



Dear Anuradha,

My apologies for the delay, as I believe David explained I have been on annual leave these past few days.

Thank you for your email of 23 August and questions, which I am pleased to address below within your timeframe.

The issues in relation to which you write are extremely important. Your email and the questions however give rise to two important points that bear addressing at the outset:

1. The purpose of your approach:

We are concerned that we have misunderstood your objectives. Your initial correspondence with me in April, titled: "A sizeable Gift to NRT for Environment & Planet", indicated that you represented a potential donor family.

Your email last week, now puts questions to NRT which repeat the most serious kinds of allegations of wrongdoing and unlawful activity. You provide no basis or evidence to support these assertions, and now ask NRT to respond to these written questions on a "time sensitive" basis.

We are concerned about the manner in which these questions have been put, their content and their tone, which indicates that you may have made a prejudgment as to the truth. The questions adopt untrue allegations as fact, and make the most serious allegations against NRT, which is characterized as "claiming" to exist to deliver its mission, so inferring that it actually exists for some disguised ulterior motive.

We should be grateful if you would confirm the capacity in which you are writing, and whether you are representing a donor as initially communicated?

2. The premise of your questions:

It seems that your questions stem from what appears to be a fundamental misunderstanding of NRT, its ownership, governance and purpose.

NRT is a Kenyan not-for-profit organization, owned and controlled by the communities that it serves, through a formal, incorporated legal governance structure. NRT is the servant of these

communities, and has no legal or practical standing to control or seek to control them. It does not do so, that is not its purpose.

The communities for which NRT works govern themselves in accordance with traditional rules and the laws of Kenya. They make decisions through their own democratically elected representatives – including as to whether to form community conservancies, and/or to seek support from NRT. Within these communities, there is a plurality of perspectives in relation to community conservancies and a rich, ongoing and valuable discourse, to which community elders and elected representatives should listen. In its work, NRT listens closely to all community voices, including those which are critical of community conservation.

For the avoidance of doubt:

- 1) NRT does not own, control or manage any community land anywhere. NRT does not have the legal standing or other ability to dispossess anyone of land. It has never done so and it would not do so, even if it were so able.
- 2) All allegations of wrongdoing are taken extremely seriously by NRT. NRT has grievance mechanisms in place and is developing a robust whistleblowing policy. It investigates and cooperates with others independently to investigate fully where appropriate, any allegations of disappearance, murder, terrorism, abduction, excessive use of force, human rights abuse, corruption or bribery. No charges have ever been made against NRT staff or conservancy Rangers in connection with any such allegations.

I invite you to visit us and the communities, in order that you can see first-hand the reality on the ground, to speak to community members and meet the NRT team.

To respond to your questions:

- 1. NRT claims that its goal is to “transform people’s lives, secure peace and conserve natural resources.” Local communities, where NRT is active, however, allege that the organization has dispossessed them of their lands...**

NRT is a shared resource to help build and develop community conservancies, which are best positioned to enhance people’s lives, build peace and conserve the natural environment.

NRT does not own, control or manage any community land anywhere, and has no interest in or power to do so. It cannot and does not dispossess anyone of land. Rather, at the behest of indigenous communities, NRT supports them cooperatively to develop locally-led governance structures that compliment traditional, indigenous systems, including the establishment of Community Conservancies. These are owned and run by the local pastoralist communities within their ancestral lands, who manage them for their livelihoods.

Community-led conservancies, as legally registered and recognized community institutions, serve to strengthen land tenure rights for indigenous people, as provided for by the Kenya Community Land Act 2016. Community conservancies are not fenced, and traditional nomadism takes place as it always has done. NRT's role is to support these communities in achieving their own objectives, including through the access to tools, training and funding.

...and deployed armed security units that have been responsible for serious human rights abuses.

Rangers, recruited from the communities they serve, perform a wide range of important functions, including promoting conservation and security to enhance livelihoods. The vast majority are unarmed.

Community conservancies employ Rangers as part of their management and operations. NRT employs a cadre of Rangers at a regional level with two multi-ethnic units, '9-1' and '9-2'.

Ranger teams include Kenyan Police Reservists, operating under a National Police chain of command, using government issued weaponry on duty, and exercising constabulary duties and powers. Kenyan Police Reservists are the only Rangers who carry arms.

No NRT or community conservancy member of staff nor Ranger has been implicated in human rights abuses.

In particular, NRT's anti-poaching mobile units '9' teams face allegations of extrajudicial killings and disappearances, among other abuses. Rangers are allegedly routinely involved in policing matters and directly involved in conflicts between different ethnic groups, related to territorial issues or/and cattle raids that extend far outside their anti-poaching mandate.

No member of NRT's 9 teams has been charged with any allegation of extrajudicial killing, disappearance or other abuse.

