



Drylands Learning and  
Capacity Building Initiative  
for Improved Policy and  
Practice in the Horn of Africa



**PASTORALIST PARLIAMENTARY GROUP - PPG**  
**Pastoralism: Our pride and life!**

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Minutes of the Kenya ASALs Advocacy Group Meeting held on 13<sup>th</sup> March, 2019 at the Olive Gardens Hotel, Hurlingham, Nairobi.



## Welcome and introductions

Jarso Mokku, CEO of DLCI welcomed the participants, before asking everyone to introduce themselves. Ms. Vanessa Tilstone, Program Director of DLCI briefly introduced the organization and its engagement and relationship to FCDC, NDMA and PPG. KAAG was founded in 2008 under the Regional Learning and Advocacy Projects, the predecessor of DLCI. The purpose of the group at that time was to promote coordination and enhance advocacy between about 45 UN and NGO partners the consortium supported. In 2014, REGLAP converted to local NGO called DLCI to focus only in Kenya and capacity building of county and national government and local NGOs. It soon became the Secretariat of the Pastoralists Parliamentary Group, DLCI is the National Chair of the ASAL Stakeholders Forum, Co-chair of the NDMA of the Ending Drought Emergency Initiative (EDE), Pillar Six on Knowledge Management and Institutional Strengthening a number of key relationships with particularly FCDC a sister organization that works with Governors, while DLCI/PPG works with the national legislature. She said about two years ago the KAAG was formally handed over to PPG to help ensure synergy in NGO and partner engagement with the PPG. The aim of the group is so as to share policy analysis so that they promote synergy and coordination on advocacy efforts. The meeting is an opportunity for the KAAG members to share updates and analysis on what policies each of their organizations are working on. There is an online policy tracker [www.dlci-hoa.org](http://www.dlci-hoa.org) to facilitate policy advocacy and each organization was asked to identify if they can take a lead on tracking and advocating on a particular policy. She also asked members to provide inputs into the policy tracker document when it is circulated with the minutes.

The Agenda was presented and the action points from the last meeting were reviewed as follows:

- Issues of per-diems and how they were limiting the engagement with communities and county governments. DLCI is trying to develop a paper around it to articulate the problem which used to be more in the areas of Turkana and now Marsabit and Isiolo in community Baraza and meetings and had asked for examples.

**Action point: partners to send examples of how the demand for per diems by government and communities was limiting their engagement and information provision to communities**

- Angela to share the inputs by Kenya Civil Society on Oil and Gas on The Land Value Index Bills, The Petroleum Bill, The Energy Bill and the Preservation of Human Dignity Bill. Which was done.

Mr. Jarso commented that there was reduced influence from civil society organisations on policy advocacy because they do not have representatives to back up bills with their input. This forum needs to agree on how to strengthen that space. He said he did not know whether it was weakness in the advocacy channel or lack of monitoring of current affairs or bills, or a reduction in funding for CSO advocacy. He mentioned that several times he had invited the group to input into PPG meetings or agendas. In the case of the PLS, some applications came very late once the agenda had been set, however moving forward it was important to step up and track bills actively.

Members agreed that there was low participation from the CSOs and NGO when it comes to feeding into the policies at the national assembly. They said that most of the time Bills are seen when they are already been assented into Laws which meant absence of the critical groups during the initial stages.

They blamed the policy makers as well not being proactive in engaging the public so as to get feed back.

Mr. Omar Omar Jibril from ASF suggested the team to come up with modalities of engagement to help in public participation at both county and national level. Leaving public participation to the government will be fatal for the future of the nation because of all the downfalls it already has on the citizens i.e. not being done properly.

**ACTION POINTS: More engagement needed from the CSOs so as to help the policy makers have content when defending policies and Bills in the national assembly into Laws.**

**The partners to come up with modalities of engagement and work on it so as to fast track and follow up of the policies the policies as well as push for the stagnating ones e.g. ASAL policies which has not been implemented.**

**Awareness creation to both the NGOs, CSOs and community which will be effective to engagement.**

**Finally, the NGOS and CSOs should know their roles of being the eyes of the community.**

### **1. DISABILITY IN PASTORALIST AREAS, JACINTA SILIKAN, SANGIDA FOUNDATION**

The Sangida Foundation voices the plight of the disabled people from the pastoralist areas of Kenya. They do awareness creation, support disabled children and promote integration of disabled people into the community. From their vast experience, there is an urgent need for:

- a) Further awareness creation.
- b) Updating data base for the people living with disabilities and mapping.
- c) Stigma to be stopped in the communities.

**Dorina** suggested that in the next meeting, there should be a representative from the ministry of education to elaborate on their role and plans for the pastoralists in regard to the matter. She said the basic problem is illiteracy and lack of access to basic devices for the special groups in the pastoralist areas.

