expressions.

The elders worry that if the corridors as links are not provided, this would work against their cultural practices of coexistence with wildlife and may affect the community's well-being by attracting curses. They view them as a structural solution to the complex

problem of maintaining functional ecological connectivity and wellbeing. Groves et. al., (2000) views them as boundary objects: objects that are both plastics enough to adapt to local needs and constraints of several parties employing them, yet robust enough to maintain a common identity across sites, but observably the plasticity and robustness of these boundaries are becoming fuzzier and complicated in the context of Nakuprat Gotu.

Corridors will be a key center of dialogue among different stakeholders in the CBC model, as key visions come into play in various socio-political contexts, and as conservation takes more 'human-face' and subscribe to the tenets of human rights. The role of community land as buffer zones and as a host to 75% of wildlife outside parks and protected areas will be strained by the ongoing fragmentation and closure of corridors. The conservation of corridors in one point and closure in another impedes movements, hence corridor protection and conversation should be transboundary.

Figure 4.30: A wildlife corridor beacon dug out by a settling community in a contested area

(Source: Author, 2020)

Figure 4.31: Beacons dug out and a temporary fence erected to claim ownership of the wildlife corridor area

(Source: Author, 2020)

Figure 4.32: A wildlife corridor signpost next to a recently constructed permanent structure

(Source: Author, 2020)

Figure 4.33: A wildlife corridor sign with adjacent stones piled as a marker of k land claims

(Source: Author, 2020)

Dynamics Facing Key Habitat and Breeding Sites in Core Conservation Areas of the Conservancy

The Nakuprat Gotu's CBC model has strongly challenged the view of community areas as mere buffer zones of the state-owned protected areas, but as a critical and active conservation site. Wildlife populations in the CBC largely depend on the conservation of habitats and breeding sites which are faced with emerging and competing land uses.

The ongoing land disputes in the area have led to various outcomes of habitat fragmentation, overall loss of habitat landscape, reduction in the size of remaining blocks and increased isolation by new forms of land use (also observed in the SEA report 2017). These change of patterns, as described by the community, is resulting in ecological changes which can result in loss of species, changes to the composition and ecological processes, having negative impacts on communities. The negative effects of isolation are attributed to the decreased opportunity for movement of animals to and from other habitats, which is key for ecological balance.

These core conservation areas also contain sacred plants and springs which have been conserved and their significance and primary importance are understood through the

community's traditional knowledge and cultural expressions. Large tracts of land issued to two institutions; Catholic University of East Africa and KEMSA, which fencing had begun, would lead to loss of habitat, habitat reduction in the size of blocks of habitat that remain following subdivision and clearing and habitats isolation as new land uses occupy the connected environment.

Overall, approximately 66.7% of the respondents indicated that the ongoing land dynamics affect their CBC model in an extremely negative manner, while 24.3% said the impacts would be negative, another 4.54% were neutral, while 3.6% thought that it has less impacts, and lastly at least 0.9% thought it would have no impacts at all.

4.9 The Role of Government and Civil Society Stakeholders in Resolving Emerging Socio-Ecological Issues in Nakuprat-Gotu Conservancy

Table 4.5: Emerging issues in the Nakuprat Gotu's CBC Model

Issues	Extremely negatively	Negatively	Neutral	Less negative impacts	No impact at all	Mean	S.D
Land issues	66.7%	24.3%	4.54%	3.6%	0.9%	1.4	0.8
Community engagement model	46.8%	53.2%	0.0%	0.0%	0.0%	1.5	0.5
Benefit-sharing	72.1%	22.5%	2.7%	1.8%	0.9%	1.4	0.7
Community-conservation relations	59.5%	32.4%	4.5%	1.8%	1.8%	1.5	0.8
Lack of adequate or poor dissemination of information	36.9%	55.0%	3.6%	1.8%	2.7%	1.8	0.8
Disruption of pastoral livelihoods	53.2%	37.8%	5.4%	1.8%	1.8%	1.6	0.8
Security concerns	45.9%	46.8%	4.5%	1.8%	0.9%	1.7	0.7
Unfulfilled social investment promises	31.5%	62.2%	3.6%	1.8%	0.9%	1.8	0.7
Intra-community loss of customs and traditions	46.8%	46.8%	0.0%	2.7%	3.6%	1.7	0.9
Aggregate mean						**1.6**	**0.7**

(Source: Author, 2020)

Table 4.6: Stakeholders support in resolving the emerging issue.

