



# AFRICA LEARNING EXCHANGE ON RIGHTS AND CONSERVATION

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23

OCTOBER 2-6, 2023 | KENYA



# SUMMARY REPORT

## PREAMBLE

This report was put together from notes taken by several participants in the Learning Exchange. The whole event was the result of a collective planning and preparation process by co-hosts, partners and members. Apologies for any misrepresentation of facts or views. We deeply thank everyone who contributed to the event and this report - no-one mentioned, no-one forgotten.

Sincerely and warmly,  
The Co-Hosts

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# ACRONYMS AND ABBREVIATIONS

ACHPR	African Commission on Human and Peoples' Rights
ADR	Alternative Dispute Resolution
ALE	Africa Learning Exchange
ALLIED	Alliance for Land Indigenous and Environmental Defenders
AOPP	Association des Organisations Professionnelles Paysannes
ATI	Access to Information
BOS	Breakout Session
CAGDFT	Centre d'Appui à la Gestion Durable des Forêts Tropicale
CAJ	Commission on Administrative Justice
CBO	Community-Based Organization
CECM	County Executive Committee Member
CIFOR	Center for International Forestry Research
CLA	Community Land Act
CLAN!	Community Land Action Now!
CNOP	Confédération Nationale des Organisations Paysannes
COFO	Commissions Foncières Villageoises
COMAID	Community Assistance in Development
COP	Conference of the Parties
Réseau CREF	Le Réseau pour la Conservation et la Réhabilitation des Ecosystèmes Forestiers
CSO	Civil Society Organization
DRC	Democratic Republic of Congo
ECOWAS	Economic Community of West African States
FAO	Food and Agriculture Organization
FCI	Foundation for Community Initiatives
FIANTSO	Forum for Indigenous Associations of the North of Toliara
FPIC	Free, Prior, and Informed Consent
GPS	Global Positioning System
HR	Human Rights
HRBA	Human Rights-Based Approach
HRD	Human Rights Defender
ICCA	Indigenous and Community Conserved Area
ICRAF	World Agroforestry Center
IFAD	International Fund for Agricultural Development
IGAD	Intergovernmental Authority on Development
ILC	International Land Coalition
ILEPA	Indigenous Livelihood Enhancement Partners

IPs	Indigenous Peoples
IP&LC	Indigenous Peoples and Local Communities
IPCC	Intergovernmental Panel on Climate Change
KCHR	Kenya Commission on Human Rights
KNCHR	Kenya National Commission on Human Rights
KNDR	Kenya National Dialogue and Reconciliation
KWCA	Kenya Wildlife Conservancies Association
LC	Local Communities
LED	Land and Environmental Defender
MEAL	Monitoring, Evaluation, Accountability, and Learning
MYO	Mzimba Youth Organization
NGEC	National Gender and Equality Commission
NGO	Non-Governmental Organization
NLC	National Land Commission
OECM	Other Effective Conservation Measures
OPDP	Ogiek Peoples' Development Program
PIDP	Programme d'Integration et Developpement
PINGO	Pastoralist Indigenous Non-Governmental Organizations
PM	Participatory mapping
PRM	Participatory Rangelands Management
PWD	Persons with Disabilities
RECONCILE	Resource Conflict Institute
REFACOF	Réseau des Femmes Africaines pour la Gestion
TENFOREST	Communautaire des Forêts (Platform of Land and Forest Champions)
	Tenure Facility (The International Land and Forest
TF	Tenure Facility)
UACDDDD	Union des Associations et des Coordinations d'Associations pour le Développement et la Défense des Droits des Démunis
UEFA	Union Pour L'Emancipation De La Femme Autochtone
UN VGGT	United Nations Voluntary Guidelines on the Responsible Governance of Tenure
ZERO	Zimbabwe Regional Environment Organisation

# CONTEXT

## WHY - AND WHY NOW?

This is a summary report of a five-day event, as co-organized by the Community Land Action Now! (CLAN!), the International Land Coalition (ILC) and Tenure Facility (TF), which brought together almost 200 participants from a range of different countries in Africa, working to advance communities' tenure security. It was held from 2nd-6th October, principally in Naivasha, Kenya under the theme of "Rights and Conservation".

None of the messages from the Africa Learning Exchange would make sense if we do not understand why such different organisations decided to come together in the context of Africa and why the focus became the intersection between ongoing conservation efforts continentally and persistent challenges around the recognition of community land rights. The why first, then the what.

## WHY RIGHTS AND CONSERVATION?

Loss of biodiversity around the planet has emerged as one of the major global challenges to mankind, along with climate change. In December 2022, governments and the international community reached a landmark agreement to guide global action on nature conservation through 2030 at the COP15 in Montreal, Canada. The post-2020 Global Biodiversity Framework addresses biodiversity loss, restoring ecosystems, and protecting indigenous rights. The plan includes concrete measures to halt and reverse biodiversity loss, including putting 30% of the planet and 30% of degraded ecosystems under protection by 2030.

The 30x30 agenda or target is being framed as a measure to provide stronger recognition to IP &LC conserved territories and areas (ICCAs) and Other Effective Conservation Measures (OECMs) by communities as part of protected areas' management.

However, many human rights actors and environmental defenders are concerned about the 30x30 target as it is heavily pushed by the same actors that have dominated fortress conservation practice to this date. The fear is that green grabs, human rights violations, and food insecurity will increase, while the underlying causes of biodiversity loss receive little attention. On a more optimistic note, other conservation and development actors see opportunities in using the new biodiversity agenda, with its recognition of the rights of IP &LC, for more equitable benefit sharing and rights-based development outcomes. An Africa Regional Learning Exchange was meant to offer a space for deeper exploration of what the new biodiversity agenda will or can imply in an African context.

## WHY KENYA?

Kenya was not a random choice. Many participants across Africa pointed to a country that offers plenty of scope for learning: on the roles of pastoralists, communities, and IPs in the management of natural resources and forests, as well as in ecosystem restoration, climate change adaptation and conflict management. Women play important roles in such efforts, with potential for more if properly supported.

The country has a long history of state-controlled Protected Areas and there are plenty of pilots involving communities in conservation practices and management, including the sharing of revenues. There is a solid legal framework that recognizes IP & LC land or use rights. The 2016 Community Land Act provides recognition, protection and registration of community land, while the Forest Conservation and Management Act (2016) allows communities to co-manage forests along with the Kenya Forest Service.

Despite 40% of lands in Kenya being community lands (both registered and unregistered), the implementation of the law has been slow; there is a gap between official recognition and implementation of the law, and IP & LC still suffer displacements from ancestral territories. In fact, while the 2010 constitution and the 2016 Community Land Act (CLA) legally recognize communities' customary land rights regardless of whether they are registered or unregistered, county governments hold unregistered community lands in trust for communities until they are formally registered. The problem of unregistered land makes long-term investments to enhance local livelihoods and food security more at risk.

At the same time, about 8% of Kenya's land mass is under some formal protection and is home to several conservation areas. Well-known examples are Amboseli National Park and Maasai Mara National Reserve. Several different models of conservation co-exist across the country. Under the fortress conservation model, communities have been seen as a threat to conservation - an excuse to dispossess communities of their ancestral lands.

However, many actors in Kenya are challenging this approach, promoting a new paradigm that recognizes communities' rights. They have demonstrated successful experiences of co-management of protected areas by IP & LC.

## A SAFE SPACE FOR LEARNING

The learning week was intended to provide participants with a conducive environment to share experiences and learn about strategies, approaches and practices that have proven effective in advancing IPs & LC rights overall, and within Protected Areas in particular, to explore community-led conservation and restoration efforts and increase climate resilience. Finally, and not least, a space to discuss challenges and approaches by IP&LC as climate and environmental defenders.

The exchange brought together TF partners and ILC members from a range of different countries such as Burkina Faso, Mali, Liberia, the Democratic Republic of Congo, Malawi, Madagascar, Gabon, Cameroon, Tanzania, Uganda, and Kenya, among others, and create opportunities to exchange and learn from each other. Many others came in on self-sponsored capacity from across African institutions to further engage to advance tenure rights through collaboration and partnership, and further explore roles of IP & LC and their land rights for biodiversity management, conservation, restoration, and climate resilience and to hear first hand from the stories and threats of environmental and biodiversity defenders.



