

DISCUSSION BRIEF

The need for participatory land use planning in building resilience of ASAL communities in Kenya¹

The International Land Coalition's Rangelands Initiative² and DLCI, April 2015

Introduction

Land-use planning is *the systematic assessment and planning of land and land based resources and their potential, and the design of alternatives for economic and social development in a manner that achieves welfare and sustainable livelihoods while safeguarding resources for the future.*³ Participatory land use planning is *'an iterative planning process based on a dialogue between all stakeholders, for negotiation, consensus building and decision making regarding the sustainable use and management of private, communal and public land.'*⁴

Governments and other stakeholders face increasing challenges in resolving conflicts between different land uses, and in ensuring sustainable solutions to the problems of escalating land pressure and land degradation. These challenges are clearly demonstrated in the Arid and Semi-Arid Lands (ASALs) of Kenya, where sustainable development continues to be constrained by the lack of a coherent vision and a disconnect between political and technical planning processes. The national government views the ASALs as the new frontiers of development, which will provide homes, jobs and livelihoods for the country as a whole; while county level governments undertake planning in isolation, targeting food security, poverty alleviation and self-sufficiency for their residents.

In the current policy processes that will provide the framework to guide planning, the unique needs, characteristics and potential of the ASALs are not being considered; for example, the draft irrigation and agriculture sector development policies promote standard approaches that are based on those designed for crop production areas. More appropriate ASAL-focused strategies and policies, such as the ASAL Policy⁵ and the Vision 2030 Annex for the Development of Northern Kenya and other Arid Lands, are not being fully

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² ILC Rangelands Initiative is a global programme of the ILC (International Land Coalition). ILC is a global membership organisation working on pro-poor land policy development and implementation. The Rangelands Initiative is coordinated and technically supported by RECONCILE and ILRI, as ILC members. The Rangelands Initiative supports initiatives, processes and activities that help government and other actors make rangelands more secure for rangeland users. Contact: Ken Otieno kenotieno@reconcile-ea.org

³ (FAO 1993) Internet: <http://www.fao.org/docrep/t0715e/t0715e00.HTM> adapted by Charles Konyago, NLC.

⁴ GTZ (1999) Land Use Planning: Methods, Strategies and Tools. Germany.

⁵ GoK (2012) Sessional paper no 8 on the National Policy for the Sustainable Development of Northern Kenya and other Arid Lands.



implemented—despite the fact that they recognise the comparative advantage of these areas for livestock, dryland products and tourism, and the need for different approaches to crop producing areas.

Though devolution in Kenya has provided opportunities for more locally appropriate and integrated planning, this has yet to fully be realised at county level. There is a focus on sectoral planning for isolated administrative units with limited consideration of inter-county linkages, particularly in terms of shared natural resources and their use by mobile populations. The potential for inter-county trade and the need to focus on the comparative advantages of different areas of production across counties has been compromised by the tightly streamed approach.

Participatory land use planning provides an opportunity for local land users to play a central role in decision-making processes concerning the land and resources upon which they depend. It can bring stakeholders at different levels together in order to develop a common vision, and agree on a way forward including how land use conflicts can be resolved.

How planning is being currently undertaken in Kenya

In Kenya the main planning instruments are – at national level – the Vision 2030 and its medium term investment plans, and at county level – the county integrated development plans (CIDPs). These are essentially economic and political declarations of intent, and lack accurate information on current land and resource use, as well as land use potential and community preferences; issues which land use planning has the potential to incorporate. Other technical planning processes, such as water development plans, catchment plans and special area plans (for resources of national significance including minerals), are under development, but are not currently linked or sequenced with broader spatial planning.

Land use planning is way behind other planning processes in Kenya due to a lack of prioritisation by central government. The National Land Commission (NLC), which is responsible for monitoring and oversight of land use planning throughout the country, has limited funds and is poorly linked to other planning departments both at national and county level. Discussions have been underway for several years now on developing a national land use plan in order to provide guidance for other land use planning processes, but as yet no significant progress has been made. County spatial plans are expected to commence by July 2015 but very little land use planning guidance has been provided to counties so far; and that which has been developed lacks a participatory focus. The NLC is expected to play a leading role in guiding, overseeing and facilitating cross/joint county land use and resource sharing and planning, yet under its current resource constraints this is unrealistic.