	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree	Mean	S. D
Private Investors	9.0%	4.5%	1.8%	43.2%	41.4%	4.0	1.2
National government	0.0%	0.9%	4.5%	43.2%	51.4%	4.5	0.6
County governments	18.9%	7.2%	1.8%	27.0%	45.0%	3.7	1.6
Non-governmental organizations	37.8%	48.6%	2.7%	6.3%	4.5%	1.9	1.0
Community-based organizations	49.5%	50.5%	0.0%	0.0%	0.0%	1.5	0.5
Traditional Institutions	37.8%	46.8%	0.0%	6.3%	9.0%	2.0	1.2
Pastoralists leaders	32.4%	29.7%	37.8%	0.0%	0.0%	2.1	0.8
Aggregate mean						**2.8**	**1.0**

(Source, Author, 2020)

Respondents ranked the extent to which various actors supported them in the face of socio-ecological transformations. Table 4.6 above indicates that the majority of the respondents (mean=4), disagreed that private investors have supported the local community to secure their interests as far as conservation in the face of mega-changes are concerned. Most of the respondents also disagreed that the national government (mean=4.5) and county governments (3.7) have supported the local community to secure their livelihoods and conservation interests as key infrastructural plans are playing out. On the other hand, the majority of the respondents agreed that non-governmental organizations (mean=1.9), county-based organizations (mean=1.5), traditional institutions (mean=2.0) and pastoralists leaders (mean=2.1) have supported the local community to secure their interests as far as the mega-projects are concerned.

Table 4.7: Effectiveness of the Institutions supporting the implementation of the CBC model

Institutions	Effective	Less Effective	No longer Effective
Sages (Council of elders)	27.9%	59.5%	12.6%
The Conservancy Committee	28.8%	51.4%	19.8%
Men Group Leaders	25.2%	51.4%	23.4%
Women Group Leaders	23.4%	53.2%	23.4%
Youth Group leaders	55.9%	32.4%	11.7%
Government Official	22.5%	55.9%	21.6%
Civil Society Org	60.4%	27.0%	12.6%

(Source: Author, 2020)

Table 4.7 (above) shows that CSOs, youth groups, conservancy committee and the elders were rated as the most effective in their support for the CBC model, in the order provided. Majority of the respondents (60%) rated elders as becoming less effective, 51% rated the conservancy committee and male elders as less effective. Approximately 53 % and 32% rated women and youth groups respectively as less effective. 56% of the respondents thought that government officials were less effective, while CSOs were rated as less effective by 27%. It was acknowledged that the current issues present new dynamics that strain and weaken even previously robust actors like the elders.

Notably, the council of elders have historically been the most trusted institution relied upon in natural resource governance. The elders were rated as effective by 27.9% of the respondents, 59.5% thought they were becoming less effective while another 12.6%

thought that they were no longer effective. The elders noted that they still held traditional knowledge, however some of the issues faced were blind to the existing dynamics or were modern and required different insights. The elders also thought that the challenges around passage of knowledge to the youthful and coming generation was becoming problematic due to the current situation. Other segments of the population highlighted that elders were easily becoming agents of rubber-stamping entries and providing social license for operation, hence dispossession of large tracts of land.

The men and women groups were viewed to be less effective, although approximately 20% thought that they were still effective. Observably, this segment of the population did not have clear roles on the active conservancy governance and management but defined themselves as users and beneficiaries. Most dynamics were pointed to the elders and youth. This group formed a majority of semi-literate, highly blended in traditional practices and modernization. They have organized themselves into groups to leverage on the benefits but have not actively involved in key issues.

The youth group is the most vibrant group in the conservancy model, actively engaging in conservation and development politics. Majority have some form of literacy, having a different vision of their future in relation to the conservancy model. First, they position themselves in the new economy, in some ways that conflict with the ideologies of the elders. However, they were rated as one of the most effective by 56% of the informants, given their ability to amplify the needs of the communities through various platforms. They also constituted the majority of the conservancy committee. However, the group was coordinated and with a common vision, due to the politics of anticipation of the mega-projects.