## DAYS 1 & 2 - COMMUNITY VISITS

A big project involves overseeing a lot of moving parts, oftentimes from different people. To have a successful rollout, project managers rely on a well-crafted project plan to ensure objectives are met on time and on budget. A project plan is a formal approved document which is used to define project goals, outline the project scope, monitor deliverables, and mitigate risks.



### COMMUNITY VISIT 1: OGIEK COMMUNITIES, EAST MAU, NAKURU COUNTY

#### Background

The Ogiek of Mau inhabit the Mau Forest Complex which includes various areas in different counties, and around 40,000 members of the Ogiek people live there. The Ogiek people's legal struggle which resulted in a positive judgement by the African Court on Human and Peoples' Rights in May 2017, recognized their right to property and natural resources, non-discrimination, religion, culture, and development. The ruling also emphasised the role of IPs in conservation and confirmed that the Ogiek people could not be held responsible for the destruction of the Mau Forest, but has the right to restitution and compensation. However, the Kenyan government's actions have put the community in further jeopardy, and the African Court recommitted to their ruling in June 2022, ordering both pecuniary and non-pecuniary reparations. Still, after one year, the Government has done nothing to implement the court order. Instead, Ogiek lives under constant threat of evictions, which continue.

During the visit, community members expressed their deep concerns and determination not to give up the fight for their rights. "If you from other countries know how, please help us".

### **Reflections from the visit and inputs to the community**

The visit and week programme left space for more exchanges with the community so as to co-create a space for collective reflections. Some key takeaways from the group and community were:

- The African Court ruling confirming indigenous peoples' rights of the Ogiek is a significant milestone but it needs to be actively implemented.
- The successful collaboration between the Kenya Forest Service and Ogiek communities shows the potential of breaking down barriers for productive partnerships.
- The role of youth and women in Ogiek's reforestation initiative highlights the significance of intergenerational skill transfer and the key role that each plays in sustainable forest management.
- It is important to recognize the value of Ogiek's tree growing system which goes beyond initial planting. It shows their commitment to the long-term health of the Ogiek forest.
- Agroforestry, including bee-keeping, provides alternative livelihoods complementary to wild species. Promotion and funding of agroecology practices are crucial for ensuring food security, and continued community empowerment is essential for sustained forest protection.
- Challenges from "non-Ogiek" settlements in the forest require sensitivity to resolve potential conflicts promptly.
- The forest is not just a "resource", it is Ogiek's home, life, culture, and identity. Ogiek are hunters and gatherers. They know their forest better than anyone. Deforestation for agriculture only happens when other means of livelihood no longer are available
- Recognizing and addressing issues related to public land use can reduce conflicts and land tenure insecurity.
- Access to carbon credits – could possibly be a source of income for these communities, *if their rights are respected and the conditions are fair and just.*

# COMMUNITY VISIT 2: ENDOROIS COMMUNITY ON THE SHORES OF LAKE BOGORIA, BARINGO COUNTY AND SUKTA COMMUNITY WATER SPRING

## Background

The Endorois community faced struggles during the colonial era, when their land was first taken away and has since fought to reclaim their rights, including through legal battles at national and international levels. The Endorois have a rich cultural heritage and their struggle for justice, their transition from traditional pastoralism to agropastoralism, their religious and cultural practices and the deep connection the community has with Lake Bogoria play an integral role in their identity. The community's tenorial case and its intersection with rights and conservation exemplify the complexities of conservation and displacement, the value of traditional ecological knowledge, the significance of free, prior, and informed consent (FPIC), the importance of sustainable conservation models, and the principles of human rights-based conservation.



Despite the African Commission on Human and Peoples' Rights (ACHPR) recommending on February 2, 2010, that the Kenyan government recognize the Endorois community's ancestral land rights, restitute their lands, and provide compensation, the non-implementation of these recommendations has adversely affected the community, leading to severe poverty, illiteracy, poor health, and a life of destitution for many members.

Sukta is a vital water spring located in Baringo County, Mogotio sub-county, within the rangeland conservation unit of Irong Conservancy. The area is inhabited by agro-pastoralist communities who rely on both crop farming and livestock rearing for their livelihoods. The region faces recurring droughts, particularly in leap years, resulting in significant livestock losses. The Sukta Spring has historically played a crucial role in ensuring water availability during these dry periods and continues to be a site of worship and prediction of weather patterns based on star orientation. This unique connection between natural signs and local wisdom demonstrates the interplay between culture and sustainable resource management. A Participatory Resource Management (PRM) project was undertaken to protect the spring, empowering the local community to manage it effectively, and ensuring their active involvement.

### **Reflections from the visit and inputs to the community**

- The visit and week programme left space for more exchanges with the community to co-create a space for collective reflections. Some key takeaways from the group and community were:
- Those who started these struggles are now getting old and called strongly for the younger generation to step up and take it forward. The disconnection of younger community members from land struggles is a global issue for active and creative engagement.
- The community had high expectations that their visitors would be able to help and ensure they finally received justice, and the visit provided a renewed sense of hope, as well as of being visible and recognised.
- The critical impact of the climate change crisis was visible and very clear to the community itself, with rising waters in the lake displacing community members to bare and steep land.
- The cultural and religious importance of resources is critical to understanding. "Sukta" means "Sacred Space" and has enormous significance to the community. This cultural attachment has contributed to the spring's preservation over the years.
- While many more technical solutions could be found to maximise the benefits of the spring, it is critical to be led by the community's priorities and the limited resources available to take small, achievable steps.
- By fostering a sense of ownership and encouraging community participation, the participatory project around the spring has ensured sustainability.
- There is a need for working together to identify how to move from theory - in the Lake Bogoria case, from a Court Judgement and international frameworks - to action.
- There must be solidarity with other indigenous communities facing similar struggles.

# COMMUNITY VISIT 3: MAASAI COMMUNITIES IN THE GREATER MAASAI MARA ECOSYSTEM, NAROK COUNTY

## Background

The Naboisho Conservancy showcases a successful model of community-led conservation. Over 700 Maasai landowners have come together to collectively manage the conservancy resulting in positive outcomes of a multi-use and integrated management plan, which encompasses wildlife conservation, sustainable tourism, natural resource management, and economic livelihoods. Over time, they managed to build a more resilient community out of the several income-generating activities linked to the conservancy management plan. This, in turn, is heightening their customary governance system and tenure security as increasingly more community members commit to pool their parcels under common land use plans and for longer time.

The Maji Moto Group Ranch is only a few miles away from Naibosihho but still far away. It presents a compelling case of land dispossession within the community where individuals in positions of power exploit their privileges to violate the land rights of other community members. The community's long and challenging struggle for justice employed was spearheaded by a group of motivated community youth. They have used all possible strategies to bring community members back together such as public litigation, advocacy, and mass action. Maji Moto Group Ranch serves as a powerful example of how much land struggles shape communities and their resilience within Indigenous communities.

## Reflections from the visit and inputs to the community

The visit and week programme left space for more exchanges with the community so to co-create a space for collective reflections. Some key takeaways from the group and community were:



- Community-Led Conservation - The conservancy in Naboisho has not only achieved conservation goals but has also improved the livelihoods of 700 families who have pooled their land together to form the conservancy.
- Heritage Preservation - By incorporating traditional knowledge and practices into the conservation and management of the land in Naboisho, the Maasai have managed to strike a balance between conservation and the preservation of their way of life.
- Land tenure security - The provision of 25-year-long leases for individual landowners within the conservancy in Naboisho showcases a long-term commitment to both conservation and community development which provides security for landholders.
- Education and Empowerment - The support provided for education through the school for youth, such as bursaries for 2,400 students secures a brighter future for the community and also ensures that traditional knowledge and conservation practices are passed down to the next generation.
- Economic Empowerment - The employment of 500 people, with 80% of them being from the local community, showcases the economic empowerment that can result from community-led conservation as in Naboisho.
- Balancing Livestock and Wildlife - The allocation of 70% of the land in the conservancy for grazing demonstrates a successful balance between wildlife conservation and traditional livestock practices. This approach mitigates conflicts and ensures the sustainability of both wildlife and livestock in the region.
- Predator Compensation - The provision of compensation for livestock losses due to predators is a practical solution to conflicts between wildlife conservation and the economic interests of the Maasai community, providing a means of addressing these issues without resorting to violence against wildlife.
- Strategies, such as litigation, advocacy, and mass action, initiated mainly by young students as land defenders related to internal land conflicts in the Maji Moto community and leading to a long and challenging struggle for justice that finally had successful outcomes.



