# GRAZING BY-LAWS DEVELOPMENT WORKSHOP

## WORKSHOP REPORT

## FROM 6-7TH OF JULY 2013

**Facilitating sustainable grazing management and greater social cohesion in northern Kenya**

**Prepared by Joseph Letoole**

**Assistant grazing coordinator, Northern rangelands trust**

## A BRIEF BACKGROUND

The mobility of pastoralist communities in search rangeland resources is expected to increase over time as more livestock roams over the degrading rangelands.

Grazing by laws development workshop was conducted with the goal of harmonizing rules and rights on access to various rangeland resources, migration patterns, settlement patterns as well as management of areas used or designated for tourism development among various community conservancies in northern Kenya.

The end results of these harmonized grazing rules and by-laws are increased social cohesion and reduced conflicts related to rangeland resources in northern Kenya.

NRT approach to grazing management is to build the adaptive capacity and resilience of pastoral communities to mitigate the effects of climate change through planned grazing and restoration of the rangelands. The greater coordination of grazing management among the community conservancies will contribute to more organized pastoralism where grasslands management is strengthened to give rise to healthy animals and improved community livelihoods.

The future of modern pastoralism is in the management of grasslands and not in the amount of animals that one keeps or the frequency of migrations that pastoralist makes per year.

The workshop was conducted on the 6 and 7th July 2013 at mocharo hotel in isiolo, Kenya. The workshop was founded on the following objectives-

1. Address the current situation of rangeland degradation
2. Build resilience and enhance community livelihoods
3. Resolve conflicts over natural resource use
4. Integrate livestock grazing and wildlife conservation
5. Promote ecotourism products and incomes
6. Strengthen traditional system of natural resource use governance

The workshop was attended by leaders from community conservancies, county governments, government of Kenya and other organizations as follows-

1. West gate community conservancy,
2. Meibae community conservancy,
3. Namunyak community conservancy,
4. Naibunga community conservancy,
5. Lekuruki community conservancy,
6. Nasuulu community conservancy,
7. Leparua community conservancy
8. Mpuskutuk community conservancy,
9. Ilngwesi community conservancy,

10. Melako community conservancy,
11. Buliqo-bulesa community conservancy,
12. Nakupurat-gotu community conservancy,
13. Kalama community conservancy,
14. Sera community conservancy,
15. Ngare ndare community trust,
16. Natural capital east africa,
17. vsf suize,
18. Samburu county,
19. Ministry of livestock,
20. Kenya forest service and
21. Other community opinion leaders.

Each organization was given an opportunity to share the experiences they have had from their already existing bylaws, the challenges and the lessons learnt.

## THESE ARE SOME OF THE CROSS CUTTING ISSUES

1. unclear rules governing livestock grazing in community areas
2. unclear rules governing livestock encroachment from one conservancy to another
3. weak rules governing the management of settlements in most of the community areas
4. low awareness levels on among the community members on the need to manage grasslands/community unaware of existing bylaws and their roles in enhancing good conservation practices
5. management of neighbors who are in search of green pasture and water
6. non-existent land use plans in various community areas
7. high amount of bare areas in most of the community areas/high amount of degraded areas
8. no bylaws to enforce the management of grazing in community conservancies
9. peace and grazing management is key to improved rangeland health
10. cattle rustling is undermining peace efforts leading to fear and insecurity/roles of bylaws in reducing incidences of cattle rustling
11. Less involvement of women in grazing management in various community conservancies
12. misunderstanding of grazing management as a way of denying grazing rights
13. unsecure land tenure systems in community areas

**I would like to acknowledge the above organizations for their contributions towards harmonizing the following grazing bylaws**

# HARMONIZED GRAZING BY-LAWS

1. **Management of special wildlife habitat- core conservation areas, sanctuaries and water points**

The management of these areas shall solely lies with those mandated by the community members or group ranches who are the owners of the land (grazing committees and the conservancy management)

**The core conservation areas guidelines**

- There shall be no settlements within the conservation areas and any person found there illegally shall be forcely evicted by the conservancy with the assistance of the chiefs and with a fine of ksh. 10000 per herd/household or an animal equivalent to that amount of money
- There shall be no grazing of livestock within the core-conservation area unless approved by the grazing committee in consultation with the tourism operators and other partners; the grazing of core-conservation is limited to the conservancy members. Grazing can only be done after a forage assessment exercise has been conducted. any grazing without permission will attract the following fines-if the th person has the knowledge of the existence of the core conservation area then, he will be fined ksh.100 per cow in a herd of cows, ksh. 50 per goat in herd of shoats and ksh.50 per donkey in a herd of donkeys