Community Engagement Model

The community took a strong stand on their engagements as far as issues concerning the management of conservancy and the large-scale development related decision-making was concerned. All respondents agreed that the community engagement model was problematic. In fact, 36.9% said that lack of adequate or poor dissemination of information was extremely impacting the CBC model, while another 55.0% said the impacts were negative, 3.6% being neutral, 1.8% thought that the impacts were less negative and lastly 2.7% thought this had no impacts at all.

The CBC model is pegged on participatory principles, with host communities being given opportunities to lead and be in the frontline of the conservation process and related decisions. In the previous traditional system of conservation and governance of natural resources, decisions were driven through the patriarchal system (the elders forum), with coordination of passage of decisions to other segments of the population like women, younger men, and youth.

The current form of conservation governance presents opportunities of participation through representation of an elected board that serves for a period of 3 years. The board includes the chairperson, the conservancy board, environmental management committees who manage conservation, the conservancy grazing committee that governs community grazing patterns, peace committee that strengthen peaceful relations among and within the community. Election into the board was observably based on good will and not necessarily merit-based, and in most cases the outgoing and incoming committees did not support each other for political reasons. The community raised concerns that their engagement on conservancy related decisions did not go beyond voting, and the elder's forum said they had minimal influence on the board yet critical decisions and approaches used would have benefitted from the knowledge gained over years.

The committee on the other hand, were not proactively engaged in the ongoing land issues, seemingly for two reasons; there was no specific committee within the conservancy board that focused on land governance as it did not want to engage in it, given its emotiveness. They argued that their active engagement would make the conservancy model viewed as one which doesn't give the community the autonomy to govern their land, emphasizing that the CBC is a land use model, and not a land ownership one.

Additionally, the conservancy management were not engaged in any public participation processes on environmental decision-making, even though the conservancy is referred to as a key conservation area to be traversed by the Lamu Lokichar Crude Oil Pipeline (LLCOP). The management has also not taken initiatives to access project information and integrate these issues into their conservancy management plans.

CHAPTER FIVE: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents a summary of the main findings, conclusions, and recommendations of the study. The study is undertaken in the Nakuprat-Gotu conservancy; an important ecosystem for wildlife and pastoralism owned by previously warring Turkana and Borana pastoralist communities, brought together under a common conservancy unit to harmoniously share resources. Nakuprat-Gotu's CBC model is under communal land tenure and has been earmarked for state-led large-scale linear infrastructural components of the LAPSSET project. It is traversed by a regional highway, the crude oil pipeline and is close to a proposed resort city and a special economic zone. The study explored the emerging land tenure changes following the anticipation and implementation of the LAPSSET corridor and other ancillary projects. It further examined the dynamics facing local institutions conserving communal resources in Nakuprat-Gotu's CBC system as linked to the implementation of the projects on communally owned land. It also analyzed the implications of these land and local institutional changes on the CBC model.

The study used the perspectives of 'economies of anticipation' in Cross (2015) that views development areas and mega-infrastructure as 'promising zones' where people conceptualize possible futures not just for themselves but also for others, while holding hope, desire, anxiety, and fear. The conceptual framework was informed by the expectations of how various actors (powerful capitalists, politicians, and local communities) orient themselves in the wake of the 'promising' infrastructural plans. It explains the consequences of different aspirations of these actors, as they converge and conflict in communally owned land under the conservancy unit.

The study adopted a descriptive research design and a mixed method approach. Primary data was collected from the engagement of key conservation stakeholders through semi-structured interviews, in-depth interviews, key information interviews (KIIs), and focused group discussions (FGDs). Additionally, secondary sources including journals, relevant reports, and library materials were used. The interaction and feedback of the emerging land tenure changes and the ongoing local institutional dynamics, as well as

its influence, change and implications on the conservancy model has been discussed in detail. A summary of the findings, conclusion, and recommendations are detailed below.

5.2 Summary of the Main Findings

Summary of key findings is presented as per the main objectives that guided the study. The study records that following the mega-infrastructural plans and the implementation of key projects, the conservancy area has become a prime land for private accumulation by various ambitious actors, for economic enrichment particularly through land speculation, evidenced by numerous private investments including institutions of higher learning, world-class medical facilities, livestock markets, and other 'masked' projects. The findings show that the ongoing changes is influencing and disrupting local systems of communal resource governance through Nakuprat-Gotu's CBC model.

