

# THE PASTORALIST LEADERSHIP SUMMIT 2019







# The Pastoralist Leadership Summit 2019

*Fostering Peace & Security and  
Enhancing Socio-Economic  
Development in Pastoralist Areas*

28<sup>th</sup> February – 2<sup>nd</sup> March 2019, Garissa County

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# Foreword



**Hon. Aden Barre Duale**  
*Garissa Township MP, Leader of Majority in  
National Assembly and PPG Patron*

**T**he Pastoralist Leadership Summit – PLS has become a significant platform that brings together the national and county leadership from pastoralist Kenya, to set the development agenda and agree on key policy priorities for realizing pastoralist aspirations and full potential of pastoralism. Created by the Pastoralist Parliamentary Group-PPG in 2013, the Summit continues to foster pastoralists’ agenda within the county and national political and policy processes – an objective set by the PPG when it was formed over two decades ago.

In 2015, peace and security were at the centre of the PLS conference deliberations. The PPG members made a commitment to end inter-community pastoralist conflicts and to resolve all outstanding peace and security issues in the pastoralist areas. The PPG agreed to develop a code of conduct for its members and a mechanism of annual peer review of the peace and conflict resolution progress. This is still an ongoing work.

In 2016, over 70 pastoralist national and county leadership converged in Isiolo, under the theme: ***“A call for more effective public participation and political action in pastoralist areas.”*** The President of the Republic of Kenya, His Excellency, Uhuru Kenyatta and his Deputy attended this Summit, along with many other senior government officials from various ministries that include seven cabinet secretaries and head of state

corporations and parastatals bodies. It is here that the Equalization Fund was officially launched by the President, an unprecedented moment for a region that is in dire need of equalization with the rest of the country.

After the 2017 general elections, the PPG Secretariat prepared an induction package for our new National political leadership. The members under new patron, Hon. Aden Barre Duale – MP, Garissa Township, Leader of Majority Party in the National Assembly – pledged to be at the forefront in ensuring peace agenda is realized, and the pastoralist issues are at the centre of the national government’s development policy.

All PPG members committed to supporting peace-building efforts in their constituencies and entire pastoralists regions, and to resolve inter-community conflicts that for many years stood in the way of the pastoralist development aspirations. Building peace and cohesion and preventing conflict has remained the highest priority for PPG.

This year’s Summit has received strong backing from the Governors, it was initiated by the Frontier Counties Development Council (FCDC) – a Regional Economic Bloc that brings together 10 pastoralist counties–, and one of its members the Garissa County offered to host the Summit. The success of the PLS 2019 is a clear testament to the good working relations between the national and county governments in the pastoralists region. A joint Steering Committee was formed to organize the summit. We commend the good work done by the members of this joint Secretariat that is from PPG, FCDC, NDMA and other stakeholders.

In PLS 2019, the summit discussed peace and security in the pastoralist areas, with a special focus on countering violent extremism, tackling intra/inter-community and cross-border conflicts. The leaders committed to work together at both levels of governments to enhance investments in counter-radicalization

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measures, increase cooperation between county and national governments; spearhead policy and legislative agenda that will result in elimination of cattle rustling within the pastoralist areas; and made strong resolutions among other measures to ensure that the people in the region live in peace and cohesion like other of our country

On matters related to the census – a national enumeration exercise that takes place every 10 years, which is scheduled to start on 24<sup>th</sup> August 2019. The leaders made a case for review of policy in order to cater to the need of families with unique nomadic way of life, and also factor in variations at a time of biting drought that is expected to be experienced this year 2019 during the census. The pastoralists leadership rallied the Kenya National Bureau of Statistics to design and implement an appropriate methodology that will ensure all the pastoralists people including nomadic families are captured in the census. The leaders made commitment to educate and mobilize the entire population of the region to come out and be counted on 24th August 2019.

Since the advent of devolution, counties have made significant progress towards the resolution of the most pressing socio-economic problems. However, the summit noted that there is a mismatch between the resources allocated and the immense needs at the frontier counties. Especially, In pastoralist counties, most devolution funds have been invested in interventions that lay the foundation for the creation of an environment conducive to economic recovery, creation of jobs and the provision of basic services. This is why the issue of the Equalization Fund keeps reappearing in all successive PLS Summits. The pastoralists leaders this year demanded that all the outstanding equalization funds be disbursed immediately as per 1<sup>st</sup> marginalization policy and on approved formula. The pastoralists’ leadership rebuked strongly against the proposals contained in the 2<sup>nd</sup> marginalization policy formula proposed by CRA that seeks to add more counties to benefit from this Fund due to pockets of poverty situations in these new counties that were not in the 1<sup>st</sup> marginalization policy.

The women leaders strongly underscored to the Summit about the vital role that we know

is played by women in pastoralist livelihoods, and now in the political leadership of Kenya. The Summit cognizant of this critical role of women, welcomed the establishment of a PPG Women Caucus - an outfit that will champion critical women issues, both legislative and policy within PPG and nationally. We appreciate and support the Caucus’ identification of gender-based violence in the country, and the promotion of women in political leadership as some of its strategic priorities for this parliamentary term.

Finally, the Summit reflected on other important thematic areas, livestock, education, health care and the vital importance of having a clear community land tenure system for enhancing prosperity and peace in the pastoralist counties. The Summit pointed out the role of the customary institutions in protecting community land rights. And responsibilities of county governments as custodians of unregistered community land to identify all lands, and put measures for protection of the unregistered community lands in the counties. The Summit recognized and welcomed the national development policy direction that the pastoralist counties are now the “New Frontier”, that has been identified by the national government. However, it cautioned for the need to be careful in protecting community heritage and key natural resources and common asset particularly the resources on the community lands. The Summit encouraged the pastoralists counties to ensure that the inventories of unregistered community lands are prepared and timely submitted as per community land regulations and county spatial plans are developed in 2019. County leadership is also encouraged to proactively sensitize the communities on the importance of protecting and registering the community lands.

It is my sincere hope that the Pastoralist Leadership – the Governors, Senators, MPs, Speakers, Deputy Governors, and MCAs from all the 15 Pastoralists majority counties – reflects on this year’s Summit conference resolutions, and work together to implement the resolutions as outlined in this report.

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# Acknowledgements



**Hon Alois Lentoimaga, MP Samburu North**  
*Chairman, The Pastoralists Parliamentary Group*

**W**e credit the success of the 2019 Pastoralists Leadership Summit to stakeholders that provided invaluable financial and technical support. The Pastoralist Parliamentary Group-PPG under the leadership of Executive Committee: the PPG Patron Hon Aden Duale, MP; and the Chairman Hon. Alois Lentoimaga, MP. The Frontier Counties Development Council Governors under leadership of the Chairman and Mandera Governor, H.E Capt. Ali Ibrahim Roba.

Special appreciation to Garissa County, under the stewardship H.E Ali Bunow Korane and his Deputy H.E Dagane who graciously agreed to host this year's Summit. We shall not forget the round-the-clock support we received from the Protocols team, Garissa County Transport department under leadership of the County and Deputy County Secretary did a wonderful job in logistics and transport coordination. We also thank the staff of Lantern, Nomad and Almond hotels for their excellent hospitality that went along to ensure comfort and safety of all delegates.

We also thank Events and Promotions for providing the necessary tools we needed to execute a successful Summit. Many thanks and appreciation to Dr. Patta Scott-Villiers from the Institute of Development Studies, University of Sussex, alongside the media and rapporteur teams for ensuring the Summit got the necessary coverage, both broadcast, digital and offline. Sincere appreciation to all the moderators,

facilitators, guest speakers and subject experts that contributed and enabled proper discussion into late night session in order to accomplish the conference agenda and programs under the theme - Fostering Peace and Security and Enhancing Socio-Economic Development in the Pastoralist Areas. Thanks to resource persons from the PPG, FCDC, the Ministry of Interior; Ministry of Environment, Devolution and Regional Development; National Counter-Terrorism Centre; Independent Commissions, IEBC and NCIC. Special contribution was received in livestock and education sector discussions from SDC, KMT, FAO, Friends of Lake Turkana and HODI.

