Capturing benefits whilst safeguarding livelihoods: The debate over LAPSSET


The LAPSSET project will have a huge impact on the pastoralist communities of northern Kenya. This article introduces some of the challenges ahead and the likely support needed.

The LAPSSET project in brief
The Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor project is a major infrastructure development project that will run from the Kenyan coast to South Sudan and Ethiopia. A crucial Kenya Vision 2030 flagship project, LAPSSET forms Kenya's second Transport and Economic development corridor, consisting of a 1,710km long railway line, an 880km dual carriageway and a 2,240km long oil pipeline. It is expected to transform the Horn of Africa economies through increased trade, integration and inter-connectivity, and is set to have huge impact on the lives of more than 100 million people in the three countries.

At the international level the project is expected to create new access and links with neighbouring countries to foster regional economic development through trade facilitation; while at the domestic level the creation of substantial job opportunities that cover not only direct jobs related to the Port operation but also indirect jobs through agriculture, fishery, manufacturing, logistics, transport, trade, livestock, commerce—among others—will be realised. Rapid economic development is anticipated across all economic growth areas identified along and connected with the LAPSSET Corridor, as well as increased international tourism in Lamu, Isiolo and Turkana through new airports.

The LAPSSET project constitutes part of Kenya's long-term development plan and is projected to boost Kenya's GDP by at least 3 per cent when completed, at an estimated cost of US $16,964 million. LAPSSET is an extremely ambitious project with multiple elements rolled up within it in order to transform the region and open up markets. It represents one of the largest projects earmarked to traverse pastoralist lands in recent history and each one of the multiple elements of the scheme potentially carries a significant price tag for the pastoralist communities of the region.

The different components of the LAPSSET project are at various stages of implementation. The construction of the Port in Lamu was launched on 2nd March 2012 and is ongoing. An airport in Isiolo is complete but not yet operational, and the road linking Isiolo with Moyale on the Ethiopian border has been constructed in sections and is 70% complete. Sites for the construction of a proposed hydro dam development on the Tana River have been identified, as well as locations for proposed additional airports in Lamu and Turkana and the proposed resort cities in Lamu, Isiolo and Turkana. Large-scale irrigation sites in the Tana Delta have been proposed though implementation is yet to take place. The construction of the oil pipeline from South Sudan to Lamu has also commenced, as well as regional highway projects. A meat processing plant has also been constructed in Isiolo near the resort city but is not operational.

**Figure 1: Map showing LAPSSET development plans**
(Source: ILRI)

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48 Vision 2030 LAPSSET Secretariat presentation during a pastoralist community forum on the LAPSSET in Isiolo, 2013
50 Vision 2030, ibid
The implications for Kenya's pastoralist communities

A very real challenge for LAPSSET planners will be to realise its transformative prospect—in terms of regional integration, wealth and opportunities—whilst also safeguarding the environment and the rights and livelihoods of those for whom the project may have an adverse impact. LAPSSET will go through an area that has never been developed before: The resident communities along the LAPSSET transport corridor in Kenya include the Awer and Sanye hunter-gatherers, the Orma, Wardei, Somali, Samburu, Borana and Turkana pastoralists, as well as pastoral-fisher communities that include the Ilmolo. These communities are among the most excluded from the socio-economic and political fabric of Kenya, and probably the least well equipped to respond to the new set of challenges that the LAPSSET transport corridor portends. They will need support to help realise the benefits of the new developments and limit the negative impacts.

The concerns of pastoralist communities include: potential land grabs; livelihood disruption due to the blocking off of migratory routes and grazing areas; and the loss of crucial fall back zones for pastoralists during drought. Other expected challenges associated with the project include an increase in resource conflict, an increase in level of vulnerability with many people dropping out of pastoralism, and even a collapse of cultures and traditional lifestyles. While the pastoralists are not averse to development projects that spur economic growth and improve the wellbeing of the Kenyan population, the communities here are concerned about the approaches adopted in the conceptualization and the implementation of the LAPSSET project, and the lack of consultation as part of the process.

With pastoralist communities likely to lose huge chunks of grazing lands, territories and resources, a consultative process is required where all stakeholders are brought on board and involved in decision-making, as this action will impact on their livelihoods. Currently awareness creation and education is lacking and pastoralists are just observing while activities unfold around them. Potential benefits highlighted by the Vision 2030 Secretariat are the development of: abattoirs, disease free zones, infrastructure to serve pastoralists' seasonal migratory routes, and the protection of wildlife corridors through underpasses and bridges, but there is little evidence of these initiatives on the ground.

What safeguards are currently in place?

Preparatory studies have classified the LAPSSET environment as being rich in both natural and socio-cultural resources. In this regard, an environmental impact assessment (EIA) report has to be prepared for the project, as well as an examination of the existing environment—physical, biological, socio-cultural, economic— including mangrove forests, cultural environment, fisheries, wildlife, and coral reefs. The report should cover: identification of applicable legislative/regulatory regimes, potential project impacts, the development of mitigation measures and preparation of a monitoring plan.