5.2.1. Land Tenure Changes in the Conservancy Area and the Ensuing Conflicts

The anticipation of development projects has resulted in changing land views, explained through the notion of 'commodification of commons' that have come into sharp conflicts with traditional land views and communal land governance norms. Community land (former trust land) in which the Nakuprat-Gotu conservancy sits is increasingly undergoing interesting processes including privatization, land grabs, manifold layers of conflicts, highly politicized and contested attempts of formal registration.

The findings of this study draw attention to emerging exhaustive and elite capture on community land, through methods that are short-changing and disempowering communities, causing tensions. First, land, which is a fundamental communal resource to pastoralists' identity, existence and wellbeing is being dispossessed through land grabs, sales and acquisitions by new entrants and expansionist institutions. These transactions have evoked emotions that have awakened power dynamics and resulted in manifold layers of conflicts that impede the formal registration of community land under the new community land law, and ultimately lead to the politicization of the 'conservancy' concept and it's motive as far as land ownership and land-use model is concerned.

5.2.2. Emerging Dynamics Facing Local Institutions in Nakuprat-Gotu's CBC Model

Local institutions that play a crucial role in the management of communal resources are facing key dynamics as the anticipation of development changes unfold in the conservancy unit. The study notes a patriarchal elder's system that that guided land-use, ownership and transfer, livelihood strategies, settlement patterns and equitable sharing of their communal resources through a highly ritualized and sanctioned processes. The resilience and sustainability of traditional elders' system is at stake as old and new land-seeking actors co-opt the institution in a bid to secure social operation in the area. The study highlights key cases where land-seekers conformed to cultural norms and ritualization processes or subjected the elder's system to political influence and pressure, leading to land-related decisions that caused a once feared and respected institution to gradually losing its grip.

The findings further highlight the emergence of new institutions as old ones fade and gradually get replaced, as evidenced by the politically instigated community land committee. The institution, as Cross (2015) details, operated outside clear blueprints but in a speculative and politically motivated manner, especially after the LAPSSET plans under the Kenya's Vision 2030 were revealed.

New (legally-provided) local institutions mandated to support in the governance of commons like the conservancy board and the community land management committee were formed to conform to legal standards were eventually formed under the land and conservation frameworks. Key factors that have led to these transitions is the need to be more inclusive, as opposed to the patriarchal nature of traditional (cultural) decision makers on communal resource governance. These institutions face challenges of working within hotly contested, unresolved land and conservation challenges, and with limited capacities.

The study notes that different actors have aligned themselves with loose networks of individuals who can easily be co-opted to meet their interests, hence the rise of different committees and groups. The study notes that these institutions in some cases die out,

get replaced or run in parallel with each other, hence having overlapping roles, hence inter-institutional conflicts.

5.2.3. Implications of Land Tenure and Institutional Changes on CBC Ideals

Lastly, as far as conservation and the implications of the CBC model is concerned, the study highlights that the witnessed changes conflict with the community conservancy ideals. Some of the key conservation related impacts witnessed and recorded in the study is the potential closure of corridors, loss of habitat and breeding sites of endangered species, squeezed core conservation and grazing areas, caused by massive land accumulation for private purposes and for key projects. The study further highlights how the politics of anticipation affect key conservation components like corridors, previously held with strong cultural norms, which are now being lost, re-thought and their presence and importance contested.

As the promise of a booming economy, presented by the LAPSSET project that is set to open the region, conservation value is constantly being re-imagined as local communities compare the returns from conservation with the visions held for development. The privatization notions and the possibilities of future conflicts have led communities to review the idea of a common conservancy units, with some members holding strong views on further subdivision of conservancies per ethnic groups or zones, an idea that challenges the establishment of the conservancy as a common tool for peacebuilding among resource-sharing pastoral communities. Resultantly, the study question the hope and expectations but also affirm the fears and contestations about the uncertain future of their land, the conservancy, and traditional (pastoral) livelihoods held by majority of the conservancy members.