For the first time, the PLS conference involved the Members of the County Assemblies from the FCDC 10 Counties. We thank all the County Assemblies, and look forward to more engagements, particularly in passing favorable legislations to the needs and development of the pastoralist's region. The joint steering committee formed from the PPG, FCDC, NDMA, Garissa County, KMT and NDMA worked together professionally and tirelessly to execute a successful pastoralist leadership Summit this year. We thank FCDC, NDMA and KMT under the able stewardship of its Chief Executive Officers: Hon. Mohamed Guleid, Mr. James Oduor and Mr. Kamau Kuria respectively.

Finally, this conference would not be possible without the financial support of our valuable partners. Huge thanks to the European Union through National Drought Management Authority for continuous support along with the Swiss Development Cooperation, DFID Kenya Deepening Democracy Programme and Saferworld, Kenya Markets Trust, Millennium Water Alliance, Drylands Learning and Capacity Building Initiative, and Huawei. This Summit would not be successful without all your generations donations.

To you all we say most sincerely, Thank you so much.

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# Introduction



**Hon. Rehema Jaldesa**  
*Secretary General - Pastoralists  
Parliamentary Group*

The Pastoralist Leadership Summit is a bi-annual event for the leadership of 15 majority-pastoralist counties to agree on development priorities and actions for their counties and constituencies. The 2019 Summit was jointly organized by the Frontier Counties Development Council and the Pastoralist Parliamentary Group, whose membership comprises 84 Members of Parliament, 21 Senators, 15 Governors, 15 Deputy Governors, 15 County Assembly Speakers, 500 Members of County Assemblies and 300 community leaders. It was hosted by the County Government of Garissa between 28th February and 2nd March 2019. The delegates agreed legislative, policy and programmatic interventions.

This objective of this report is to specify and clarify the resolutions of the Summit for the purpose of accountability. The report puts each resolution into context by providing background on material situations, legislation, policy, and politics in relation to each. Where possible it makes clear the responsibilities of different bodies in achieving the resolutions.





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# 01. PEACE & SECURITY



The Summit focused on two current major concerns on peace and security in the pastoralist-majority counties: violent extremism and inter-community violence. Delegates agreed on both prevention and response.

### **Terrorism and Violent Extremism**

Kenya has been a frequent target of terrorist attacks. Al-Shabab has executed three large scale and numerous smaller attacks in Kenya, claiming them as responses to the presence of the Kenyan military in support of stabilization in Somalia. These attacks have also been attributed to a strain of specifically Kenyan radicalization, particularly among disenfranchised youth in Kenya's cities and its marginalized communities.

The 2012 Prevention of Terrorism Act identifies powers of specified entities, defines terrorist offenses, clarifies mechanisms of investigation and judicial procedures, and identifies responsibilities of citizens and private bodies. The Act provides that a person who adopts or promotes an extreme belief system for the purpose of facilitating ideologically based violence to advance political, religious or social change commits an offence and is liable on conviction to imprisonment for a term not exceeding thirty years. In 2018, an Amendment Bill sponsored by Marsabit Senator Naomi Waqo proposed, in addition, responsibilities for education bodies, parents and students in counter-radicalization, including surveillance, sensitization, and de-radicalization measures. In October 2018, the Senate Standing Committee on National Security, Defence and Foreign Relations chaired by Garissa Senator Yusuf Haji presided over public consultation on the amendment.

As terrorist forces continue their attacks, the Kenya Government has made moves to invest more resources to disrupt terrorist financing and thwart terrorist operations. Kenya launched a National Strategy to Combat Violent Extremism (CVE) in September 2016, a programme of preventative and de-radicalization initiatives to alleviate the risk of violent extremism. President Uhuru Kenyatta vowed that the plan would pool resources from government, civil society, and the private sector and would give priority to de-radicalization over military responses. The effort is headed by Kenya National Counter Terrorism Centre (NCTC). In addition, three county governments: Lamu, Kwale, and Mombasa, have established their own CVE strategies. While many are convinced that CVE measures are necessary to counter terrorism, there is also controversy surrounding the legislation. Some opponents claim that it is unfairly infringing on basic human rights. Others argue that poorly executed, counter-terrorism measures can exacerbate rather than reduce radicalization. The Countering Violent Extremism initiative works with affected communities and their leaders to help identify and respond early to manifestations of violent extremism, working with parents of current fighters and victims, and promoting employment and education for former members of extremist groups. It also encourages media programming that fosters tolerance and civic values.

Young people in the border and coastal counties in Kenya were once considered the number one targets of radicalization, but in recent years better understanding of radicalization pathways has indicated that it can happen anywhere in Kenya. Nonetheless stereotyping is a feature of anti-terrorism despite Article 27 of the Constitution of Kenya, which provides for equality and freedom from discrimination, stating that a person/ the state shall not discriminate directly or indirectly against any person on ethnic grounds. In April 2015, the Kenyan government began construction of a wall along portions of Kenya's Somali border to keep out al-Shabab militants. While the construction of the wall had helped lower border attacks, lack of payment for construction workers and political quarrels between the Kenyan and Somali governments have slowed the construction. The



counter-extremism agenda has also suffered from corruption. Security services have been accused of abuse and torture in the conduct of their operations and detainment policies.

For decades, insecurity in the North Rift Region has been exacerbated by rampant livestock raiding. It had been understood as a cultural practice arising from competition for resources. However, it is clear that today much of it should be understood as criminal, often involving organized crime serving a rising urban demand for meat. Election violence involving livestock in pastoralist counties is also said to have peaked during the 2013 elections when attacks became more prominent and deadly in the North-Rift areas. Rustlers are now brandishing heavy weaponry in their attacks. The infiltration of illegal firearms has led to a rise in loss of life. There have been repeated community-government initiatives to combat the problem, for example, the Kainuk-Sarmach-Turkwel-Masol Corridor Peace Agreement (2010) which led to a decline in banditry and cattle rustling.

### **Summit Deliberations**

For a region that has witnessed waves of violent extremism including the attack on Garissa University College in 2016, expression of political will from the government is a gesture that will be welcomed by local communities. Leaders of the North Eastern Counties are resolved on a bold public stand against the extremists in unison and vow to pay keen focus to anti-radicalization in their respective counties. Recent terrorist attacks not only threaten the entire country but also particularly endanger Kenyan youth in the counties that share the border with Somalia. Frontier counties are perceived as insecure and suffer losses to investment, trade, and tourism.

### **Countering violent extremism**

Leaders argued that the deradicalization elements of the CVE approach function in addition to prosecution. Deradicalization seeks to mobilize actors not associated with security, complementing anti-terrorism strategies by preventing or reversing radicalization among those who see themselves as against authority. It has the potential to build resilience in those who are vulnerable by strengthening their sense

of belonging and moral behaviour. It requires commitment, consistency, and creativity from all of society, from security agencies to communities. A crucial contribution can be made by offering psychosocial support to those who may have been radicalized. Youth should be the main focus of a new anti-radicalization drive since they are more susceptible; their vulnerability arising from unemployment and lack of income opportunities. The Shoot to Score, Not to Kill initiative, involving football tournaments, is an example of an anti-radicalization approach working with education and extra-curricular activities in schools.

