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Booklet 1: Strengthening natural resource governance in Garba Tula

Garba Tula district in Isiolo County of Northern Kenya, is a region covering approximately 10,000km and home to around 40,000 predominantly Boran Pastoralists. The region is characterised by arid and semi-arid conditions and is rich in biodiversity and wildlife resources. Despite being surrounded by protected areas such as Meru National Park and Bisan Adi Game Reserve the full potential for conservation is not being met, and instead communities are often threatened and restricted by wildlife populations. The majority of land in Garba Tula district is held in trust by the country councils, who exercise strict control over the allocation of land. Decisions on the use and management of land are taken out of the hands of local communities and their traditional authorities, weakening them and leading to increased land fragmentation and degradation.

IUCN's dryland programme based at the IUCN Eastern and Southern Africa Regional Office (ESARO) has been working in Garba Tula District, of Isiolo County since 2009 implementing the Improving Governance of Natural Resources for Rural Poverty Reduction project with funding from the Department for International Development Governance and Transparency Fund, (DFID-GTF), and complementary resources from Catholic Aid for Relief and Development (CORDAID). This project seeks to strengthen natural resource governance in Garba Tula, by supporting the underlying institutions and regulatory systems, enabling more participatory decision-making practices and positioning communities to benefit from more sustainable resource management. The project has 4 key result areas:

1. Decision makers and stakeholders have increased awareness and policy guidance for dryland management based on identified best practices.

2. More effective participatory decision-making in natural resource use and management, based on strengthened institutional arrangements

3. Local communities are better able to capture viable economic and biodiversity-related benefits from identified dryland ecosystem opportunities

4. Lessons and best practices are effectively captured and disseminated to promote learning and enable scaling up of project impacts

These handbooks are the products of this project and are a means to share the learning from the approaches used with a wider audience of practitioners and policy makers. There are 3 handbooks in this series: 1) Strengthening Natural Resource Governance, 2) Participatory Rangeland Planning - A Practitioners Guide and 3) Enabling Community Benefits from Sustainably Managed Drylands.

About IUCN

IUCN, International Union for the Conservation of Nature, helps the world find pragmatic solutions to our most pressing environment and development challenges.

IUCN works on biodiversity, climate change, food security, governance and greening the world's economy by supporting scientific research, managing field projects and bringing governments, NGOs, the UN, communities and the private sector together to develop policy, laws and best practice.

IUCN is the world's oldest and largest global environmental organisation, with more than 1,000 government and NGO members and almost 11,000 volunteer experts in some 160 countries.

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Acronyms

IIED   International Institute for the Environment and Development

IUCN   International Union for the Conservation of Nature

NRM   Natural Resource Management

RAP   Resource Advocacy Programme

RUA   Rangeland Users Association

SWOT Strengths, Weaknesses, Opportunity and Threats

WUA   Water User Association

About the handbook

This handbook explains the overarching goal of the *"Improving Natural Resource Governance for Rural Poverty Reduction"* project, the approaches adopted and why governance, and in particular natural resource governance, is of interest in the drylands of Garba Tula. The booklet further explains the specific results of the project as well as the project strategies for achieving these results. The handbook finishes with key lessons and the next steps necessary for achieving good governance of natural resources in the district.

Background

Project site and resource governance challenges

The Garba Tula district in Northern Kenya, covering a vast area extending over $10,000km^2$, features many of the typical characteristics, both in terms of challenges and opportunities, of African dryland environments. It is also home to some 40,000 predominantly Boran people who depend on pastoralism[1], for their daily livelihoods.

In theory, Garba Tula's extensive rangelands have the potential to generate food and income as well as to provide many vital and valuable ecosystem services such as water supply and carbon sequestration. However, in practice these services are being degraded through misguided rangeland investments and policies. Weak land tenure has been identified as one of the key underlying issues that has held back sustainable livelihoods and development in the area. Land in Garba Tula is legally held in trust by the County Council, but these Councils generally exercise strict control over land allocation and are often poorly accountable to local communities, who in turn are poorly informed of their rights.

As a result, the common property regime which has traditionally allowed pastoralists to sustainably manage vast areas of land is being undermined by laws and policies that promote the individualisation of land tenure. As such dry-season grazing reserves have been lost, livestock movements have been restricted, and land degradation has increased, consequently undermining the sustainability of the pastoral livelihood system.