5.2.4. The Role of Government Actors in Fostering a Robust CBC Model

The study revealed that there is a lack of multi-agency cooperation in resolving the current dynamics facing the CBC model. In fact, it underscores that there is lack of involvement and consultation of local offices in the planning of mega-projects, highlighting the bottom-up reporting, without top-bottom feedback mechanisms. In this case, government bodies at grassroots level did not hold adequate and meaningful

information, or capacity to support communities to prepare proactive strategies to maintain a robust CBC system.

5.2. Conclusion

From the findings in the first objective which explored changes in land tenure in the conservancy model, the study concluded that the anticipated development has led to changes in land views in Nakuprat-Gotu's community land. Lack of secure tenure has instrumentalized problematic land dispossession, contestations and conflicts and advanced politics and powerplays. Resultantly, the conservancy not existing in a vacuum, has been affected, in a manner that it is viewed from the land-ownership lenses which could be privatized, rather than as a land-use model which can continue to be co-shared as communal resources are co-managed. The study also concludes that security of tenure is key in sustainable community-based conservancy models.

In the second objective, the study infers that indigenous elders' institutions they have been subjected to political influence and pressure, hence gradually losing trust among the community members. Their role continues to fade with modernization and as it loses grip to emerging local actors, under 'institutional innovations' provided for in key provisions and through speculative approaches. The politically instigated land committee formed under such notions evidently operated outside the blueprints but through speculative manner. Constitutionally provided institutions like the conservancy board and the community land management committee formed to conform to legal standards and resolve previous contestations are facing key challenges, and lack of clarity of their roles leads to resistance by the community. This poses key issues in their mandate to resolve hotly contested manifold land and conservation challenges facing the conservancy, and with limited capacity. The study concludes that the weakness and incompetency of local institutions continue to open a window of exploitation of the community's land and communal resources.

Lastly, the study concluded that the conservancy has played a key role as a model that allows for conservation-compatible livelihood activities, co-existence of previously warring communities, socio-cultural wellbeing, and sustainable access, use and governance of communal resources. However, the stability and sustainability of the

conservancy is challenged by the emerging notions of the promises of development and the ensuing booming economy, as opposed to the returns of conservation.

5.3. Recommendations

5.3.1. Recommendations from the Study

First, the study recommends that key CBC ideals must be considered holistically, to ensure that the model continues to realize the needed balance of conservation and development. The land question in a CBC model should be interrogated rather than avoided by conservation stakeholders. Given the recent cross-cutting nature of competing land uses and institutional responsibilities, it is essential that all land management practices within the conservancy embrace the goal of ecologically sustainable land management. As different visions interact within the conservancy model, strong leadership, and representation by key conservation stakeholders, particularly community groups, is required to achieve consensus and guide the sustainable management of the conservation model.

Secondly, conservation components, for instance, the corridors which are highly contested, should not only seek to achieve ecological goals, but their installation and use should occur in a manner that is compatible with customary values, norms, and knowledge. There is also a need for complementarities of the emerging scientific approaches, emerging policies and traditional ecological knowledge in conservation, management, and governance of communal resources. Also, biodiversity conservation planning must take a holistic approach that encompasses a multi-faceted landscape dimension that not only considers the ecological processes and ecosystem functions, but also considers a matrix of socio-economic issues.

Third, co-management of the CBC model is crucial, that is, ensuring that major stakeholders, including organized traditional and modern institutions (formal and informal) like government bodies and conservation actors meaningfully collaborate, and the inclusion of common property management principles as advocated by Ostrom (2007) rather than putting in place structures that advance exhaustive, elite capture interventions that disempowered communities' local institutions. In the face of the current dynamics, a detailed social assessment of appropriate institutions (whether modern or traditional) is required at the outset to ensure that their practices and

decisions do not contradict with the CBC ideals. It is extremely crucial to build customary and formally established institution capacities and support disconnected institutions. At the local level, there is a need for improved capacities, transparency and accountability among the conservancy management committee and beneficiaries, to ensure that they continually appreciate the conservation benefits, and adequately challenge key issues that derail the model.

Forth, communities' conservation priorities should drive the formulation of strategic plans to ensure that conservation stakeholders understand and provide more effective support to manage their resources and adapt the emerging changes. Most importantly, cross-sectoral coordination of conservation and development actors across levels is extremely crucial for the sustainability of the CBC model. The lack of such coordination has limited the responsiveness of development plans, derailed the effectiveness of environmental and conservation management plans developed by project proponents and led to uncontrolled land acquisitions and development. Key government bodies need to be strengthened to progressively assume its functions. The implementation of key plans, strategies and frameworks are held back by capacity constraints. There's a need to rationalize and implement the policies, laws and regulations related to land and conservation.

