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THIRD QUARTER PROGRESS REPORT (MARCH–MAY 2010)

KENYA SECURE PROJECT

JUNE 2010

This publication was produced for review by the United States Agency for International Development. It was prepared by ARD, Inc.

Prepared for United States Agency for International Development, USAID Contract Number EPP-I-00-06-00008-00, Task Order 2, Property Rights and Resource Governance (PRRG) – Prosperity, Livelihood, and Conserving Ecosystems (PLACE) Indefinite Quantity Contract (IQC), Activity Task 5.71, Kenya Securing Rights to Land and Natural Resources for Biodiversity and Livelihood in the North Coast

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COVER PHOTOS: (L) Slash-and-burn agriculture and illegal hardwood logging is having a devastating impact on the Boni-Lungi forest outside of the Boni village of Kiangwe. Photo by Kevin Doyle, SECURE Project, ARD, Inc. (R) Kiunga residents graze goats in the vicinity of the village. Photo by Safia Aggarwal, Kenya SECURE Project, ARD, Inc.

REPORT PHOTOS: All internal photos courtesy of Kenya SECURE Project, ARD, Inc.

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ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
EAWLS	East Africa Wildlife Society
GLA	Government Land Act
GoK	Government of Kenya
KFS	Kenya Forest Service
KMNR	Kiunga Marine National Reserve
KWS	Kenya Wildlife Service
LIMS	Land Information Management System
LRSP	Land Reform Support Programme
LRTU	Land Reform Transformation Unit
MoL	Ministry of Lands'
NLP	National Land Policy
PIA	Public Information and Awareness
PMP	Performance Monitoring Plan
PRA/RRA	Participatory Rural Appraisals/Rapid Rural Appraisal
SECURE	Securing Rights to Land and Natural Resources for Biodiversity and Livelihood in the Kiunga, Boni, and Dodori Reserves and Surrounding Areas in North Coastal Kenya
TJRC	Truth, Justice, and Reconciliation Commission
TOR	Terms of Reference
TRA	Threats Reduction Assessment
USAID	United States Agency for International Development
WWF	World Wildlife Fund

1.0 PROJECT BACKGROUND

Northern coastal Kenya is home to three biologically rich nature reserves of great local, national, and global significance: the Boni and Dodori National Reserves, and the Kiunga Marine National Reserve (KMNR). The reserves, all managed by the Kenya Wildlife Service (KWS), and surrounding area are the ancestral homeland of two ethnic groups—the Boni and the Bajuni.

The Boni, who number about 3,000 individuals, are traditionally hunters and gatherers that have had their lives drastically impacted by governmental decree that reduced their traditional migrations and forced them to live in five villages along the Hindi-Kiunga road on Government of Kenya (GoK) land between the Boni and Dodori National Reserves. The move was intended to provide the Boni with community government security and social services, among other benefits. The Boni continue to depend on forest and open rangeland resources in and between the Dodori and Boni forests for shifting cultivation, collection of honey, plants for traditional medicine and building materials, shrines of worship, and bush meat.

The Bajuni are of Swahili and Arab origin and live along the coast and on the islands of the region, and they rely heavily on fishing, mangrove harvesting, and slash-and-burn farming. The islands within the KMNR have historically played an important role in the lives of the Bajuni who use bays, inlets, and protected beaches for seasonal fishing camps. Despite the fact that the land (i.e., the islands and shoreline) within the reserve are their ancestral land, the Bajuni people's legal claim to this land remains ill-defined and vague. When the reserve was gazetted in 1979, the Bajunis' customary tenure and access rights to land and other resources in the KMNR were not formally defined. Nevertheless, all land (including islands) within the reserve is currently designated as "Government Land"—i.e., public land that is lawfully held, used, or occupied by the GoK and managed by KWS. Thus, both the Boni and the Bajuni communities are officially designated as "squatters" on their ancestral lands. Confusion and animosity have evolved between the Bajuni and the GoK/KWS, as the latter endeavored to fulfill its role as conservator of the area, while the former struggled to preserve their land and resource rights.

The Boni and Dodori National Reserves have experienced significant depletion of wildlife in recent years. In the early 1970s, the area had some of the highest concentrations of elephants and other game in Kenya, but these were practically eliminated through intense poaching during the two Shifta separatist insurgencies and one rebel incursion by Somali warlords in 1965, 1970, and 1991, respectively. These cycles of attacks resulted in unprecedented surges in banditry and wildlife poaching in the area, and ivory, rhino horn, and skins were exported to Somalia, Arabia, and the Far East. The KMNR, on the other hand, is under serious threat due to alleged illegal allocations of land on islands and along coasts within the reserve to the influential, including foreign businessmen and developers. In addition, haphazard development of beach plots and coastlines for tourism is seriously threatening the integrity of marine and estuarine ecosystems in the reserve. Some of this land has been obtained through secret and extra-legal means, facilitated by the GoK in Nairobi, local chiefs, and Lamu District officials. In other cases, members of the local communities have sold land to outside investors under dubious terms and representation.

In March 2008, the United States Agency for International Development (USAID) and ARD, Inc. undertook a land tenure and property rights assessment of USAID's natural resource management and conservation programs in this region. The assessment documented long-standing irregularities and

inequities in land and property rights, economic marginalization of resident communities, and conflict between communities and stakeholders, undermining resource management and economic opportunities. The assessment provided recommendations for specific program interventions from which the Securing Rights to Land and Natural Resources for Biodiversity and Livelihood in the Kiunga, Boni, and Dodori Reserves and Surrounding Areas in North Coastal Kenya (SECURE) Project was borne.

SECURE is aimed at securing land and resource rights of indigenous coastal communities to improve livelihoods and to support biodiversity conservation and sustainably natural resource management in the north coast. SECURE is a pilot project in support of the Ministry of Lands' (MoL) Land Reform Support Programme (LRSP II)—an initiative to strengthen the principles of the Kenya draft National Land Policy (NLP) and to promote efficient, sustainable, and equitable land use in Kenya. In particular, Component 3 of the LRSP II intends to support land administration and management by creating appropriate local level mechanisms and strengthening land administration through demonstration intervention, capacity building, and guidelines for effective and accountable management in urban and rural areas. The SECURE Project contributes to Component 3 of the LRSP II by undertaking a land tenure demonstration intervention in the northeast coast. In addition, the SECURE Project contributes to the land reform section of Reform Agenda 4 of the Kenya National Accord and Reconciliation Act.

The project is being implemented by the MoL with facilitation by ARD and in collaboration with the KWS, civil society organizations, community-based organizations, and target communities themselves. The 18-month project commenced on September 1, 2009 and will end in February 2011.

To achieve the above objectives, the SECURE Project was designed with three components:

1. Improve land and natural resource tenure security and reduce conflict over natural assets;
2. Improve management of protected and biologically sensitive areas; and
3. Provide lessons learned to inform Kenya's new NLP, the Forest Act, and the draft Wildlife Bill and Policy.

The SECURE Project, funded by USAID/Kenya and facilitated by ARD, forms a part of the Development Partners Group on Land LRSP II for Kenya, being implemented by the MoL, specifically the Land Reform Transformation Unit (LRTU). The overall goal of the LRSP II is to help Kenya achieve efficient, sustainable, and equitable land use. The LRSP II emerged out of a Memorandum of Understanding between the MoL, signed by the group in October 2008.