A number of underlying drivers of poor resource governance have been identified, namely:

- Insecure natural resource tenure
- Weak governance (e.g. political marginalization and corruption);
- Lack of appreciation of communal governance in the drylands and value of these systems.
- Governance vacuums – the State is strong enough to undermine institutions but not strong enough to replace their functions.

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1   A production system which critically depends on herd mobility and access to strategic seasonal resources, such as water and dry season grazing

Natural resource governance in Garba Tula

Many of the above issues, as articulated by community representatives, shaped the focus of IUCN's work on natural resource governance in Garba Tula district. So, if governance is so important – what do we mean by governance? For some, governance is about policies while for others it refers to 'government' specifically and its powers and mandates, and for others still it is about the host of relationships between citizens and the State, and between citizens themselves.

What is governance?

Adopting IUCN's global definition, governance is the means by which society defines goals and priorities and advances cooperation. It includes policies, laws, decrees, norms, instruments and institutions. Governance is not the province of government alone, and includes informal institutional arrangements like voluntary codes of conduct for private businesses, professional procedures and partnerships among all sectors. These include numerous and varied arrangements, but an essential element is that they mobilise diverse constituencies to agree on common goals and to help realise them.

What is natural resource governance?

IUCN chooses to refer to a broad definition that is not just between the State and its citizens, but between citizens themselves and their respective institutions. In many places where government is weak or non-existent people manage to govern their natural resources effectively.

- NR governance is defined as the rules and regulations that determine (or govern) natural resource use and the way these rules and regulations are developed and enforced.

- NR governance is thus essentially about relationships & who has the power and responsibility to make and implement decisions.

The project

IUCN in close partnership with the Resource Advocacy Programme (RAP) and through funding from the UKAID and CORDAID has been implementing the **"Improving Natural Resource Governance for Rural Poverty Reduction"** project in Garba Tula District of Isiolo County for the last four years. The overall goal of this project is to "improve governance to support better livelihood security and ecosystem management in the drylands of Africa."

The project has 4 key result areas:

1. Decision makers and stakeholders have increased awareness and policy guidance for dryland management based on identified best practices.

2. More effective participatory decision-making in natural resource use and management, based on strengthened institutional arrangements.

3. Local communities are better able to capture viable economic and biodiversity-related benefits from identified dryland ecosystem opportunities.

4. Lessons and best practices are effectively captured and disseminated to promote learning and enable scaling up of project impacts.

In order to determine what changes to natural resource governance that the project would like to support and the strategies for achieving this, IUCN conducted a strategic planning process with RAP. This process involved a visioning process which highlighted the current governance challenges facing communities in the district and the vision for change, as shown in table 1 below.

Based on governance challenges described above, a number of theories of change were developed which provide the foundations of the project:

- Stakeholder participation within natural resource planning processes will ensure NRM plans are contextually appropriate and effectively implemented and enforced.

- Stronger local institutions will lead to better management of dryland ecosystems.

- Supporting the development of biodiversity based sustainable livelihoods will promote the value of dryland ecosystems and the need to preserve and protect their natural resources.

- Stronger mechanisms for enforcement of locally appropriate by-laws leads to efficient resource utilisation and sound management of land, forest and water resources.

- Appropriate dryland policies will lead to more sustainable and equitable management of natural resources and systems to enforce their use.

Table 1: Governance challenges highlighted during project inception and future vision

Now	Future vision
Insecure natural resource tenure	- Secure resource tenure recognizing traditional customs on NRM management.
Weak NRM governance institutions	- Strong legitimate representative institutions on NR governance
Changing climate in terms of variability and increasing vulnerability	- Increased adaptability and resilience to variability of climate
Declining biodiversity resource base and weakening livelihoods	- Sustainable resource base - Greater ability of community to capture benefits
Poor appreciation of pastoral system in policy and development planning processes	- Improved rangeland planning - Greater influence on pastoral partners and
High levels of conflicts due to increasing competition over resources	- Strong reciprocal well-structured and negotiated access to resources

Project approaches for supporting natural resource governance

To the extent possible, the project built on existing governance mechanisms in the Garba Tula area. In particular, the project built on the customary common property governance system of land and natural resource access, ownership and management, which has been in place for many years and is widely understood and recognized by a large proportion of the community. The project has worked extensively with local communities, their representative institutions and with local government partners to support the development of stronger regulatory systems, more robust and effective NRM institutions and improved planning processes to promote stronger governance of natural resources within Garba Tula district, and Isiolo County as a whole. The project approach involved several

interlinked strands. Table 2 below shows some of the approaches adopted and why the approaches were chosen.

