

Policy dialogue on county spatial planning to support rangeland-based development in northern Kenya and the frontier counties

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Introduction

One of the main constraints to sustainable management of rangelands in northern Kenya is the lack of appropriate institutional frameworks. Traditional resource governance has eroded to varying extents in different places and is also facing new challenges. Rangelands are being converted to other uses such as irrigated agriculture and expansion of towns, and when this happens it is often the most important rangeland areas, such as drought fall-back areas, that are lost. Land that serves as stock routes is also susceptible to being encroached. The haphazard development of new water points and settlements also disrupts traditional seasonal grazing patterns and can result in overconcentration of livestock in some areas. Where best to locate new developments such as markets and fodder farms is another issue.

In parts of Kenya where pastoralism is the dominant livelihood, county spatial planning has the potential to help address these challenges and opportunities, especially helping to prevent conflict over water and pasture, protect key rangeland resources, and plan for proactive development of the livestock sector. The need for county spatial planning is gradually being recognized, and the process is gaining momentum. For instance, within a partnership between the National Land Commission and the International Livestock Research Institute, tools and guidelines are being developed to aid spatial planning in rangelands. Another example is the seven counties that are part of the “Frontier Counties” bloc, which have been developing maps of shared rangeland resources in their counties and which expect to complete the initial mapping for their seven counties in 2018.

In the rangelands, the challenges and opportunities cut across county boundaries, and there is need for adjacent counties to coordinate their spatial planning. Administrative boundaries have little relevance for traditional pastoralist mobility patterns. There are certain pasture areas for instance that are seen as drought fall-back areas by pastoralists from hundreds of kilometres around. Migration with herds to livestock markets is another feature of mobility that crosses county borders. In looking forward, moreover, it is not realistic to think that every county will be able to address every element of a growing pastoralist livestock economy—markets, abattoirs, holding pastures around these, meat processing facilities, etc. The potential of spatial planning to address challenges and take advantage of opportunities requires a coordinated approach among counties.

It also must be recognized that to develop an effective County Spatial Plan is a complex undertaking. It could be said that counties must plan to plan. A policy dialogue workshop was held on 5 and 6 December 2017 to review the potential contribution of county spatial planning in pastoralist areas and to consider what is needed to move the process forward in northern Kenya and the frontier counties area.

Target counties: Garissa, Lamu, Isiolo, Mandera, Marsabit, Tana River, Turkana and Wajir.

Purpose of the Dialogue: To bring together knowledgeable experts and key stakeholders to plan on how move the county spatial planning process forward in these eight counties, with particular emphasis on issues of rangeland management and livestock mobility and production.

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Objective 1: To raise awareness among key stakeholders of the need for, and potential benefits of, county spatial planning for management of rangelands and development of livestock-based livelihoods.

Objective 2: To consider inter-county aspects of county spatial planning for these counties.

Objective 3: To identify institutional, policy, legal and financing strategies and other elements of a roadmap to move the processes of county spatial planning forward.

Notes on the dialogue

Welcome and introductions

Lance Robinson, Senior Scientist at the International Livestock Research Institute, welcomed all participants and gave a brief overview of what the workshop intended to cover. Herbert Musoga, Director of Land Use Planning at the National Land Commission (NLC), gave the opening remarks emphasizing that NLC is keen on offering monitoring and support for counties as they prepare their spatial plans. He shared what the Commission has achieved so far and led a discussion on what kinds of help the counties need to realize the intended spatial planning.

Kulamu Bullo, Member of the County Executive Committee (CEC) for Lands and Physical Planning in Marsabit County, also shared opening remarks through highlighting the challenges the county is facing as they plan to develop and implement a county land use plan. She emphasized the need for all sectors of a county to work together towards equal distribution of resources to avail funds for issues such as spatial planning. She acknowledged the existence of other issues within the county such as disasters and emergencies related to flooding and diseases such as malaria, but she said that this is the very reason a good county spatial plan is needed to give proper planning for emergency centres, hospitals, abattoirs, livestock markets and so on.

Mohammed Guleid, Chairperson of the Frontier Counties Development Council (FCDC) gave a brief overview of the history and role of the Council. Its purpose, he reminded participants, is to address issues that cut across the member counties. He also described FCDC's efforts towards finding solutions to the problems and challenges that the frontier counties face while taking advantage of the opportunities that exist.

The objectives of the Dialogue event were then reviewed.

Challenges and priorities

Participants identified their top priority challenges which they see as potentially having some relation to land use planning and livestock development in their respective counties. The challenges that were identified are summarized in Table 1, below.