The mandate of the 9 teams comes from the Kenya National Police. This goes beyond anti-poaching, and they are regularly confronted by violent crime, including banditry, poaching and theft, which they have a mandate to address under a police chain of command.

Multiple sources within the community, including members of councils of community elders, allege that dozens of people have been killed in circumstances involving NRT.

This serious assertion is so general and unspecific, that it is difficult to

understand. If you mean to say that NRT is responsible for killing dozens of people, then that is not true.

Northern Kenya has significant challenges relating to the proliferation of small arms and conflict, and NRT works to support communities in peace keeping. That is why NRT has invested in a dedicated multi-ethnic peace team, who are deployed around the clock to work with elders, women and youth from all ethnicities to promote peace and harmony, supporting traditional governance structures. NRT has employed 80 peace ambassadors across the landscape - 25 of whom are women. Most are from conflict hotspot areas, and have been instrumental in addressing intertribal conflicts and averting livestock raids through early warning systems, gathering information, intercepting retaliatory attacks, supporting the negotiation and recovery of stolen livestock, and leading reconciliations in the community.

Questions: Is NRT aware of these allegations? Has NRT conducted any investigations to verify them? What measures have been taken to address these issues? Has NRT taken disciplinary action against any '9' team members related to the misuse of force in the past?

All allegations of wrongdoing are taken extremely seriously by NRT. NRT has grievance mechanisms in place and is developing a robust whistleblowing policy supported by a recent comprehensive Human Rights and Gender mainstreaming training conducted by industry leaders and completed by Senior Management, Management, Heads of Departments, as well as conservancy managers, rangers and security staff.

NRT investigates and cooperates with others independently to investigate fully where appropriate, any allegations of human rights abuse, or other crimes. No charges have ever been made against NRT staff or conservancy Rangers in connection with such allegations.

NRT has always and will always cooperate with any police investigations into murder, disappearances, or other crimes. Every security incident, however small, is recorded in the relevant Police Occurrence Book ('OB') at the nearest Police Station.

The 9-1 and 9-2 teams' social diversity represents the broad communities they serve, and the teams have built an immense amount of trust within these diverse communities. The mandate of both the conservancy rangers and the rapid response rangers is to ensure the safety of people and wildlife.

NRT listens carefully to concerns and allegations from within communities, not

just the local leaderships, and is acutely aware of its responsibilities as an organization, to ensure that it, and the community leadership, listen to a plurality of criticisms and comments. Criminal allegations are a matter for the national authorities. NRT has not identified misuse of force in the ranger operations. Were it to do so, it would act firmly with the authorities.

- 2. The loss of grazing land for pastoralists is a major challenge arising from community conservancies. Locals allege that NRT compels communities to set aside their best lands for the exclusive use of tourism. This loss of grazing lands has a severe impact on local livelihoods, especially in drought years.**

Decisions as to land management rest with communities. NRT does not have the authority to and does not compel communities to set aside land for tourism, or any other purpose.

Community conservancies do not fence off grazing land for wildlife, like some game parks. Tourism can co-exist with pastoralist economies. Neither NRT or the Community Conservancies have the authority to move people or settlements anywhere, or deny any community access to natural resources. In northern Kenya, wildlife, people and livestock continue to be nomadic across the landscape as they have for centuries.

There are only two cases in which communities have decided to fence off dedicated areas of land for the protection of endangered species (black rhino in Sera and Hirola and Ishaqbini). The decision to fence this land was entirely that of the land-owning community. The sanctuaries themselves are owned and managed by the land-owning community. NRT provides technical advice, access to partners and finance.

In some areas, communities (not NRT) have arranged for specific tourist installations to be afforded privacy, but this not realistically at the expense of the pastoralist economy, and tourism is a major source of energy for the Kenyan economy.

Questions: Is NRT aware of these challenges? How does it address the loss of grazing land from locals? Have herders been compensated for their loss?

NRT, through its close work with the communities which it serves, is acutely aware of the challenges they and their members face. Where communities have decided to set land aside for conservation or other purposes, NRT provides assistance and advice where it is sought, in relation to management and improving livelihoods.

3. Although NRT claim they are community driven, communities allege that the conservancies have been instigated by outside parties rather than pastoralists themselves, who have a very limited role in negotiating the terms of these partnerships.

It is not clear to whom you attribute these assertions. 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.

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.

According to several testimonies, leverage over communities occurs through corruption and cooptation of local leaders and personalities as well as local administration officials. A number of interviewees also allege intimidation, including arrests and interrogation of local community members and leaders, as tactics routinely used by NRT security personnel.

Questions: Is NRT aware of these allegations? Has NRT conducted any investigations of these allegations?