2.0 SUMMARY OF MAJOR ACCOMPLISHMENTS IN QUARTER 3

Quarter 3 activities for the SECURE Project focused mainly on better understanding the challenges of securing land and resource tenure in the pilot communities and commencing the development and plan for the subsequent land rights formalization process to be piloted by the MoL. Tenure assessments have now been completed for all four project pilot communities, and individual reports are being finalized. The SECURE team and the staff from the participating agencies and partner organizations have learned a tremendous amount about the land and resource tenure arrangements and situations in each community, and have drafted specific recommendations for moving forward. The following quarter will see the commencement of significant implementation activities.

Planning is underway for the implementation of planned activities under the various project components. Under Component 1, a strategy is being developed for instituting a public information and awareness campaign, and for strengthening alternative dispute resolution (ADR) systems called for under the SECURE Project work plan. Meanwhile plans are being developed to unroll the land rights formalization activities. The SECURE team is implementing the co-management activities under Component 2. However, the project team feels that given the significant land-related grievances and tenure insecurity to land and resources of the resident communities, some advancements in rights formalization will be necessary before community buy-in can be anticipated on natural resource co-management initiatives. The project will therefore concentrate on Component 1 activities in the coming quarter, while planning for activities under Component 2 to be conducted later.

In addition to completing the Participatory Rural Appraisals/Rapid Rural Appraisals (PRAs/RRAs), and planning new activities in Quarter 3, the team invested significant efforts to reinforce the partnership with local stakeholders. In particular, the project team worked to strengthen relationship with civil society organization and land-related advocacy organization Shungwaya Welfare Association in light of that group's mistrust of the MoL. To counter this, the SECURE Project is facilitating capacity building opportunities to Shungwaya through the USAID-funded Kenyan Civil Society Strengthening Program of PACT Kenya that addresses the areas of good governance and management, advocacy and lobbying, conflict resolution and management, and civic education and public awareness.

During this quarter, the project also took steps to forge a partnership with the World Wildlife Fund (WWF) that is implementing conservation projects in the KMNR. The SECURE team has made numerous attempts to engage WWF in project activities since the launch of the project, both in Lamu and Nairobi. Despite these attempts, and despite the complementary nature of the WWF and USAID programs, there has been minimal participation from WWF. The SECURE Project will continue its efforts to engage WWF where appropriate.

The SECURE team is continuing to strengthen its partnership with MoL-Nairobi via meetings with the Permanent Secretary and through close collaboration and planning of activities with LRTU and Lamu District counterparts.

Section 3.0 of this report describes the accomplishments of the project for each of the major activities for the three project components. Section 4.0 highlights conclusions and challenges encountered during Quarter 3 that may impede progress on certain project activities. Section 5.0 outlines key activities planned for Quarter 4. Appendix 1 lists the reports and documents produced in this quarter, Appendix 2 provides details on workshops and trainings conducted, and Appendix 3 presents the latest iteration of the land rights formalization process.

3.0 DETAILED PROJECT ACTIVITIES IN QUARTER 3

3.1 COMPONENT 1: SECURITY OF TENURE AND CONFLICT MITIGATION

A new National Land Policy was adopted by the Kenyan Parliament in early December 2009 that formally recognizes customary land rights of Kenyans for the first time. While the MoL has been using the Squatter Settlement Scheme (under a 1987 Presidential Decree) to formalize household level land rights of customary holdings in various communities in coastal Kenya, the process can be strengthened and expanded to the remaining villages of the north coast prior to developments from the proposed Lamu Port, and/or further incidences of land grabbing and land speculation in this region. In collaboration with the MoL, the SECURE Project will pilot the new provision in the new land policy and endeavor to streamline the rights formalization process, raise public awareness of the GoK's process to formalize customary claims to land, and establish a system to ensure rapid resolution of disputes emerging during the land rights formalization process. The project will apply best practice approaches currently being used in other parts of Africa and across the globe.

3.1.1 Activity 1.1: Rapid Appraisal of Tenure and Assessment of the MoL's Land Rights Formalization Process

Following the PRA/RRAs conducted in two pilot sites in Quarter 2, the project conducted land and resource tenure assessments using the PRA/RRA methodology in the remaining two pilot sites: the Boni-Dodori Corridor and Kiunga town.

As with the previous PRA/RRAs, the objectives of these tenure assessments were to gather and document information about land and resource tenure realities in the two pilot sites. The study consisted of four parts:

1. Identification of territorial spaces of the two pilot sites, and classification of the principal natural resources by micro-ecological zone.
2. Identification of institutions and rules, both formal and informal, governing the management of natural resources.
3. Identification of key tenure and natural resource management issues on the lands used by the people in the two project sites.
4. Identification of possible interventions that would lead to sustainable livelihoods, resource use and management, and reduction in resource conflicts.

Because some assessment team members did not participate in the previous assessments or the training workshop held in November 2009, a one-day training course was held prior to the two assessments held in this quarter to introduce the new team members to PRA/RRA methodology and to reinforce the skills of the veteran assessment team members.

Boni-Dodori Corridor Tenure Assessment

Five villages dot the forested transportation and wildlife corridor between the Boni and Dodori National Reserves. These include the villages of Basuba, Kiangwe, Mangai, Mararani, and Milimani. These villages are home to the vast majority of the estimated 3,000–3,500 Boni people who once inhabited the forests that are now largely contained in the two National Reserves. Having been removed from their ancestral territory and resettled in villages, and having lost their rights to wildlife and forest resources, the Boni now struggle for survival. The SECURE Project aims to assist these Boni villages to secure land and resource rights and negotiate co-management agreements for sustainable resource use within and between the Boni and Dodori reserves.

The Boni-Dodori Corridor tenure assessment included all five villages. The assessment was conducted from March 6–12, 2010. The assessment team interviewed residents in each of these villages to ensure that the assessment captured information about land and resource used collectively, as well as those used by the individual villages. Following the model from the previous PRA/RRAs, the SECURE Project assembled an interdisciplinary team of government and nongovernment representatives including MoL-Nairobi (Deputy Coordinator for the LRTU and a Land Registrar), MoL-Lamu (District Settlement Officer), KWS-Lamu (Deputy Senior Warden), Kenya Forest Service (KFS)-Lamu (Deputy Forestry Officer), Department of Fisheries-Lamu (Fisheries Officer), Shungwaya Welfare Association (Chairman), Kibodo Trust-Kiunga (Project Manager and Community Development Assistant/Mangai), four Boni community representatives, a consultant who also served as the tenure assessment Team Leader, an environmental lawyer from the Center for Environmental Research and Education, a translator, and the Lamu-based SECURE Project team members.

Preliminary key findings:

- Under customary land tenure, land is collectively owned by the Boni, while farmlands are individually/household owned.
- Land governance institutions responsible for allocating and managing land exist at the village level; however, they are very weak.
- Each village operates autonomously in terms of decision-making, specific boundaries, and land use.
- The Boni remain primarily hunter/gatherers, but farming is also a major activity.