Panelists agreed that members of border communities continue to face heavy stigmatization across the country and that the counter terrorism strategy tends to stereotype, in particular following terror attacks. This, he said, is greatly affecting investment, travel, trade, and tourism in these counties. That notwithstanding, the panelists each gave examples of ethnic discrimination, fear and being treated as a second-class citizen. There is evidence, for example, that Muslims from border counties applying for citizen registration face extra vetting. The Summit advocated for full vetting of all citizen registration applicants regardless of their ethnicity. Profiling of border counties as the source of radicalisation has been counterproductive for the country as a whole, since the threat is also present in other counties including Nairobi, necessitating countrywide measures that do not stereotype or profile in misleading ways. The Summit resolved to demand that national anti-radicalization programs avoid targeting and ethnic profiling of border communities as it has proved counter-productive.



They also resolved to increase cooperation between county governments and national security agencies.

Those counties that have made large strides in dealing with the common problem of radicalization are ready to support others. A 2018 conference hosted by Mandera County and attended by leaders from Mandera, Garissa, Wajir, Moyale and Isiolo, as well as representative from neighbouring regions of Ethiopia and Somalia, promoted 'stepping up community-led counter terrorism and de-radicalization efforts to combat violent extremism,' Since then, Mandera County has been at the forefront with community-led programmes, Building Resilience Against Violent Extremism (BRAVE) and Community Resilience Against Violent Extremism (CRAVE); which address the causes leading to children and young people joining violent extremist groups. The Summit agreed that a peer review mechanism would be designed and implemented.

While the Summit understands that security is a national function, the need for each county to take initiative towards national security was emphasised. The Summit, therefore, resolved that each county takes responsibility for working closely with the national security agencies, including working with them to involve citizens in the planning and management of security related issues in a controlled manner.

Law enforcement is part of security and can be a function of the devolved units. There is disagreement between the two parliamentary houses when it comes to matters concerning security which must be resolved. The National Cohesion and Integration Commission (NCIC) is working with counties in carrying out operations to come to the core of eradicating radicalization. The NCIC was challenged by more than one member of the plenary to increase its efforts. The Summit agreed to propose a legislative framework that specifies the role and responsibilities of county governments in matters of security.

## **Inter-Community Violence**

Panel members pushed for more coordinated involvement of government institutions in combating violent crime in pastoralist areas. Pastoralism is an economic activity that requires all the normal protections and mechanisms of justice afforded to other industries. Poor infrastructure makes it easier for criminals to get away with their crimes. Formal justice institutions, without the active participation of the local community members, have proven ill-suited to prevent or resolve conflicts between local communities. The Summit resolved to develop a policy framework on transitional justice: a decision to promote the establishment of peace through involving the local community members in the application of formal justice. It also called for greater investment in solutions in regions where livestock theft is most rampant and suggested that elimination of cattle theft should fall under the national security agenda. To achieve security, it will be necessary to find a way to take away illegal firearms from pastoralists, who keep them to protect themselves from insecurity. This, he said, could only be achieved with community consent. Community members need to be involved in formulating the solution. The Summit agreed that in order to sufficiently address the prevailing tensions, local peace initiatives operating on the basis of local norms and including local stakeholders should be given priority.



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## SUMMIT RESOLUTIONS ON PEACE & SECURITY

Recognizing the commitment of the National Government to ensuring effective and accountable protection of our country and our region, we resolve to:

1. Invest in counter-radicalization measures and demand national government investment in the same.
2. Demand that national anti-radicalization programs avoid targeting and ethnic profiling of border communities as it has proved counter-productive.
3. Increase cooperation between county governments and national security agencies.
4. Develop a peer review mechanism to allow for county to county cooperation.
5. Initiate legislative framework to include county governments in matters of security.
6. Spearhead policy and legislative agenda to eliminate cattle rustling within the pastoralist region.
7. Fast track issuance of national Identity card and invest in young people including but not limited to sports.





# 02. COUNTY FUNDING ALLOCATION, CENSUS & BOUNDARIES REVIEW





### Revenue Allocation

Discriminatory distribution of public resources with regards to the arid and semi-arid (ASAL) regions of Kenya began with Sessional Paper no 10 of 1965, which gave resourcing priority to “high potential” crop production areas, abandoning 80% of Kenya and the wealth it holds in livestock and natural resources as follows:

*“To make the economy as a whole grow as fast as possible, development money should be invested where it will yield the largest increase in net output. This approach will clearly favour the development of areas having abundant natural resources, good land and rainfall, transport and power facilities, and people receptive to and active in development.”*

The resulting bias has contributed not only to poverty but also to failures of national integration and cohesion. Legislation has attempted to redress the differences through equalization of services and infrastructure, supported by vigorous development policies, as outlined in

the ASAL policy of the Ministry of Devolution and ASAL areas. In 2017, the National Policy for the Sustainable Development of Arid and Semi-Arid Lands was formulated under the auspices of the Vision 2030 framework and the constitutional provision on devolution. This policy aims to “put in place a holistic policy framework that facilitates and fast-tracks sustainable development in the ASALs, reducing levels of inequality with the rest of Kenya and releasing its potential for the benefit of the nation as a whole.”

While Article 203 of the Kenya Constitution provides that not less than 15% of national revenue be allocated to Counties, Article 204 establishes an Equalization Fund, which redistributes public money in order to redress development imbalances in the country. The vertical division of not less than 15% of national revenue between national and county levels must take into account needs at national level, while horizontal division, including decisions on distribution of the equalization fund, must take into account a complex formula encompassing inter alia: the needs and capacities of county governments to perform the tasks assigned to them, economic disparities between counties, provision for marginalised groups and areas, while optimising revenue raising incentives. However, the specification of exactly what a



marginalized group or area is required continued attention. One half percent of all revenue collected by the national government each year is paid into the Equalization Fund.

The national government is required to use the fund “to provide basic services including water, education, rural roads, health facilities and electricity to marginalised areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible.” Allocation involves the enactment of an annual Appropriation Bill by Parliament and can be in the form of direct expenditure or of conditional grants to counties with marginalised populations.

### Article 203 (1)

There is established an Equalisation Fund into which shall be paid one half per cent of all the revenue collected by the national government each year calculated on the basis of the most recent audited accounts of revenue received, as approved by the National Assembly.

Parliament must consider the recommendations of the Commission on Revenue Allocation before passing any appropriations between national and county levels and between counties. While the CRA makes technical recommendations, parliament is not bound by them and decisions as to definitions of marginalisation and equalization and consequent allocations are thus irrevocably political. In addition to the annual allocation vote in the National Assembly, once every five years, Article 217 stipulates that the Senate shall determine the basis for allocating among the counties the share of national revenue that is annually allocated to the county level of government. This indicates the scope of political leaders and governors in making arguments for appropriations that benefit pastoralist counties.

In April 2018 the Principal Secretary of the National Treasury reported to the Parliamentary Finance Committee that only 1.1 billion of a total of KES12.4 billion had been released to the 14 counties since the Fund was established. Delays in publishing guidelines until April 2015 have been followed by disputes over what

constitutes marginalisation and equalisation, causing further delays, such that no further funds have been distributed as of the date of the Summit. Previous allocations having lapsed, the National Assembly enacted in April 2018 the appropriation of KES 11,977,688 for development in 14 ASAL Counties: Garissa, Isiolo, Kilifi, Kwale, Lamu, Mandera, Marsabit, Narok, Samburu, Taita Taveta, Tana River, Turkana, Wajir, and West Pokot. However, in July 2018, the CRA announced criteria on marginalisation, taking account not of counties, but of sub-locations as units of assessment and suggesting allocation of 22.7 per cent of the equalisation fund to an additional 20 counties not part of the original 14 marginalised ASAL counties. The CRA policy identifies 1424 sub-locations, spread across 366 wards, in 34 counties in Kenya as being the most marginalized. Further suggestions of including urban informal settlements within the definition of marginalised areas were also promoted in the political arena. In September 2018, National Assembly Majority Leader Aden Duale announced that the 14 counties originally assumed as targeted for the fund would move to court to challenge the decision by the CRA to increase the beneficiary counties.