Planning challenges in the ASALs

The ASAL counties tend to be the most food insecure and poorest areas of the country due to a number of reasons including the lack of investment in areas of productive potential, such as livestock production, tourism, dryland products, renewable energy and mineral resources. Despite very little support from government, livestock alone contributed KShs 320 billion – about US\$ 21 billion – to the national economy in 2009, with 80% of livestock coming from the ASALs.⁶ The primary foundations of development: security, infrastructure and human capital are particularly neglected.⁷ Comprehensive, integrated and participatory land use planning can play a key role in identifying and maximising the productive potential of these growth areas due to its more systematic approach based on an accurate assessment of the sustainable potential of the area.

There are a number of challenges to carrying out land use planning in the ASALs. Around 60% of land in the ASALs is regarded as community land, of which 40-50% is in NE Kenya. Land use planning in these areas can be complex as land tends to be used communally by multiple actors for multiple uses. This land was previously defined as Trust Land, held by the county governments 'in trust' for the land users – i.e. communities. Under the draft Community Land Bill⁸, this land is due to be re-designated, registered and protected as Community Land. Until the Bill has been passed, communities and other actors cannot move forward with planning and management of land and resources in the ASALs, a crucial factor which results in them now being left open to exploitation.

Other challenges include land users living far from administrative centres with poor infrastructure and communication, and linkages between community planning processes and those of the government being weak or non-existent. Community planning processes that do exist also rarely match administrative schedules in either time or space.⁹ And county governments lack the skills and resources to gather the technical data and engage with communities to discuss their land use preferences.

Livelihoods in the ASALs need to be highly flexible in order to be able to react and adapt to inevitable droughts, floods and other hazards,¹⁰ but this is not yet factored into planning. There are also other complications, including historical ethnic tensions and rapid rates of settlement due to centralised delivery of food aid and local politics – including constituency building. This all leads to conflicts over land use, the fragmentation and loss of key resources such as rangelands, and the overall marginalisation of ASAL communities from decision-making processes.¹¹

⁶ Behnke, R. and D. Muthami (2011) *The Contribution of Livestock to the Kenyan Economy*. IGAD LPI Working Paper No. 03-11.

⁷ As identified in the ASAL Policy and GOK's Ending Drought Emergencies Initiative.

⁸ Two bills with the same name are currently under discussion the 'Task Force Bill' has undergone extensive review and consultation while the 'Senate Bill' is based on an old draft and does not sufficiently consider ASAL realities and challenges for implementation.

⁹ This issue is being addressed in an initiative in Tanzania. See:

<http://pubs.iied.org/10075IIED.html?k=Community%20and%20Government%20planning%20together%20for%20climate%20resilient%20growth>

¹⁰ Krätli, S. (2015) Valuing variability: New Perspectives on climate resilient drylands development. IIED. Edited by de Jode, H. <http://pubs.iied.org/10128IIED.html>

¹¹ Flintan, F. (2011) Broken Lands, Broken Lives: Causes, processes and impacts of fragmentation in the rangelands of Ethiopia, Kenya and Uganda. Nairobi: REGLAP. <http://www.dlci-hoa.org/documents/briefs/>



The perils of top-down planning are becoming increasingly evident with many recent development projects being blocked by communities. These include wind farms in Marsabit, water development in Habaswein, and the Crocodile Jaws Dam in Isiolo. Without adequate and comprehensive information on both the technical and socio-economic aspects of land use planning, the spatial planning that is carried out by counties is likely to exacerbate tensions between communities, county and national governments – rather than alleviate them.

Box 1: An example of top down planning: The Crocodile Jaws Dam in Isiolo

The Crocodile Jaws dam in Oldonyiro Ward was intended to regulate the flow of the Ewaso Nyiro River to provide a continuous water supply to the proposed Isiolo Resort City, as well as to downstream communities below Archers Post. A feasibility study and an environmental impact assessment (EIA) were carried out. Local communities are objecting to the plan however, because firstly they were not consulted and secondly they are concerned that the dam will have a fundamentally negative impact on their water supply, which they depend upon for their livelihoods. They distrust the EIA, which they argue has not been adequately shared or explained. In protest, local communities marched 200km from Merti to Isiolo town and the project is now stalled.