Table 2: Project strategies to improve natural resource governance

What?	Why?
Support the development of by-laws at the County level which recognise and build-on Customary rules and regulations	Formalise and enforce locally recognised rules and regulations for NRM, and provide a framework for effective governance of natural resources by local communities. Link to on-going devolution processes and the provision for Community Land in the Land Policy and Constitution. Integrate traditional and State institutions.
Support Participatory Rangeland Planning processes with communities and government	Improve participation of local communities in decision-making on natural resources. Recognise local knowledge and voice. Create accountability structures between citizens and government. Link to on-going County Planning processes
Build the institutional capacity of local NRM institutions	Strengthen the ability of institutions to make and enforce decisions. Build role of local representative organisations in devolved natural resource governance. Link to on-going devolution and the process of establishing community-based NR institutions. Recognise traditional values
Support multi-stakeholder dialogues on key issues around NRM	Conflict management and negotiation between competing user groups. Representation in key decision making fora. Support local voice.
Support opportunities for local communities to benefit from the sustainable management of their natural resources through improved understanding of dryland values and the potential for biodiversity-based enterprises.	Capture multiple benefits from well managed ecosystems and create incentives for conservation

Support development of by-laws at the county level

Providing mechanisms through which local practices, cultures and innovations can be mainstreamed into official regulatory frameworks for natural resource management in Garba Tula, arises from the recognition that compliance with laws and regulations is relative to the extent to which it reflects local customs, traditions and value systems of the people it is intended to govern. While many of the customs and traditions in this area remain resilient and applicable, recent years have witnessed considerable erosion of the institutional structures through which they were previously enforced. The challenge, then, is to find how the local customs, traditions and values can be institutionalized into formal natural resource management regulatory frameworks.

By strengthening traditional rules on natural resource management and formalizing those into laws that guarantee fair access and governance, the project contributed to more secure resource tenure. More security over ones rights to a resource base encourages more appropriate investment, enables effective decision making on use and management and enhances the well-being of local people.
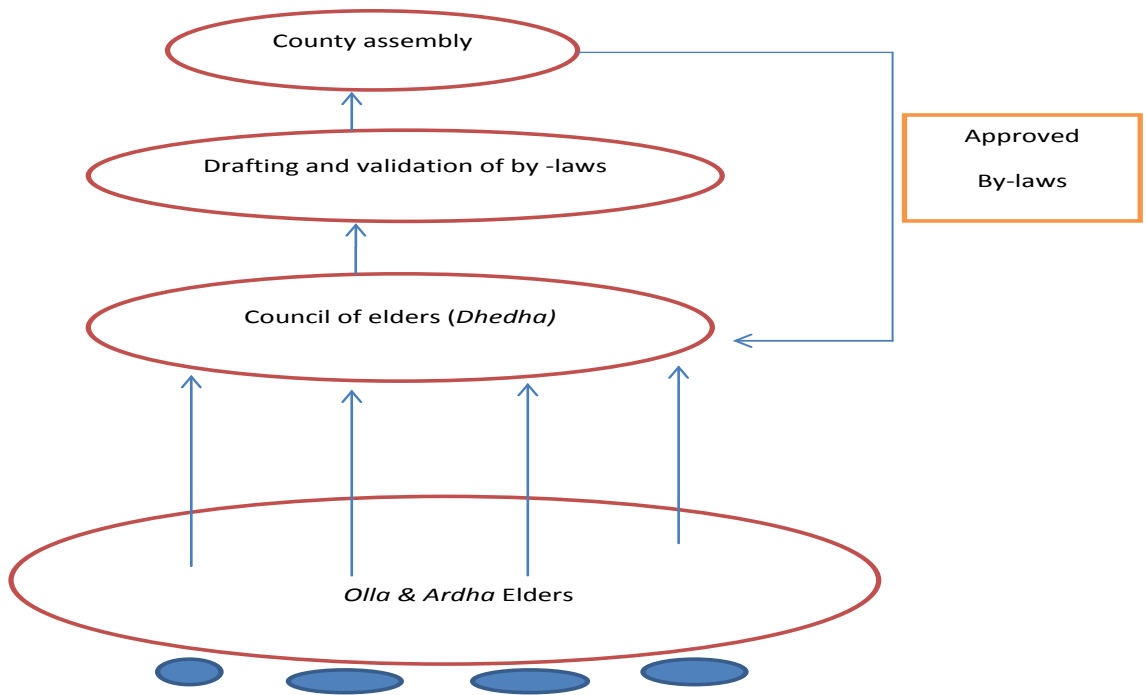