### Summit Deliberations

CRA proposals are subject to parliamentary review. Parliament must develop a formula for revenue sharing between counties based on the understanding that the primary purpose of the equalisation fund is to address historic inequalities. The Summit agreed that pastoralist parliamentarians should lead deliberations in parliament to ensure that the voice and needs of pastoral communities are heard.





Governors, through their membership of FCDC, should further ensure that the voice of pastoralist counties is reflected in the CRA formula. With 14 governors out of 47, it should be possible to argue a sufficient case. Kenya's Pastoralist Counties are set to be the future drivers of the national economy. This can only be done through the support of the national government and a strong commitment by county governments to eliminate the historical biases against this region. It is therefore important to move from the incessant launching of sessional papers to action-driven approaches on how pastoralist regions can benefit from resource allocation. Panel proposals included parliamentary review of the CRA marginalization policy and parliamentary consideration of revenue allocation formulae. The Summit agreed to propose a constitutional amendment of Articles on revenue allocation, including the equalization fund, and also reached consensus to support a referendum question on increasing county funding.

### **National Census**

The next national census will take place in August 2019. In September 2018, majority leader Aden Duale argued that the census should not be conducted in August, the dry season, as ASAL populations are widely dispersed.

KNBS has mapped households in preparation across all counties, establishing the number of enumerators required. Census enumerators are appointed from among local people who are familiar with local languages and cultures and able to work with an awareness of local

security constraints. They are responsible for accommodating all households, however far away they are, whether mapped or unmapped and to do so only once. Census methodology is uniform across all counties. County committees are convened to ensure enumeration is facilitated. Local political and administrative leaders are responsible for informing all and encouraging full citizen participation.

Registration for the National Integrated Identity Management System (NIIMS), set to start on 2 April 2019, is a separate exercise that has a different function and method to the census. Its purpose is to determine access to services and provide information for security. It involves issuing a unique number to every resident (citizen or non-citizen) linked to a photograph and biometric finger print. The census will not capture biometric data.

### **Summit Deliberations**

In response to numerous calls for changing the timing of the census so that it may be favourable to the pastoralists, Kenya National Bureau of Statistics clarified that census timing cannot be adjusted, and it must be carried out across all Kenya simultaneously. Planning and mapping are designed to overcome local variations. Leaders maintained that household mapping on which the enumeration plans based has not been fully inclusive, especially in areas affected by conflict, nor has it involved local administrators. However regardless of any mapping deficiencies enumerators are responsible for finding everyone, and leaders should make it a priority to maximise information and awareness. It was also noted that there are Kenyans inside the large refugee camps, such as that at Dadaab. Concerns were expressed that these shortcomings could lead to missing people from the census process. The Summit resolved to mobilise the entire population, to support KNBS in the work and to seek out lessons from other census authorities covering pastoralist populations around the world.

### **Boundaries Review**

After the census, the Independent Electoral and Boundaries Commission will conduct a statutory Boundaries Review of constituencies and wards. Kenya undertook the last boundaries delimitation in 1996.

International standards and the Constitution require review and adjustment of electoral areas at intervals between 8 and 12 years. Article 89 of the Constitution of Kenya stipulates that any review shall be completed at least twelve months before a general election of members of Parliament. The next review is due to take place in 2020 after the results of the census are complete. The frequency of Boundaries Review ensures that electoral boundaries are adjusted to account for the population dynamics and to align representation to changes in demographic patterns. Other parameters include geographic features, urban centres, communities of interest, historical and cultural ties, means of communication, each of which offers possibilities for contestation. The commission is obligated to consult all interested parties including ASALs governments.

IEBC does not have the mandate to change the number of constituencies (290), set in Article 89 of the Constitution of Kenya. Its mandate in the Review is to adjust constituency boundaries according to population figures and to amend the names thereof. It also has the mandate to review and adjust the number, names, and boundaries of wards. Delimitation is guided by constitutional provisions on population and by classification according to cities, sparsely populated areas, and other areas. In February 2019, Senate Majority Leader Kipchumba Murkomen tabled a constitutional amendment that would make it mandatory for the IEBC to submit a report to Parliament containing details of proposed alterations to names and boundaries of constituencies and wards. At present, Article 89 states that “a person may apply to the High Court for review of a decision of the Commission made under this Article”.

Articles 255-257 of the Constitution of Kenya provide for amendments to the constitution by parliamentary or popular initiative. A parliamentary bill to amend the constitution is passed by not less than two-thirds of both Houses, whereupon certain specified fundamental amendments must be put to a national referendum facilitated by the IEBC. A referendum on the amendments to the constitution would be facilitated by the Independent Elections and Boundary Commission and the statutory

procedure are governed by sections 49 -55 of the Elections Act. The Punguza Mizigo Initiative, a popular petition for constitutional amendment was formally submitted to IEBC on 28th February 2019 and has subsequently been subject to a verification process. If verified, further actions include identification and wording of referendum questions.

### Summit Deliberations

Leaders vowed to resist any merging of wards, nor will they allow any change in constituency boundaries that might reduce their function in representing marginalised peoples. The constitutional concept of one person-one vote, which was countered in the pastoralist constituencies with “one kilometre-one vote”, refers to the necessity for political leaders to push for a form of government and representation that is of greatest benefit to all citizens. For leaders of pastoralist counties, the proposed referendum on constitutional amendment relates to the need to address challenges of marginalisation facing those counties that have large areas, small populations, low investment, and poor infrastructure. Referenda should not be held for political expediency, but for general benefit. The Boundaries Review process does have a political aspect, including in relation to representation of the interests of marginalised communities thus it is crucial that elected representatives and county governments engage IEBC in close collaboration. The Summit resolved to resist any boundary changes that may damage representation of marginalised constituencies and to work closely with IEBC to ensure a fair and effective process of review.



### SUMMIT RESOLUTIONS ON CENSUS

Recognizing that revenue allocation and development planning are dependent on an accurate census, the Summit resolved to:

1. Support the Kenya Bureau of Statistics to design and implement an appropriate methodology to enumerate all the residents of the pastoralist areas.
2. Encourage the Kenya Bureau of Statistics to review the benchmarks of census methodology in other countries with pastoralist populations.
3. Educate and mobilize the entire population of the pastoralist counties to come out and be counted.

### SUMMIT RESOLUTIONS ON BOUNDARIES

Recognising that electoral boundary changes are highly sensitive the Summit resolved to:

1. Not allow a single Ward, Constituency or County in the pastoralist areas to be merged in the forthcoming boundary review.
2. Commit to working with the IEBC to ensure that the boundary review is carried out in a way that ensures peace and security.

### SUMMIT RESOLUTIONS ON REVENUE ALLOCATION

Acknowledging Article 204 of the Constitution on the equalization fund and the delay on its disbursement to marginalized areas, the Summit resolved to:

1. Propose a constitutional amendment on criteria for county funding allocations in favour of marginalized areas, which, if passed by parliament, may need to be put to referendum.
2. Demand that all outstanding equalization funds be disbursed immediately as per the current formula.
3. Reject the proposals in the 2nd marginalization policy formula that seek to add new counties to benefit from the Equalization fund.
4. Reject any changes that further marginalize our counties in the proposed 3rd generation county equitable revenue sharing formula.
5. Demand a simple and clear management of the equalization fund.



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# 03. WOMEN





### Women's Leadership

The 12th Parliament includes 27 women members from pastoralist counties including 15 women's representatives, 6 nominated senators, 1 elected senator, and 4 elected MPs. While in 2003 only 7.1% of parliamentary seats were held by women, by 2017, that figure had reached 21.8%, primarily as a result of the creation of special 'county women's representative' seats in the national parliament. The gender balance in the national assembly still falls short of the constitutional aim of no more than two-thirds of one gender. In pastoralist areas, figures show that 26% of MPs and 2% of senators are female, while figures for MCAs suggest that females make up 9.5% of representatives in the county assemblies. Women find it hard to campaign for open parliamentary seats due to patriarchy and their consequent lower rank in pastoralist society. Yet running for one of the special women's seats is more expensive than to run for election as a constituency MP, since the candidate must canvas an entire county. For large rural counties, the logistics of moving around such a large and inaccessible area are immense.

