



# The Laikipia Crisis and the Disenfranchisement of Kenyans in the North

By Gitau Mbaria



The widely publicised recent invasions of wildlife conservancies in Laikipia County in Kenya have often been framed as conflicts between pastoralist communities and conservationists. However, the conflicts in Laikipia and elsewhere in northern Kenya ought to be looked at as a national security issue exacerbated by historical land injustices and the pursuit of an inappropriate conservation model that relegates the true owners of the resources to the periphery.

It is instructive that the state has identified environmental degradation as constituting a threat to national security. This was highlighted in a story published in the *Sunday Nation* on May 7, 2017 on Kenya's plans to expand the military. Quoting from *The National Defence Policy*, the reporter stated that the government had identified environmental degradation as one of the threats to Kenya's security.

This admission is significant because for a long time the country has taken for granted fatal consequences of wanton destruction of forests, rivers, habitats, ecosystems, as well as serious erosion of biological diversity. How individual actions affect the environment appears not to preoccupy most people's minds in the country. Collectively though, such injurious individual actions result in a situation that has far-reaching implications, not just on the well-being of the environment or inability of ecosystems to supply life-nurturing environmental resources to citizens, but also on

the security of the country.

On its part, the state has kept making one policy pronouncement after another without putting in place the necessary resources and personnel to implement the policies or to whip everyone into line. For many years now, the discord between what is said in official statements and what is done by citizens, companies and the state itself has given rise to serious crises. This greatly affects the lives and livelihoods of millions of Kenyans, some of whom opt for extra-legal measures to stay alive.

Many have gone on to equate Laikipia to the Biblical Eden; “it represents a lost Eden in European settler thinking, epitomised by the writings of Kuki Gallman, which are infused with an imagined sense of entitlement to and identification with her adopted land.”

Added to this is the long-running official neglect of arid and semi-arid areas of the country. Individuals and organisations that constitute the country’s conservation fraternity have capitalised on officialdom’s disinterest by experimenting with a conservation model that is harmful to the communities there. With financial support from multilateral and bilateral donors, as well as big-bucks international NGOs, the fraternity has literally taken over and has been running not just conservation, but also security, livestock marketing and conflict resolution in a manner that greatly interferes with the sovereignty of the communities that claim ownership of the land there.

This sad state of affairs is epitomised by the fact that one organization, Northern Rangelands Trust (NRT), openly claims that it has brought into conservation a whopping 44,000 km<sup>2</sup> of the lands in the upper Rift, north and coastal regions. The reaction to what happens there and how it affects the rights of the communities to their lands and resources, as well as how this translates into the apparent insecurity in Laikipia and elsewhere in the north, ought to be seen as social reverberations of historical land injustices and official neglect.

### **The historical narrative**

In *Moving the Maasai: A Colonial Misadventure*, Lotte Hughes paints a picture of pastoralist communities disinherited from their land on two different occasions in 1904 and 1911. The British author says that between 1904 and 1905, colonial authorities forcibly moved the Maasai people from their favourite grazing grounds between Naivasha and Nakuru into two reserves in order to make way for white settlement. Laikipia was one of the reserves while the other was in the south, on the border with Tanzania. According to Hughes, this was done following the 1904 Maasai Agreement through which the community was promised that it could keep the reserved areas “so long as the Maasai as a race shall exist.” She writes that the British did not honour their promise but went on to move the Maasai again seven years later “at gunpoint from Laikipia to an extended southern Maasai reserve.” More than 20,000 people and not less than 2.5 million livestock were moved between 1911 and 1913. All this was done mainly to pave way for white settlers, although, as Hughes says, there were other extraneous reasons, including the desire by the colonial administration to concentrate the Maasai in one reserve in order to better rule over them and to impose taxes. Consequently, the Maasai lost between 50% and 70% of the land they occupied before 1904.

Since the second “move” was implemented, the Maasai have maintained that this was not an “agreement” *per se* as their leaders signed it under heavy duress and coercion. “This effectively rendered the first Agreement void,” writes Hughes. This supports the intermittent claims made by activists from the community that they have a legal claim over the land now occupied by the mainly white ranchers in Laikipia.

The campaign for redress for this historical injustice reached a crescendo in the early 2000s when the community, led by the defunct Osirigi NGO and people like the late Elijah Marima Sempeta, intensified calls for a return of the lost lands. The latter was a young lawyer who travelled to Britain and unearthed documentary evidence ascertaining that the leases given to the white ranchers had come to an end and that time had come for the ownership of the land to revert to the local community. Following a spirited campaign, the matter fizzled out after Sempeta was murdered outside his home in Ngong Town in circumstances that remain unexplained. However, the push appears to have borne fruit when lease periods were lowered from 999 years to 99 years in Kenya's 2010 constitution.