Figure 1: By-laws development process in Garba Tula

The process of developing the local by-laws was extremely participatory and had buy–in from the local community and government, to ensure the sustainability of outcomes and the adherence to the law in the future. The by-law development process followed several systematic steps:

1) Collection and collation of information on customary rules for natural resource governance in consultation with key stakeholders, especially elders. The by-law formulation process started with the Ardha and Olla (which are the smallest units for resource management among the Boran community) – see figure 1 below. At this level elders generate customary rules/regulations for certain resource management issues. The proposed by-laws were discussed extensively in Ardha meetings and then forwarded to the Deedha (the highest resource management unit) for further discussion and consideration. The Deedha elders are made up of representatives of the different Ardhas.

2) Distillation of customary rules and regulations into a language that will permit for their enactment as regulations within the framework of relevant laws, including, emerging County government by-laws, the Environmental Management and Coordination Act, 1999, the Water Act, 2002, the Forest Act, 2005, the National Land Policy and the Constitution of Kenya, 2010.

3) Presentation of the draft bylaws to the community and the holders of customary law for validation and approval.

A customary institution bill for natural resource governance and management was proposed which articulates: a) the roles of elders, b) enforcement mechanisms and c) regulations on water resources, pasture and woodlands. Guidelines for the remaining process to be followed by the community in order to have their regulations recognized by the statutory system were also developed, including the adoption by the County government and their registration with the central government. These guidelines also speak to the options for strengthening customary systems of natural resource governance and management within the emerging policy context in Kenya. See table 3 below for the framework of the proposed by-law.

Although the by-law proposed is expected to solve a number of resource management issues, there are still outstanding challenges that remain within this approach including: defining 'community' and delineating 'community land', scaling up to beyond Garba Tula, and out to neighbouring communities and finding harmony between the formal and traditional institutions on NR governance.

Table 3: Content of proposed by-law

Part I: Preliminary	
Citation	How the by-law should be cited
Interpretation	Describes the meaning of terminologies
Commencement	States when the by-law comes into force
Application authority	Defines for whom this by-law applies and the jurisdiction of
Part II: Management of natural resources	
The objectives of the by-laws	Spells out clear objectives of the by-laws
Administrative hierarchy	Defines different levels that forms the Council of Elders
Guiding principles	Provides constitutional and other legal provisions
Composition of council of elders & term of office	Defines the composition of the Council of Elders
Function of council of elders	Provides the function and terms of office
Regulations on key resources	
Water resources	Defines the authority of the regulator of water points, schedule of access and management and permitted activities and offences with regards to water
Pasture resources	Spells out responsibilities of the Council of Elders, permitted activities in pasture use and access, and offenses with regard to pasture
Forested areas/woodlands	Spells out permitted activities in forest conservation and access, and offenses with regard to forest and penalties

Support Participatory Rangeland Planning processes

Participatory rangeland planning is a tool used to respond to a number of the governance challenges mentioned at the start of this booklet. Rangeland planning helps improve participation in decision making, and transparency and accountability, it strengthens community and government engagement, and values local ecological knowledge. In addition, the process of participation ensures that the resultant rangeland plans are contextually appropriate and effectively implemented. Through this process resource users can more effectively avert threats and maximize on the potential of resources, to deliver the available and diverse rangeland goods and services. For more details on this process and the plans developed for Garba Tula, please refer to Booklet 2 of this series, on participatory rangeland planning.

Methodology of participatory rangeland planning

The process of PRP follows a series of sequential participatory steps:

Inventory of baseline environmental conditions: Developing a plan for using rangeland resources requires baseline information about the productive capability of the rangelands, current conditions, seasonal use patterns, intended use, and multiple users. For this analysis a number of participatory tools can be used such as seasonal calendars, mapping of resources, historical trend analysis etc. The ultimate output of this initial approach is to produce community rangeland resource maps, detailing the status of the resource base, the various resource users, mobility patterns and important rangeland use and access issues experienced in the area.