Lastly, an all-inclusive, collaborative, and transparent consultative process between the national and county governments, stakeholders and development partners, landowners, and the local communities in making critical decisions related to conservation and development is crucial. Free, Prior and Informed Consent (FPIC) need to enable communities to hold-to-account project implementers and government actors.

5.3.2. Recommendations for further study

The study recommends further examination of key development plans and blueprints on different and multiple community-based conservation models to get holistic and comprehensive insights on how they affect or support the CBC ideals and governance of commons in the larger northern Kenya. Community conservancies sitting under the former ranch systems, having successfully registered their land, would be an ideal case, to understand how the land tenure dynamics playing out in different contexts.

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APPENDICES

Appendix 1: Informed Consent

My name is Winnie Changwony, a master's student from Kenyatta University, the Department of Environmental Studies, and Community Development. I am conducting a study on the "*Large-scale infrastructure, Land Tenure and Local Institutional Change in Nakuprat-Gotu's Conservancy Model in Isiolo, Kenya*." This information will be used only for relevant academic purposes, which include master's thesis development, presentation, and publishing.

Procedures to be Followed

Participation in this will require that I ask you some questions which will be recorded in either a questionnaire, notebook, or a recorder. Kindly note that the participation in this study is voluntary. You may ask questions related to the study at any time. You are also allowed to respond to any question and may stop an interview at any point without any personal consequences.

Discomfort and Risks

If any questions asked make you feel uncomfortable, you may refuse to answer, or stop the interview completely.

Benefits

If you participate in this study, you will help the researcher understand the emerging challenges facing the Community-based Conservation (CBC) system in your area and offer recommendations for policy makers.

Reward

If you agree to participate, kindly note that no monetary or material rewards will be provided.

Confidentiality

The interview will be conducted at your most convenient place. Your name will not be recorded on the questionnaire. The researcher will keep the questionnaires private, in a locked cabinet at Kenyatta University.

Contact Information

If you have any questions you may contact Dr. Eric M. Kioko on 0724833920 or Dr. Peter Wangai on 0700418355 or the Kenyatta University Ethical Review Committee Secretariat on chairman.kuerc@ku.ac.ke , secretary.kuerc@ku.ac.ke , ercku2008@gmail.com.

Participant's Statement

The above information regarding my participation in the study is clear to me. I have been given a chance to ask questions and my questions have been answered to my satisfaction. My participation in this study is entirely voluntary. I understand that my records will be kept private and that I can leave the study at any time without any consequences.

Name of the Participant…….

_____ _____

Signature or Thumbprint Date

Appendix 2: Investigator's Statement

I, the undersigned, have explained to the respondent in a language that he/she understands, about the study and all the issues involved.

Name of the Interviewer……

_____ _____

Signature or Thumbprint Date

Appendix 3: A Questionnaire for Conservancy Members drawn from Women, Youth and Men Groups

Questionnaire No……. Date Administered……

Location…… Sub-location…….

Ward……. Village

Section A: The Bio data and the Demographic Information of the Respondents			
1.	QUESTION	RESPONSES	Please Tick
a.	Gender	Male	
		Female	
b.	Marital Status	Single	
		Married	
		Divorced	
		Separated	
		Widowed	
c.	Age in Years from January 2020	18-30	
		31-40	
		41-50	
		Above 50	
d.	Highest level of formal education attained	None	
		Primary Education	
		Secondary Education	
		Tertiary level	
e.	Religion	Christian	
		Muslim	
		African/Traditional Religion	
		Other	
f.	Do you reside in the area	No	
		Yes: Permanently	
		Temporarily	
g.		Above 20 years	

	How long you have stayed in the area	15-20 years	
		10-15 years	
		5-10 years	
		0-5 years	
h.	How do you describe your current residence	Rural village	
		Emerging urban village	
		Extensively urban area	
i.	What is your primary occupation	Pastoralists	
		Businesspersons (specify)	
		Formal employment	
		Student	
		Other (specify)	
j.	What is your secondary occupation		
k.	Have you acquired any professional training	Yes (Please specify)	
		No	