### **Defeating the land rights campaign**

The white lessees of the land in Laikipia have adopted a multi-pronged counter-campaign and have shown - in words and deeds - that they are not ready to forfeit the land. According to Hughes, many have gone on to equate Laikipia to the Biblical Eden; "it represents a lost Eden in European settler thinking, epitomised by the writings of Kuki Gallman, which are infused with an imagined sense of entitlement to and identification with her adopted land."

In *Land Deals in Kenya: The Genesis of Land Deals in Kenya and its Implication on Pastoral Livelihoods - A Case Study of Laikipia District, 2011*, John Letai says that Laikipia has "profound inequalities" in land ownership, with 40.3% of the land being controlled by 48 individuals. Among the biggest landowners in Laikipia include Gallman, whose [Ol Ari Nyiro ranch is said to be 100,000 acres. Other large ranches include the Ol Pejeta ranch \(92,000 acres\) that was once associated with Saudi billionaire arms dealer Adnan Khashoggi and the Ol Jogi ranch \(67,000 acres\) owned by the late French billionaire art dealer Daniel Wildenstein.](#) But even with this kind of inequality, it has been apparent that the ranchers cannot countenance the idea of ever giving up the giant parcels of land to the original owners. Some have been offloading the land to other rich people (some of whom are foreigners) while top business and political elites in the country have also increasingly acquired land there.

The white lessees of the land in Laikipia have adopted a multi-pronged counter-campaign and have shown - in words and deeds - that they are not ready to forfeit the land.

Another approach has been to front the sprawling ranches as important wildlife conservation areas. Targeted in this approach is a powerful and moneyed audience in the West that has contributed immensely to support wildlife conservation in cash and kind. Initially, the white ranchers had not taken wildlife conservation as seriously. For a long time, many had taken to large-scale livestock keeping but later realised that they stood to gain much more by converting their properties to either mixed livestock-and-wildlife areas or to exclusive wildlife conservation zones. They appear to have been inspired by arguments put forward by people such as Dr. David Western, a former Kenya Wildlife Service director, who championed the parks-beyond-parks concept, as well as the outcome of the 2003 World Parks Congress organised by the World Conservation Union (IUCN) in Durban, South Africa. According to Dr Mordecai Ogada, a former chief executive of the Laikipia Wildlife Forum, the central theme and message coming out of the Congress was "benefits beyond boundaries".

"The model that proposed establishment of conservancies outside protected areas ... gained immediate currency and caught the eye of donors as well as statutory agencies like the Kenya Wildlife Service, which were keen to gain more habitat for wildlife and secure reservoir wildlife

populations that could augment those in parks via wildlife corridors,” says Dr. Ogada.

He says that this led to a “carefully laid out and presented plan” to secure the future of wildlife in these vast lands and to get financial support from private and institutional donors.

To avoid paying taxes and to continue enjoying the largesse of global supporters of wildlife conservation, many of the Laikipia ranchers registered their conservancies as non-profit organisations. Today, Ian Craig’s Lewa Conservancy and Kuki Gallman’s Ol-Ari Nyiro Conservancy are registered as non-profit outfits. However, this is a misnomer because many of them run exclusive, high-end lodges and camps that charge tens of thousands of shillings daily to tourists. For instance, with 12 tents that can accommodate 26 guests, Lewa Safari Camp located in the Lewa Downs charges between Ksh15,500 (\$155) and Ksh42,600 (\$426) per night depending on the season.

### **The plot thickens**

Getting the United Nations Education, Scientific and Cultural Organisation (UNESCO) to give world heritage status to the ranches is the third approach adopted by the ranch owners. The secret scheme to have UNESCO play ball is aimed at enabling the ranchers to maintain a lasting claim on the land and, therefore, “eternally” defeat any campaign to have it revert to the Maasai community. So far, this is a feat that only Lewa Conservancy has attained. The 60,000-acre ranch was [given this status in 2013](#), as an extension of the Mount Kenya World Heritage Site together with the Ngare Ndare Forest, which is also in Laikipia.

However, there are those who say that the elevation of Lewa was an anomaly because according to the World Heritage Convention, the duty of ensuring the identification, protection and conservation of cultural and natural heritage sites “[belongs primarily](#)” to the state. In addition, Article 5(4) of the convention burdens states with the [funding](#) and the protection of such sites, besides coming up with laws to protect them. Further, Article 6(3) states: “Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage.”

