



Dear Anuradha,

I hope this letter finds you healthy and well.

My apologies for the delay in writing back to you. Upon initially reading your letter dated 24 September, I felt that we had already responded to all your questions and allegations. This, taken in combination with your failure to engage with the substance of my last letter – left me with the impression that a repetitive response was not required.

However, on being informed by the BBC that you intend to publish a report repeating extremely serious yet unfounded and long discredited allegations, it is clear that I need to reiterate our position on certain matters.

But first, I would like to again extend our invitation for you to visit northern Kenya so that you can visit the communities NRT serves, and see for yourself the work NRT and community conservancies are doing. I find it disappointing that you are willing to adopt and lend your name to such false allegations in a critical report without having seen firsthand the situation on the ground. I am confident that visiting the communities will dispel the pejorative, misleading narrative that you seem to have adopted as it bears no resemblance to the reality.

I would also like to remind you that a well-funded NGO with access to broadcast media has moral as well as legal responsibilities. The allegations you have levelled at us are not only false but extremely dangerous if propagated. We are concerned that whatever you

do write is factually correct, primarily for the good of the communities we serve, but also for the sake of your own reputation and integrity.

Northern Kenya is a volatile area, with a proliferation of illegal small arms, a long history of tribal animosity, and a tense political season with hundreds of people killed this year alone in cattle raids and tribal conflict. Pouring fuel onto this fire by putting your organization's name on a report that endorses and promotes untrue allegations of the most serious kind puts the staff of NRT and members of the communities at immediate risk. Further, it actively undermines the development prospects of communities and the individual prospects of their young people in particular.

To respond to the allegations in your letter dated 24 September 2021:

- 1. As we researched NRT as one of "the alternatives," several communities came forward with serious allegations against NRT that I shared with you. These allegations raise fundamental questions about the claim that NRT conservancies are owned and driven by communities.**

The incorporation of a community conservancy can only be done by the community itself. A conservancy is not a partnership, it is a structure established by a community, in accordance with the laws of Kenya. Conservancies cannot operate or survive if they are not accepted by the community. They have their own boards, which are accountable to the community and are responsible for effective, sustainable and transparent management of the Conservancy. The boards are democratically elected during the Annual General Meeting and serve a term of 3-years. The AGM is a critical meeting that must be held every year to reinforce ownership and relevance of the conservancy to its community members; it is an opportunity to communicate progress and ensure accountability of the Conservancy Board to its members. NRT has no power to impose conservancies or any other land structure onto communities, it does not seek to do so.

Any assertion that NRT owns or governs community conservancies is untrue and undermines the enfranchisement of communities to form conservancies under the laws of Kenya.

2. The multiplication of protests and petitions by local communities against NRT add to these concerns.

We note your concern over three recent protests. In every community in the world, there are individuals with different views. Opposition and even protest against the majority are not just welcome, they are a healthy sign of a functioning democratic system. NRT therefore welcomes serious debate and seeks to support the ventilation and debate of concerns and different viewpoints.

In relation to the protests to which you refer, we would draw your attention to a) the small size of the protests, some with as few as fifteen attendees, and b) the actual drivers behind them and their outcome.

In northern Kenya, there are political actors and businesspeople who seek to develop the land for private or other interests, and there is a strong financial motivation for them to do so. Added to this, there are multiple competing NGOs who see NRT as competition for donor funds and would therefore welcome our demise. As such, we simply request that you canvass a wide range of individuals from within any community when trying to understand the opinion of the majority, and contextualize the position of those with opposing views. The fact is that in the few areas in which you cite a protest having taken place, the community has come together and democratically decided to form a conservancy, and similarly made a decision voluntarily to join NRT. This alone evidences not a ground swell of opposition to NRT, rather a ground swell of support.

3. For instance, community demonstration against NRT in Sericho Ward on September 2, 2021 – rejecting expansion of the conservancy, demanding

community land registration, land use to be subjected to public participation and with full consent of the community.

There are seven locations in Sericho ward. Only one of these was protesting, and attendance totaled 50 people from a population of over 10,000. The protest was actually focused on the area Member of the County Assembly rather than NRT. Specifically, the protestors were calling for land registration, which is controlled by the County Assembly.

While the Assembly has yet to pass a land bill, the principal issues raised by the protestors have since been resolved. The community has elected a board, registered as a conservancy, hired a manager, and applied for membership with NRT. The community now fully supports NRT and became a member in the past month.

4. Furthermore we have obtained copies of petitions signed by hundreds of community members of Kinna Ward against the NRT community Conservancy. Kinna residents similarly held a peaceful demonstration on September 11 against NRT for alleged "illegitimate community land grab."