The Constitution of Kenya (Amendment) Bill 2018 which is currently on its second reading is intended to raise women representation in parliament. The bill was sponsored by the Majority Leader in Parliament Hon. Aden Duale and has gained support from top politicians including the president and opposition leader. It seeks to provide a clear mechanism for achieving parity, through a formal requirement on party nominations. Meanwhile IEBC is subject to a court order requiring that nominations from

political parties that have not complied with the 2/3 gender rule be rejected.

At the grassroots, pastoralist women are largely absent from public decision-making processes, weakening the effectiveness of parliamentarians of both genders. For many pastoralist women customs and traditions rule that their voice is heard only through their male relations. The silence of women harms development and sends out a message of unequal capabilities. A twofold imbalance exists for women in pastoralist communities; as pastoralists, they are victims of social, economic and political marginalization, and as women they suffer inequality in accessing resources, social services and participation in decision-making. Social injustices that affect women also include education, already. Thus, it is important to recognize some who have gained political office and have opened the doors to change. Sophia Abdi Noor, Member of Parliament of Ijara Constituency, was one of the first women to be elected. She is now serving on the Health, Housing, Labour and Social Welfare Committee. Likewise, Maison Leshoomo, a Samburu from Rift Valley Province and a district chair of the Maendeleo ya Wanawake Organization, was elected for the Women Representative Seat. She also serves on the Fiscal Analysis and Appropriation Committee. Catherine Mukenyang beat her only competitor, Robert Katina to be elected speaker of the County Assembly for West Pokot. Peris Pesi Tobiko was the first female Maasai to be elected as a Member of Parliament in 2013 and was re-elected in 2017 as the Member of Parliament for Kajiado East. Hon. Lesuuda Naisula is currently the Member of Parliament

for Samburu West and chairs the Committee on Regional Integration.

In January 2018, female political leaders announced the formation of Women’s Caucus of the Pastoralist Parliamentary Group (PPG) to bring pastoralist women to the forefront of legislation and policy matters. PPG leadership elections of December 2017 saw the appointment of 3 women to the 8-member executive committee. 4 of the 10 subcommittees are headed by women: Peace and Security, Equalization and Affirmative Action, Devolution and Decentralized Government and the Women’s Caucus.

### Gender-Based Violence

Despite its criminalization in Kenya under the Sexual Offences Act of 2006 and the Children Act of 2001, “violence directed at a person based on discriminating norms and practices relating to his or her specific sex or gender role in a society” is accepted as a norm by many. It can be categorized into sexual violence, physical violence, emotional and psychological violence, and socioeconomic violence.

Violence against women and girls is rooted in unequal power relationships between men and women in the dominantly patriarchal society.

It occurs across all ages, tribes, religions, income levels and geographical locations. In 2010, the Kenya National Bureau of Statistics indicated that 45% of women and girls between the ages of 15 and 49 have experienced at least one form of GBV. The likelihood of experiencing physical or sexual violence increases with age. The most common forms of GBV prevalent in the ASALs include battering, early marriage for girls under 18 years and discriminatory and harmful practices such as female genital mutilation (FGM).

These combine to impair the participation of women in all spheres. Kenya criminalized FGM under the Prohibition of Female Genital Mutilation Act 2011 and established an Anti-FGM Board. The violence still persists, however, particularly among pastoralist women: 98% of Somali, 86% of Samburu, 84% of Kisii and 78% of Maasai women undergo FGM, against an average for Kenya of 27%. Continued support for FGM by women in pastoralist communities has been associated with their level of education. Studies indicate that the support for the practice declines progressively when levels of education increase. 85% of Kenyan women who know about FGM think it should stop.











A 2018 report points out some limited and ineffective aspects of the implementation of the law in the fight against FGM. Some of these include:

- Lack of the involvement of the practicing communities in the implementation of the Anti-FGM Act, and all relevant laws.
- Lack of awareness of the content of the Act, specifically in rural areas. This includes the evident language barrier where the law has not been translated into local languages.
- An absent or weak witness protection program that deters women and girls from reporting and testifying on FGM cases.
- Deficient protection of uncut women by society; they may be shunned or excluded by their communities.
- As a result of the above, some women undergo the cut to gain acceptance. They subsequently fall under the risk of being arrested for aiding and abetting or failing to report under the Anti-FGM Act.

### **Summit Deliberations**

PPG Women's Caucus leaders are calling for changing the discriminatory narrative. The Caucus will provide peer support between

women parliamentarians necessary to enhance the passage of gender sensitive laws. Working together on these issues means that individual women parliamentarians are less likely to be accused of being subversive, making a powerful difference in their ability to speak out and introduce new and improved legislation.

The Caucus will build on 2017 electoral gains to promote the election of women to strategic positions including governors. It will promote strategic intervention in national policy and be active at the grassroots. The Caucus will appoint a devoted program officer to help generate specific funding for particular women legislator-led activities. Collaboration with donors and media visibility will be a priority. The Caucus will promote county action plans for FGM, GBV, and early marriage, promote female literacy in remote areas, lobby the Gender Ministry for a Women's Empowerment Fund, and organise active mentorship for women in and hoping to be in parliaments at all levels.

The Women's Caucus is not in opposition with the Pastoralist Parliamentary Group (PPG) but will complement and fast-track PPG initiatives, creating awareness of PPG at the grassroots and through lobbying and supporting PPG initiatives in Parliament.

The Women's Caucus of the Pastoralist Parliamentary Group is committed to working on gender-based violence and urged development partners and donors to collaborate with it to eradicate the practice. The women leaders also appealed for the support of the male leaders. They proposed a law that clearly outlines the jurisdiction of male elders, limiting them from resolving disputes that constitute capital offences.

## **SUMMIT RESOLUTION ON WOMEN'S LEADERSHIP AND GENDER VIOLENCE**

**Acknowledging the vital contribution of women to the labour force and to Kenya's political and intellectual capacity, the Summit resolved to:**

- 1. Welcome and support the establishment of the new PPG Women's Caucus, in particular its work on elimination of gender-based violence and advocacy for opening more political space for women.**

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# 04. LAND





Around 80% of Kenya's land is arid and semi-arid and the vast majority of it is community land, once known as Trust Land. However, recent estimates suggest that community land is now as low as 67% , as the private sector and government in recent years have expropriated much. Examples include the acquisition of large tracts for energy projects and conservancies and the uncontrolled expansion of settlements across the drylands. The context has been complicated by new initiatives in oil and gas, minerals, energy, and water.

The Community Land Law of 2016 defined the roles of county governments in the protection and registration of community land. The Act provides means by which community lands may be brought under formal community title and governed by communities. However, legal loopholes place communities at risk of their lands not being as secure as promised ahead of formalization, and at risk of losing some of their most valuable lands during the formalization process. This is mainly due to overlapping claims by national and local government authorities. While lesser impediments to land justice may

be remedied through clarifying regulations and parliamentary removal of offending clauses, judicial interpretation of constitutional intentions is also required to limit wrongful land takings and evictions of communities from rangelands. Regulations providing for the implementation of the law were published in the Kenya Gazette in November 2017 and forms made available by the Ministry of Lands in August 2018. The subsequent action to register community land has been slow. The Land Value Index Laws Amendment Bill currently in parliament includes clarification on the compensation for expropriation of community land to avoid 'subjective valuations'. It aims to ease the acquisition of and access to land or rights over land in order to implement public infrastructure projects. However, the Index does not adequately account for the value of land when it is under a system of pastoralism, leaving compensation for valuable rangeland at a level lower than its value to its pastoralist owners.