Figure 3.1: A Boni man demonstrates the bow and arrow technique that was once a primary source of food gathering.

- The Boni depend heavily on forest resources, both within and outside of the two National Reserves, for sustenance, worship, and transportation corridors.
- The Boni-Dodori Corridor is still rich in wildlife, with animals moving between the Boni and Dodori National Reserves.
- There have been substantial human/wildlife conflicts due to the increase in farming activity by the Boni community.
- Both the forest and land resources and the Boni way of life are facing numerous threats, of which the Boni seem generally unaware. These include government plans

to pave the road that transects the area, illegal logging by outsiders, and slash-and-burn agriculture by non-Boni groups.

- Insecurity caused by Somali bandits is a major threat to human safety, wildlife, and wildlife habitat, and it generally impedes development.

Preliminary recommendations:

- Land rights formalization in the corridor could include the establishment of a conservancy with distinct village/clan areas and land use zoning to include village settlement areas, farming areas, wildlife corridors, and gazetted forests, with benefit sharing for each of the five villages.

Figure 3.2: Coastal topi (*Damaliscus lunatus topi)* are one of the most prevalent of the large mammals in the Boni and Dodori National Reserves.

- Village level land governance institutions must be developed/strengthened.
- Key and prime forest areas outside the National Reserves must be identified and gazetted.
- Wildlife corridors must be researched and delineated.
- National Reserve boundaries must be clearly demarcated.
- Livelihood systems must be improved (e.g., agriculture, honey harvesting, weaving, and tourism development).
- Security in the region must be better addressed.

Kiunga Tenure Assessment

Kiunga town is nestled near the Kenya-Somalia border along the Kenyan coast. The town consists mainly of Bajuni fishermen and farmers, as well as some displaced Boni and Somalis, all of whom have no formal tenure security on land classified as Government Lands. Human/wildlife conflicts abound in the area due to the proximity of the Boni and Dodori reserves. Waters and islands off the coast of Kiunga are part of the KMNR, but residents do not have formal access to them. The SECURE Project will assist the community to secure land and resource rights in the residential and farming areas, and work with KWS and the Department of Fisheries to address issues of resource governance with community institutions.

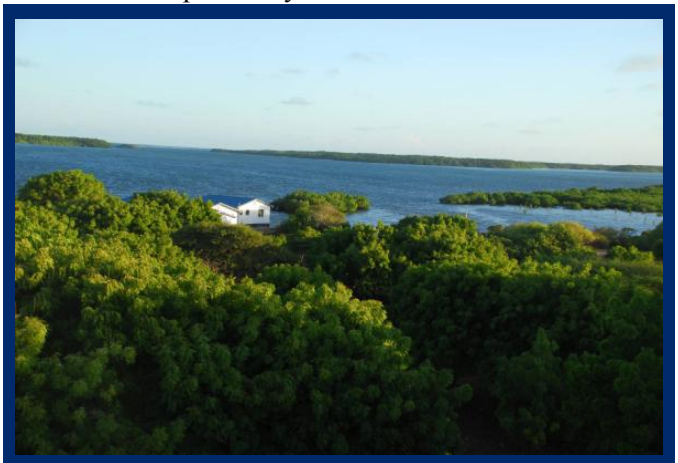

Figure 3.3: Extensive mangrove forests line the coast from Lamu to Kuinga.

The Kiunga assessment was conducted between April 10–15, 2010. The team members included: MoL-Nairobi (Deputy Coordinator for the LRTU and a Land Registrar), MoL-Lamu (Settlement Officer), KWS-Lamu (Warden), KFS-Lamu (Deputy Forestry Officer), Department of Fisheries-

Lamu (Fisheries Officer, Kiunga Division), Shungwaya Welfare Association (Chairman and Deputy Chairman), Kibodo Trust-Kiunga (Executive Director, Project Manager, Community Development Assistant/Mangai, Community Development Officer, and an additional staff member), a Kiunga community development organizer and teacher, the local consultant who served as the tenure assessment Team Leader, a translator, and the Lamu-based SECURE Project team members.

Preliminary key findings:

- Kiunga residents have had a long history of migration in and out of Kiunga due to Shifta incursions and other reasons.
- Customary land tenure system exists and remains strong.
- Extensive shifting cultivation is impacting natural resources in and outside of the Dodori and Boni National Reserves.
- Village boundaries are very extensive, and residents claim areas far from the residential area itself.
- Land tenure for outsiders is somewhat contentious, yet native residents of the village have provided them with farm plots.
- The residents undertake legal but unsustainable harvesting of forest products from the KMNR (mangroves, firewood).
- Community institutions for resource management (e.g., mangroves, forest resources, fisheries), land administration, alternative conflict resolution mechanisms exist, but they are weak.
- Land use planning is lacking and/or poorly conducted.
- There is lack of public education/awareness regarding the importance of sustainable natural resource use and biodiversity conservation.
- Population pressures are high due to in-migration.
- There is overfishing in the ocean waters, and fishing practices are unsustainable.
- There is unregulated mining of coral rocks and other materials used for building material.

Figure 3.4: Farming outside of Kiunga village in once-forested areas is not without its challenges.

- There are limited alternative sources of livelihoods.
- There is alleged political interference/indifference and corruption from local administrators.
- There is alleged illegal allocation of land around beach front and Kiunga Mwini Island.

Preliminary recommendations:

- Formalization of customary land tenure is much needed for Kiunga residents.
- There is a critical need for the establishment and implementation of resource co-management plans for

sustainable management of fisheries and marine resources, forest resources, mangroves, and other natural resources around the settlement area and areas falling inside and outside of the Boni and Dodori National Reserves.

- The establishment of resource governance structures charged specifically with implementation of co-management plans is needed.
- There is a need for capacity building of co-management, land administration, and alternative conflict resolution mechanisms.
- Participatory land use planning would allow for better land and resource use in and around Kiunga.
- There is a need for public education/awareness regarding the importance of sustainable natural resource use and biodiversity conservation.
- Given the few livelihood opportunities in the region, support for alternative sources of livelihoods is necessary.

3.1.2 Activity 1.2: Support Public Information and Awareness

The SECURE Project held two outreach meetings in Quarter 3 with residents of the pilot communities of Kiwayu Island and Mkokoni. The main aims of the meetings were to discuss and further validate key findings and recommendations from the tenure assessments conducted in their respective sites, update the community on other project activities implemented since the tenure assessments, discuss the regional stakeholders meeting outcomes from December, update the communities on the planned District-Level Working Group meeting, create awareness of the project's land formalization process under development, and get an update from the communities on any new and emerging land and resource issues.

The community members confirmed that the findings of the PRA/RRA were accurate. While the residents expressed total support of the SECURE Project and its activities, they expressed some misgivings on the role of the MoL-Lamu staff on the project given the history of engagement in illegal allocations within the villages. The residents nonetheless committed to continued support and pledged to inform the SECURE Project staff on any suspicious land-related activities within their villages.