Nevertheless, Lewa’s success appears to have encouraged others with huge ranches, some which were constituted through the NRT, to seek similar status for their property. According to what I found out, the ranchers commenced this in 2014 when 24 wildlife conservancies and private game ranches made applications to be included in the world database of protected areas. These include Ol Pejeta Conservancy, Segera, Solio Ranch, Ol-jogi Ranch, Kisima Farm and Ol Ari Nyiro Ranch (see: <https://protectedplanet.net/> ).

“There is a rush to create a super big protected area stretching from Lewa to Solio - all of it under the cover of World Heritage Convention,” says Njenga Kahiro, a former Project Officer with Laikipia Wildlife Forum.

If this goes through, it will mean that the conservancies and ranches will be declared of outstanding universal value and natural beauty. It is also bound to have far-reaching implications for Kenya, which is a signatory to the World Heritage Convention. Formulated in 1972, the Convention protects the world’s cultural and natural heritage. In essence, the ranchers appear to be putting forward the argument that the land is special and only its present owners can be trusted to keep it that way. But this has attracted criticism from members of the Maasai community. “This is a misplaced idea and it will receive serious challenges and resistance from human rights and indigenous people,” said Mali Ole Kaunga, the director of IMPACT, an NGO based in Laikipia County. Ole Kaunga accuses the ranch owners of “hiding behind international conventions...in order to get the Kenya government to

protect them as it is obliged to by the Convention.”

Laikipia has “profound inequalities” in land ownership, with 40.3% of the land being controlled by 48 individuals.

Eustace Gitonga, the director of the Community Museums of Kenya, says that this will prevent Kenya from ever changing the use of such a vast segment of its real estate. “This will mean that Kenya cannot access any mineral wealth suspected to be in these lands.” Gitonga believes that this will also affect Kenya’s sovereign right to decide on how best to use its resources.

Other dynamics have also set in to further disenfranchise the pastoralist communities. This includes acquisition of large parcels of land by top politicians and rich people, from different ethnic groups in Kenya. Added to this is the phenomenon of absentee landlords and the resettlement of smallholders, mainly from the Kikuyu community, there. According to Letai, today, smallholder farms constitute 22.21% of the land. Many of the owners of the small farms have abandoned their parcels, as ascertained by a study done in 2013 titled *The Abandoned Lands of Laikipia Land Use Options Study*). A whopping 238,000 acres have been abandoned by some 85,000 titleholders, most of whom live elsewhere.

The absentee landowners, who were settled there by the first independent government under the late President Jomo Kenyatta, ended up using the land as collateral to acquire loans, mainly from the Agricultural Development Corporation. Letai says that there has been a rush to buy off the land from the absentee land owners. “Former commercial ranch managers are identifying the title holders of the absentee lands to convince them to consolidate their holdings and sell them to foreign diplomats, aid workers and even some former Zimbabwean white farmers. He adds that after purchasing the land, the latter have been fencing them which “has created tension with the Maasai and other pastoralists who have been using this land over a long period of time.

### **NRT’s approach**

This situation is compounded by the fact that the inappropriate conservation approach and, to some extent, the goings-on in the private ranches of Laikipia, is replicated in the sprawling communally-owned lands within Laikipia and neighbouring counties. Northern Rangelands Trust has been championing the well-oiled conservation initiative, arguing that it enables communities to get revenue from conservation activities, promotes security in the north and has been facilitating the mainly pastoralist communities to put in place grazing plans that lessen their vulnerability to frequent and severe droughts occasioned by climate change. The organisation further says that it is involved in bringing more lands into wildlife conservation through the development of strong community-led institutions and that this forms the basis for investment in tourism and community development. NRT-inspired community conservancies have now spread across Laikipia, Samburu, Isiolo, Marsabit, Baringo/East Pokot, Garissa, Tana River and Lamu counties.

The largesse extended to the NRT is large and extensive to say the least. For instance, last November, the United States government channelled, through the United States Agency for International Development (USAID), some Ksh2 billion (US \$20 million) in a new five-year scheme meant to expand NRT’s operations in 33 conservancies in Kenya’s coastal and northern regions. According to NRT’s website, the conservancies now cover 10.8 million acres (or 44,000km<sup>2</sup>) of the country and are spread across 11 counties. Announcing the grant, US ambassador Robert Godec said it was meant to “support the work of community rangers, conserve wildlife and fisheries, and improve livelihoods and advance women’s enterprises.”