Like any mega project cutting across peopled landscapes, the LAPSSET plans to generate a Resettlement Action Plan (RAP) for project-affected people. In this regard, LAPSSET proposes that plans shall be put in place to empower pastoralist communities on the diversification of their livelihoods, development of livestock tracking technology to reduce cattle rustling, and empowerment of fisher communities to fish further offshore by providing boats and constructing fishing ports in Lamu and Turkana. Other measures include HIV/Aids awareness to be incorporated during the construction phase, and the establishment of an Oil Spill Response Action Team in collaboration with Kenya Ports Authority. All future works to be carried out shall include Environmental Impact Assessment procedures, e.g. stakeholder consultations and demarcation of the LAPSSET corridor. All these are very good propositions from LAPSSET but the worry is that they may not be realised, judging by the history of past development interventions.

The Constitution of Kenya provides protection for communities, and by article 66 (2) enjoins Parliament to enact legislation ensuring that investments in property will benefit local communities and their economies. Other safeguards include: the powers of self-governance to the people and enhancement of their participation in the exercise of the powers of the state and in making decisions affecting them [article 174 (c)]; recognition of the right of communities to manage their own affairs and to further their development [article 174 (d)]; protection and promotion of the interests of minorities and marginalised communities [article 174 (e)]; and the right to equitable sharing of national and local resources [article 174 (g)]. The Bill of Rights (Chapter 4), as well as articles 42 and 69 (1) (E), mandate the state to protect genetic resources and biological diversity, and article 69 (1) (f) mandates the state to establish systems of environmental impact assessment, environmental audit and monitoring of the environment among others.

The government of Kenya has indicated that it is sourcing funds to compensate those communities who will be displaced by the project, however communal ownership of land is complicating the compensation process. In Isiolo County, for example, the County Council holds land in trust on behalf of the local communities. The process of identifying who the real owners of these lands are is complex as individual land ownership documents are lacking.

**From an interview with 84 year old Paranae Leseenkei, a Samburu Elder from Kipsing**

I don’t understand the evil befalling our land; we keep losing it to the Government and no explanation is given. Before Independence we use to graze our animals all the way to Meru during the dry seasons and back. Immediately after Independence we lost all that land leading towards Kuta along the current Isiolo-Nanyuki road. Later we lost the mali saba – Kipsing corridor to the Livestock Marketing Association (LMD) that used to graze animals that are supplied to Kenya Meat Commission (KMC). However in the 1980s we came back to this Kipsing portion of the land after the collapse of LMD. When we were moved from this area for LMD we lost a lot of animals as a result of the 1974-75 drought. We had nowhere to go as all the migratory corridors were closed and occupied by LMD who used guns to drive us away. Now I understand the Government is back, wanting to take back the land. This is terribly worrying and I don’t know what to do. There is increasing drought every two years. This is a place that rescues our livestock as we graze along the hills and water them in the Ngarendare River. If this place is taken away from us this will be our dead-end as we will lose our livestock, our heritage and culture. I wish I will live to see the future of a Samburu without livestock.
There is a fear that the actual owners of the land may not benefit from the compensation, and if they do then the political elite may take advantage. Under the Constitution it is mandatory for the government or any other stakeholder to get consent from the local communities before commencing any project. It also proposes that residents will be compensated for the acquisition of their land, but in situations like that of Isiolo51 the local council/county government can acquire the land title and make money from leasing out the land and charging rates, further complicating the whole issue of community land ownership.

What needs to be done to ensure pastoralist communities will benefit from LAPSSET?

Although the conceptual design includes an element of local community engagement, discussions with communities indicate that very few consultations have been carried out. Local leaders including members of county assemblies (MCAs) do not understand the rationale of LAPSSET and see it as any other government project that is being imposed on them with little local government consultation. To realise pastoralist communities’ rights and benefits within the LAPSSET project, communities, CSOs, pastoralist leaders and County Governments need to become better organised, educated and well informed, so as to find ways of engaging with the government in a more consolidated approach, rather than through ad hoc mechanisms.

There is a need for:
1. Constructive, focused engagement with the national government seeking guarantees on recognition, respect and protection of rights along the LAPSSET corridor; while building enabling structures that will ensure the full and effective participation of communities, local government, CSOs and pastoral leadership in all processes related to the LAPSSET project and the protection of their lands, livelihoods and resources.
2. Clarity and resolution of land tenure issues along the LAPSSET corridor, recognising and respecting traditional land ownership, management and access.
3. Effective, reliable and lasting conflict prevention and management systems that build on existing mechanisms and on-going peace initiatives between communities and counties along the LAPSSET corridor.
4. Participatory resettlement and compensation plans as well as safeguards for the communities’ livelihoods, cultures and ecologies as prescribed in the Constitution of Kenya and other international Conventions that Kenya has ratified.
5. Participatory environmental and social impact assessments of the whole scope of components of the LAPSSET corridor project and design strategies to mitigate negative impacts on pastoralist cultures and traditions and the environments that make the cultures thrive.

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51 The land in Isiolo county still falls under “the Trust Land Act Cap 288 of the Laws of Kenya and as outlined under Article 51 of the Old Constitution” as the Community Land Bill is yet to be enacted by parliament and when enacted into law time will be needed to operationalize it and define the land ownership models taking into consideration the diversity of people living within Isiolo County.