Also during this quarter, the SECURE Project developed a draft Public Information and Awareness (PIA) campaign strategy to raise awareness of community members' rights, customary land and resource rights provisions under the new NLP, and the land rights formalization process that will be implemented under the SECURE Project. The multi-faceted PIA campaign will employ three principal modes of communication: community sensitization (which has been ongoing), media relations, and development of supportive materials such as a video documentary, posters, and other communication vehicles to disseminate and reinforce key messages. The PIA campaign will be unveiled early in Quarter 4 and implemented with the assistance of Shungwaya Welfare Association and other third parties via subcontracts.

3.1.3 Activity 1.3: Pilot a Participatory Land Rights Formalization Process

The SECURE Project staff held numerous meetings with MoL LRTU and Lamu District staff to discuss and develop a land rights formalization process to formalize customary land rights of coastal communities. The process is based on the principles of the new NLP while complying with the current land laws and regulations. This may be revised upon the development and adoption by the Kenyan Parliament of a new Land Act as called for in the NLP. The new act will consolidate, modernize, and improve the existing laws and regulations that address land issues. The process being developed will serve as a model for the MoL to formalize customary rights of villages throughout Lamu and other coastal districts.

The land rights formalization process used by the MoL and modified by the SECURE Project includes: (i) community sensitization; (ii) acquisition of land (i.e., reservation of land by the Commission of Lands); (iii) land use planning and the development of a development plan; (iv) survey and demarcation of lands and registration of the settlement scheme by the Chief Registrar; (v) calculation of plots for settling of fees; (vi) allocation or allotment of residential and farm plots; and (vii) documentation involving registration of lands and issuance of titles (see Appendix 3).

The preliminary process of land rights formalization will be finalized early in the next quarter (Quarter 4) with the assistance of a short-term technical consultant under SECURE team and the MoL officials. Discussions have been held on how to streamline the process, both in terms of the number of steps and in the duration of the process, in order to more quickly, efficiently, and cost-effectively secure customary rights of resident communities.

A modified process will also be developed to deal specifically with the two villages on Kiwayu Island, which is within the KMNR under the jurisdiction of KWS. The process there will likely not result in statutory rights, but in a formalized customary tenure system, such as a certificate scheme, to be recognized by KWS and the MoL.

3.1.4 Activity 1.4: Strengthen Institutions of Land Administration and Dispute Resolution

In this quarter, SECURE staff began developing Terms of Reference (TOR) for ADR training to take place in Quarter 4 just prior to the commencement of the land rights formalization process implementation in the pilot communities. This will help prepare the local institutions for their involvement in the resolution of conflicts that are likely to arise during the land rights formalization process.

Under section 3.5.9 (Dispute Resolution Principles) of the new NLP, in order to facilitate effective, fair, and efficient dispute resolution the government shall "encourage and facilitate the use of… ADR…mechanisms such as negotiation, mediation, and arbitration to facilitate speedy and cost effective access to justice." SECURE's planned training will serve to strengthen appropriate institutions of informal dispute resolution identified through the tenure assessments.

During this quarter, the SECURE team also identified potential organizations to deliver this training. The TOR will be published early in the next quarter to solicit bids for this work. Training for strengthening institutions in land administration will take place in Quarter 5.

3.2 COMPONENT 2: IMPROVE MANAGEMENT OF PROTECTED AND BIOLOGICALLY SENSITIVE AREAS

Under Component 2, the SECURE team will collaborate with its government and nongovernment partners to identify customary resource use and threats to biodiversity by the residents of the four pilot communities both within and outside of the marine and terrestrial reserves. The project will document the customary resource use patterns (in part informed by the PRA/RRA tenure assessments) and will include an analysis of land and resource use patterns to determine whether they contribute to sustainable management or threaten the current biodiversity in the area. This information will ultimately be used to develop and implement co-management plans between the pilot communities and the relevant government entities to address threats arising from current practices and resolve resource conflicts using institutions strengthened in Component 1. It will also be used to develop an indicator for monitoring project success in reducing threats to biodiversity.

3.2.1 Activity 2.1: Establish a Threats Reduction Assessment Index and Indicator for Monitoring the Project's Impact on Biodiversity Conservation

As per the work plan, the project has proceeded with plans to conduct a Threats Reduction Assessment (TRA) workshop in Quarter 4 with selected conservation partners. The TRA is an alternative approach to measuring a conservation project's success by assessing the extent to which specific, identified threats to biodiversity have been reduced (or not) in a particular site through project interventions. The TRA will produce a summary indicator of success—a TRA Index. This summary indicator has been included in the SECURE Project's Performance Monitoring Plan (PMP) submitted to USAID in this quarter.

The TRA approach was developed by the Biodiversity Support Program, a consortium of WWF, The Nature Conservancy, and World Resources Institute funded by USAID.[1] The approach is based on three assumptions: (i) all destruction of biodiversity is human-induced; (ii) all threats to biodiversity at a given site can be identified; and (iii) changes in all threats can be measured or estimated.

3.2.2 Activity 2.2: Set the Stage for Effective Co-management of Natural Resources

In Quarter 3, the SECURE team began discussions with the East Africa Wildlife Society (EAWLS) to plan a workshop on biodiversity issues specific to Lamu region and appropriate co-management approaches. This workshop (to be held in Quarter 5) will launch the process for developing co-management agreements between pilot communities and the three principal government resource agencies: KWS, KFS, and the Department of Fisheries. The workshop will serve to highlight the rich biodiversity of the Lamu region and underscore the international, national, and local significance of protecting it. It will then build a case for co-management with communities as one of the few, if not the only, practical means for ensuring conservation. Previous attempts to begin the discussion for co-management with pilot communities fell on deaf ears, as resident communities felt that until their land tenure insecurity had been addressed by the MoL through the SECURE Project, the issue of resource management was moot. The SECURE Project is planning preparatory activities under this component, and will launch them as it gains some success on the rights formalization activities under Component 1.

3.2.3 Activity 2.3: Support the Development of Co-management Agreements with Communities

This activity will commence in Quarter 5 after the biodiversity/co-management workshop discussed above. This activity will be implemented in partnership with the Kibodo Trust and the appropriate government agencies, notably KWS, KFS, and the Department of Fisheries.

3.3 COMPONENT 3: PROVIDE LESSONS LEARNED TO INFORM POLICY

Under Component 3, SECURE will document lessons learned in the execution of Components 1 and 2, and share them with the various applicable line ministries to strengthen aspects of relevant regulations for future policy development (in particular, the new NLP, the draft Wildlife Bill and Policy, and the Forest Act). In particular, the SECURE Project will document best practices and lessons learned to support policy dialogue and improved implementation of laws and policies in relation to formalizing customary land and resource rights, as well as co-management of natural resources. The project will convene and conduct district- and national-level workshops to share experiences and lessons learned, particularly with the MoL and KWS. The information may also be used for future USAID-funded interventions in Kenya and elsewhere.

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[1] See Margoluis, R. and N. Salafsky. 2001. *Is our project succeeding? A guide to Threat Reduction Assessment for conservation.* Washington, DC: Biodiversity Support Program. http://www.fosonline.org/images/Documents/tra.pdf.

3.3.1 Activity 3.1: Document Lessons Learned and Develop Best Practices

No specific activities were implemented under this component in Quarter 3. However, the SECURE team is making efforts to document lessons learned and ensure good documentation of processes implemented that can be drawn upon in policy dialogue.