2. **Coordination of grazing in settlement zone or grazing zones**

- Each settlement area or grazing zone Must be have a grazing plan with defined blocks e.g. A B C
- Every settlement zone should its own grazing by-laws at the grass root level
- The number of livestock in each settlement zone in a conservancy should not exceed the carrying capacity of that land.
- The movement of livestock from one grazing block to another should be authorize by the village grazing committee or village elders and a notice should be given to all the herders in the village or zone
- Neighboring communities/settlements must come through the existing committees if they want to access pasture and if one is found grazing there without permission will be punished in line with the laid down procedures of the settlement zone.

3. **Water point management**

- Springs or water catchment sources meant for wildlife are protected and therefore out of bounds for settlements

- The grazing committee shall have the authority to control/restrict the use of water sources(springs,dams,wells and rock catchment areas for the purpose of implementing grazing plans)

- corridors for accessing water points in each conservancy should be well mapped and be made known by all the users in the community
- Offenders using water points in the core areas without shall be fined Ksh 100 per cow, 50 per goat, 100 per camel and 50 per donkey.
- Penalties for damaging water points shall be developed by the individual conservancies if one is found damaging the water point should fined amount of money equivalent to cost of repairing the water point.

4. **Reciprocal grazing and negotiations of access rules should be allowed but with the following conditions**

- Any person interested in accessing grazing resources in another conservancy or community Must liaise with grazing committee through formal meeting in view of getting a formal authorized letter with three signatories-grazing chairman, conservancy chairman, local chiefs from the relevant areas (both sides) and the manager. A one month notice will be given and the grazing period will be specified.
- Upon acceptance by the host conservancy, a written MOU will be signed specifying the terms and conditions that will apply during the reciprocal grazing period. In the MOU, It must be declared that grazing is the only interest and therefore involving in any other activities outside grazing like poaching will have dire consequences

5. **Settlements to access pasture and water during dry seasons in different conservancies**

- Temporary settlements are only allowed within the grazing zone as described and recommended by the conservancy grazing committee.
- temporary settlement is only allowed in defined bomas site areas and bunching of the animals must be done within allocated blocks
- All temporary settlement in dry season grazing areas are subject to moving bomas after every 7 days to boost the productivity of the areas through animal impacts

6. **Define areas restricted from human settlements**

Protected areas in the conservancy are some of the following. The individual conservancy may come up with their own special areas based on their management objectives

- Core-conservation areas
- Lodge privacy areas
- Sanctuaries

- Water point/catchment areas
- Forest
- Holistic planned grazing practice sites
- Parks
- Camp sites
- Wildlife corridors
- Access roads/air strips
- Buffer zones/grass banks
- Rehabilitated sites
- Shrine areas

Settlements are strictly not allowed in all the above areas

7. **Access to buffer zones for grazing**

- Grazing committee/investors/conservancy or group ranches management must agree on when and how to access the buffer zone for grazing plans.
- Community should be informed of such plans through community meetings where minutes should be properly documented

8. **Defining corridors or mobility routes**

- Wildlife corridors- no settlements along the wildlife corridors within the specified ecosystem.
- Mobility routes- terms of the MOU to define

**Management and control of trees destruction**

- It is the responsibility of every community member living in the conservancy to protect, preserves and promote indigenous trees cover within their area
- Cutting of live trees for charcoal burning is not allowed and liable for fines of 5000ksh or a goat of the same value in the first offence. Failure to comply the above will face the law. These clause will empower community members to destroy charcoal kiln if found without authority from the owners. However invasive species are exceptional in this case.

- The conservancies will charge fees for collection of natural resources of any nature for commercial purposes as follows
- Firewood.3-7 tones- ksh 2000 above 7 tones ksh 4000
- Sand harvesting- 3-7 tones ksh 5000
- Hard core- 3-7 tones ksh 5000
- Wood for construction- ksh 80000 (7 tonne)

However the conservancies will have the mandate to increase or decrease the above rates based on their locality

## 9. POACHING AND HUMAN WILDLIFE CONFLICT

Poaching of wildlife for commercial or cultural purpose

- Poaching is illegal as per the law of the country and whoever is found in the same act will face the full force of the law.