The LAPSSET Corridor is a 500M wide corridor with the road, rail and an oil pipeline whose route starts at Lamu Port and extends via Garissa

and Isiolo to Naokodok in South Sudan and to Moyale at the Ethiopian border. Apart from the trunk infrastructure, the LAPSSET Corridor is designed to encompass other economic activities investment infrastructure such as International Airports, Resort cities, Special Economic Zones, Industrial parks, and mineral exploration to generate and harness the economic and business activities for the corridor to bolster the viability and sustainability of the investment. On 21st October 2017, The National Lands Commission in pursuance of Land Act no.6 of 2012, part VIII and the transitional provisions contained in section 162 (2) of the same Act published the intention to acquire land for the Construction of LAPSSET Corridor Projects and investment infrastructure. This process has gone forward in Lamu at the Port, but for the rest of the corridor it has not yet begun. Communities have very little or no information about the process. Pastoralist communities and civil society organisations have advocated to stall or stop construction on components of the corridor. New coalitions have emerged to assess the impacts of LAPSSET on the region's sensitive socio-ecology.

NLC is mandated to manage public land on behalf of the government, the commission also has a mandate on compulsory acquisition of Land under the part viii of the Land Act, 2012 and to ensure just compensation paid promptly in full to

all persons whose interests in the land have been determined. LCDA is the body mandated with the policy, implementation, operational coordination and is the technical oversight organ for the LAPSSET Corridor Project; and is also tasked with establishing an integrated implementation plan and oversee the implementation of the LAPSSET Corridor Projects according to the Presidential Order Kenya Gazette Supplement No. 51, Legal Notice No. 58.

### **Summit Deliberations**

Section 110 of the County Governments Act provides for a physical development plan. The Frontier Counties Development Council is promoting the use of this planning process as a means of arriving at a rational implementation of laws and land uses. Mandates between the County Government, National Lands Commission and other departments of the national Government are confused with regards to the administration of community land. Laws and regulations are open to interpretation, for instance there are potential conflicts in definition and entitlement, given potentially conflicting criteria of settlement, use or ancestry. Implementation of the different pieces of land legislation presents a daunting task, for example, the community land regulations stipulate an inventory of community land within 18 months, preceded by a public land inventory that is not yet complete.

Issues of compensation are especially complex where pastoralist communities own the land collectively. Local communities are increasingly anxious, some feel they have little accurate information. Some claim that community land has been or will be compulsorily acquired without due compensation, that conservancies have been a means of land annexation and that public participation on large-scale infrastructure has not been carried out. Many assume that their legislators are passing and amending detrimental laws. The Summit concluded that parliamentarians and county leaders needed to work together on implementation of new legislation and review of any deficiencies.



## SUMMIT RESOLUTIONS ON LAND

Emphasizing the vital importance of clear land tenure to prosperity and peace in our counties and recognizing customary community land rights and the responsibilities of county governments for protecting unregistered community and also for public land, the Summit resolved to:

1. Undertake land inventories and spatial plans for each of our counties before the deadline of August 2019
2. Proactively engage all communities, including the nomadic pastoralists, and coordinate the exercise of public education on the need to adjudicate, agree and register community lands.
3. Demand that the National Government, pursuant to the provisions of the Community Land Act, 2016, fast tracks the deployment of Community Land Registrars to each pastoralist county.
4. Review the Land Value Index Amendment Bill 2018 to ensure community land is valued at its correct level in accordance with Article 63 of the Constitution of Kenya.
5. Require that any prospecting and exploitation of resources on, under and above surface of any community or public land be carried out in cooperation with county governments and the communities that have customary ownership of the land.
6. Ensure that community land registration takes place before any large-scale compulsory acquisition of land. Apply policies uniformly and transparently to minimize suspicion and increase confidence.



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# 05. ECONOMY





herd (estimated value KES 70 billion) and 90% of wildlife. Pastoral counties are focusing on transformative development programmes to turn ASAL regions, once considered low-potential wastelands, into Kenya's next investment destination.

It is projected that Kenya's population will increase from 46 million today to about 96 million in 2050. A growing population will require supplies of affordably-priced, nutritious and safe food to an increasingly affluent and urbanized population. FAO predicts that in aggregate, consumption of beef and milk will increase by over 170% between 2010 and 2050 – by 0.81 and 8.5 million tonnes respectively. The concentration of infrastructure in urban areas will increase trading of perishable products such as meat and milk and present an opportunity for pastoralist counties. More than 80% of the beef consumed in Kenya is produced by pastoralists in Kenya and the EAC region. In 2009 livestock production was estimated at a value of KES 369 billion. Costs of inputs totaled 50 billion, thus value added to the agricultural sector of the Kenyan economy was 319 billion. Official

Pastoral counties are rich in natural rangelands and resources such as oil, gas minerals and renewable energy, and have a youth population that accounts for close to 30% of Kenya's population. ASAL regions are home to about 36% of the population, 70% of the national livestock

estimates, based only on sales, put the figure at KES 128 billion underestimating the size of the sector by more than 150%. Statistics tend to underestimate pastoralist production and economic contribution as a result of decades of under-appreciation of the production system.







In 2009 a camel could be bought at Moyale for KES 10,000. By 2014 the same camel cost KES 100,000 due to demand from Mogadishu. It demonstrates not only increased demand but also how politics and policies affect trader decisions and trade directions. Livestock traders are well informed and respond to market and policy incentives. Between 2002 and 2007 Nairobi

attracted the majority of livestock trade from the pastoralist counties, but Ethiopian policy promoting sales to Egypt reversed the flow after 2008. As the Somali economy grew stronger, so too did demand for livestock.

Growth in the livestock sector will translate to socio-economic benefits such as job creation, improved livelihoods and increased availability of affordably-priced animal source foods. This growth in the livestock sector must, however, be regulated in order to prevent the public health, livelihood and environmental threats associated with unregulated growth of livestock. Threats include biodiversity loss, surface water eutrophication, groundwater contamination, reduced soil fertility, emerging infectious diseases, antimicrobial resistance, and rural impoverishment. Added to this, climate change has already brought about a 1 degree increase in temperature and a 100mm decrease in rainfall, necessitating new approaches to production and value addition.

to support development of the livestock sector include Kenya Vision 2030, National Livestock Policy (2008,) the Veterinary Policy (2016), the National Environment Policy (2013), the Policy for Arid and Semi-arid Areas (2012), the Antimicrobial Resistance Policy/Action Plan, and the Agriculture Growth and Transformation Plan and the Common Regional Diseases Framework. The World Bank US\$ 1 billion North and North Eastern Development Initiative (NEDI) aims to boost shared prosperity across Kenya by investing substantially in ten northern counties. US\$ 500 million in the North Eastern Transport Improvement Project and US\$ 150 million in the Off-Grid Solar Access project will be complemented by large scale support to water, sanitation, agriculture and welfare sectors. Today, 1.8 million households lack adequate bio-security and waste management practices. This number is expected to increase to 6 million in 2050. Increased livestock production will also add additional pressures on water systems. Climate change is already showing an average increase in temperature and an average decrease in rainfall in the ASAL areas. The NEDI Climate Smart Agriculture Project aims to increase productivity and build resilience to climate change risks.