3.3.2 Activity 3.2 Final District and National Workshops to Disseminate Lessons Learned

This activity is planned for Quarter 6.

3.4 OTHER NOTABLE ACTIVITIES

3.4.1 Meeting with Permanent Secretary, Ministry of Lands

On March 15, the SECURE Project Team Leader met with MoL Permanent Secretary Dorothy Angote, ARD Vice President Peter Hetz, USAID/Kenya Deputy Mission Director James Hope, USAID Land Tenure Advisor Dr. Gregory Myers, and USAID/Kenya Program Manager Charles Oluchina. Also in attendance were Mr. Reuben Murugu, LRTU Coordinator, and Mr. Victor Liyai, LRTU Deputy Coordinator, as well as persons from the MoL's Public Information Office and the LRTU Legal Section. The objective of this meeting was to raise the profile of the SECURE Project and other USAID-funded land initiatives at the higher levels of the ministry to gain further political and internal technical support. While the SECURE Project has been officially endorsed and authorized by the Permanent Secretary, she previously had little knowledge of project activities. This meeting provided the opportunity for the USAID and SECURE team to fully inform her of the three USAID-supported land projects in Kenya (all approved by the MoL for implementation): the SECURE Project, a Land Information Management System (LIMS) project in Nakuru, and a boundary survey project for Transmara and South Western Mau Forest blocks.

While the SECURE Project enjoys good support from the LRTU and has made significant progress since commencing in September 2009, the probability of its success could be significantly enhanced with some strategic interventions by the MoL:

- The SECURE Project needs to underscore opportunities for local authorities, the public, and other stakeholders. This could best be achieved through a visit from the Permanent Secretary and the Minister of Lands, the Honorable James Orengo, to Lamu and/or one of the pilot communities where the project works. The meeting's USAID representatives noted that the Deputy Mission Director would be pleased to accompany the Permanent Secretary on this visit to Lamu, and would encourage the U.S. Ambassador to accompany the minister on a future visit as well. USAID believes that such a visit can help to build political goodwill, enhance cooperation and collaboration of stakeholders, and demonstrate to indigenous communities that the MoL, as indicated by the new NLP, recognizes customary land rights.
- As the SECURE Project is targeting four project sites in Lamu, the MoL at the district level is still involved in routine land administration and management activities in some of these sites. USAID and ARD discussed the possibility that the MoL suspend these activities in the interim so that the project can better test this new strategy in the pilot areas and learn best lessons to help the MoL implement the NLP.
- The MoL is interested in promoting the establishment of the LIMS; the team discussed the possibility that the MoL implement the LIMs framework in Lamu to capture and record the land rights that the SECURE Project is formalizing.

- With additional needs assessments and demonstrable success of the current projects, elements of the land reform projects can be scaled up to a regional level.
- The U.S. Government hopes that the Kenyan Government will sustain the current momentum with a view to contributing to the realization of Agenda 4 of the National Accord and Reconciliation Act with regards to land reforms and subsequently secure land tenure and property rights for improved household food security, economic growth, and sustainable natural resources management.

USAID anticipates continued leadership of the Permanent Secretary to be able to bring reforms to the MoL and discuss further avenues of support necessary to make this happen.

This visit was followed with a letter from USAID/Kenya Mission Director Erna Kerst to the Permanent Secretary to thank her for the audience and reiterate the above-mentioned points.

3.4.2 Visit from USAID/Washington

The Property Rights and Resource Governance Project Contracting Officer's Technical Representative Gregory Myers and USAID's Biodiversity and Social Science Specialist Diane Russell visited the SECURE Project in Lamu on March 18–20. The SECURE team held meetings with Mr. Myers and Ms. Russell, Charles Oluchina of USAID/Kenya, and Victor Liyai of MoL-Nairobi to brief them on progress of the project to date, the obstacles encountered, and strategies to move forward.

In addition, SECURE organized a meeting with key partners (MoL, KWS, KFS, Department of Fisheries, Kibodo Trust, and WWF) and Mr. Myers, Ms. Russell, Mr. Oluchina, and Mr. Liyai to discuss overall findings from PRA/RRA tenure assessments conducted to date in the pilot communities; review the draft land rights formalization process developed by MoL and SECURE, including options for registration (block titles, individual titles, etc.); discuss legal issues vis-à-vis, the status of Kiwayu Island and other islands in the KMNR; and begin discussion about biodiversity conservation and co-management.

The SECURE team, USAID, and MoL-Nairobi representatives next met with Kibodo Trust and WWF to continue the discussion about biodiversity conservation and co-management issues in the region. The team held discussion with the Kibodo Trust to fine-tune the roles and responsibilities of the trust and the SECURE Project on biodiversity conservation and co-management issues, given the potential overlap in project activities.

The team drafted a scenario for further discussion and eventual endorsement from USAID. In particular, it was agreed that the SECURE Project will target its efforts to Component 1 and provide technical support to Kibodo Trust to establish and institute co-management institutions and plans under Component 2. Thus, the SECURE Project responsibilities were identified as follows:

- Conduct a threats analysis based on the PRA assessments;
- Establish a biodiversity baseline indicator based on a TRA methodology;
- Facilitate co-management discussion and efforts for Kiunga Marine, Boni, and Dodori Natural Reserves areas;
- Hold workshop on biodiversity and co-management to underscore the richness of biodiversity and its values and highlight threats to biodiversity, discuss management needs/role of co-management with pilot communities, and delineate roles/responsibilities of the various parties;
- Provide viable co-management models;
- Host study tours to areas where successful co-management is occurring; and

- Develop a framework/best practices for co-management agreements and capture lessons learned for policy development.

The Kibodo Trust, with technical support from the SECURE Project, will implement the bulk of the co-management activities. The Kibodo Trust will:

- Build a case for the three National Reserves in Lamu and defend their gazettement;
- Help communities and relevant government agencies (including KWS, KFS, Department of Fisheries, and Arid Lands Ministry) to understand and appreciate biodiversity and importance of conservation;
- Engage KWS in development of management plans for reserves (even if rudimentary), with strong role for co-management;
- Engage communities in development of co-management agreements;
- Advocate for resource rights of communities;
- Monitor specific biodiversity indicators to inform decision-making and co-management activities based on science;
- Identify opportunities to improve livelihoods of communities and advocate for livelihoods initiatives on behalf of communities; and
- Implement selected livelihood projects.

3.4.3 District-Level Working Group Meeting

The project organized and held a Distict-Level Working Group meeting on April 9, 2010 at SunSail Hotel in Lamu. The main objectives of the meeting were to: (i) review and agree upon minutes from the last meeting of November 11, 2009; (ii) discuss the draft TOR and roles of the District- and Village-Level Working Groups; (iii) share project accomplishments and milestones to date including the stakeholders workshop and the PRA/RRA tenure assessments and their key findings and recommendations; (iv) provide an overview of the SECURE Project land rights formalization process (in development); (v) discuss challenges faced by the project; and (vi) provide an overview of the project work plan for the following three months.

Figure 3.5: Representatives of Shungwaya Welfare Association, KWS-Lamu, Kibodo Trust, and District Commissioner of Lamu East District participate in the District-Level Working Group meeting on April 9, 2010.