Section B: Changing Land Dynamics in Nakuprat Gotu Conservancy

2. What is the relationship between the community-based conservancy model and the following aspects:

a. Land use and the sustainability aspects around use.

b. Land ownership model

b. Land governance systems

3. With the anticipation and execution of mega-projects in the region, what are the emerging dynamics facing the Nakuprat Gotu community in relation to:

a. Land use and the sustainability aspects around use.

b. Land ownership model

b. Land governance systems

Section C: Local Institutions Changes Managing Resources in the Conservancy

4.Which roles do the following indigenous, local institutions and groups play in overseeing/ management of land, natural resources access, use and benefit sharing in the conservancy?

(i) The sages (council of elders)

……

……

……

……

(ii) Conservancy board of management

……

……

……

……

(iii) Various organized community groups and leaders

……

……

…….....

.....

5. Briefly explain how each of the mentioned institutions in 4 (above) operate to support harmonious access, use and benefit sharing in the conservancy, with specific focus on the following aspects:

(a) Co-existence of the communities living in the conservancy

……

……

……

(b) Equitable access and benefit-sharing of water and other natural resources

……

……

……

(c) Minimization of Human-wildlife conflicts over water and pastures

……

……

……

(d) Coordination of water and other natural resource-use patterns during dry seasons

……

……

……

(e) Control of socio-economic activities practice in the conservancy

……

……

……

(f) Any other socio-economic outcome

……

……

……

6. Explain (in details) any observable changes or emerging dynamics you have witnessed with regards to local institutions playing their mandate overtime, as plans for mega-projects shape up.

……

……

7. Given the changes (raised in 6 above) how effective are each of these institutions in playing the roles they play in managing the conservancy? Please tick the most appropriate response.

Category	**Effective**	**Less-Effective**	**No longer Effective**
i. Sages (Council of elders)			
ii. The Conservancy Committee			
iii. Men Group Leaders			
iv. Women Group Leaders			
v. Youth Group Leaders			

8. Please give a detailed narrative to support your selected choices in (b) above.

(i)Sages (Council of Elders)

……
……
……
……

(ii) The Conservancy Committee

……
……
……
……

(iii) The Men Group Leaders

……
……
……
…….

(iv)The Women Group Leaders

……
……
……
……

(v)The Youth Group Leaders

……
……
……
……

9. Are there any modern practices that have been used to promote effective management of the conservancy? Please mention, explain their mandates and any arising issues they may be facing with regards to their mandate.

10. In your opinion, needs to be done to ensure sustainable and effective management of the conservancy, given the current issues?

    ……
    ……
    ……
    ……
    ……
    ……

Thank you for your time and valuable contributions.

Appendix 4: Sample of FGDs Interview Guide for Community Groups

Group's Information

Group Name (List of all Respondents) ……

Composition…… Date…….

FGD Questions

1. What brings you together as a group?
2. How is the Nakuprat-Gotu Conservancy managed?
3. What is your specific role in the management of the conservancy?
4. How are the indigenous and traditional norms, beliefs and practices been used to manage, and what role do traditional and local institutions play in the management?
5. What are the impacts of the mega-developmental changes caused by the LAPSSET and other upcoming infrastructure with regards to:
   (a) Land ownership, value and governance
   (b) Livelihoods
   (c) Conservation systems advanced by local institutions
   (d) Conservation activities promoted under the CBC model
6. What are the main challenges facing the key players in the management of the conservancy?
7. What recommendations would you make to ensure better management of the resources given the ongoing development changes and challenges?

Thank you for your time and valuable responses.

Appendix 5: FGDs Interview Guide Sample for Conservation Stakeholders

Group's Information

Group Name…… Group Number…… Date…….

FGD Questions

1. What is your role and responsibility in the management of the Nakuprat-Gotu Conservancy?
2. How do you work with the following groups in supporting you in the management of natural resources?
   (i) Sages (Council of Elders)
   (ii) Women Group Leaders
   (iii) Men Group Leaders
   (iv) Youth Groups Leaders
   (v) Government bodies
3. What emerging challenges are you and other actors facing with regards to the management of the conservancy?
4. How have the mega-development changes affected the following aspects in your area?
   (a) Land ownership and governance
   (b) Pastoralism
   (b) Conservation activities
5. What is your role in supporting the communities to manage the emerging issues?
6. If Nakuprat-Gotu Community Conservancy is to remain resilient to the ongoing challenging dynamics brought by mega-projects, what must be done? Please give your recommendations.