Regarding the Kinna Ward 'demonstration', this was not a public event, rather a closed meeting on private property. The reality is that the Member of the County Assembly was forcing his own people onto the board. NRT refused this political pressure and demanded free elections. This politician led this "demonstration" to try and influence the board elections. In the end, a fair election took place and the Kinna community elected a board, registered as a conservancy, hired a manager and applied for membership with NRT. The petition was written before these protests and the issues in it addressed. The vast majority of the community fully supports NRT and was accepted as a member in the past month. Furthermore, relations between the Member of the County Assembly and NRT are now amicable.

5. These recent events come after a number of previous peaceful protests held by local communities against NRT-led conservancies, such as those of Gafarsa residents of Garbatulla in January 2021.

It is true that there were small protests at Gafarsa. Concerns were raised and heard. Subsequently members from the community recently toured some of NRT's other conservancies on a fact-finding mission and even the leader seen in the video is not supporting NRT. Coming to see NRT's work at a ground-level has proven beneficial to understanding many of the unfounded concerns raised. The community has elected a board, registered as a conservancy, hired a manager, and applied for membership with NRT. The community now fully supports NRT and became a member in the past month.

6. 500 applicants from the Indigenous Pokot community against NRT, Masol Community Conservancy, Pellow Community Conservancy, and the County government of West Pokot.

Regarding the West Pokot Case and issues in Masol and Pellow, on Thursday 25th March 2021, a Court Ruling took place in respect of the petitioners' application (dated 1st December 2021) which sought to nullify the Memorandum of Understanding between West Pokot community conservancies, NRT and the County Government of West Pokot, and halt all activities to be undertaken pursuant to it. In summary, the decision and its implications are as follows:

1. The Judge agreed that NRT's work is in the public interest and declined to confirm the blanket status quo orders that had halted all NRT activities in the West Pokot member conservancies. The judge has issued conservatory orders only and specifically limited to the following activities: further mapping, surveying or delineation of the community land in question; translocation of wildlife, or eviction of community members. NRT of course has no powers to

evict community members. Any such action would be contrary to NRT's purpose and mission.

2. The Judge also declined to revoke the MoU between NRT and the West Pokot County Government.
3. The Judge has however found that the Court has jurisdiction to determine the Petition and has directed that it be placed before the Acting Chief Judge for appointment of a three-Judge bench to hear and determine the main Petition.

7. Petition/s against continued donor support to NRT over human rights violations in Samburu, Isiolo, & Marsabit counties;

There are no petitions that we are aware of which provide any evidence of human rights violations by NRT in any of these, or any other counties.

8. Complaints over conservancy establishment at Merti Cherab Ward – Merti; and more.

Regarding Merti, NRT has a strong working relations with the Merti Conservancy, which established itself as a conservancy and requested membership in NRT, which was granted last month.

9. Raising even more serious concern, our researchers received a number of direct testimonies including accusations of killings involving conservancy rangers. For instance, on April 13, 2019, Ahmed Abdi Rahman was allegedly killed at a water point in Kurobisanowo in Biliqo through a shooting involving six NRT employees in uniform.

Allegations of involvement in killings are the most serious that can be levelled. If any such allegation is to be made, it must be specified, in order that it can be understood and responded to directly.

The tragic death of Mr. Rahman was an ethnic killing of a member of the Borana community by Samburu moran at the Kauro Hot Spring. There was no involvement by NRT rangers in the incident at all, let alone a shooting involving six NRT employees in uniform. The police from Marti are the relevant investigative authority. No NRT ranger was implicated in or charged in relation to this matter. GPS coordinates of our ranger teams confirm there were no units anywhere in the area around that time.

- 10. In another incident, two conservancy rangers, Ekisin Lotaro and Tachiri Lonakutok, of Nasuulu Community Conservancy in Isiolo county, were detained after being accused of killing Simon Looru at Loruko village in Burat Ward on September 4, 2019.**

The Isiolo police arrested these two rangers after the death of Simon Looru as part of their normal investigation process since they had been patrolling the area which is within the conservancy. The Isiolo police followed the normal process of investigations: the ranger's firearms were taken for ballistic investigations and they were later cleared of any wrongdoing. I trust that you are aware of the letter dated 17 September 2019 by the Office of the Director of Public Prosecutions clearing both rangers.