There are some attempts by development partners, including Nature Kenya, FAO and ILRI, to link community land use planning processes with those of government. However these activities are often scattered and inconsistent. A more coordinated and strategic approach is required that is linked to, and/or undertaken through, government structures—thus strengthening processes and capacities. These attempts could be helpful in sharing and informing good practice, but they will need to be evaluated, documented and shared between agencies and government bodies to feed into the development of evidence-based guidance.

The opportunities of a participatory land use planning

Participatory land use planning provides an opportunity for otherwise marginalised groups to take part in planning – such as women, youth, pastoralists, fishers and hunter-gatherers. It is also important for a number of other reasons:

- ✓ Community ‘ownership’ can lead to strong commitments to invest in and implement land use plans.
- ✓ Community development needs to be demand-driven by community members themselves.
- ✓ Community participation helps to resolve conflicts, as through the planning process different stakeholders can agree to how land will be used and managed.
- ✓ Land pressure increasingly needs more intensive management if it is not to degrade or be over-exploited. Participatory planning increases the incentives for community land users to invest in this management.

Participatory Land Use Planning (PLUP) provides information and direction to the relevant community of users, and decision-makers, enabling them to: optimise the productivity of the land and resources; develop infrastructure and services; protect the environment and biodiversity; and establish appropriate governance and administration systems. Land can be zoned to reflect priority use, although if this is done,



it is necessary to ensure linkages between zones are recognised. PLUP focuses on incorporating the knowledge of those that use and depend on the land, integrating it with scientific knowledge and that is derived from other sources. Ultimately PLUP contributes to better land and resource management, better governance, improved local livelihoods and food security, resilience to drought, and more successful local and national development. A PLUP process guides localised land use and management planning processes, but also feeds into the higher levels of land use planning—including at county, regional and national levels.

To be effective Participatory Land Use Planning needs to be guided by the following principles:

- 1) Efficiency - available land resources are used in such a way that they produce maximum benefits.
- 2) Equitable - provides benefits to all socio-economic categories of land users, including women and youth.
- 3) Sustainable - does not result in degradation of the resource base and is viable within the socio-economic context.

The stages in a participatory land use planning process include stakeholder mapping, community mapping of rangeland management, land capability assessments, analysis of problems/solutions, land use planning at higher levels, and resource sharing agreements between different rangeland management units. As well as providing a map of the area showing zoning of different land uses by majority/priority land use types, a participatory land use plan will include: important background socio-economic and ecological data; key challenges in the area and potential solutions; an implementation strategy with roles and responsibilities for administering it; and a monitoring and evaluation framework for plan implementation.

Kenya can learn from the experiences of its neighbours who have developed participatory land use planning approaches (Tanzania¹²) or are still developing them (Ethiopia¹³):

Box 2: The development of woreda participatory land use planning (WPLUP) for pastoral areas in Ethiopia

Decentralisation in Ethiopia has meant that the woreda (district) is the lowest budgetary-supported administrative unit in the government structure. The woreda has the opportunity to influence higher-level land use planning processes (the region or national), as well as lower ones (the village, kebele or community). The woreda sometimes encompasses complete rangeland management units, but it is often found that a rangeland may fall across three or four woredas. In its efforts towards more participatory land use planning, the Rural Land Administration and Use Directorate, Ministry of Agriculture, has been developing a process of woreda-level participatory land use planning for pastoral areas. Through this process land uses such as rangelands will be identified and protected. Where they cross woreda boundaries – joint woreda land use agreements for rangelands, as shared resources, should be developed. Management of the rangelands then falls under the authority of the local rangeland users. The WPLUP process is currently being piloted in Afar and Somali regions.