This meeting was chaired by the District Commissioner of Lamu East and attended by MoL-Nairobi (Deputy Coordinator of the LRTU, and a Land Registrar), three representatives from MoL-Lamu, KWS-Lamu (Senior Warden), KFS (Assistant Director), representatives from the Kibodo Trust (Chairman, Deputy Chairman, Project Manager, and another staff member), Principal Chief-Lamu, two councilors from the Lamu Country Council (Kiunga and Mangai), one representative from the Bajuni community, and the SECURE team.

The key outputs from the meeting included amendments to the District- and Village-level Working Groups' TORs. These included the addition of Kiwayu County Councilor Maendeleo ya Wanawake, LRTU representative, female community representatives, and the Principal Chief for Lamu Districts to the District-Level Working Group. Village-Level Working Group representation was amended in its entirety to include the following: an imam, two youths (one male and one female), two opinion leaders (one male and one female), one elder, the Assistant Chief, a representative of the disabled, a representative of the business community, representatives from the fishing group/Beach Management Unit, the local County Councilor, and the headman of the village. The meeting also solicited commitments from the District-Level Working Group members to publically support the project and share information and plans.

3.4.4 Partnership Meeting with KWS and MoL

The SECURE Project team held a meeting with officials from KWS (from Nairobi headquarters, Mombasa regional office, and Lamu office), MoL-Nairobi, and the Executive Director of the Kibodo Trust on April 29 in Mombasa to address pressing issues related to the three National Reserves that had come to light in PRA/RRA tenure assessments. The major decisions made in this meeting included the following:

- Despite the fact that the wording in the gazette notice for the establishment of the KMNR does not specifically mention the numerous islands that KWS claims to be within the reserve (including Kiwayu Island, a SECURE Project pilot site), KWS states that the gazette notice makes reference to a Boundary Plan map that clearly includes all the islands in question. KWS recognized, however, the need to exert their authority on this issue and pledged to take steps to do so. A suggestion to amend the gazette notice was deemed not to be necessary, as it could potentially re-open debate about the inclusion of Kiwayu Island in KMNR due to the presence of two resident villages and a number of illegal existing title deeds for beach-front properties held by speculators and developers.
- It was agreed that the illegal land allocation/titles on Kiwayu Island need to be addressed (up to 42 illegal titles exist according to the Shungwaya Welfare Association). The MoL asked KWS to send a file of all allocations, and the ministry will work to null and void all allocations conducted after the KMNR gazettement in 1979.
- Once the issue of illegal land allocations is addressed, KWS and MoL will work to formalize residency on the island for the existing two villages through a certificate program. The SECURE Project will assist in this endeavor.
- There is need for surveying and clear demarcation of the Dodori National Reserve given the many land-related pressures in the form of expansion of agricultural activities by residents of villages on the outskirts of the reserve, as well as by outsiders. KWS will prepare a cost estimate and formally request that the SECURE Project fund this initiative, if deemed acceptable by USAID and if the required funds are available in the budget.
- KWS will work with the SECURE Project on a PIA campaign on biodiversity/reserve/conservation issues.
- KWS endorsed the recommendation for the development of management plans for the three Natural Reserves with clear provision for co-management with communities.
- It was agreed that a signed memorandum of understanding between SECURE and KWS would be beneficial. The SECURE Project will take the lead on drafting a memorandum of understanding.

- KWS confirmed willingness to participate in and provide necessary personnel to support the TRA planned by SECURE.
- It was agreed that KWS will take the lead in forging a stronger collaboration between WWF, SECURE, Kibodo Trust, and KWS (as well as other conservation actors in the area).

3.4.5 Legal Intern

The ARD home office received an application to host a public interest internship and directed the opportunity to the SECURE Project given the numerous legal ramifications of the project. Upon discussion with the MoL LRTU, it was agreed to accept Daniel Lutz from New York University School of Law as an intern. Mr. Lutz will be with the project from May 19 through August 10, 2010 to assist the SECURE Project to research and better understand the numerous legal questions that must be overcome for the project to meets its objectives. The project will not bear any costs of the internship.

The MoL has assigned an internal lawyer from within the ministry to provide Mr. Lutz with legal guidance and feedback throughout his internship. This will help ensure that the SECURE Project gets the most out of his skills through the guidance of a trained lawyer, and ensure that the intern will get the most out of his experience to help him on his road to becoming a public interest lawyer.

4.0 KEY CHALLENGES AND OPPORTUNITIES

One only has to read the headlines in the Kenyan daily newspapers at any given time to realize that the SECURE Project is on the cutting edge of the dominant issue being debated in Kenya today—land reform. As the country prepares for a referendum vote on its draft constitution in early August 2010, one of the major issues dividing supporters for its ratification and those campaigning for its defeat is the section on land reform that ratifies the basic principles of the new NLP passed by Parliament in December 2009 after over five years of development. Despite its passage, the NLP is still controversial, as it radically changes the ground rules by calling for a transparent, accountable process for land allocations and recognizing for the first time the legitimacy of customary rights. Furthermore, the MoL has already begun demonstrating its commitment by sniffing out corruption within its ranks and revoking illegal titles in different parts of the country. The fact remains, however, that powerful and wealthy interests will not back down easily, particularly when large amounts of money are at stake.

Closer to home, the Kenyan Truth, Justice, and Reconciliation Commission (TJRC) recently visited Lamu to introduce the commission's goals and objectives and to explain the process for documenting individuals' testimonies of human rights abuses. The TJRC was established by the Kenyan Parliament to enquire into human rights violations and historical injustices that occurred between 1963 (Kenya's independence) and the post-election violence of 2008, with a mandate to investigate abuses and recommend prosecutions and systemic reforms. Lamu residents encountered by the project team have expressed their unwillingness to cooperate with the commission as long as the Indemnity Act of 1970 remained in effect. This legislation stipulates that the GoK is not liable for its actions between 1963 and 1967, in particular in the North Eastern Province and the Districts of Lamu, Tana River, Isiolo, and Marasbit. At the TJRC meeting in Lamu, land issues took center stage, as residents complained of irregular land allocation and land grabbing throughout the district. Community leaders then demanded that the Indemnity Act be repealed, because proceeding would only alienate the communities and further victimize them. The community leaders staged a walk-out that included virtually all Lamu residents and left the meeting room empty except for the commissioners.

While the land issues in Lamu have not yet received the media attention afforded to similar struggles revolving around the Mau Forest, it is clear that there is an organized effort on the part of some to assure the SECURE Project's failure. This is most clearly demonstrated by the lack of buy-in from provincial and division-level authorities who have questioned the authority and legality of the project at every turn and even allegedly organized a "grassroots" effort to denounce the project as non-transparent. (The leaders of the group finally backed down when made aware of the project's objectives, activities, and approaches.) Part of the disinterest may stem from their (alleged) involvement in illegal land grabbing. A mantra of some local authorities is that they support the SECURE Project as long as it does not look into past land deals. The SECURE Project's response is that it has no mandate to revisit allocations of land made in the past, but that the MoL, at the bequest of the communities, has the right to address these allotments as part of the process of formalizing community land rights.