Table 1: Priority challenges identified by participants

Challenge	Comments
The rush to claim and privatize land	This is a growing issue as people's attitudes toward land change. People increasingly want to acquire land, particularly near urban centres, and often then want to sub-divide it and sell it.
Ways of working toward the common good	There is a challenge to move the focus from individualization to counties working for a common good, particularly in the face of the pressure for privatization.
Disputes, conflict and security	The need to address disputes and matters of security as counties prepare for spatial planning, because these issues will affect the planning process.
Reviewing the Community Land Act (2016) and land tenure issues	A majority of the participants are critical of the Community Land Act. There is a need for proper representation of all pastoralist community members and changes in the sections that allow a small number of elders or other leaders to control issuance of land, as well as a review of other problematic sections of the Act.
County boundaries	There is a need to address the issue of expansion by neighbouring communities into grazing lands in other counties. The lack of clarity and agreement about county boundaries may be a source of conflict in the future.
Implementing/enforcing controls	The need for proper controls to ensure that land use planning is accorded importance and grazing land is not diverted for other development projects.
Protecting grazing land	Pastoralism needs to be given recognition and support by the national government to make it more lucrative and profitable and to incentivize people to preserve the rangelands for continued livestock production and sustenance of the supported livelihoods.
Major infrastructure and development projects that undermine pastoralism	Major projects such as LAPSSET have been designed and are being implemented with little to no consideration of pastoralist livelihoods and land use patterns.
Town planning	Addressing the challenge of finding the balance between urbanization/development and land use planning to support pastoralism.
Emergence of new settlements/expansion of existing settlements	The need to address issues of new settlements around water points and in areas that are communally owned to avoid interfering with areas set aside for grazing. This includes exerting some control on the creation of new settlements and new administrative units by political leaders. The appearance of more and more settlements makes grazing planning and the resting of pastures more and more difficult.

Challenge	Comments
Clarification/ strengthening of the roles and powers of county governments	Proper implementation of land controls by county government and by the national government to prevent the local needs from being overridden by national interventions. County governments require better representation and support based on the Constitution and clear policies and legal strategies to define who controls what between the county and national government.
Planning of water development	Inappropriate siting of water points undermines planned grazing, but is something that can be addressed if proper planning is in place.
Rights to land vs. rights to subsurface resources	Access to subsurface resources seems to trump the rights of those who live on the land. Exploitation of subsurface resources tends to result in loss of the land above it for other uses and there seem to be no controls on this.
The need for fluid and flexible planning	There is a need to find ways to integrate pastoralism with other opportunities that prevail, such as the increased emphasis on education, creation of complementary markets alongside created livestock markets. Planning needs to be flexible to be able to address these issues; not something that is locked in place.

The participants also identified challenges for the spatial planning process itself, including how to raise the importance of county spatial planning among other county officials, and how to ensure multi-sectoral involvement in spatial planning.

Presentations from the NLC and ILRI

Musoga of the NLC enlightened the participants on the county spatial planning process and the laws and regulations that guide land planning and distribution, access and exploration of resources within their counties. The importance of land use planning was reiterated and the emphasis was based on the requirement in the County Governments Act (2012) that all counties prepare county spatial plans. The stakeholders were also reminded that according to Section 104 of the County Governments Act, "A county government shall plan for the county and no public funds shall be appropriated outside a planning framework developed by the county executive committee and approved by the county assembly." That planning framework includes a county spatial plan.

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Participants in the Policy Dialogue

Information was also shared regarding the various roles and duties of different groups in the county spatial planning process. The county executives present were encouraged to move forward with county spatial planning, basing these plans on the provisions made by the Constitution and not the old acts that are yet to be repealed and which lead to duplication of duties. Elements of the Lamu county spatial planning process were also shared so that some lessons and ideas could be learned from that county's work. It is the NLC's position that county spatial plans are meant to be comprehensive and should encompass all elements of what gets included in county integrated development plans (CIDPs).

Rose Kitur, also from the NLC, presented the county spatial planning Monitoring and Oversight Guidelines, giving reference to the County Governments Act and the Land Policy of 2009, based on which these guidelines were developed. She summarized the structure of the guidelines including the steps in the process, the human capacity needed, procurement process, costing, justification, development and importance of terms of reference for consultants, the public participation process, and the kind of research and monitoring that is needed. She also highlighted the importance of the County Assembly and the CECs in preparation, procurement, budgetary allocation and approval of the County Spatial Plans. A good County Spatial Plan was said to require between 12-18 months for full and proper development.

In addressing some of the challenges earlier mentioned, such as the funding issues, it was suggested that budget planning should be undertaken at a level where all county sectors are involved, or having a plan where each sector contributes to the spatial planning budget, or also dividing the budget into phases to alleviate heavy budget implications in the first year.

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Also on funding issues, the Council of Governors (CoG) representative, Lenah Mulyungi, shared that there are several development partners who are willing to work with counties on aspects such as GIS mapping, advocacy issues and sensitization campaigns.