**Human wildlife conflict**

A workable compensation/ consolation will be done as per the existing wildlife act. However the conservancies should take the obligation to assist genuine community members injured or killed by wildlife to follow the right procedures to get compensate

***Conflicts resolution and dealing with the wrong doers***

- Mutual negotiation and understanding involving the grazing committee, village elders and the area chiefs of the concern conservancies should be embraced by all the parties. However the concern conservancies will always seek assistance of member conservancies if need be.
- A regional conflict resolution committee be established to tackle issues of concern within the region
- A conflict between different regions will be tackled by regional conflicts resolution committee
- Any conflicts resolutions should be done through dialogue

## 10. Grazing fees

- No grazing fees will be charged, however payments will be done through reciprocal grazing understanding in order to build good and mutual relationships

**11. Use of designated tourism areas**

- This are protected area. Access is only when agreed on appropriate time depending on the severity of the drought while putting consideration into the high and low tourism season.
- This shall only be done upon proper consultation/agreement with tour operators/investors

**12. Respect each other land use control and management rights**

- Each conservancy must at all times respect each other's right of ownership and control of natural resources within their areas of jurisdiction. Hence must accept and apply the terms and condition existing in that conservancy
- Access is only through formal understanding and rules of access.

**13. Rehabilitated site management**

- These are special management sites within the conservancies, still undergoing recovery and require strict protection and its access will be authorized by the conservancy management.
- The duty of the grazing coordinator is to make daily monitoring and report the progress to the conservancy mgmt. and the grazing chairman.

**14. Dealing with neighbors who are not members of NRT/ where there are no conservancies**

- Will be subjected to all rules of grazing and penalties applied to NRT members
- Arrangements to turn them or host them for grazing should be done through their leaders-county representatives, chiefs, District officers and DCS
- The conservancy of entry will have the responsibility of informing others on reasons of entry, agreements and conditions arrangements. The same conservancy concern will be responsible for reaching out to their leaders and their wrong doings on behalf of the member conservancies.
- Involve and partner with them during awareness or even during planning of grazing
- Identify potential members for exposure activities of holistic management
- Invite them during conservancy events e.g. Agm, conservancy awareness meetings etc

**15. Grazing access in parks and reserves, forest and sanctuaries**

- The conservancies bordering the parks will be responsibility to control illegal grazing in the reserves and parks
- The conservancies to develop mutual relationship and memorandum of understanding with the reserves' management authority to allow planned grazing in the reserves during critical drought times
- The reserves should have the responsibility in supporting the county conservancies
- The reserve rangers should also engage with the neighboring communities to create awareness on the need for improved rangeland and grazing management

16. I**nvolvement of women on grazing management or incorporating them in decision making**

- Women must be 1/3 of the committee
- There must be three women in each conservancy grazing committees
- women should be elected in decision making organs of the conservancy

**17. Encroachment by institutions such as Local or Foreign Armies**

- Clear negotiations shall be made with land owners arbitrated by county governments and made clear to residents on what practices to be done or not, extent of land for use and terms
- Wrong doings shall be compensated or doers sued for compliance,

**18. Group Ranches Constitution**

- Established group ranches shall repeal their constitutions accordingly to validate these bi-laws
- Community meetings shall be held by different conservancies to ratify bi-laws and constitutions

**Next steps for/plan of action**

| ACTION POINT | WHEN | WHO |
|---|---|---|
| 1. Each conservancy to establish their constitutions to back up their grazing bylaws | July/august 2013 | Conservancy managers/conservancies boards |
| 2. Polishing the draft and aligning it to the constitution, relevant wildlife acts, land acts and existing forest acts | July 2013 | Northern rangeland trust |
| 3. Organizing a stakeholders and leadership workshop to present the harmonized bylaws for additional views | September 2013 | Northern rangeland trust |
| 4. Each conservancy to be facilitated to create intensive awareness among the community members for endorsing of their bylaws | | Community conservancies and their partners |
| 5. Endorsing of grazing bylaws by the respective county governments | February 2014 | Northern rangeland trust |
| 6. Review of the grazing bylaws | After every 3 years | County governments, conservancies,NRT and other partner organizations |

Thank you