The **pervasive level of corruption** revolving around land and the fear that the SECURE Project may disturb the high level of ongoing **land speculation** around the proposed Lamu Port may also be the source of **interference and delay tactics** from district-level MoL staff and/or local authorities being used to hide the truth, not share documents or information, or otherwise slow down project activities. It is the understanding of the SECURE Project that the Minister of Lands himself, in an internal meeting in late

November 2009, ordered a freeze of land allotments in the entire Coast Province. This order has been largely been ignored by district-level staff, as allotments appear to be ongoing (according to Shungwaya Welfare Association).

Indeed, there are widespread reports of past and ongoing **land grabbing** deals throughout Lamu East and West districts, with charges of backdating and falsifying records and other corrupt activities—some of which most likely necessitated collusion with ministry staff based both in Lamu and in Nairobi. The presence of the SECURE Project and the passage of the new NLP, as well as expectation of the proposed Lamu Port, have perhaps added a sense of urgency for land speculators and brokers in the region.

The SECURE Project, with the assistance of Shungwaya Welfare Association and other third parties, has assembled copies of a title deeds and letters of allotment of previously classified government land—mostly beach-front properties—both regional and around the project pilot communities. All of these titles were issued under the Registration of Titles Act. According to Kenyan environmental lawyers subcontracted by the project for participation in the Mkokoni tenure assessment, the position in law is that the grant of leases to Government Land should follow the strict regime of the Government Lands Act (GLA). The basic procedure is that Government Land must be surveyed, subdivided, and advertised to the public as available for auction and once sold, the leases and grants should be Government Lands leases and grants under part VIII of the GLA. Legally they cannot fall under the Registration of Titles Act because land in Lamu District was not "alienated" land, hence not capable of being brought under the Registration of Titles Act through section 6 of that Act.

Not lost on the SECURE staff is the fact that the lack of buy-in from local authorities and real or perceived land grabbing is contributing to increased frustration on the part of resident villagers and increased tension between them and those they perceive to be connected to land grabbing. This has led to villagers on Kiwayu Island and in Mkokoni, often armed with sticks and rocks, chasing away both MoL and private surveyors from their villages due to distrust and skepticism about the purpose of the surveys. According to the MoL-Lamu District Surveyor, the survey work being conducted is for plots that have already been illegally titled. If this is accurate, this would be an aberration of the legal process, as no lands should be titled prior to an official survey, and as mentioned above, the lands should not have been titled under the Registration of Titles Act. These extra-legal allocations are causing much conflict between resident communities and claimants of formal titles, and they could easily escalate into violence if not addressed.

In an attempt to clarify the situation, informal and formal requests from the SECURE Project to MoL staff (in Lamu, Mombasa, and Nairobi) for documents relevant to pilot communities (registry index maps, survey information, part development plans, copies of title deeds and letters of allotment, etc.) have all gone unmet or unfulfilled. The SECURE Project has since been instructed to make all requests to the LRTU, despite the fact that most documents should be available at the district level. Recent attempts to search for questionable titles deeds (provided to SECURE by a third party) at the MoL's Registry in Mombasa have proved to be extremely cumbersome, inefficient, and time-consuming.

In spite of these challenges, the SECURE Project is forging ahead with its work with the widespread support of residents of pilot communities and some key staff members in MoL-Nairobi. The greatest challenge to overcome at this point is the **resistance to change management** at MoL-Lamu. At the district level, there has been some resistance to change, transparency, and the adoption of a participatory approach. Part of the problem seems to stem from the perceived lack of adequate instructions and/or lack of a mandate from their respective department heads in Nairobi (Surveys, Settlement, Physical Planning, and Administration), and the involvement of some staff in past or current corrupt activities also plays a role. The MoL LRTU has taken strides recently to ensure utmost collaboration, communication, and transparency between the various departments in Nairobi, although the unit does not seem to have the authority to provide a mandate for the district-level staff to work on the project, much less make it a priority and include it in their work plans.

For these reasons, the SECURE Project, with the support of USAID/Kenya, is pushing for a high-level MoL visit that would undoubtedly underscore the importance of the SECURE Project to local authorities, the public, and other stakeholders. Such a visit could build much needed political goodwill, enhance cooperation and collaboration of stakeholders, and settle the minds of indigenous communities that the MoL, with its new NLP, has turned the corner on recognizing customary land rights and is committed to making the SECURE Project not only a success, but also a model process for formalizing land and resource tenure (as well as resource management) to replicate in other parts of the country.

Perhaps the most urgent item to be addressed by the MoL to ensure that the land rights formalization process will be kicked off in a timely manner is a demonstrated commitment of the ministry's district-level staff to identify any human and/or material resources needed to fully implement the process. This issue has been brought up with the MoL and will continue to be raised until it is addressed.

The project has also suggested that in order for the MoL to genuinely focus on piloting a new land rights formalization process based on the principles set forth in the new NLP, the ministry must embargo all land administration and management activities in all four project areas, as some ongoing activities could prove to be counterproductive to implementation and innovation.

Finally, the issue of managing and safeguarding land documents should be addressed in Lamu District in order for any new titles secured through the SECURE Project process to be properly documented in an improved, modernized LIMS. It was therefore suggested that the MoL enjoin its ongoing LIMS project (with support from the Swedish government) with SECURE. In addition, the ministry could designate Lamu District a priority site for the planned digitization of the land registry being undertaken with the Regional Centre of Mapping for Resource Development.

5.0 ACTIVITIES PLANNED FOR NEXT QUARTER (QUARTER 4)

Quarter 1 was spent mostly on building partnerships and laying the foundation for the project, and Quarters 2 and 3 activities addressed better understanding the challenges of securing land and resource tenure in the pilot communities, bringing stakeholders together, and finding common ground for moving forward. Activities in Quarter 4 of the SECURE Project will focus on implementation of priority activities.

Principal activities planned for Quarter 4 are presented below:

Component 1

- **Finalize tenure assessment reports, present them at the National-Level Working Group meeting, and disseminate them to stakeholders** – At the request of the MoL, the SECURE Project has not disseminated any of the tenure assessment reports and their recommendations until a final validation is conducted by the SECURE team and key partners to ensure that recommendations are standardized and presented and approved by the MoL and the Ministry of Environment and Wildlife. This validation process is planned for the beginning of Q4, after which time the draft reports will be finalized and published, and then presented to the two ministries via the National-level Working Group. This request was made in order to better manage the expectations of stakeholders, primarily residents of pilot communities, and to coordinate activities of the two ministries for implementation activities. Upon approval of the recommendations, all four tenure assessments will be published and disseminated to stakeholders, setting the stage for the implementation phase of the land rights formalization process and commencement of co-management discussions.

- **Host a high-profile public relations event to be attended by the Minister of Lands and the U.S. Ambassador** – The SECURE Project and USAID have been taking steps to organize a visit of the Minister of Lands, accompanied by the U.S. Ambassador, to Lamu to publically endorse the SECURE Project in front of local authorities and other stakeholders. Such a visit can build much needed political goodwill and enhance cooperation and collaboration of stakeholders. This will also help to reassure indigenous communities that the MoL, with its new NLP, recognizes customary land rights and is now committed to making the SECURE Project a success and a model for formalizing customary land and resource tenure (as well as resource management) for replication in other parts of the country. Potential dates for the visit have come and gone over the past six months without a firm commitment from the minister's office; however, recent efforts to hold a visit in Quarter 4 may yet come to fruition.