The Food and Agricultural Organization of the United Nations (FAO) is contributing to the long-term, viable, profit making and sustainable development of the livestock sector by guiding county and national governments. FAO policy initiative "Africa Sustainable Livestock 2050" aims to engage stakeholders to develop agreed on scenarios of livestock in 2050 which will provide guidance to refine, if need be, the different policies currently affecting the livestock sector



and make them consistent and coherent. The World Bank 'Ease of Doing Business' report identifies environments that are most conducive to business operation, on the basis of indicators that reflect the protection of investors, ease of permits and tax arrangements, infrastructure, contract law, and credit. Another indicator used to determine favourable environment for investors is the Global Competitive Index by the World Economic Forum. The Global Competitive Index examines the business operating environment and competitive environment in several economies. According to this Index, the following are factors must be examined when assessing a competitive business environment: institutions, infrastructure, ICT adoption, macroeconomic stability, health, skills, product market, labour market, financial system, market size, business dynamism, and innovation capability. Other indicators include security, corruption, legislative stability, and good governance.

In 2016, an insurance-based livestock index programme was successfully piloted in six arid and semi-arid counties of Isiolo, Marsabit, Mandera, Tana River, Turkana and Wajir covering a total of 66,055 Tropical Livestock Units (TLUs) and 13,000 households. Although the programme aims to reduce pastoral community exposure to climate risks, it is limited in the number of counties, TLUs and households participating and it does not cover agro-enterprises. Innovative technologies have begun to can enhance livestock production and improve value addition in ASAL areas. Innovations include a collar trackable by mobile phone for monitoring cattle temperature and location and a coolbox that enables the transport of perishable products without the use of electricity. The Rural Star Solution in Isiolo County gives access to mobile service providers in distance locations. It incorporates design and technology innovations including solar to reduce set up and running costs. The solution has resulted in positive externalities in education and health. Moreover, the Smart County Initiative has enabled internet connectivity in one hundred overnment offices.

### Summit Deliberations

The Pastoralist Parliamentary Group and the Frontier Counties Development Council are working together to promote high levels of

sustainable and equitable economic growth. The panel agreed on the vital importance of investment into the livestock sector for the benefit of all livestock producers, large and small, rethinking business, veterinary and disease management services, fodder and much else. County governors concurred and resolved to promote the allocation of a minimum of 10% of their budgetary allocations to the livestock sector. They further agreed to support the Kenya Livestock Marketing Board Bill and the amendment to the Kenya Livestock Branding Act for branding and tracing of animals. County governments are determined to create an enabling environment for investors. An agreement was reached to develop the following structures to attract investors

- **Infrastructural development:**

Improvement of accessibility and easy movement of people and goods is needed for a favourable investor environment. The pastoralist counties generally have poor infrastructure which increases the cost of goods and services. Mandera County, for example, is over 1,200 kilometres away from the capital city of Nairobi, and over 1,900 kilometres from the main port of Mombasa, making costs of transportation of goods prohibitive. County governments have embarked on improving road networks within their counties.



• **Electricity:**

Electricity access in the north and north eastern region of Kenya is at 7%. These areas are excellent sources of renewable energy such as solar and wind. With support from the NEDI project, county governments will be investing in energy development.

• **Labour Market:**

Youth constitute a majority of the population within the pastoral counties. While the median age of Kenya is 18, the median age of farmers (and pastoralists) in Kenya is 62. With skills training, the youth of pastoralist counties can contribute to a formidable labour force. County governments vowed to increase their efforts

• **Financial system.**

Leaders agreed that with increase mobile penetration, the possibilities of flexible financial systems such as the MPesa can translate into an enabling environment for investors.

• **ICT:**

Pastoral counties have had lower mobile coverage in comparison to other counties. With the onset of devolution, mobile coverage has improved, particularly in the most highly populated areas. The counties have partnered with private companies to develop innovative products that can increase mobile connectivity and internet accessibility.



**SUMMIT RESOLUTIONS ON THE ECONOMY**

**Appreciating the value of partnership and investment for the growth of the economy of the frontier and pastoralist counties, the Summit resolved to:**

- 1. Provide enabling conditions for investment in our counties while protecting the people and environment.**
- 2. Focus on investment in the livestock sector, while also making room for the development of other sectors.**
- 3. Increase budgetary allocation in livestock sector in all our counties (minimum of 10%).**
- 4. Demand that all delayed infrastructural developments are fast tracked and completed as per the contract timeline.**
- 5. Demand a sustained commitment by national government to fast-track the implementation of NEDI projects and programs.**







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# 06. EDUCATION



In 2018, the PPG set nomadic education as one of its priorities for the period 2018-2022, vowing to sponsor a 'Nomadic Education Bill,' including strengthening NACONEK. Further, the group planned to amend the Teachers Service Commission Act on teacher management, lobby for public funding for ASAL teachers' refresher courses and establish special scholarships for girls and ASAL children and creating low-cost boarding schools. Kenya's Vision 2030 calls for investment in education to reduce illiteracy and enhance wealth creation. Devolved governance structures, the Bill of Rights and the new transformative structures in the ASALs offer a basis for an approach on education suited to the local economy and society. Pastoralist parents want their children to receive a good-quality

education and are prepared to invest money and time, but they say that schools are failing their children due to problems with quality, relevance, accessibility, and safety. Pastoralists have criticized the education system, for separating children from their culture and way of life, fails to teach them technical aspects of pastoralism and only occasionally produce economic benefit. This concern is about more than the household economy. It is also about how the values and knowledge children acquire through the school system may affect their attitude towards their home environment.

90% of the 2 million Kenyan children who have never been to school are living in the ASALs. Primary enrolment rates are as low as 40% in some counties, compared to a national average of 95%. Between 2005 and 2010 the



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*90% of the 2 million Kenyan children who have never been to school are living in the ASALs.*

gender parity index has worsened, with female literacy rates below 10% in some pastoralist counties. This is a result of several challenges that are unique to these areas including vast distances, insecurity and gross understaffing in schools.

The national government has made repeated commitments to provide education for all, but the investment is thinly spread and is having limited impact in the ASALs. Delivery mechanisms designed for ASAL children, such as distance learning and non-



formal provision, have not been implemented. Other mechanisms are under-resourced and unsupervised, for example mobile schools, low cost boarding schools, and adult literacy classes. Primary, secondary and tertiary education are not devolved functions and remain under the administration of the national government through the Ministry of Education. County governments are only responsible for early childhood development (ECD) and youth polytechnics and ECD has seen some of the greatest improvements since devolution. Parents have taken to sending older children to ECD classes in order to gain literacy skills.

Acknowledging the difficulties of education provision in the ASALs, the Government of Kenya developed the Policy Framework for Nomadic Education in Kenya in 2009. The policy was revised in 2015 to reflect structural, social and economic changes in the country, including the new Constitution of Kenya 2010, the Sessional Paper No.14, 2012, the Basic Education Act 2013 and the National Education Sector Plan (NESP) 2014-2018. The policy revision addressed three distinct challenges:

- How to close the gap between these regions and the rest of the country in terms of access, quality, relevance and gender disparities in education.
- How to protect the environment and institutional arrangements in these regions, which are so essential to economic productive systems and way of life in ASAL areas across the country and promote sustainable development,
- How to coordinate education programmes in these regions and mobilize additional to support investment in education in these regions.

The National Council for Nomadic Education in Kenya (NACONEK) was established under The Basic Education Act (2013) Sixth Schedule and formed in 2015. NACONEK's purpose is to fast track the design and delivery of effective nomadic education, but its mandate is limited to advice and co-ordination and it has not proved strong enough to make rapid forward progress on ambitious objectives. Reporting to the Cabinet Secretary, its key functions include initiating the

development of policies on all matters relating to nomadic education in Kenya and determining standards and skills to be attained in schools and institutions within nomadic communities (Art 1, VI Schedule). This should be facilitated by the mandate of the Cabinet Secretary to make different provisions with respect to different classes or kinds of schools, impose conditions and make exemptions (Art 95.3.j) and to make regulations to provide for inter alia: integration of the madrassa, Duksi and pastoral programmes of instructions into the formal education system as appropriate to improve access and retention. (Art. 95.2.e).

