



THE SAMBURU COUNCIL OF ELDERS ASSOCIATION

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**THE SPEAKER
SAMBURU COUNTY ASSEMBLY
P.O BOX 3, MARALAL**

28TH APRIL, 2021

Dear Sir

**PETITION TO THE SAMBURU COUNTY GOVERNMENT UNDER ARTICLE 186
SUB-ARTICLE 10 OF THE FOURTH SCHEDULE OF THE CONSTITUTION OF
KENYA ON COUNTIES ABDICATION OF IT'S ROLES TO THE NORTHERN
RANGELANDS TRUST AND INVOLVEMENT IN AMAYA TRIANGLE INITIATIVE**

WE, The Samburu Council of Elders (TSCOE) Association involved in guiding and addressing social, economical and political issues affecting the Samburu community

DRAW the attention of the House to the following;

1. The Constitution of Kenya empowers the County governments to act as representatives of the people. We appreciate the role played by the County Assembly of Samburu to enhance representation, legislation and oversight in compliance with the dictates of the constitution.
2. Article 186 of the Constitution provides for functions and powers of national and county governments. The Fourth schedule (10) calls upon County Governments to implement specific national government policies on natural resources and environmental conservation, including; - soil, and water conservation; and forestry.
3. On 21st April 2021, some Samburu county leaders, administrators met with Northern Rangelands Trust (NRT) team. The objectives of the meeting will culminate into and agreed that NRT take over by the NRT of the following County government roles in its

purported assistance to community conservancies in Samburu North; governance and capacity building, peace, security, infrastructure, technical support, rangelands, grazing coordination and GIS Mapping and wildlife monitoring. The above meeting follows the request of NRT Team to extend its tentacles to Samburu North sub-county on 13th August 2020.

4. Further, the County government and NRT agreement revolves around acquisition of the armed National Police Reservists as conservation rangers by the private entity in its purported conservation efforts. Samburu North is such a volatile area and any attempts by private players to acquire for private use the trained and armed personnel without duly sanctioned by national government organs amounts to gross security breach.
5. NRT is a private profit making organization that has served the ASALs community with minimal positive impact or nearly non-existences success story. Its timing entry to Samburu North before the completion of the ongoing registration of Community Land is questionable and should not be allowed.
6. We are concerned that NRT continued spreading of its tentacles to the North will disadvantage the pastoral communities who depend on pastoralism as NRT chiefly targets acquisition of the community grazing areas in disguise of conservation. NRT has a history of establishing several large conservation park in the Counties of Isiolo and Laikipia that has resulted into conflicts with pastoral herders (Abdullahi, 2017).
7. The Samburu Council Elders is of the view that there are social and geo-political structures which are complicating the conflict in Samburu North among them are population increase, the effects of climate change and weak land use framework. Therefore, any attempts by an entity to claim land for conservation will aggravate the already volatile situation.
8. We are therefore concerned about the County government absolute handover of its constitutional obligations to a private entity that has been denied entry by neighboring counties such as Turkana County due to its past reputation.
9. The communities in Samburu North have already lost PARKATI and SOUTH HORN sub-locations in 1992 during the districts and provincial land act and handing over additional pastoral communities to a profit-making entity is unsustainable.

THE INTENT OF AMAYA TRIANGLE INITIATIVE AND NRT

The Samburu Council of Elders is aware of the recent signing of the MoU between the county governments of Laikipia, Samburu, Isiolo, Baringo and NRT to operationalize the Amaya Triangle Initiative (ATI) with Kshs. 600m grants from the European Union

While we recognize the fact that some of the goals of ATI would potentially benefit the residents of the 4 counties, we are very concern that the main goal is to block the pastoralists communities, Samburu community pastoral herders included from accessing Laikipia grazing fields.

We are aware of the intents of the Amaya Initiative which is to undertake urban development (smart towns) concept on areas and corridors deemed to be used by pastoralists as a way of protecting the absentee land owners and the bourgeoisies (affluent ranchers) against the lumpen –pastoral herders. We are privy too that ATI with NRT as a lead agency plans to develop major infrastructure on livestock and wildlife corridors to distract movements to Laikipia, Mt. Kenya and Aberdares for grazing.

Pastoral mobility is a distinguishing feature of the pastoral livelihood which allows pastoral herders to access sufficient high-quality grazing fields on common or open neighborhood property. Amaiya triangle initiative (ATI) is a comprehensive plan to cease transhumance pastoralism by closing migratory corridors, holding grounds and secure absentee landowners and affluent ranchers.

In a nutshell, ATI motive is to kill pastoralism at the expense of the Laikipia affluent ranchers and absentee landowners. Why should the Samburu County Assembly and leadership support such an initiative framed to disadvantage its communities?