# COMMUNITY VISIT 4: NARASHA COMMUNITY, NAIVASHA SUB-COUNTY, NAKURU COUNTY

## Background

The Maasai community in Narasha has struggled against repeated forced eviction and involuntary resettlement due to the establishment of a National Park and the development and expansion of geothermal projects on their ancestral lands. The lack of consultation and consideration of the impact on the Maasai's pastoralist livelihoods has resulted in the reduction of grazing land suitable for their livestock and significant negative impacts on community livelihoods, health and the environment. The community have mobilised and are demanding adherence to FPIC and adequate compensation.



## Reflections from the visit and inputs to the community

The visit and week programme left space for more exchanges with the community to co-create a space for collective reflections. Some key takeaways from the group and community were:

The community has effectively preserved its foundational cultural values as it practises a tradition reminiscent of past times, engages in culturally driven events, maintains a hierarchical structure for communal organisation, and values objects linked to its cultural heritage.

In terms of the relationship between the community and the state, there appeared to be discrepancies. The state, in theory, should ensure the well-being of its people with equality, but this is not the case for this particular community. Their rights have been violated, prompting the community's mobilization since 2009 to resist expropriation.

Despite facing significant challenges, promises made during evictions in 2014 remain unfulfilled, creating a precarious situation. Some of the community have been relocated to an inaccessible area with poor soils, steep, unstable slopes prone to land-slips, poor/absent services and the houses provided were poorly constructed, whilst the newly built school is prone to flooding, affecting education. Furthermore, the relocated community members lack property ownership. The overall socio-economic well-being of households is compromised due to external interventions like establishing a protected area and an electricity production unit, trapping the community in an ongoing ordeal.



The Maasai community's economic situation is dire, primarily due to external projects impacting their land. A secure space is essential for the community's survival, as most households find themselves vulnerable.

Establish a robust organizational mechanism within the community to create a powerful advocacy group.

Conduct a comprehensive study to produce a compelling advocacy document.

Advocate for the respect of human rights and hold states accountable for their commitments.



## DAY 3-KENYA DAY



The first day was fully focused on the host country, Kenya. Land has been and remains a politically sensitive and culturally complex issue for Kenya. Land reform was identified as an essential component of Kenya's National Dialogue and Reconciliation (KNDR) process on addressing long-standing issues towards resolving historical land injuries. This led to a massive reorganisation of the land sector and institutions, the adoption of a body of laws and the review and harmonisation of Kenya's land statutory regime to strengthen the role and participation of communities in the management of land and forest resources. A full-bodied process of transformation that is both creating opportunities and challenges for local communities. The day explored how this process was working in practice.

The **welcome remarks** (**Mr Isaac Tobiko**, from CLAN, **Mr Ken Otieno** from ILC NLC and **Ms Margareta Nilsson** from TF) all emphasised the learning exchange provided a vital platform for safe exchanges and for safeguarding tenure rights and acknowledged the presence of valuable partners, including many from the Government of Kenya in the true spirit of collaboration which is essential in addressing land tenure challenges. Land reforms are a people-driven exercise that requires concerted efforts. Mr Otieno stressed how the National Land Coalition (NLC) facilitated the inclusion of women's land rights, pastoralist tenure rights, and indigenous people's (IP) rights in the National Land Policy. Informed participation is always an achievement. Sharing and partnership building are essential attitudes for long-lasting achievements, they all noted.

The **official remarks** (**Ms Chrisine Kandie**, Endorois Community; **Commissioner Reginald Okumu**; **Mr Michael Kagwe** of the State Department of Land; **Hon. John Kihagi**, County Executive Committee Member (CECM) for Lands, Housing and Physical Planning) all emphasised that Indigenous communities, forest dwellers, hunters and gatherers, as well as pastoralists, have historically been the true stewards of the environment. Securing land tenure of these communities therefore needs to be at the heart of all efforts to enhance resilience. Challenges persist and they come from different angles. **Ms Kandie** brought to the forefront the importance of empowering indigenous women, and Persons With Disabilities (PWDs) to actively engage in conservation and land-related matters. This is not happening despite the ratification of international covenants and the need for affirmative actions.

**Commissioner Okumu** outlined the benefits of community participation in land and forest resource management, including enhanced conservation efforts, local knowledge, equity and social inclusion, conflict resolution, and economic benefits. However, he also noted the challenges faced by communities, such as limited awareness and education, a lack of resources, power imbalances, land tenure insecurity, policy implementation gaps, cultural clashes, and the impacts of climate change. Answers are known but need more determination by all stakeholders: enabling policy, legal, institutional, and practice frameworks, empowerment through education, strengthening representation, and collaborative partnerships. **Mr Kagwe** further underlined the timeliness and relevance of community land registration, through the CLA 2016, especially in climate action discussions following the Africa Climate Week and in preparation for COP28. Finally, Chief Guest, **Hon. John Kihagi**, conveyed the governor's regards and emphasised the significance of land in social and economic contexts while highlighting the exclusion of PWDs from the land market, leading to exacerbated poverty. Gender issues, dominated by patriarchy, posed challenges for women's rights, and the breakdown of social structures had resulted in single-headed households. He stressed the need for women's empowerment to address these unique challenges and secure their tenure. He emphasised the longer-term effects of land ownership, including mitigating risks such as flood plains. He noted the increasing threats of climate change to livelihoods, particularly in areas without land tenure security. He highlighted the government's commitment to working with CSOs and communities to secure community land, especially in the face of climate change impacts.

# PLENARY SESSION 1&2: HIGH-LEVEL PANEL DISCUSSION -INVESTING IN PROMOTING IP&LC LAND RIGHTS IN THE CONTEXT OF CONSERVATION

Moderated by **Isaac Tobiko** (from CLAN!), this session highlighted the importance of multiple actors all playing their role and working by multi-stakeholder partnerships to address land rights and tenure security of communities in the context of ongoing efforts by national and the international community to step up conservation efforts and commitments. The urgency of action stemming from the climate challenge and the biodiversity collapse need to meet and work by historical demands of communities in Kenya and at continental level. Land conflicts - of various scales- are on the rise across Africa, reducing investment potential and returns.



**Michael Kagwe** represented the State Department of Land and listed several noteworthy achievements, including the verification of land rights and registration, especially in the context of community land. They have been actively proposing amendments to the Act to address ambiguities. Significant accomplishments included the registration of numerous land parcels following the enactment of the Community Land Act. They also highlighted the gazetting of adjudication programs for 103 communities and the successful transition of 46 group ranches to community land in Turkana, West Pokot, Samburu, and Garissa.



**Edmond Gichuru**, from the National Land Commission (NLC), discussed their role in managing public land on behalf of the national and county governments. He emphasized the NLC's commitment to monitoring the registration of land rights, addressing historical injustices, and reviewing aspects of land survey and legal issues. The NLC has been promoting Alternative Dispute Resolution (ADR) and has successfully intervened on behalf of the Kipsigis community, delivering a favourable decision.

**Bernard Mogesa**, representing the Kenya National Commission on Human Rights (KNCHR), elaborated on their mandate, which includes promoting and protecting human rights. KNCHR implements various programs through public education and training, handling complaints from communities, and adopting a Human Rights-Based Approach (HRBA) to land rights in Kenya. They focus on protecting human rights defenders, including legal defence in court, accompanying HRDs to police stations, and advocating for the implementation of judgments, such as those concerning the Ogiek community.