¹² ILC (2013) Village Land use planning in the rangelands of Tanzania, Rangelands series, No 3:

<http://landportal.info/sites/default/files/rangelandsvillagelanduseplanning.pdf>

¹³ GoE (forthcoming) Manual for Woreda Participatory Land Use Planning in Pastoral and Agropastoral areas Volume 1.



As the framework for planning, the policy focus of the Government of Kenya needs to urgently reassert its commitment to the sustainable development of the ASALs *for* the people of the ASALs, and to follow through with relevant and supporting policies, including those already developed. Clear and common visions need to be openly discussed and agreed upon with citizens of these areas, and appropriate resources provided to facilitate this.

Land use planning needs processes to occur at different levels – national, regional, county and local – with strong horizontal and vertical linkages developed between them. The process of developing a national land use plan should ideally be restarted to provide an appropriate overarching framework. Community level land use planning could then support the development and improvement of higher-level land use plans. At the same time there needs to be horizontal integration, particularly where inter-county resources are shared between counties and/or where people need to move across county boundaries to access resources and services, such as markets. The experiences of Ethiopia can be useful here. There also needs to be increased coordination between the different planning departments of government, and increased linkages between natural resource assessment and land use planning centres. Given the current disconnect between planning units of government—for example the Vision 2030 Directorate, the Ministry of Devolution and Planning and the National Land Commission—an inter-ministerial commission for land use planning should be set up to coordinate data and assessments, and ensure that land use planning informs medium term development plans and other strategic documents.

Participatory land use planning should be a key component of a multi-level planning framework. PLUP provides space for local land users themselves to contribute to decisions about what their land is used for and what investments can be accommodated. This will require: proper and accurate assessment and information provision on how land and resources are currently being used; the potential of land, water and other natural resources; and discussions on how best they can be utilised and managed in the future. Mapping, protecting and servicing livestock routes can be an important contribution to such plans. Once communities have articulated their visions and plans for land use—having been impartially informed of the potential and alternative uses—other levels of governments can then present their land use preferences in order that negotiations and agreements can ensue.

Where government demands land use changes on community land, compensation should be provided to land users for this, on mutually acceptable terms. Incentives to encourage land users to invest in different land uses, including those that provide environmental services, should be supported by appropriate investments e.g. payments for wildlife conservation; payment for environmental protection, access or use rights; or easements. There also need to be clear processes for resolving existing conflicts over tenure and ownership, and agreement reached among all in the community on the preferred land use allocation strategies.



Development partners can play a role in supporting participatory land use planning processes at local level. These need to be integrated with and support government planning processes, rather than running in parallel or conflicting with them. NGOs are often well placed to take on the cost and risks of piloting new approaches e.g. the cross county and border planning of shared resources. A particular area of concern is that land use planning can be time-consuming and thus costly, with processes proposed often way above the funding currently available to pay for them. For example it is suggested that County Spatial Plans can cost KSh100 million (approximately US\$1 million), well beyond county budgets. (The highest amount any county has allocated to this process is KShs60 million, approximately US\$ 600,000). The government should perhaps reconsider the process and requirements of these spatial plans so that they can be made more affordable. Encouraging the feeding-up of information from lower levels, collected as part of more local participatory land use planning processes, would be one potential way of reducing costs.

Without tenure security, land use plans can be meaningless. The linkages between land use planning and land tenure security have been highlighted above. Implementation of land use plans (including investments in land) is unlikely if security cannot be assured. Without clear jurisdictions, responsibilities and authorities, community land becomes at risk from land grabbing, appropriation and exploitation. In order to avoid this there is an urgent need for the finalisation and approval of the Community Land Bill, and its enactment and implementation.

The devolution process in Kenya not only provides an opportunity for nested planning processes at different levels but also makes it a necessity. As many planning processes in Kenya are largely political statements of intent, the establishment of good (i.e. integrated, comprehensive and participatory) land use planning is critical to ensure more realistic and appropriate planning. Planning needs to ensure that both technical and socio-economic considerations are included in planning processes, and that current and future scenarios are planned for with the support of the land users for whom the plans are supposed to serve. Land use planning in Kenya thus urgently needs refocusing as a bottom up and participatory approach.

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