Vision maps: Based on the assessment of the current status, communities are asked to develop vision maps that show their plans aspirations for the management and use of resources in a 5-10year period. These maps form the basis of the action plans.

Stakeholder analysis: This stage involves a thorough review of rangeland users to understand the relationships between them and their involvement in the use and management of rangeland resources. The immediate objective of a stakeholder analysis is to identify and analyze all the different stakeholders in terms of their direct and indirect use, and management of rangeland resources. It includes identifying the current and potential roles and responsibilities of the different users and understands the interests, positions and requirements of all stakeholders. This process should help minimize the potential for future conflict between groups.

Interpretation of community maps: The maps developed by the community are interrogated and analysed to get agreement across groups and inform the rangeland plans

Develop rangeland management plans: The rangeland management plan is the last vital step in the PRP prcess, The plan is often developed by the rangeland management institution and based on discussions with all relevant community groups and other stakeholders.

The PRP process gave the community an opportunity to reflect on rangeland issues, produce common plans and own both problem identification and the solution process. The resultant participatory maps and rangeland plans for 5 Dheedas are currently influencing the work of different players at the County level. Through engagement with IIED the maps were digitized and are available for use by the new County governments. The plan also holds important information that is guiding interventions by other actors working in the area.

Capacity building support to customary NRM institutions

Rangeland resource management demands attention to many crosscutting issues. Rangeland resources are subject to multiple uses, by multiple users and overlapping and contested mandates, all of which raise governance challenge that require institutional responses at various scales. IUCN worked closely with both statutory and customary NRM Institutions in Garba Tula during the life of the project. Table 4 overleaf lists the main institutions both customary and modern that are present in the district.

Although weakened and not formally recognized, customary knowledge and institutions still govern and regulate pastoral resource use and access in Garba Tula's rangeland, and are the main institutions recognized by the local communities. Within its work, IUCN works through a community trust, called the Resource Advocacy Program (RAP). RAP was established as a result of a long process of community self-mobilization in order to address problems of poor and weakened governance systems, the loss of resources and land to non-locals, and rangeland degradation.

Although customary institutions have been planning resource management for years, there is little institutional level capacity in formal planning methods that is recognized by the State. Despite this these institutions have their strengths and weakness that informed the capacity building support provided by the project. Table 5 overleaf provides a SWOT analysis of the customary institutions present in Garba Tula. This SWOT analysis was conducted during the project baseline and informed both project objectives and overall strategies.

The project identified priority institutions and empowered them to manage specific strategic resources and to oversee general decisions on management. Deedhas, Rangeland Users Associations (RUAs) and Water users Associations (WUAs) were identified as priority local institutions that were supported to manage strategic grazing and water points. These institutions received capacity building training and support, and were assisted in operationalizing some of the governance strategies agreed in the rangeland plan. In addition, the project actively supported the capacity building of RAP, both technically and financially. Through the project RAP was supported in providing convening capacity and to serve as an umbrella organization for rallying other traditional NRM institutions on common issues. By working directly with NR management institutions, the project imparted new skills and knowledge that have also been used in their engagement with other stakeholders also addressing NRM in the district.

Table 4: Major natural resource planning and management institutions in Garba Tula

Customary	Modern/Statutory
• Deedha – Council of elders	• Water Resource User Association (WRUA) • Water Users Associations (WUA) • Resource Management Council - RMC • CBOs working on water and environmental conservation • Range Users Associations (RUAs) • Community Forest Associations (CFAs) • District Environment Committees (DECs) • District Steering Group (DSG) • WRMA • KWS • KFS • NEMA • NDMA • Line Ministries, especially those responsible for agriculture, livestock development, range management, environment, water and ASALs development • Chief and Headman • Projects – IUCN, IIED, Kivulini trust, • Police • Courts • County Government