**Sarah Muthiga**, representing the Commission on Administrative Justice (CAJ), emphasized their role in promoting administrative justice and overseeing access to information as a fundamental right in Kenya. She acknowledged the need to address the lack of awareness about Access to Information (ATI). Practical examples of their work included engaging government agencies, handling complaints (86% resolution rate), supporting the Ogiek community in implementing an African Commission on Human and Peoples' Rights (ACPHR) decision, addressing eviction issues, and intervening in cases of delayed title registrations. CAJ also promotes Alternative Dispute Resolution (ADR).

**Caroline Munyua** represented the National Gender and Equality Commission (NGEC) and emphasized their mission to promote gender equality and freedom from discrimination, particularly among marginalized groups. NGEC does not implement government programs but works to hold governments accountable.

They facilitate the review of policies and collaborate with various stakeholders to establish a national inclusive framework for marginalized communities. NGENC conducts public education forums and seeks to ensure that policies and laws in Kenya reflect gender equality. Going forward, they advocated for the entrenchment of the principles of equality and inclusion by the county and national governments, with a focus on keeping community needs and voices at the forefront.

**Daniel Kobei**, OPDP, Executive Director from the Ogiek community reminded all of their challenges in the struggle for the land rights of the Ogiek. The litigation process is quite a lengthy one and has a huge cost on the community: it does require connectivity (feedback mechanisms from the litigation process to the community) which can be thwarted by the high rate of turnover of government officers, undermining the close relationship that could be built between them and the community. Litigation also needs sustained financial support and it is not easy to get funds for public interest litigation. Donors are shy and outcomes are uncertain leaving the communities with the challenge of continuously convincing others -both in the country and outside- of their case while sustaining the cost of the process. d.

**Husna A. Mbarak**, FAO Kenya mentioned a few FAO interventions that work to secure tenure rights of communities and IPs and put up management plans for conservation management and governance of land, especially in sensitive areas. FAO is also increasing its work to promote Alternative Dispute Resolution mechanisms (ADR). Husna stated three challenges to customary land rights, including having a policy framework that can work with and for the people ensuring that all stakeholders, particularly communities, are involved in decision-making processes. Secondly, the gap between customary land tenure practices and policy, using the Community Land Act of 2016 in Kenya as an example reflects the challenge of aligning policy with on-the-ground practices and realities. Lastly, the need to be bold and going beyond just registering community lands to ensure their protection. The focus should be on recognizing and safeguarding these lands to secure the rights and interests of communities.

**Jo Puri**, IFAD Associate Vice President also spoke as host of the ILC Secretariat in Rome, and as co-chair of the ILC Council. IFAD works in more than 100 countries by goals and targets that want to give leverage to communities for example, 30% of IFAD's overall investments in climate finance need to be nature-based and there is a focus on rural areas, specifically small-scale farmers and producers. Generally, small-scale production is far more likely to integrate biodiversity, agroforestry and other solutions into it than large-scale production.

**Dr Eliane Ubalijoro**, ICRAF, Director General, and ICRAF host of the ILC Africa Regional Coordination Unit in Nairobi emphasized the significance of utilizing smallholder farmers' lands as corridors to connect nature and biodiversity within intact forests. There's a concern about the lack of consideration for nature and biodiversity by Big Ag. Dr Eliane also stressed the importance of not just having a seat at the table but also ensuring representation of local communities to empower them and facilitate information flow for decision-making.

Additionally, she highlighted the inclusion of women. She underscored the urgency of transitioning climate financing and involving indigenous and local community leadership, acknowledging the role of platforms and networks, like the Global Landscape Forum, in elevating voices to guide discussions on restoration, climate finance, and nature finance. Lastly, Dr Eliane emphasized the need for greater granularity, transparency, and local community benefits in carbon and biodiversity markets, emphasizing the importance of high-integrity approaches in these areas to move forward effectively.

**Stanley Kimaren**, ILEPA, Director. The word ILEPA is Maasai for arise, exercise your agency, move to the next level. As such, ILEPA champions IPs' rights, amplifies their voices, does research on their knowledge systems and practice and provides linkages across different states. Understanding the struggle of the IPs requires an understanding of the value of collective land rights which are important as the IPs have always struggled against conservation efforts, often at very large scales. This exacerbates the situation as the land is important for various reasons to IPs - indigenous knowledge systems are embedded in community land tenure and collective land tenure is a foundation for governance and decision-making in community-based monitoring information systems and more importantly, "Collective land tenure is the glue that holds communities together because we have our collective identity and are connected even our spirituality to this landscape". It is also important for livelihoods. Mr. Kimaren also highlighted the challenge of access to finance, noting that securing funding for public interest litigation was limited by the nature of funding cycles that are often time-bound and have milestones as opposed to court processes that can drag on for years, even decades as in the case of the Ogiek. He instead called attention to the fact that people pay for the struggle with their lives, often living away from their ancestral homes. It means that "When land rights are founded on community grassroots movement, they will be an intergenerational struggle so we empower our communities to take these as a running call and pass it on."

“Collective land tenure is the glue that holds communities together because we have our collective identity and are connected even our spirituality to this landscape.”

# ROUNDTABLE DISCUSSION: EXPERIENCES AND LESSONS LEARNT FROM THE COMMUNITY VISITS



The afternoon was an opportunity to share back from community visits with both community members and those who had a chance to spend a few days with them.

## **Community Visit 1: Ogiek Community, East Mau, Nakuru County**

The rapporteur, **Innocent Antoine**, reflected on visiting three separate parts of the Mau Forest that are managed and restored by the Ogiek and highlighted the role of young people who planted trees and led the process. He lamented that land conflict around the well-maintained Kitunga forest had lasted 20 years and that it was ongoing, despite the African Court ruling in favour of Ogiek community land rights, the government was yet to implement the decision. John Sironga, Chair of the Ogiek National Council of Elders shared the meaning of the forests to his people, how they have been living in and conserving the forests, how they took their case to the High Court of Kenya and then the African Commission, which provided a clear ruling in favour of the Ogiek. Lilian Maina shared that the communities live under constant threat of eviction and losing everything, which particularly affects the women who are the primary caregivers.

### **Community Visit 2: Endorois Community on the shores of Lake Bogoria, Baringo County**

The rapporteur, **Laurel Oettle**, shared how the community at Lake Bogoria had shown innovation to regain their lands including going to the ACHPR, despite this they suffered double land dispossession, first under colonization and then under the government. She learnt of the deep spiritual connection to the spring where the conservancy has been established, that historically women were not permitted in the space, and that through discussion women negotiated access. Community representative Christine Khandi highlighted that the Endorois struggle is the struggle of African Indigenous Peoples, she reflected that women played an active role in the struggle, including supporting those imprisoned, and women were empowered through the struggle. Wilson Kimaru has been in the struggle since 1965, he emphasized that it is crucial that African governments recognize Indigenous Peoples and their rights and that development without IPs is not development.

### **Community Visit 3: Maasai Communities in the Greater Maasai Mara Ecosystem, Narok County**

The rapporteur, **Alexander Cole**, remarked upon the Naboisho Conservancy, whereby the community voluntarily came together. Remarkably, conservation and a public-private partnership agreement deliver majority benefits to the community, the community make up the majority of the workforce and women participate actively in conservation, schools and livelihoods. Naboisho Conservancy member Joyce Sintoia emphasized that despite initial high levels of illiteracy within the community, by coming together and putting their lands towards conservation the benefits have been high, Dickson Olentika shared that by taking advantage of the Maasai Mara, the community have received direct benefits as well as land tenure security, and with a conservation agreement for the next 25 years, they will continue. From the Maji Moto community, Noormejooli Nkoitiko commented that through the support of ILEPA and elders, there is now a positive ruling against the land titles obtained through corruption and these are being nullified – a solution is in sight. Jonathon Mekuaya stated their struggle was land grabbing from within the community by elected elders and that the youth played a decisive role. He reflected they received positive support from the government and the National Land Commission. After the court case land titles belonging to widows and orphans were returned as well as public lands

### **Community Visit 4: Narasha Community, Naivasha sub-county, Nakuru County**

The rapporteur reflected on the warm welcome from the community, how culture was transmitted through the generations, and the pride among the community members. The community have lost lands and been repeatedly evicted and mistreated. Community representative **Agnes Koilel** highlighted that institutions that fund the company must ensure FPIC and benefit-sharing with the community that communities be included in the process and that women must be at the forefront. Many community members still face eviction, they do not want to move, they want to settle in the area and benefit from the energy project.