**Action Points: It was suggested that a subgroup discuss the issue of lack of data and awareness and could raise this with the PPG. They could also look at fundraising to consolidate data and do more research on the situation of disabled people in pastoral areas.**

### **2. DISABILITY AND DEVOLUTION- HARUN HASSAN, Northern Nomadic Disabled Persons organisation (NONDO)**

Harun introduced himself and briefly explained what NONDO does. He said disability is not physical for them as an organization but fight against the attitude of the communities, barriers in life as structures and opportunities which they do not have. They focus on changing the narrative around physical disability. After depth discussion, it was also concluded that there is resistance in pushing for policies which favour the people living with disabilities. He noted that disability is not a devolved function yet the most affected are the grass root level. There was suggestion to have it as independent and not being put under other ministries which limits resources and funds to the disabled in Kenya. Mr. Harun shared the following upcoming events in October 2019 and he invited the partners to attend for support:

- The annual desert wheel chair sporting event;
- The desert fashion gala beauty pageant for the people with disabilities;
- Annual conferences on disability, big 4 agenda and policies.

There is an economic workable platform for both manufactures of the devices used by the group and how to improve on them. There is an MCAs caucus on disability which has membership down from 14 counties in northern Kenya to represent the population with disabilities in all structures of government. He urged the team to mention disability in all of their forums to propagate inclusiveness.

He then showed a video: <https://youtu.be/qyoKTKTu0vs>

### **3. DISABILITY BILL UPDATE, MS ANN FROM NATIONAL GENDER EQUALITY COMMISSION (NGEC)**

Ms Ann who is in the legal department of NGEC who have been reviewing the Persons with Disabilities legislation in collaboration with Kenya Human Rights Commission to update it in line with the new Constitution. The drafting of the Bill did not consider the Rights of people with disabilities. Among the Bills reviewed were:

- KEDIPA Bill of 2016
- UDDK Bill
- The 2003 Bill

The review gave birth to a document named **Persons with Disability Bill 2016**

The key areas of the document were as follows:

- Aligned the new Bill to be in conformity with the new CRPD
- Included the section of guiding values and principles and legal aspects for people with disabilities including: the right to marry, registration and identification, employment rates, right to health, compensation and privacy.
- Inclusion of free medical services for PLWD in both public and private sectors. It posed challenge in the private sector because of profit maximization focus of the sector.
- Protection for PLWD in times of emergencies and rapid responses.
- Provided for the recognition of the role of the counties with regards to PLWD.
- Included punitive measures for crimes against PLWD;
- People with albinism to be recognised as PLWD.
- Incentives to manufacturers to provide for devices used by PLWD.

The main focus is on women, children, youth and the elderly in clauses 8,9 and 10.

**ACTION POINTS: NGEC to share the amendments forwarded to the ministry for review before it is presented to the assembly.**

**DLCI/PPG to organise meeting with the leaders to back the proposal when presented to the house and also to revisit the PPG strategies of PPG and capture the PLWD aspect as well.**

#### **4. UPDATE ON THE PASTORALIST WOMEN'S CAUCUS- MS. BILACH JIMALE.**

Ms Bilach gave background of the women caucus and said it was born in the 11<sup>th</sup> parliament but it was not active. DLCI and other partners including PWL, PDNK met with the women leaders and election was done to run the caucus. In the 12<sup>th</sup> parliament, its membership stands at a total of 27 women members of the PPG including 15 representatives, 6 nominated senators, one elected senator, 4 elected MPS and one nominated MP. Their key agenda is women empowerment, promote women's political and economic empowerment, develop county action plans on training and awareness raising on FGM, GBV and early marriages at grassroots level, promote women's political representation and voice and finally improve service provision for women particularly education and health. A media launch was carried out and during the Pastoralist Leadership Summit, DLCI funded a dinner to discuss their issues. Hon. Duale- the majority leader, Hon. Nanok from Turkana County and the chairman of PPG Hon. Alois Lentoimaga all pledged their support for the group. The partners were urged to use the caucus as a platform to push the gender issues.

Mr Jarso added that being one of the many sub-committees of PPG, all policies proposed will be subjected to their scrutiny before passing to ensure nothing will be left out. He said that women's empowerment was a major area of focus for the PPG at the moment.