Strengthening natural resource governance in Garba Tula

Table 5: SWOT analysis

Customary institution - Council of Elders (Dheetha/Artha/Olla)	
Strengths	• Strong legitimacy from the Borana community it represents, and from which all its members are currently drawn • As a locally based mechanism with multiple scales, it is considered very appropriate and in line with local natural resource and cultural norms, values and practices • Easy for stakeholders to access and is generally used by the whole Borana community • As a customary system the institution is well understood by stakeholders from Garba Tula • Performance at the lower levels is often stronger due to the close relationships between members of the Artha and Olla • Strong cultural ties between users increases individual accountability, as discussed above this is particularly strong at the lower (Artha and Olla) levels • The mechanism is considered broadly fair by stakeholders, although natural resource users from other ethnic groups may be more likely to disagree • Decisions are made on a consensus basis, which gives members the opportunity to voice their opinions • The institution is currently formally recognised by government or supported by legislation
Weaknesses	• Other ethnic groups that are not represented are less likely to respect the institution • External forces and socio-economic changes have begun to undermine the strength of the institution, particularly the Dheeda • Members from outside the area may not be familiar with the system and able to assert their rights with regard its decisions • As a customary institution all forms of written records regarding processes, agreements and decisions have been lacking • Women, youth and other minority community members are not formally represented in the mechanism

Multi-stakeholder dialogues

To share lessons and discuss pertinent issues arising from the project, county level and national level dialogues were conducted. These dialogues were undertaken to harmonize views and priorities across competing interest groups in the drylands, and to promote the adoption of common positions on governance matters in the drylands.

The national dialogue was attended by a cross section of participants from civil society, government and communities. Multiple discussions took place under the themes of dryland governance principles, challenges and opportunities, the wider utility of the approaches used by the project across the drylands of Kenya, and future visions for natural resource governance in the country under the new land management regime. At the county level, a dialogue brought together participants working on natural resources management from across the county, from civil society organizations, governments departments and local communities. A number of issues were discussed including, the project approaches, outstanding challenges and opportunities within devolution that IUCN should focus on and ways of seeking future synergies between the existing formal institutions and traditional institutions were mapped and agreed upon.

These dialogues were an opportunity to impart learning and knowledge on IUCN's approach to supporting NR governance in the drylands, to a wide audience. They also provided an opportunity to situate the lessons from the project in wider debates that are emerging within the country as a result of changes to the constitution and the evolving devolution processes.

Key lessons from the approach

A number of lessons have emerged from the project with regards to approaches for strengthening governance. These are:

1) **People-centered approaches** – are extremely important. Lasting solutions must be driven by the knowledge, experience, and action of local communities

2) **Legitimacy** – ensure work is done through a recognised, legitimate partner. In the case of this project RAP was nominated by the community to work on their behalf and in close collaboration with their customary institutions.

3) **Lengthy engagement** – governance processes are long term and require commitment from those engaging in them. This must be recognised by donors, implementers, governments and communities alike.

4) **Multi-stakeholder processes** – inclusivity and dialogues at all levels are important to ensure that the views and priorities of competing interest groups are well captured. Drylands are increasingly not homogeneous landscapes.

5) **Understand the specific governance context** – not all processes will be the same in every 'community' – in some areas Customary Governance is much weaker and must be integrated differently with the State.

6) Work through on-going processes and policies to ensure institutionalisation of results and impacts, and government buy-in.

7) **Ascertain local commitments and motivation** – processes which have evolved from community interest will have more success.

What next?

Strengthening natural resource governance is a long and evolving process. The work in Garba Tula to date, has initiated legal, policy and institutional changes that serve to promote the recognition and respect for the rights of the local community. Whilst much has been achieved within the project there is still much to be do. This includes:

• **The by-law adoption process at the county level:** This involves convening multiple dialogues and engagement of County government officials in a long political engagement for full adoption of the by-laws.

• **Implementation of multiple rangeland plans:** The rangeland plans contain many actions which need to be implemented to fully realize the value of the planning process and the plans. Future support to activities and arrangements agreed upon in the rangeland plans is essential for communities and government to appreciate the full value of planning.

• **Supporting biodiversity enterprises:** Supporting the development of community groups' skills in business development, entrepreunership, proposal development and finances and accounting, as well as through exposure visits to other areas where biodiversity opportunities have been fully realised, is an important step in creating incentives for more sustainable resource management and operationalising the activities in the plans.

• **Scalability and replicability of the approaches across other landscapes and neighbouring counties:** The Garba Tula experience offers valuable lessons for scaling up and out and this ought to be assessed and adopted as contexts may allow.

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