## EXPERIENCE FAIR

The Experience Fair was the first group activity after coming back from the community visits. It was organized as a “market”, where each organization was assigned a table to showcase materials presenting their work (such as leaflets, publications, and videos but also handicrafts from their country of origin). In total, members of over 15 organizations from East, Central, Southern and West Africa joined the Fair. The remaining participants circulated around the tables and engaged in small rounds of group conversations with the host teams. The Experience Fair created an enabling environment for participants to know each other and to learn about a diverse range of contexts in an informal and enjoyable way.



## DAY 4 - BREAKOUT SESSIONS



The fourth day was dedicated to three parallel breakout sessions in the morning session and another three in the afternoon. This arrangement allowed for a more in-depth discussion of the topics at hand and encouraged meaningful dialogue among the attendees.

**BOS 1: Defending Biodiversity: Roles and Challenges of Land Rights Defenders****Organised by:** Alliance for Land, Indigenous and Environmental Defenders (ALLIED)**Facilitated by:** Laura Furones, Global Witness**Panel:**

Alfred Brownell, Green Advocates, USA

François Biloko, Réseau CREF, DRC

Sophie Achieng, Natural Justice, Kenya

Daniel Kobei, Ogiek People's Development Program (OPDP), Kenya Representative from Kenya Commission for Human Rights (KCHR)

**Alfred Brownell**, a lawyer from Liberia and currently residing in the US, highlighted the challenges facing global defenders, particularly in West Africa where undocumented killings occur. He emphasized the broader implications of land rights, extending beyond protection to cultural, historical, and spiritual aspects. Brownell drew parallels to the Ogiek community in Kenya and Liberia's history, demonstrating the ongoing debate on Indigenous Peoples' recognition and the successful legal challenges securing land rights.

**Sophie Achieng**, working with communities in Kenya, discussed their connection to the Community Land Act and the importance of UN guiding principles for defenders. She emphasized Natural Justice's support for arrested defenders and highlighted that many assume their roles out of necessity. She shared a case from Turkana County, illustrating the power of community-driven initiatives in addressing land-related issues.

**Daniel Kobei**, a self-motivated defender of environmental conservation and of those who protect it, focused on the Ogiek people's struggles and successes. He highlighted the role of young students in fighting against deforestation, stressed the need for collecting statements when community members are arrested, and addressed corruption as a driver of land grabbing. Kobei celebrated a 2022 court victory, securing the Ogiek's right to speak freely.

**François Biloko**, focused on his work with community rights and defenders in North Kivu, eastern DRC, where insecurity is a constant challenge, and trust is difficult to establish. He discussed the dangers defenders face, emphasizing the importance of solidarity and organization. Biloko noted challenges in establishing trust and highlighted positive developments, including increased consciousness among traditional leaders in the eastern DRC about the needs of Pygmy Indigenous Peoples.

The representative from the Kenya Commission for Human Rights discussed the successful legal research conducted by KCHR, along with their engagement in human rights legislation and human rights defenders' manuals in consultation with human rights defenders. Defenders

contribute to the frontline efforts to defend freedom. The KCHR's initiatives aim to address violations, connect HR defenders to the police and justice system, and establish mechanisms for addressing HR abuses.

Comments and Questions from the Group addressed 5 major challenges to the implementation of frameworks for land rights: need for support measures to implement frameworks; the threats to livelihood faced by HRDs; illegal hunting, timber looting and tree-cutting; lack of visibility of the challenges faced by defenders including militia in some countries and the specific challenges faced by women defenders. They also touched on the prolonged court cases that take decades and the challenge with implementing court rulings as well as the entry into forests by foreign companies under the pretext of conservation.

Recommendations from the Group

- Proactively identify individuals at risk and take preventive actions.
- Acknowledge the historical impact of colonialism on the implementation of court cases and business models, and explore remedies. Consider using international bodies like the African Court to enforce court decisions, as seen in the experiences of Indonesia and the Philippines.
- Provide wellness support for human rights defenders to address trauma and emotional well-being. Create networks, similar to the one in Liberia, for women Human Rights Defenders (HRDs) to share their stories, combat gender-based violence, and connect grassroots women HRDs with those at national and international levels.
- Consider the successful model of village commissions (COFOs) in Mali for defending land rights. Use regional organizations, such as the Farmers Organizations' Association (AOPP), to support communities facing land grabs, as seen in the case of the Libyan state's land seizure in 2010.
- Foster collaborative actions to strengthen the fight for land rights. For instance, in West Africa, unite efforts towards the Economic Community of West African States (ECOWAS) to advocate for local community land rights.
- Enhance the information and support networks available to local HRDs. Create awareness in communities and build the capacity of community members to document rights violations.
- Improve coordination between organizations that support HRDs, allocating responsibilities to collectively address violations and challenges.
- Recognize the difficulties of supporting defenders fighting against the state, especially in regions like the Eastern Democratic Republic of Congo (DRC). Focus on implementing mechanisms for preventing violations as a primary solution.
- Address the lack of education among most community-level HRDs. Provide training in their native languages and empower them to represent their rights. Connect these HRDs with paralegals to enhance their knowledge.
- Consider advanced training programs to strengthen HRDs, similar to initiatives conducted in South Africa.
- Support communities by providing services, mobilizing local leaders and paralegals, and equipping them with resources like smartphones to resist exploitation and improve socio-economic conditions, especially in regions like the Eastern DRC.

- Address the lack of knowledge about legal codes, such as the Forest Code, within the judicial system in regions like the DRC. Initiate training programs to enhance understanding, despite logistical challenges, and encourage synergies with other organizations.
- Streamline the bureaucracy for accessing funding for HRDs, ensuring quick and efficient protection. Develop community scouting programs and establish effective networking structures.
- Focus on strengthening existing structures, such as committees related to conservancy and land, rather than creating parallel organizations.

### **BOS 2: Rangelands and Pastoralism: The Role of Policy in Sustainable Land Tenure for Pastoralism**

**Organised by:** Resource Conflict Institute (RECONCILE)

**Facilitated by:** Ken Otieno, RECONCILE

**Panel:**

Husna A Mbarak, FAO,

Chasna Elie John PINGO's Forum, Tanzania

Kenneth Kumecha Tah COMAID, Cameroon

Andiswa Finca Agricultural Research Council, SA, Range and Forest Science Unit Massa Kone, UACDDDD, Mali

The session gave a view of initiatives across Africa. A key concern is the growing level of conflicts between pastoralists and farmers around land access and use along with agreed models of management of natural resources that are increasingly more under pressure (not least as a consequence of climate change). Resolving conflicts through statutory channels can be costly and complex. Customary systems still offer a number of workable experiences from their own communities:

- Dialogue platforms have been set up within communities in Cameroon, CSOs facilitate resolving conflicts through Alternative Dispute Resolution (ADR) mechanisms, and over 80% of problems have been resolved.
- Participatory land use planning is used in several contexts to bring communities together to identify lands for pastoralists, farmers and conservation. Land use plans are complemented by associated legislation, laws and policies, for example in Kenya or Cameroon where community by-laws are developed, and community protocols.
- In Mali, the “common good” approach is utilized, villages come together to agree on family lands used for farming, livestock areas and transhumance corridors and timings of use. Villages agree on and sign charters, that all agree to comply with. In Kenya, the participatory rangeland management tool, which incorporates land use, access, mobility and traditional knowledge for sustainable use has been used successfully.

- In Tanzania, the Lands Act and Rangelands Act support communal land occupancy and management. A new Regional Livestock Programme was introduced which aims to address difficulties pastoralists face during droughts related to selling of livestock, the initiative supports the movement of livestock into Kenya and then trading.
- At the regional level, the Inter-governmental Authority on Development (IGAD) Policy of Transhumance signed by 7 member states supports cross-border mobility of transhumant livestock and herders, commits to investing adequate resources, and to harmonize national laws and policies. In West Africa, the ECOWAS Protocol on Transhumance and Regulations recognizes transhumance pastoralism as a beneficial livestock production system.