Going by previous experiences as quoted by the following scholars, there is reasons to worry.

- Abdullahi Boru Halake in an article; The Ugly Truth about Wildlife Conservation in Kenya, “there is an ongoing battle between white settler conservationists from the Laikipia plains and pastoralists neighboring the northern rangelands”
- Willis Okumu too in his Thesis titled: Conflict Over Ltungai Conservancy: A case of Fatal Competition over grazing land and Water among the Samburu and Pokot in north-western

Kenya mentioned NRT adversely as a contributor to the conflict while trying to broker between the two communities as the planned case of ATI

- The article: Why Black Lives Don't Matter in Kenya's Colonial Conservancies clearly paints the unresolved problem of historical land injustices. The Amaya Initiative being pushed by Hon Mureithi, Governor of Laikipia County, backed by the ranchers who are the systems of NRT and with funding from European Union raises questions as to how this concept is different from previous attempts to push pastoralists from neighboring communities out of Laikipia and fixing pastoral communities in their own land.

In view of the above, TSCOE is very concern about ATI and therefore petitioning the County Assembly of Samburu to immediately cease to be part of ploy to implement Amaya Triangle Initiative based on the following reasons.

1. That no public participation was carried out that involved a reasonable number of the Samburu communities from the 3 sub-counties.
2. That the concept of smart towns and blocking of livestock migratory corridors, stock routes and holding grounds would kill pastoralism and subsequently increase poverty in Samburu.
3. That the idea of “grass following the cows instead of cows following grass” is only meant to enrich the ranchers and Laikipia affluent farmers as they convert livestock corridors, holding grounds, public land, and absentee lands to grow hay grass for sale to the Samburu, Baringo and Isiolo pastoralists.
4. That ATI would fuel complex conflicts between Laikipia ranchers/farmers and the Neighboring pastoralists if this initiate is allowed to proceed in its current design.
5. That the damage previously done to the Samburu pastoralists (loss of lives, killing of livestock, burning of houses, constant evictions and many other human rights violations etc) even during the peace caravans should be lessons enough to pose and think than rushing to enter into MoUs that would end up disadvantaging the pastoralists from Samburu.
6. That NRT or any other NGO shouldn't stand between or broker such a deal. Funding coming from the European Union through a British affiliated NGO (NRT given Craig links) raises more questions than answers.

7. That NRT is currently involved in a similar controversy (legal battle in court of appeal) attributable to its lack of transparency on matters of community land following huge funding from the European Union. Collateral arrangements therefore involving this same entities (NRT and EU) before the determination of the ongoing case between them and pastoralists communities from West Pokot shouldn't been allowed.
8. That EU should rethink using the indigenous community legally registered institutions, its partners or a relevant national government ministry to channel funds to counties for the achievements of the intended objectives based on county specific CIDPs.
9. That further deliberations should be done and consensus achieved for counties to be supported through existing economic blocks like NOREP or Northern Frontier Districts Block as opposed to Amaya which appears to empower the white Laikipia settlers and farmers at the expense of the neighboring pastoralists.

THEREFORE, We PRAY that the County Assembly of Samburu:

1. Takes this Petition seriously and treats it with the urgency it deserves.
2. That all relevant county government ministries, departments/officers halt all the petitioned activities until we hold deliberations and agree on way forward.
3. That all stakeholders representing both the community interests and county government be called for a round table meeting to find amicable solutions to the issues affecting the people of Samburu North.
4. That NRT and ATI should **NEVER** be allowed to take over communal land through MOUs in the guise of conservation because it will impoverish the pastoral herders in the long run.



Lt.Col Rtd Richard N. Leiyagu

The Patron of the Samburu Council of Elders Association

References:

1. Abdullahi Boru Halake (2017): *The Ugly Truth about Wildlife Conservation in Kenya*. Kenya's colonial wildlife conservation system is displacing native pastoralist communities from their historic lands.
2. Brock Bersaglio: Green Grabbing and the Contested nature of belonging in Laikipia, Kenya
3. John Ngimor & 554 others versus Northern Rangeland Trust Land Court at Kitale ELC Petition No. 7 of 2020
4. Government of Kenya: The Petition to County Assemblies (Procedure) Act, 2020
5. Mordecai Ogada: Why Black Lives Don't Matter in Kenya's Colonial Conservancies
6. Stephen Corry: Are Kenyan Conservancies a Trojan Horse for Land Grabs
7. Willis Okumu too in his Thesis titled: Conflict Over Ltungai Conservancy: A case of Fatal Competition over grazing land and Water among the Samburu and Pokot in north-western Kenya