### **Summit Deliberations**

NACONEK progress has been slow. The Summit agreed to support measures to strengthen the Council, and also to work on amendment of the Teachers Service Commission (TSC) Act. No new funds have been allocated either for scholarships or to support young people from pastoralist areas through teacher training. County governors proposed the development of a coordination mechanism between the national government and the county government to enhance implementation and accountability of education and training programs and promote public participation designing programmes and policies fitting with local needs.





County governors proposed the development of a coordination mechanism between the national government and the county government

### **SUMMIT RESOLUTIONS ON EDUCATION**

Concerned that low levels of education performance, lack of teachers and poor-quality schooling still persist in pastoralist areas, the Summit resolved to:

1. Propose a bill to establish the national council for nomadic education in Kenya to give a legal framework to champion for education in the pastoralist counties.
2. Develop a coordination mechanism to enhance effective implementation and accountability of education and training programs.
3. Establish an education sector forum coordinated by NACONEK within the FCDC caucus.
4. Demand flexible education systems that can provide quality education for the children in our counties.

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# 07. SUMMIT RESOLUTIONS



## PREAMBLE:

We, the leaders of 15 pastoralist counties in Kenya: 15 Governors; 105 (84 MPs + 21 Senators), the members of Pastoralist Parliamentary Group-PPG, that include 15 Deputy Governors, 15 County Assembly Speakers, 500 MCAs from Frontiers Counties Development Council-FCDC and other 300 community leaders have met from 28th February until 2nd March 2019 in Garissa to deliberate on key issues that concern our people and counties. Peace, Security, Countering Terrorism, Ethic Extremism, and Socio- Economic Development were the main thematic areas.

We resolve to work together as a vibrant and strong progressive community of Kenya, no longer as fragmented ethnic groups, but as The Pastoralists.

We further resolve as follows:

### 1. PEACE AND SECURITY:

Recognizing the commitment of the National Government to ensuring effective and accountable protection of our country and our region, we resolve to:

- 1.1. Invest in counter-radicalization measures and demand national government investment in the same.
- 1.2. Demand that national anti-radicalization programs avoid targeting and ethnic profiling of border communities as it has proved counter-productive.
- 1.3. Increase cooperation between county governments and national security agencies.
- 1.4. Develop a peer review mechanism to allow for the county to county cooperation.
- 1.5. Initiate legislative framework to include county governments in matters of security.
- 1.6. Spearhead policy and legislative agenda to eliminate cattle rustling within the pastoralist region
- 1.7. Fast track issuance of national Identity card and invest in young people including but not limited to sports.

### 2. CENSUS AND REFERENDUM:

Recognizing the importance of an accurate census being implemented in a manner that considers the nomadic way of life our majority populations, we resolve to:

- 2.1 Ensure that the Kenya Bureau of Statistics designs and implements an appropriate

methodology to enumerate all the residents of the pastoralist areas.

- 2.2 Ensure that the Kenya Bureau of Statistics reviews the benchmarks of census in other countries with pastoralist populations.
- 2.3 Educate and mobilize our entire population to come out and be counted.
- 2.4 Support referendum question on increasing county funding allocation.

### 3. ECONOMY AND LIVESTOCK:

Appreciating the value of partnership and investment for the growth of the economy of the frontier and pastoralist counties, we resolve to:

- 3.1. Provide enabling conditions for investment in our counties while protecting the people and environment.
- 3.2. Focus on investment in the livestock sector, while also making room for the development of other sectors.
- 3.3. Increase budgetary allocation in the livestock sector in all our counties (minimum of 10%).
- 3.4. Demand that all delayed infrastructural developments are fast tracked and completed as per the contract timeline.
- 3.5. Demand a sustained commitment by the national government to fast-track the implementation of NEDI projects and programs.
- 3.6. Support the Kenya Livestock Marketing Board Bill.
- 3.7. Support the amendment to the Kenya Livestock Branding Act.

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#### 4. EQUALIZATION FUND:

Acknowledging Article 204 of the Constitution on the equalization fund and the delay on its disbursement to marginalized areas, we resolve to:

4.1. Demand that all outstanding equalization funds be disbursed immediately as per the current formula;

4.2. Reject the proposals in the 2nd marginalization policy formula that seeks to add new counties to benefit from the Equalization Fund;

4.3. Reject any changes that further marginalizes our counties in the proposed 3rd generation county equitable revenue sharing formula;

4.4. Demand simple and clear management of the Equalization Fund.

#### 5. WOMEN:

Acknowledging the vital contribution of women to the labour force and our political and intellectual capacity, we resolve to:

5.1 Welcome and support the establishment of the new PPG Women's Caucus, in particular, its work on elimination of gender-based violence and advocacy for opening more political space for women.

#### 6. BOUNDARIES:

Recognizing that electoral boundary changes are highly sensitive we resolve to:

6.1 Not allow a single Ward, Constituency or County in the pastoralist areas to be merged in the forthcoming boundary review;

6.2 Commit to working with the IEBC to ensure that the boundary review is carried out in a way that ensures peace and security.

#### 7. EDUCATION:

Concerned that there are low levels of education in pastoralist areas, lack of teachers and poor-quality schooling, we resolve to:

7.1 Support the NACONEK Bill to establish the National Council for Nomadic Education in Kenya to give a legal framework to champion for education in the pastoralist counties;

7.2 Develop a coordination mechanism to enhance effective implementation and accountability of education and training programs;

7.3 Establish an Education Sector Forum coordinated by NACONEK within the FCDC caucus;

7.4 Demand flexible education systems that can provide quality education for the children in our counties.

#### 8. LAND & NATURAL RESOURCES:

Emphasizing the vital importance of clear land tenure to prosperity and peace in our counties and recognizing customary community land rights, and the responsibilities of county governments for protecting the unregistered community and also for public land, we resolve to:

8.1 Undertake land inventories and spatial plans for each of our counties before the deadline of August 2019;

8.2 Proactively engage all our communities, including the nomadic pastoralists, and coordinate the exercise of public education on the need to adjudicate, agree and register community lands;


8.3 Demand that the National Government, pursuant to the provisions of the Community Land Act, 2016, fast tracks the deployment of Community Land Registrars to each pastoralist county;

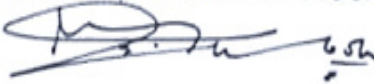
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8.4 Review the Land Value Index Amendment Bill 2018 to ensure community land is valued at its correct level in accordance with Article 63 of the Constitution of Kenya;

8.5 Require that any prospecting and exploitation of resources on, under and above the surface of any community or public land be carried out cooperation with county governments and communities that have customary ownership of the land;

8.6 Ensure that community land registration takes place before any large scale compulsory acquisition of land. Apply policies uniformly and transparently to minimize suspicion and increase confidence.

THE RESOLUTION WAS PROPOSED BY HE ALI KORANE,  
GOVERNOR GARISSA COUNTY 

SECONDED BY THE FCDC VICE CHAIRMAN, HE MOHAMUD M  
ALI, GOVERNOR, MARSABIT COUNTY.  
AND DEPUTY GOVERNOR, HE DR. ABDI ISSA, ISIOLO COUNTY  


SIGNED BY FCDC CHAIRMAN, HE ALI ROBA, GOVERNOR,  
MANDERA COUNTY 

AND PPG CHAIRMAN, HON. ALOIS LENTOIMAGA, MP  
SAMBURU

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Block A1, Jabavu Lane, Hurlingham  
P.O Box 76471-00508, Nairobi  
Telephone: 0708 424 412  
Website: [www.dlci-hoa.org/ppg](http://www.dlci-hoa.org/ppg)



Frontier Counties Development Council  
2nd Floor, Woodlands Office Park  
Woodlands Road, off Lenana Road  
P.O Box 37800 - 00100, Nairobi  
Telephone: +254 020 4405051  
Website: [www.fcdc.or.ke](http://www.fcdc.or.ke)