**Action Point: The partners to share information of any organizations working on gender issues which will be interested in helping them formulate their strategies.**

**Donor meeting will be organised to fundraise for support to further develop their strategies including a program assistant and a retreat for better coordination.**

#### **5. UPDATE ON PASTORALIST LEADERSHIP SUMMIT, JARSO MOKKU, CEO DLCI/ EXECUTIVE OFFICER PPG**

Mr. Jarso presented the PLS, 2019 which was jointly organized by the PPG/DLCI and FCDC, which happens every two years. The theme was similar to the 2016 summit only that it articulated more on the issues of peace and cohesion which were not fully exhausted in the previous one. The summit also was in line with the five-year strategic plan for the PPG caucus. He said the resolution from the PLS created a lot of enthusiasm and hope for many northerners to realize development. The following were the resolutions from the summit:

- To end intercommunity conflicts in the pastoral areas by developing strategies and policies to work around this e.g. the ten-month project with four other stakeholders to tackle it.
- Cattle rustling which was the major issue and cause of most of the conflicts was a major resolution as well.
- The issues on Community Land Act which had issues in terms of protection, ownership and registration. The concern being that the government is currently the largest grabber posing threat. The resolution was to first register community land before conversion of the land to either public or private land.
- Increasing the livestock budget within the county budget which was at least 10% of the total budget and it was agreed among the governors of the FCDC counties to realize that. The ministry cannot operate without resources.
- The new formula of CRA which is not compensating the underdeveloped land.

- Census timing which will be in August does not favor the pastoralists.
- Referendum: They resolved to not supporting any question which does not favor the pastoralist i.e. increasing resources to the counties. Percentage of increment of resources to the counties.

He said the resolution was now a working document and especially the partners working in the specific sectors should keep track of the different events which will gather leaders to feed into the policy i.e. leaders meeting to be scheduled in June 2019 in Isiolo, Governors summit in Turkana.

County government Watch raised concern that all Governors should signed such declarations. The Tana River Governor, where they work is always absent and never attends such meetings.

**Action point: Mr. Jarso to talk to the leaders who attended PLS to raise the concern from one of the partners from Tana River county and give feedback in the next meeting.**

#### **6. LAND VALUATION INDEX AMENDMENT BILL- LIZ ALDEN WILEY.**

Ms. Liz is a land expert, who has been working in Kenya and internationally for many years. The Land Valuation Index Amendment law which was recently passed by the Senate, but possibly not yet assented to by the President was extremely concerning and it has major implications for compulsory acquisition and compensation.

She added that the law is very unclear about the status and that though the senate recommended some changes, she was not sure whether it has been ascended yet or whether the house has forwarded the changes yet. She said the Act has many problems which was highlighted:

- Many provisions are inappropriate for 21<sup>st</sup> century. Most derived intact from the Land Acquisition Act, Cap 295 (1968, last amended in 1992) now repealed.
- Compensation is limited to value of the land reimbursement of reasonable costs in moving and losses of income since notification.
- That basis of land valuation is market value of the land and improvement.
- That improvements are limited to structures on the land and commercial trees.
- That communities purposely do not 'improve' their rangelands, forests, water lands.
- The value of unimproved lands risks being zero yet the most valuable assets of many communities is their rangeland, forest etc.

She recommended the following:

- Maximization of the participation of the affected community.
- Clear and easy access to judicial appeal is paramount.
- Communities to be involved in the need for community resettlement.
- Compensation which genuinely replace the land values should be fought for.
- The community land to sort out their lands properly.
- The politicians to be on hands with the matter as it was the case with PLS.

- Sound model of compensation law to be devised. The communities need to be aware of the hitches in the laws of Kenya especially the Community Land Act 2016.

She said she was disappointed with the land of activism by non state land actors on the land legislation, particularly the land value index amendment bill. She suggested that there was need for a very organized group to follow up all laws relating to land, particularly community land. Particularly the community land inventory which counties are supposed to produce as early as May 2019. She gave the example of forest land group which is very specific about following up the matters of forests from policy to the grassroots implementation, however pastoralists group also need to follow the Community Land Act.

**Action points:**

**Preventing presidential assent of the Land Valuation Bill should be taken up by the members as their priority.**

**CSOs should actively propose new members for the National Land Commissioners to ensure strong candidate.**

**The action plan from the land meeting organized by RECONCILE should be circulated and analysed to see what gaps in action and coordination exist and how they can be filled, particularly by FAO, which funds many of the land actors and activities.**

**6. CLAN, PETER KITELO**

Kitelo mentioned that Community Land Action Now! (CLAN) is a network of traditional groups, stated by the Chepukali business association. They have been lobbying on the Forest Conservation and Management Act, particularly the gazettement of 50 new forests. He mentioned that many forest communities are losing their land, e.g. the Aweer community recently lost 400ha for gazettement. It was mentioned that on March 1<sup>st</sup> the NLC announced that claims on historical injustices for land, however the cut off date was before the regulations for submitting a claim were published. If pastoralist group have claims they need to urgently make submissions.

Kitelo welcomed collaboration with other organisations and said he would share the briefs they produce.

**7. CLIMATE INSURANCE- PSAMSON NZIOKI, TRANSPARENCY INTERNATIONAL**

Psamson presented on climate insurance in including livestock and fodder, as well as crops.