Another suggestion was to have an interlocking of the CIDP and the County Spatial Plan to improve the recognition and prominence of the County Spatial Plan among stakeholders and decision-makers. It was also suggested that governors need to be engaged in the development of the county spatial planning process and more efforts need to be geared towards sensitizing the communities to ensure that everyone understands the importance of the County Spatial Plans.

Robinson from ILRI shared a presentation on work previously done by ILRI on mapping of rangeland resources for spatial planning which involved mapping out the shared areas and shared resources across counties. This includes mapping of stock routes, community planned grazing areas, conflict hot spots, and various shared rangeland resources. ILRI and NLC are also in the process developing tools for spatial planning in rangelands.

The way forward

The last part of the Dialogue had the aim of formulating the way forward for county spatial planning with a focus on the procedures, practicalities and funding aspects. The need to foster political will was emphasized. It was suggested that the Council of Governors send a letter to all governors highlighting the requirements that County Spatial Plans be done. The representative of the COG present indicated that a circular on CIDPs and County Spatial Plans, addressed to the governors, was already being prepared to be sent the following week. County participants also asked the COG to help with addressing the issue of the Physical Planning Bill that is currently before Parliament.

In discussing the way forward, various elements of strategy were highlighted:

- As a high priority, there is a need for awareness raising and advocacy directed at political leaders—governors and Members of County Assemblies particularly—to ensure that they are ready to support county spatial planning.
- It should be possible to attract donor funding that partly finance county spatial planning. As an example, the World Bank funded project for development of north-eastern Kenya has a substantial budget.
- In developing projects and fund raising proposals, embed funds for mapping and spatial planning within larger projects as this will be more palatable to donors than projects that solely focus on planning.

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- To reduce costs, there is a need to build capacity to do more elements of the county spatial planning process in-house, rather than relying on consultants for the whole process.
- The intention to develop a County Spatial Plan should be factored into the CIDP. This will make it easier to ensure that funds are allocated in annual county budgets.
- A special forum of FCDC governors could play an important role in ensuring that the process and the need to fund it are supported at the highest level.

Formation of an FCDC sector forum on lands

To ensure that the county spatial planning process maintains momentum across the frontier counties, taking advantage of working together, it was identified that a small team will be needed to move the process forward. This group would lay out a plan for doing the County Spatial Plans in multiple counties. In this connection, it was noted that the FCDC currently has one sector forum for CECs—the Sector Forum on Agriculture and Livestock (SFAL)—which, it was observed by some participants, has been very productive in its short existence. It was suggested that formation of a parallel sector forum on lands could be useful for addressing the challenges discussed, for coordination and harmonization, and for moving county spatial planning forward in way that reduces costs and allows for rapid progress. The prototype Rangeland Management Bill developed by SFAL could be a model for how to move forward in county spatial planning.

The CECs present agreed and the Sector Forum on Lands was created.

Closing remarks

Closing remarks were given by Mohammed Shale, the CEC of Lands and Physical Planning for Garissa County, and by NLC Commissioner Khalif. Mr. Khalif reminded the participants of the various existing opportunities in the northern frontier counties, emphasizing the need to learn from past mistakes since the time of the inception of devolution and to change how counties do things to benefit all stakeholders. He then presented copies of the *County Spatial Planning Monitoring and Oversight Guidelines* to all participants.



NLC Commissioner Abdulkadir A. Khalif presenting the *County Spatial Planning Monitoring and Oversight Guidelines* to participants

List of participants

NAME	ORGANIZATION
Abdirahman Abass	Coordinator, sector forum on agriculture and livestock, FCDC
Abdirahman Abdi	CO, Lands and physical planning, Wajir county
Kulamo Bullo	CEC, Lands and physical planning, Marsabit county
Hussein Farah	Frontier surveyors
Hussein Gedo	CO, Lands and Physical Planning, Isiolo county
Mohammed Guleid	Chairperson, FCDC
Adan Hussein	CEC, Lands and physical planning, Mandera county
Abdulkadir A. Khalif	Commissioner, NLC
Rose Kitur	Deputy Director, Land use planning, NLC
Charles Otieno Konyango	Ministry of Lands and Physical Planning
Clement Lenachuru	Commissioner, NLC
Esther Lokwei Lokiyo	CEC, Lands and physical planning, Turkana county
Jarso Mokku	Pastoralist parliamentary group / drylands learning and capacity building initiative
Lenah Mulyungi	Council of governors
Herbert Musoga	Director, land use planning, NLC
Irene Nganga	Research associate, ILRI
Lance Robinson	Senior scientist, ILRI
Mohammed Shale	CEC, Lands and physical planning, Garissa county
Naema Somow	CEC, Lands and physical planning, Wajir county
Hussein Wario	FAO Kenya
Issa Yarrow	CEC, Agriculture, livestock and fisheries, Garissa county / chairpersons FCDC sector forum on agriculture and livestock