Finally, the session focused on the need to change narratives around pastoralism. On the one hand attempts to quantify the economic value of pastoralism do not accurately reflect the values of mobile livelihoods while risking the financialization of pastoralism. On the other hand, tensions between conservationists and pastoralists are on the rise as per the continued allegations that pastoralists degrade the lands they use, while many cases of the contrary exist especially in absence of conflicts and when properly supported.

### **BOS 3: Advancing Indigenous Peoples and Local Communities' Tenure Rights in Environmental Conservation and in the Management of Protected Areas**

**Organised by:** Regional Platform 5, ILC Africa

**Facilitated by:** John Samorai

**Panel:**

Diel Mochire Mwenge, PIDP, DRC

Sheriff Salia Idrissa, Green Advocates, Liberia

Rasoarimalala Louissette, FIANTSO, Madagascar

Moses Nkhana, Mzimba Youth Organization, Malawi

Kearabetswe Moopelo, LandNNEs, South Africa

The representatives shared the difficult situation that many IP&LC encounter in defending their land rights but also mentioned some achievements on advancing the rights of IP&LC.

- In Malawi, there is ongoing work with stakeholders to discuss human rights and challenges related to land, especially for women and youth. Mzimba Youth Organization (MYO) managed to secure some land for women affected by agro-business.
- In Madagascar, following land reforms, communal land use is being established, with women and youth having since received land certificates.
- In Liberia, indigenous customary communities have their rights in the 2018 land law. Regardless, these communities' land rights are often threatened by large corporations. There is ongoing legal support and capacity building for communities to understand their rights and defend their cases.

- In DRC, communities can now ask for a title on their customary forests and already large surfaces have been allocated via Community Forestry to IP & LC. There is also a new law on Indigenous People that recognizes their right to their ancestral lands. Indigenous People have traditional knowledge of how to use natural resources for their own use without overexploitation, traditional fishing and hunting methods. Women play a very important role in conservation. They participate in agriculture and are being trained in improved practices that bring revenues for the family.
- In South Africa, there is an institute to research and conserve Indigenous Knowledge. This has led to knowledge collection but land is still not being managed according to traditional practices. Politics around indigenous peoples' rights remain particularly problematic around mining.

### Comments from the Group

- Communities are the custodians of their land and play a key role in conservation, but this is often not recognized in formal laws putting their role aside and disregarding their rights.
- Women and youth movements address cultural barriers to access to land that enables them to be custodians of nature.
- Local community organisation and use of land management planning tools contribute to protecting rights and offering a voice towards outside claims.
- There is continuous need for legal support to communities whose human rights are violated by multinational corporations to bring court cases and strengthen the communities.

#### **BOS 4: Role of Forest Communities in Forest Conservation and Management: Experiences from Congo Kinshasa and other African Countries**

**Organised by:** Tenure Facility

**Facilitated by:** Raymond Samndong and Jolien Schure, Tenure Facility

#### **Panel:**

Félicien Musenge, Tropenbos, DRC

François Biloko, RéseauCREF, DRC

Theophile Gata, CAGDFT, DRC

Gregory Kitt, Parley, Liberia

Nora Bowier, Sustainable Development Institute (SDI) Liberia

Rose Pélagie Masso, REFACOF, Cameroon

The session focused on the role of forest communities in forest conservation and management, with a specific emphasis on indigenous peoples (IP) and local communities (LC) in forest areas. Participants shared their experiences from the Congo Basin and other parts of Africa, highlighting various arrangements such as community forest concessions in Congo-Kinshasa and the community land rights process in Liberia. The session aimed to uncover lessons from early implementation, discuss the encountered challenges, and explore ways to advance the process.

It also sought to identify key partnerships necessary for protecting the land rights of forest communities and achieving sustainable forest resource management. In various countries, improved rights for communities have led to successful forest conservation and management:

### **Cases where tenure rights helped communities to manage, use, and protect lands?**

#### **Liberia**

There are two legal frameworks: The Forest Law and the Land Act, which tell communities to establish forest governance committees and land governance committees. In Kpanyan district in Sinoe country, a community in process to map and claim title deed took the initiative to conserve 40 000 hectares. Their land committee established a system to conserve the forest. It was a great success. This is an example of how the land governance committee can be repurposed for conservation. This community received the Equator Prize in August 2023.

The Land Act in Liberia (recognizing communities' rights to land ownership) has increased pace for communities to govern themselves. This helps them resist external encroachment and to engage better with external actors. For example, when communities collectively decided to request authorities to intervene, to stop pit-sawing damaging the forest, this had effect. Using the collective voice has meant a lot of progress in protecting resources.

#### **Cameroon**

In Cameroon, there is significant success in promoting women's rights in forest conservation. Women's involvement in resource mapping not only identified degraded wood and food species but also led to action plans for protection, food security, and income. Réseau des Femmes Autochtones du Cameroun (REFACOF) analyzed and proposed amendments to strengthen women's land rights, all of which are incorporated in the pending new version of the law. Empowerment initiatives, including setting aside unfavorable practices, promoting female leadership, and ensuring women's participation in local councils, exemplify a transformative shift towards gender inclusivity and independence in defending women's rights.

#### **Congo Kinshasa**

- The law on community forestry is a major achievement as it recognizes the right of up to 50,000 hectares in the form of a local forest concession to be held by the community in eternal times. Thus far, there are over 160 community forests allocated in the country. To create a governance structure is a requisite for concessions. The establishment of management boards, living spaces, and measures for community management has improved forest conservation.
- The introduction of internal regulations has also enhanced social cohesion and community management for all social groups within communities. Forest concessions are uniting more than not (some are against, also). The village meets to reflect and plan for the use of species, with dedicated spaces for hunting. They plan for how to share revenue from different activities and create land use and management plans.
- There are provisions that lead to



- economic opportunities as well as conservation. Potential for eco-tourism. Example of two communities about to receive payment for carbon capture (about to sign contracts).
- Community forestry has awakened consciousness of local communities - they are very vigilant against illegal activities. Communities with maps will not let any of that forest be exploited illegally.
- An example from Mai-Ndombe where Batéké communities, out of their own cultural values, protect Bonobo, an endangered monkey species. Other example: communities in North Kivu contributing to conservation, with species returning
- The process to establish community forestry concessions is new with ongoing challenges, the first 5 years will be evaluated soon.

### **What has been your greatest challenge? How did you overcome it?**

#### **Examples for Congo Kinshasa**

In South Kivu, there were boundary conflicts with protected areas. But communities sat down and discussed together as part of the process to achieve concessions. When title deeds are given to chiefdoms, this is causing problems between conservationists and communities. The long-drawn process to achieve provisions for community forestry succeeded, thanks to persistent fight by civil society organisations. First to get the first decree, then to get the law promulgated. We were backed up by scientific research that demonstrated serious threats against community lands. Threat to lose lands to logging, mining. carbon credits: Case from Liberia where Blue Carbon- a carbon trading company from Arab Emirates got a secret deal with the Liberia Government on titled community land. The deal was leaked and made public, causing massive protest – the deal had to be cancelled. In DRC, Tropenbos advises communities regarding carbon credits, how to get fair contracts. *“We are obliged to follow up, to protect the interests of the community.”*

- **Costs:** The costs involved in getting a community forest concession remain a challenge. For example: for community mapping, you have to call the entire community. You have to invite everyone for a two-day meeting. Each person can speak – what are your forests? Neighbouring communities need to confirm. This costs around 15 000 – 20 000 USD or even more, for one community, just to get that mapping done.
- **Infrastructure and Accessibility:** Issues related to road transport networks and accessibility for community forests need to be addressed.
- **Illegal mining on community lands is a significant concern. Also “legal” mining:** when mining licences are granted in Kinshasa, authorities don’t always check whether on community lands. When Tropenbos support communities, they will check if there are any external licenses or permits, and mark these on the map. Communities, in their claim, will circumscribe that space until it runs out.
- **Security:** Ensuring the safety of community forestry efforts is a persistent challenge.