**Action Point: He promised to share the report they did of the risk pulling and experiences.**

Vanessa mentioned that she hoped that Transparency International would focus on critical issues of governance and transparency in future. Many organisations are focusing on climate change due to funding availability, however transparency international has a very important niche which it should focus on in everything it does.

**8. UPDATES FROM MEMBERS.**

### **PDNK, MONICA YATOR**

Monica mentioned that PDK had formed a regional network called East and South African Pastoralist Network which recently met in Arusha which focused on climate change. They got interest from FAO regional office in Arusha to engage with PPG. They have also done publication on the Community Land Act on civic education to be shared later in the day with translation in Borana, Samburu, Turkana and Kalenjin.

**Action point: Vanesa mentioned that it was important to promote synergy in messaging to communities in and asked all organisations to share their materials. The DLCI materials were shared at the meeting and mentioned that if anyone wants the posters to distribute they should ask.**

### **MOHAMMED SHEIKH, AFOSC**

Mohammed mentioned that a survey was done to monitor the implementation of the Sendai Disaster risk management framework in Mandera west.

**Action point: He would share the report later in the month.**

He was invited by AU to Addis Ababa ahead of the Geneva meeting on disaster management. Which will be developing of Africa position for Kenya and Africa as a whole.

### **AHMED IBRAHIM, ALDEF**

Ahmed mentioned the rangeland and pastoralism strategy being developed by the ministry of agriculture department of livestock, which was discussed at a workshop in Isiolo two weeks ago. The strategy did not consider community land.

He also suggested the KAAG meeting be longer or a full day or two-day meeting to fully maximize the opportunities and knowledge from the partners. He also suggested that county forums to be held on similar issues so that the county concerns could be fed into the national agendas as one voice from all CSOS.

**Action point: He will share the draft of the report of the Isiolo meeting to the secretariat for circulation.**

### **KEVIN OSIDO, COUNTY GOVERNANCE WATCH**

He invited the members for the international water day which will be held in Tana river County and hoped to participate more in the next meeting. He recommended to have a WhatsApp group for faster information sharing in addition to the email.

### **GLADYS WAIRIGIA, KENYA WILDLIFE CONSERVANCIES (KWCA)**

The Kenya Wildlife Conservancies Association (KWCA) represents conservancies in Kenya. She said the window is not yet closed for the land valuation index Bill. She urged the need for more engagement. Secondly, she said there seemed to be a deliberate effort to make the implementation of the Community land Act, the roles of the CSOs should be pronounced to push for that especially mapping of the resources. There is a lot of space for the CSOs and she advised to move towards engagement and lobby.

She finalized by mentioning the need for CSOs to be alert and respond to the call of public participation for the **Natural Resources Bill** which was held two weeks ago and only one CSOs was available.

**ACTION POINT: Gladys to share the Natural resource bill with the group and present in the next meeting.**

**DORINA PRECH, FCDC**

FCDC co-organised the PLS and will be following on the implementation of the recommendations. They are currently undertaking a study on peace and security in the ASALs. They will be setting up a sector forum of CECs on peace and security. They already have sector forums agriculture and livestock, health and land. For the agriculture and livestock sector forum they are developing framework for fodder production in the FCDC regions and working on Bills in the specific counties. They are also pushing for budgetary allocations to the counties from the national government.

**Conclusion and next meeting**

Mr. Jarso thanks the participants for coming and also asked for discussion to feed in to the resolutions before the executive meetings to share the resolutions from PLS.

It was suggested that the next meeting will be earlier than the normal 3 months as there are many issues to follow up.

**AGENDA**

<b>TIME</b>	<b>ACTIVITY</b>	<b>RESPONSIBLE</b>
8.30-8.45	Introductions and action points from last meeting	Jarso Mokku, DLCI/PPG
8.45-9:00am	Disability in Pastoralist Areas.	Jacinta Silkan.
9.00am-9.30am	Disability and Devolution	Harun Hassan.
9:30am-9:45am	Update on Pastoralist women’s caucus.	Bilach Jimale
10-10:15am	Updates on Pastoralist Leadership Summit: update on other policy issues	Jarso Mokku
10.15-10.30	Presentation on the outcomes of the land reforms meeting	Shadrack Omomndi-Reconcile.

10.30-11.30	Land Valuation Index Bill	Liz Alden Wiley
11:30-11:45	Climate insurance	TI: Psamson Nzioki
11:45am-12:00pm	Update on CLAN	Peter Kitelo.
12:00pm-12:30pm	Partners updates on ASAL policy advocacy Initiatives	Partners.
12.30-1:00pm	Policy Tracker, AOB and close	Jarso

**Annex 2: LIST OF PARTICIPANTS.**

<b>KAAG MEETING</b>			
<b>DATE: 13th March,2019</b>			
<b>VENUE: OLIVE GARDENS HOTEL, HURLINGHAM, NAIROBI</b>			
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