- 11. We have also received numerous testimonies that allege the use of NRT vehicles and logistics in inter community raids that led to numerous deaths of community members, in presence of NRT rangers in several instances. The Borana Council of Elders alleges that the number of people killed by 9-1 rangers is 83.**

This is a serious allegation that is wholly unsubstantiated by either yourself or the "Borana Council of Elders". To be clear, the mandate of both the conservancy rangers and the 9 teams is to ensure the safety of people and wildlife. I must emphasize again that at no point has a member of NRT's 9 teams been charged with any allegation of extrajudicial killing, disappearance or other abuse. This is a statement of fact, and one easy to verify by you, if you were willing to simply speak

with the relevant authorities, or undertake your own investigation. Kenya is a nation of laws, and every security incident, however small, is recorded in the relevant Police Occurrence Book ('OB') at the nearest Police Station. Any association or connection in any police matter would be well known and well documented. This wild assertion is a patent untruth, and is wholly unsupported by any evidence.

I also trust you are aware that in August of 2021 the head of one of our Ranger Teams and our Chief of Security were blessed by Boran elders for their incredible work, in which they risk their lives time and again to recover stolen animals owned by the Boran community. Boran elders would not be blessing our Samburu Head of Security if he or any member of his team was thought to have committed human rights abuses.

We are informed that your report alleges that we have disposed people from their land. It is disconcerting Arunduha that you are considering spreading false rumors without investigating the facts. We here you intend to make claims that indigenous communities have been kicked off, removed from, or dispossessed of their land by NRT. This is untrue, as we have explained in detail.

Yes, three of the community conservancies have fenced land to create small sanctuaries for endangered animals. These sanctuaries represented less than 1% of the total land area where NRT operates. These were created at the request of and by the community, built by them with our support, and in no case was any community member moved from their land.

Local communities do have conservancies boards which enforce rational grazing patterns in order to maximize amount of grass available for livestock and this does mean that at times the local community will be asked to graze elsewhere and wait from the grass to grow to a sustainable heights before grazing. However, this is a community

decision through their local conservancy boards and is not one made or enforced by NRT.

Further, your claims that we are in partnership with Oil Companies is once again incorrect. Regarding Tallow Oil, NRT announced its partnership with Tullow Oil in October 2015. The firm agreed to fund the establishment and operating of six new conservancies in Turkana and West Pokot counties. NRT's role was to train locally elected conservancy board members, conduct workshops on conservancy management, engage community members in peace building, and develop community enterprises.

However, the project ran into difficulties as the local communities in Turkana resisted the plans due to distrust of Tullow Oil with its controversial history.

NRT halted its operations in Turkana in 2014 after the County Governor, Josphat Nanok, spoke out against the organisation. While NRT ceased its work supporting the Turkana conservancies, it continued with the West Pokot conservancies using other sources of funding. Although NRT has hosted various delegations (as recently as March 2020) from Turkana County still wanting to rejoin NRT membership, including letters from Turkana County Government, NRT has made it clear that until it receives a letter from the outgoing Turkana County Governor and Turkana County Assembly, it will not engage with Turkana County.

We have not been involved with Tullow Oil, nor any other oil company, since we terminated our relationship with Tullow.

Unfortunately, there is little new to the allegations you have levelled against us. In fact, due to their serious nature, the Kenyan National Government, working with various Ministries, as well as the County Government of Isiolo, have conducted their own

independent investigations, which were welcomed and fully supported by NRT. None of these investigations found the allegations against NRT to be substantiated or true.

1. The National Government's 2012 report entitled, Report on the Inter-Ministerial Committee on Conflicts Over Management of Conservancies in Isiolo County, found the allegations of wrongdoing by NRT to be unsubstantiated. The report cited a lack of understanding about NRT and its work as a driver for criticism of the organization. As a result, NRT has worked to improve its communication.
2. Similarly, the 2020 Isiolo Report entitled Report on the Taskforce on Northern Rangelands Trust (NRT) Activities in Isiolo County" found that, "Although the initial objective of undertaking the assessment was based on the perception that management of conservancies was the cause of insecurity and other forms of conflicts in Isiolo, the Committee established a general acceptance of the concept by local communities due to its positive contribution to security, environmental conservation and socio-economic development of the region. As a matter of fact, the assessment established little or no link between management of individual conservancies and ongoing conflicts in the county."

Anuradha, from our communications and your reputation, I am confident that you must want to understand the truth about NRT's work on the ground. By visiting us and seeing our work in person, I believe you will come to support our communities and our mission to transform people's lives, secure peace and conserve natural resources.

Please, come and see the facts for yourselves, we welcome you with open arms.

Sincerely,

Tom Lalampaa

LIST OF COUNTIES

SAMBURU	GARISSA
BARINGO	LAMU
ISIOLO	TANA RIVER
LAIKIPIA	TURKANA
MERU	WEST POKOT
MARSABIT	

REGIONAL SUPPORT OFFICES

NRT Center
NRT North Rift
NRT North East
NRT Coast
BUSINESS DEVELOPMENT
NRT Trading

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