- **Develop a strategy for ADR and conduct training** – A strategy for establishing viable mechanisms for ADR will be identified in the upcoming quarter, likely with training as a critical component. The SECURE Project will conduct trainings in each of the four pilot communities during Quarter 4 with the assistance of a subcontractor. As per the strategy, selected local institutions and key individuals in each community will be targeted for the training. The training will take place prior to the

commencement of the land formalization process so that trained institutions and individuals will have a system in place for resolving any disputes if and when they arise during the process.

- **Implement PIA campaign** – The formal aspects of the PIA campaign will commence in Quarter 4, based largely on key messages developed from what was learned in the tenure assessments. The PIA strategy will identify key elements of the campaign and will likely include a video documentary, informational posters, and formal sensitization sessions in pilot communities.
- **Finalize and implement the land rights formalization process** – With the assistance of a technical short-term consultant, the SECURE Project will finalize the land rights formalization process it has developed with the MoL, with an eye to streamline it and make it as cost-efficient as possible, while ensuring it is within the current laws. The project will then work with the MoL to ensure that the necessary human and material resources are available for implementation, and conduct final planning and coordination of the process in each of the four pilot sites. SECURE will develop an alternative approach for residents on Kiwayu Island within the KMNR.

Component 2

- **Conduct TRA workshop** – In early Quarter 4, the project will convene a workshop with its conservation partners (KWS, KFS, Department of Fisheries, Kibodo Trust, WWF, and EAWLS) to conduct the baseline TRA. The team will identify all threats to biodiversity in the project zone; define the threats; explain what 100% reduction of the threats means for each threat; and rank each threat in terms of area of project zone affected, the intensity of the threat, and the urgency of the threat. At the end of Year One, the project will reconvene the conservation partners to assess progress made in reducing the identified threats that will produce a TRA Index, a summary indicator of success that has been included in the SECURE Project's PMP.
- **Plan biodiversity/co-management workshop (Quarter 5)** – This workshop will be conducted in Quarter 5, but planning (setting the program, securing a venue, inviting and confirming speakers, inviting participants, and other logistical arrangements) will take place in Quarter 4.
- **Plan land tenure and property rights training workshop (Quarter 5)** – This training will also take place in Quarter 5, but planning will occur in Quarter 4.

Component 3

No Component 3 activities are anticipated in Quarter 4, however, the project team will ensure that it continues to collect and maintain all information, data, and documentation needed to develop lessons learned that will be presented in the workshops planned for the conclusion of the project.

APPENDIX 1: REPORTS AND DOCUMENTS PRODUCED DURING QUARTER 3

	REPORTS/DOCUMENTS PRODUCED	DATE
1	Revised Work Plan	April 30, 2010
2	Performance Monitoring Plan	May 4, 2010
3	Kiwayu Island Tenure Assessment Report	May 13, 2010
4	Mkokoni Tenure Assessment Report	May 28, 2010
5	Regional Stakeholders Workshop Proceedings (December 2009)	March 2010

APPENDIX 2: WORKSHOPS AND TRAINING ORGANIZED DURING QUARTER 3

Nº	DATE	SUBJECT	OBJECTIVES	LOCATION	DAYS	NUMBER OF PARTICIPANTS
1	March 4–5, 2010	Training on PRA/RRA methodology course	• Introduction to and application of PRA/RRA methodologies as tenure assessment tool • Lessons learned in Mkokoni PRA • Development of Boni-Dodori Corridor tenure assessment objectives and discussion on daily agenda • Discussions on logistics and responsibilities of team members	SunSail Hotel, Lamu	2	10
2	April 8, 2010	Refresher course on PRA/RRA methodologies	• Introduction to and application of PRA/RRA methodologies as tenure assessment tool • Development of Kiunga tenure assessment objectives and discussions on daily agenda • Discussions on logistics and responsibilities of team members	SunSail Hotel, Lamu	1	8

N°	DATE	SUBJECT	OBJECTIVES	LOCATION	DAYS	NUMBER OF PARTICIPANTS
3	April 9, 2010	District-Level Working Group Meeting	• Review and adoption of minutes of last meeting of November 11, 2009 • Discussion on TOR and roles of the district and village working groups • Presentation of accomplishments/milestones to date including the stakeholders meeting • Presentations of PRA assessments key findings • Overview of SECURE land rights formalization process • Sharing of challenges faced by the project and • Overview of work plan for following three months	SunSail Hotel, Lamu	1	20
4	April 29, 2010	KWS Meeting/Workshop	• Review and validate draft recommendations re: national reserves and co-management of resources from PRA/RRA tenure assessments	KWS Coast Office, Mombasa	1	15

APPENDIX 3: LAND RIGHTS FORMALIZATION PROCESS

The latest iteration of the land rights formalization process developed by the SECURE Project in consultation with the MoL is presented in the following table.

A	**Community Engagement**	1	Participatory land tenure and property rights assessment in the targeted community, providing ample opportunity for community and community-based organizations input to better understand customary land and resource tenure issues, history of settlement and migration, and land use patterns that will help drive the process
		2	Sensitization of community of land rights formalization process to ensure that community has comprehensive understanding of process to follow, and are organized appropriately to meet their responsibilities in the process
B	**Acquisition of Land**	1	Delineation of boundaries
		2	Seek reservation from Commissioner of Lands
		3	Secure letter of Reservation from Commissioner of Land
C	**Planning**	1	Reconnaissance of urban and rural settlements (ground truthing: pick strategic features, etc.)
		2	Notice of Intention to Plan (10 days)
		3	Consultation with stakeholders on planning
		4	Prepare a development plan (both urban and rural)
		5	Circulate for 14 days for comments/consensus building
		6	Stakeholders meeting to present draft to validate and seek endorsement
		7	Advertisement for public inspection (60 days)
		8	Sent to Director of Physical Planning for approval
		9	Legal adoption of plan by minister
D	**Survey & Demarcation**	1	Establish boundaries of urban settlement (beacons)
		2	Establish boundaries for individual farming plots (beacons)
		3	Survey plans developed
		4	Survey plans submitted to Director of Surveys for approval
		5	Registration of settlement scheme by the Chief Registrar
E	**Valuation**	1	Determine value of plots for setting of fees

F	**Allocation**	1	Establish a community committee elected by the community
		2	Identify existing farmers and urban settlers with committee participation
		3	List of existing farmers/urban settlers validated by community
		4	Validated list is presented to District Settler Committee for allocation
		5	District Settler Committee issue minutes for allocation
		6	Selection done by District Settlement Plot Selection Committee
		7	Selection list of beneficiaries is forwarded to minister for approval
		8	Letters of Offer for farm plots issued
		9	Letters of Allotment for urban plots issued
G	**Document-ation**	1	Fees/duties paid by each beneficiary
		2	Beneficiary is issued discharge of charge and transfer of documents
		3	Land is registered and titles issued

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