These are serious but very unspecific allegations, which make them difficult to respond to. NRT is aware of such general assertions having been made in the combative arena of local and community politics and decision-making, and is always alert to charges of impropriety. NRT rigorously investigates all allegations of impropriety.

Any allegation that NRT engages in corrupt practices to coopt local leaders and officials is false.

Any allegation of intimidation by security personnel is denied. This is a baseless allegation. NRT is not and has never been involved in any criminal activities. Part of the mandate of NRT is to promote conservation and security as a means of enhancing livelihoods.

Does NRT have any mechanisms in place for pastoralist communities to voice grievances with the terms of the partnerships or report abuses of power and corruption by local leaders?

Previously, NRT's approach to grievances was an 'open door' policy for complainants to bring matters directly to the CEO for airing and advice. In the past year, on the basis of consultation with many parties, we have identified a need to institutionalize this further, and will shortly be launching a new, structured approach.

Communities have their own procedures for complaints to be reported, as do police and other government authorities.

4. In 2015, NRT formed a five-year, US\$12 million agreement with two oil companies active in the country – the British Tullow Oil and Canadian Africa Oil Corp – to establish and operate six community conservancies in Turkana and West Pokot Counties.

This is false. The true position is that communities in Turkana and West Pokot had incorporated community conservancies in 2010. These communities approached NRT, seeking support. NRT brokered financial support for these community conservancies from the two oil companies who had licenses to operate in those districts.

Question: As a conservation institution, how does NRT justify partnering with oil companies that intend to exploit fossil fuels in Kenya?

NRT is not a nature conservancy organization promoting the dominance of wildlife over the economic and social development of local populations, to the exclusion of development of industry, agriculture and commerce. The decision of the Kenyan Government and people where to exploit their natural resources are just that: Decisions for the government and people.

5. In recent years, locals have held protests and signed petitions against the presence of NRT. For instance, we learnt that Turkana County Government expelled NRT from Turkana in 2015; Isiolo's Borana Council of Elders (BCE) and communities in Isiolo County and Chari Ward in the Biliqo-Bulesa conservancy continue to challenge NRT; in January 2021, community of Gafarsa protested NRT's expansion to Gafarsa rangelands of Garbatulla Subcounty; and in April 2021, the Samburu Council of Elders Association, a registered institution representing the Samburu Community in four counties (Isiolo, Laikipia, Marsabit and Samburu), wrote to international NGOs and donors to cease further funding and audit NRT.

NRT exists to support its member communities. Under Kenyan law, it is a matter for communities to decide how to arrange themselves and manage their land. Where there are discussions and differences of opinion within communities as to whether they wish to work with NRT, that is, of course, a matter for them.

The fact that some communities have decided not to work with NRT reflects the due process which governs NRT's relationships with communities, and evidences the untruth of the allegation made above that NRT imposes itself on communities through intimidation.

It should be noted that in the instance of Garbatulla, they recently toured some of NRT's other conservancies on a fact finding mission and are now in the process of registering their conservancy with the government and have applied to join NRT membership. Coming to see NRT's work at a ground-level has proven beneficial to understanding many of the unfounded concerns raised.

Questions: How is NRT addressing the concerns raised by local communities? Does NRT support the call made by local communities for an independent investigation into grievances around NRT's community conservancies?

The number of communities setting up conservancies and joining pre-existing communities in NRT is growing, year by year. This reflects the overwhelming goodwill from communities to NRT, and a recognition of the value which NRT brings.

To be clear, community conservancies are owned and governed by communities themselves, and not by NRT.

Between communities, and within them, there will always be a plurality of opinion and interests. The community conservancy model benefits from transparency, argument, and the peaceful, informed airing of concerns and conflicting opinions. Where grievances exist, they should be investigated. Where this is done responsibly, taking into account all social and economic contexts, better decisions will be made. NRT would never argue against investigation.

I hope that the above responses are helpful to you. However, if you wish to understand the challenges that the communities and their members face; the way they organize and operate themselves; and to understand how NRT is engaged by them and operates to support them, you really must come out and visit them on the ground. I reiterate my invitation to you to do so.

In the meantime, I should be grateful if you would get back to me with the clarifications as to your objective, and whether you have an interested donor in mind as you initially said.

It goes without saying that the repetition of untrue and unsubstantiated allegations by you against the communities and NRT would cause serious harm. Some of the statements that formed the basis of your questions to us are incorrect, and are damaging when repeated. We are not asking you not to comment on us, and we are certainly not asking you not to question us. But we note your active support for the "Our Land! Our Nature!" Conference, and the apparent urgency of your contact with us. I simply would urge you not to repeat false allegations in such a forum. Meanwhile, please stay in contact and find out more.



LIST OF COUNTIES

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

REGIONAL SUPPORT OFFICES

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

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