The NRT was started in 2004 by Craig, with the initial aim of raising funds to aid the formation and running of wildlife conservancies. Its website says it supports the training of relevant communities and helps to “broker agreements between conservancies and investors.” It also says that it provides donors with “a degree of oversight and quality assurance.” Besides the US, the organisation’s activities are heavily funded by the Danish Development Agency (DANIDA), The Nature Conservancy (a US-based international NGO) and the French government’s Agence Francaise de Developpement (AFD). Other financiers include Fauna & Flora International, Zoos South Australia, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ of Germany), US Fish and Wildlife Service, San Diego Zoo, International Elephant Foundation, Saint Louis Zo, and Running Wild.

However, it is the massive grants from USAID and Tullow Oil, the British company that has struck oil in Turkana County, which has attracted curious interest from observers who believe that there’s more than is being said in official communication. Pundits say that NRT’s approach affects communities negatively. According to Dr Ogada, the launch of community conservancies “began the mass disenfranchisement of communities in the name of conservation, and the rest is history.”

“Conservation is a noble cause, but like all other sectors, should be properly regulated. Kenya is currently failing to do that.”

In an interview with this writer, Michael Lalampaa, an official with the Higher Education Loans Board who hails from Samburu County, said that “even when droughts occur, pastoralists cannot access part of their lands that are now set aside for wildlife conservation and which constitute the community conservancies.” Indeed, many of the NRT-inspired community conservancies visited by this writer in late December 2016 had set aside big portions of the community lands as exclusive wildlife areas (or core areas). Some of these zones have better ecological characteristics and impressive landscapes favoured by tourists. Lalampaa complains that NRT compels communities to set aside the best portions of their lands for the exclusive use of wildlife and investors subsequently lease it to set up tourist facilities.

What is interesting, as this writer found during a tour of the Kurikuri Conservancy close to Mukogondo forest, is that the NRT not only brokers the investment agreements, but has also insisted on having its employees as some of the signatories of conservancies’ bank accounts. More alarming, the community in Kurikuri is required to meet some of the costs of running the lodges, which eats deeply into the cash they get from leasing out their land and from each of the tourists who visit the conservancy.

To ensure that the operations within the conservancies have the support of relevant communities, NRT has identified and co-opted local leaders and elites who aid in persuading the pastoralists to set aside land for conservation. As a result, some of the prominent personalities within the Samburu, Borana, Maasai and Rendile communities are on the NRT’s board.

### **Drought part of the problem**

Although the prolonged drought that ended last month is believed to have triggered the recent invasions of ranches and conservancies in Laikipia, there are claims that some of the pastoralist communities there have unwittingly locked themselves out of parts of their lands through the conservancy agreements. “Once the agreements are put in place, it becomes impossible for the herders to access pastures in the conservancies as they are confronted by armed scouts who kick them out. It is sad that at times, livestock end up dying simply because their owners cannot graze them in what used to be their lands,” says Lalampaa.

The setting aside of huge sections of community ranches (which is facilitated by the NRT) for conservation purposes has created a dilemma for the communities and is proving to worsen rather than diminish insecurity, particularly in the upper eastern and northern Kenya regions. According to media reports, the alienation of land has contributed to the hardships suffered by local pastoralists, especially during the current prolonged dry spell. Reports paint a worrisome picture of members of communities invading either the areas they had earlier set aside or other private game ranches. For instance, armed herdsmen invaded the ranch belonging to Will Jennings, a mixed race Kenyan, resulting in a shootout between members of the Rapid Deployment Unit of the Kenya Police and the rangers. Other ranches invaded recently include the Loisaba Conservancy and Sera Conservancies established by the pastoralists, the 50,000-acre Segera Ranch owned by Jochen Zeitz, a former CEO of the Puma sports brand, and the Sosian and Galmann ranches. So far, one rancher, Tristan Voorspuy, has been killed in Sosian Ranch, while Galmann is still recovering in hospital after being shot by herders.

### **NRT's security apparatus**

Although the government has moved its security machinery into Laikipia, the long-running insecurity in Laikipia and other parts of the north is an indictment on its ability to pacify these areas. It is also apparent that the NRT has "filled the gap" by establishing a security apparatus that is considered one of the most controversial aspects of the organisation's activities. On its website, the organisation says that it carries out anti-poaching operations, wildlife monitoring and that conservancy rangers are "invaluable to the Kenya Police in helping to tackle cattle rustling and road banditry." NRT says that each conservancy has a team of uniformed rangers that are "employed by the communities and trained with support from NRT". By 2014, there were some 645 such rangers.