Thank you for your time and participation.

Appendix 6: KIIs Interview Guide Sample for Experts

Name…… Age….

Institution and Position……. Gender……...

Religion……

1. What is your role in promoting or advancing the conservancy model in Isiolo county?

2.In your observation, how have the already implemented and upcoming infrastructural projects affected the management of the conservancy?

3.Explain the emerging economic challenges facing Nakuprat Gotu Conservancy and community as a result of the development and infrastructural changes with regards to:

(a) Land (b) Pastoralism, and (c)Conservation activities

4.In which ways do you support the community in addressing the challenges discussed above?

5.What challenges are you facing in supporting the community to address the above challenges?

6.What are your recommendations to the following categories, to ensure effective management of the conservancy against the ongoing and emerging challenges?

Thank you for your time and valuable contributions.

Appendix 7: University Research Permit

Kenyatta University
P.O Box 43844-00100
Nairobi-Kenya

REF: KU/ERC/APPROVAL/VOL1/1 Date: 20th February, 2020

Winnie Changwony
P.0 Box 43844-00100
NAIROBI

Dear Ms. Changwony,

RE: APPLICATION NUMBER: PKU/2053/I1200 DYNAMICS OF SOCIO-ECOLOGICAL TRANSFORMATION AT NAKUPRAT-GOTU COMMUNITY BASED CONSERVATION SYSTEM IN ISIOLO COUNTY, KENYA

This is to inform you that ***KENYATTA UNIVERSITY ETHICS REVIEW COMMITTEE*** has reviewed and approved your above research proposal. Your application approval number is **PKU/2053/I1200.** The approval period is ***20th February, 2020 - 20th February, 2021.***

This approval is subject to compliance with the following requirements;

i. Only approved documents including (informed consents, study instruments, MTA) will be used
ii. All changes including (amendments, deviations, and violations) are submitted for review and approval by ***KENYATTA UNIVERSITY ETHICS REVIEW COMMITTEE.***
iii. Death and life threatening problems and serious adverse events or unexpected adverse events whether related or unrelated to the study must be reported to ***KENYATTA UNIVERSITY ETHICS REVIEW COMMITTEE*** within 72 hours of notification
iv. Any changes, anticipated or otherwise that may increase the risks or affected safety or welfare of study participants and others or affect the integrity of the research must be reported to ***KENYATTA UNIVERSITY ETHICS REVIEW COMMITTEE*** within 72 hours
v. Clearance for export of biological specimens must be obtained from relevant institutions.
vi. Submission of a request for renewal of approval at least 60 days prior to expiry of the approval period. Attach a comprehensive progress report to support the renewal.

vii. Submission of an executive summary report within 90 days upon completion of the study to ***KENYATTA UNIVERSITY ETHICS REVIEW COMMITTEE***.

Prior to commencing your study, you will be expected to obtain a research license from National Commission for Science, Technology and Innovation (NACOSTI) https://oris.nacosti.go.ke and also obtain other clearances needed.

Yours sincerely

Prof. Judith Kimiywe

CHAIRPERSON- KENYATTA UNIVERSITY ETHICS REVIEW COMMITTEE.

Appendix 8: National Commission for Science, Technology and Innovation Permit

REPUBLIC OF KENYA

NATIONAL COMMISSION FOR SCIENCE,TECHNOLOGY & INNOVATION

Ref No: 160615

Date of Issue: 28/March/2020

RESEARCH LICENSE

This is to Certify that Miss.. Winnie Jepchirchir Changwony of Kenyatta University, has been licensed to conduct research in Isiolo on the topic: Dynamics of Socio-Ecological Transformation at Nakuprat-Gotu Community Based Conservation System in Isiolo County, Kenya for the period ending : 28/March/2021.

License No: NACOSTI/P/20/4643

160615

Applicant Identification Number

Director General
NATIONAL COMMISSION FOR SCIENCE,TECHNOLOGY & INNOVATION

Verification QR Code

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