### Key actions for protecting land rights and sustainable forest management

- Partnerships with local NGOs, international organizations, and government agencies have played a crucial role in supporting forest communities.
- Collaborative efforts are required to secure land tenure for forest communities, protect their rights, and provide technical assistance for sustainable forest management.
- Engaging with indigenous and local leaders, civil society, and academia can help foster partnerships that promote community-centred conservation.
- Create awareness especially on the carbon credits/ carbon markets.
- Empowering forest communities as rights-holders involves not only legal recognition of their land rights but also ensuring their active participation in decision-making processes.
- More attention to women's rights and agency. Participants from DRC mentioned one community where a woman was elected as chairperson of the CFCL management committee. There are also communities where women are heads of finance, treasurers etc. More needed.
- Recognizing and preserving indigenous knowledge and practices are essential for effective forest conservation.
- Capacity building, education, and awareness-raising initiatives are vital for enhancing the ability of forest communities to fulfil their roles as guardians of ecosystems.

#### **BOS 5: Enhancing The Role of Women in Community-Based Land Management and Economic Development**

**Organised by:** Tenure Facility

**Facilitated by:** Ylwa Renstrom, Tenure Facility and Angelique Mbelu, NLC DRC Facilitator

**Panel:**

Brahima Traoré, CNOP, Mali

Loretta Pope Kai and Alexander Cole, FCI, Liberia

Christine Kandie, Endorois Indigenous Women Network, Kenya

Françoise Pioupare, TENFOREST, Burkina Faso

Neto Mwendilungu, UEFA, DRC

The session explored successful strategies to enhance the visibility, involvement, and decision-making of women in community-based land and natural resources management. Different experiences were presented:

#### **DRC**

- Difficulty in pushing for women's rights in contexts where customs are male-dominated. It is necessary to put women, and Indigenous women, at the centre: help them to organize, give them the opportunity to express themselves, to re-orient, to be together with other women.
- The Pygmy community is particularly affected and marginalized. Placing women at the centre, giving them voice, opens access to dignity. It is necessary to encourage members of the community, and women, to bring in their own advocacy.

### Kenya

- We are fighting systems, and structures. It is necessary to highlight the key role women play in natural resources management and advance their voice at the community level.
- Starting with facts is a good strategy: women own 1% of land at Kenyan level (yet they are 55% of the population). They are also exposed to risk when fighting for their rights and working on mitigating risk strategies is necessary. Women are also vulnerable as many have not gone to school and policies operating at country level mean that many women do not have the know-how. Women are not consulted at FPIC stage because, within the cultural system, women are treated as a child.
- Relevant to use international platforms as spaces to share what is happening on the ground.

### Liberia

- Women played a central role in putting an end to the civil war and promoting peace afterwards.
- Despite many complexities and far from achieving equality with men, the latest law has recognised the rights of women. However, there is still the need to push for implementation.
- Land is power, and this means men will stick to it and to the control of the natural resources. It is necessary that the fight for secure tenure does not isolate men and the work in communities, which are spaces dominated by men, also includes training to empower men as champions of change.
- Women need to be represented through the governance structure at community level, including at youth level, and be active on the day-to-day affairs of the community.
- Necessary to work closely with the government and that women get joint titles to the land when they get married.

### Burkina Faso

- Good legislation and political good will, but the situation is far from good on the ground and that is where work needs to take place.
- Climate change is making rural poverty worse, and people are being forced to move to gold-digging, including women. Work is ongoing to try to mobilize women into business activities and control of the land is a part of that process. We have moved from talking about feminine groups to talking about cooperative groups.

### Mali

- Some progress has been made in terms of land rights legislation, particularly in the agriculture sector.
- The law on land rights, which was something very new, set the implementation of land rights commissions. These are a mechanism of prevention of conflict related to land. Mechanisms at three levels: local, community, village. We work at community and village level, and through sensibilization work have succeeded to include women in community commissions.

**Challenges and actions ahead:**

Entrenched traditional norms and limited access to information pose obstacles to women's land rights. Despite existing laws, a lack of political will, coordination gaps, and gender-based violence hinder progress. Insufficient representation and a lack of capacity in administrations add complexity. Looking ahead:

- To address challenges, key actions include gender transformation, awareness campaigns, and men's involvement in championing women's land rights. Empowering women through livelihood activities, simplifying laws, and fostering collective advocacy, litigation, and coalitions are crucial. Legal aid, counseling, and comprehensive training for stakeholders are imperative.
- Community level work is key: to start by creating free space for women at local level, where they can speak freely without hindrance.
- Important to train women in female leadership and important to work with men to change social norms.

**BOS 6: Enhancing Communities' Livelihood and Climate Resilience Through Community-led Conservation and Restoration of African Ecosystems. Experiences from the Field**

**Organised by:** Regional Platform 6, ILC Africa

**Facilitated by:** Antoine Kalinganire, CIFOR-ICRAF

**Panel:**

Pierre Dembele, Sahel Eco, Mali

Patience Kadurira, ZERO, Zimbabwe

Jacob Kukai, Program Manager, KWCA, Kenya

Lois Aduamoah-Addo, WILDAF, Ghana

Carmel Kifukieto, CAGDFT, DRC

Mary Mutemi, Green Africa Foundation

Antoine Kalinganire, Regional Platform 6 Facilitator at ILC, introduced himself and discussed the importance of indigenous people and local communities in providing long-term benefits for conservation. ILC's Regional Platform 6 worked on interventions in various systems to combat degradation and promote conservation. The panellists from different ecosystems discussed their experiences, activities, challenges, and plans. They touched on ecosystem degradation drivers such as climate change effects on rangelands occupied by pastoral communities and successful stories related to conservancies bringing people together for common causes like wildlife conservation or investments in tourism or carbon opportunities. Challenges regarding land tenure issues were highlighted along with advocacy work done by organizations like the Green Africa Foundation. Additionally, strategies focused on women's rights equality were mentioned alongside insights into livelihoods linked with climate change adaptation efforts through tree-based products like shea butter.

A discussion then followed where various topics related to land degradation and environmental issues in different countries were brought to light. Issues such as the impact of climate change, deforestation, mining activities, gender issues in foreign Large-Scale Land Investments, interventions for sustainable afforestation, community engagement, and alternative livelihoods such as rabbit farming and producing forest products with waste materials. The importance of documenting local knowledge and the challenges faced in implementing conservation practices were also addressed. The group's in-depth discussion also delved into benefit sharing and governance challenges in conservancies, wildlife decline due to climate change, rejuvenation of the environment through conservation efforts, mitigating climate change impacts through land use planning, misconceptions about conservancy's impact on land ownership rights, human rights concerns related to security officers within conservancies, and ongoing efforts towards improved governance.

Some key follow-ups and action items emerging from the discussion centred on how to address the challenges, opportunities, and gaps discussed and ensure that conservation efforts are equitable, sustainable, and beneficial for both communities and the environment:

1. Further investigation into the ownership and rights of women in conservancies, particularly in scenarios where widows may be at risk of losing their land.
2. Exploration of strategies to ensure that local communities and the industry benefit from carbon credits, considering that carbon trading is a significant business today.
3. Consideration of strategies for restoring forestry in the Sahel region, including collaboration with non-state actors and government to prioritize the restoration of dryland forests.
4. Addressing the depletion of wildlife in unprotected areas and connecting conservation efforts to climate resilience, considering the significant decline in wildlife populations.
5. Development of measures to protect the rights of women in communities affected by mining activities, including addressing issues of land grabbing, limited access, and control of land.
6. Ensuring that the benefits of conservation initiatives are shared with local communities, beyond just the establishment of conservancies, by focusing on tangible benefits, such as infrastructure development and job creation.
7. Addressing the challenges faced by communities living with wildlife outside of protected areas, such as lack of access to resources and conflicts arising from land use restrictions.
8. Exploration of alternative livelihoods and income-generating activities for communities living in conservancies, considering the limitations of traditional livelihoods like livestock rearing and farming.