Additional information posted on the organisation's website shows that the rangers are given basic training by KWS personnel at the wildlife agency's Manyani Training School. There, they learn "bush craft skills, as well as how to effectively gather and share intelligence, monitor wildlife and manage combat situations." According to information posted on the website of the NGO Save the Rhino, some rangers have been given Kenya Police Reserve accreditation and "sufficient weapons handling training." Such [advanced training is done by 51 Degrees](#), a company associated with Batian Craig, the son of Ian Craig. Among the specifics of the training include tactical movement with weapons, ambush and anti-ambush drills, handling and effective usage of night-vision and thermal-imaging equipment and ground-to-air communications and coordination. The rangers are also taken through what is called "typical training of different operations in war situation", as well as observation, stalking, camouflage and concealment, judging distance and map reading. NRT has also launched patrol boats for security operations in its coastal chapter, which has now benefitted from USAID's finances.

The crisis is worsened by the pursuit of an inappropriate conservation model that has resulted in more disenfranchisement of the local people and led to rising incidences of severe drought as a result of climate change. The crisis is further exacerbated by neglect by the state and its unwillingness to stamp its authority in these areas -which has given undeserving space and say to the NRT and its foreign supporters.

"This formidable armed force is under the overall control of a CEO who is a civilian and isn't even a citizen of this country," said Dr. Ogada. He added that by allowing this to happen, KWS "has effectively abdicated its wildlife protection role" to the NRT.

Dr. Ogada believes that the immense foreign and private control over such a large proportion of the

country's resources and citizens calls for more overt dialogue and regulation. "Conservation is a noble cause, but like all other sectors, should be properly regulated. Kenya is currently failing to do that." He adds that the sheer geographical, financial, cultural and political scale of this intervention calls for a lot more thought than has been given to it thus far.

It is apparent that the crisis in Laikipia and other areas in Northern Kenya is a multifaceted one that defies a simple explanation. It has its origins in historical land injustices that have not been addressed even after Kenya became independent. The crisis is worsened by the pursuit of an inappropriate conservation model that has resulted in more disenfranchisement of the local people and led to rising incidences of severe drought as a result of climate change. The crisis is further exacerbated by neglect by the state and its unwillingness to stamp its authority in these areas -which has given undeserving space and say to the NRT and its foreign supporters.

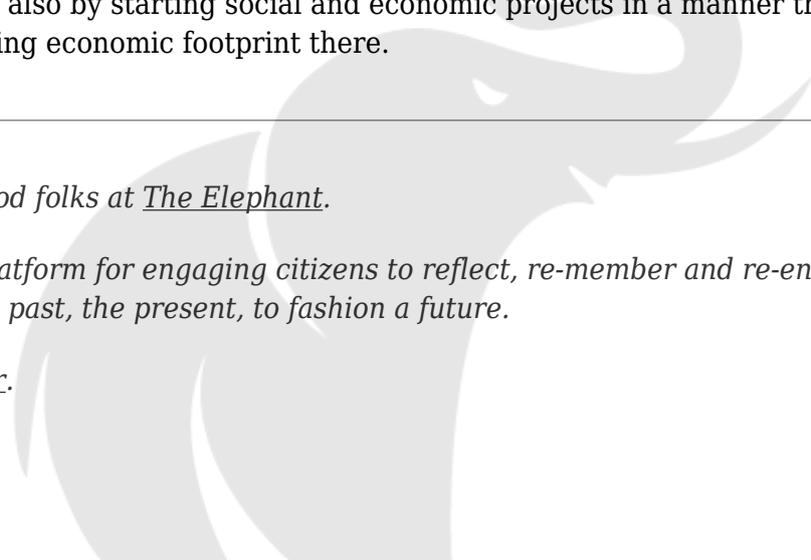
To address this crisis, all players must come together to examine, in a holistic and comprehensive manner, issues related to land ownership and use, security, economic well-being of the people, and vulnerability of the local communities to adverse effects of climate change, among other issues. The state must also pacify these areas, not merely by sending the police or members of the Kenya Defence Forces, but also by starting social and economic projects in a manner that will establish a meaningful and lasting economic footprint there.

---

*Published by the good folks at [The Elephant](#).*

*The Elephant is a platform for engaging citizens to reflect, re-member and re-envision their society by interrogating the past, the present, to fashion a future.*

*Follow us on [Twitter](#).*



**THE  
ELEPHANT**