9. Advocacy for good governance and equitable benefit-sharing within conservancies to ensure that all stakeholders, including women and marginalized groups, have a fair share in decision-making and resource allocation.
10. Documentation and publication of local knowledge and practices related to conservation, land management, and climate resilience to ensure that these valuable insights are accessible and can be shared with others.
11. Collaboration with government bodies, regulatory bodies, and financial institutions to strengthen policy frameworks, land tenure security, and financial support for community-based conservation initiatives.
12. Promotion of sustainable land use practices, such as afforestation, seed libraries, and organic farming, to restore degraded land, enhance soil health, and mitigate the impacts of climate change.
13. Awareness-raising and capacity-building on human rights, gender equality, and the protection of indigenous knowledge in conservation and land management efforts.
14. Addressing the negative impact of extractive industries, such as mining, on local communities and the environment by advocating for responsible mining practices, fair compensation, and environmental protection measures.

The discussion concluded with participants listing resource mobilization strategies including donors.hange social norms.



## DAY 5 - SKILLS BUILDING DAY

Day 5 was dedicated to five workshops centred around a theme of strategic importance running in parallel during the whole morning.



## DOCUMENTING VIOLENCE AGAINST DEFENDERS AND THEIR COMMUNITIES: BEST PRACTICES AND STRATEGIES

**Organised by:** ALLIED, ILC, Global Witness, Natural Justice

The session sought to showcase different ways of documenting violence against defenders and strategies to support these defenders/documentations. Speakers emphasized the importance of land defenders' involvement in climate action including categorizing them and increasing awareness of the underlying causes of the increasing instances of violence against defenders in Africa while acknowledging the limited funding available to do so and the difficulty of deciding which cases to document against the background of a scarcity of data on the violence that LEDs face. They recommended cited an initiative by Green Advocates that provides cell phones to defenders in West Africa to enable them to document incidents, encouraged leveraging on the alerts and updates provided by smaller organizations and recommended that partners cross-check the available data and facts during the documentation process. Interestingly, they stressed that the attacks are not only on the defenders themselves but also on nature and landscapes. It is against this backdrop of lack of information, verification and government aversion to working with defenders that LEDs need to be equipped with knowledge and tools to help them be safe from death and threats. Not to do so, the speakers warned, would border on delusion.

## PARTICIPANTS' INPUT

### The Need - why should we develop documentation tools?

- Capacity Building
- Available and accessible information
- Capacity building and empowerment
- Funding and technology
- Collection of data
- Identifying partners at grassroots level
- Security training
- Due to diligent criteria of who exactly is the defender
- Training curriculum for defenders
- Safe house for defenders
- Tools to name and shame Human Rights violations
- Learning exchanges
- Emergency funding for defenders
- Seed fund for litigation
- Human Rights Defenders fellowshi

### Impeding factors

- Intimidation
- Lack of equipment
- Lack of funding
- Lack of technical know-how
- Inaccessible information
- Bad democracy
- Lack of motivation – even if you document, what next
- Inability to reach remote communities
- Victimization
- Culture
- Duration and cost of procedures
- Threats
- Incompetent judicial systems
- Oppressive policies
- Research without feedback

### Existing opportunities to document these violations and threats

- Modern communication technologies
- Social media networks
- Spaces for dialogues
- Existing organizations working in this sector
- Solidarity between existing institutions/partners
- Separated by distance, united by voice – The thought to keep pushing
- Availability of resources from other organizations
- Networking
- Learning exchanges
- Availability of trainings relating to human rights
- Training to see through what false data is
- Existence of emergency funds, however little
- Availability of community radios that are not controlled by the government



# PARTNERSHIP AS A PATHWAY FOR POWER SHIFTS FOR COLLECTIVE CONSERVATION IMPACT

**Organized by:** Maliasili

The session was organized as a conversation around power dynamics in practice, both with existing partnerships and with external stakeholders through the power of partnerships. Participants could explore themes such as governance, donor-beneficiary relationships, rights, benefits, and the challenges faced by their organisations in partnerships to which they are party. The discussion helped to elucidate and visualize how power dynamics either enable or hinder community conservation efforts and our role in such efforts. Progressively the session moved from initial mapping of bottlenecks towards ways to address power dynamics within partnerships and finally consolidate lessons while possibly looking for actionable solutions. Group discussions and debates created a much more positive environment. Some key highlights are below.

The session started with a one-on-one discussion on some of the ways individuals and organizations have faced when it comes to developing partnerships, getting closer to the essential point of why partnerships are essential and what are the recurring barriers to setting up successful partnerships. Some picks from the consolidation exercise helped qualify the difference between partners and donors as definitional of the partnerships you are into. The general themes that emerged from this discussion centred around grant management practices, shared visions, stakeholder recognition, financial management and the degree of leadership involved.

The second part went into the other side of the coin, looking at enabling factors for good partnerships, again based on the experience of participating organizations. It touched on the need for a shared vision, inclusive processes, clear communication, trust, accountability, gradual growth, and a culture of learning and documenting lessons.



# PARTICIPATORY MAPPING APPROACHES WITH IP&LCS: LESSON LEARNED AND PRACTICAL TOOLS FROM THE DRC



**Organised by:** CAGDFT, DRC

The workshop aimed to address the need for technical tools to empower communities in defending their lands and resolving conflicts among themselves. Participatory mapping was employed to identify and map community spaces, with a focus on the eastern part of the Democratic Republic of Congo (DRC). The workshop sought to standardize PM tools, emphasizing the importance of combining traditional knowledge with modern technology. Participatory Mapping involves several stages to empower communities in documenting their land resources. It begins with office preparation, and setting up tools and equipment, followed by community training to educate members, with a focus on inclusivity, gender balance, and practical skills. The development of community maps takes place, which includes classroom sessions and equipping community members with the ability to collect data using GPS devices. Logistics are prepared for fieldwork, providing essential resources. Data collection and verification follow, led by community members and local experts, ensuring precise information gathering. Finally, data cleaning is executed, involving community feedback and software tools to refine the collected data, with the aim of creating accurate, community-driven maps.

The process ensures inclusivity by categorizing representatives based on criteria such as age, education, and expertise. Efforts are made to inform children and elders through schools and churches. Traditional chiefs and elders are actively involved, and indigenous peoples participate.

### Lessons Learned

- IP&LCs possess deep knowledge of land tenure, and their customary tenure rights often extend beyond administrative boundaries.
- Managing expectations is crucial, as communities sometimes have unrealistic expectations regarding the benefits of participatory mapping.
- Natural boundaries, including water bodies and cemeteries, should be included in maps to prevent conflict.
- Participatory mapping can bring up discussions and conflicts, but consensus is usually reached in the end.
- It is important not to overlook the knowledge and understanding of groups of people like as hunters, farmers and women who often have a better understanding of land tenure due to their livelihoods.
- Indigenous knowledge and respect for rights and customs are important for successful participatory mapping.
- Involving children ensures the sustainability of activities for future generations

### Challenges Faced

The workshop participants discussed several challenges, including limited resources, varying learning rates within communities, weather-related delays, and complex financial planning. In response to a question, the average cost of participatory mapping was discussed, emphasizing the financial needs of community assembly, training, surveys, transport, and administrative authorities' facilitation fees.

# CONSERVATION AND LAND RIGHTS: THE DIFFICULT BALANCE BETWEEN OPPORTUNITY AND COST-SHARING

**Organised by:** CIFOR-ICRAF

This workshop offered an opportunity for participants to learn and exchange about carbon markets, and nature-based solutions. Participants discussed how carbon markets related to IP&LC, what the interaction is and how can it be better understood and managed. Group discussions brought up issues regarding the lack of understanding of carbon markets, especially by communities and potential negative impacts and benefits. It was agreed that there is a need to understand how carbon markets can be beneficial to development with benefit sharing for communities.

The presentation by CIFOR-ICRAF explained a growing interest in carbon markets over the past two decades. It also noted that there is still a lack of meaningful reflections on the questions as posed by the group. It emphasized the need to understand what is happening and how communities may benefit.

Article 6 of the convention of IPCC talks about the carbon markets. The voluntary market is already generating a lot of revenue, and Africa is behind. We have functioning carbon projects in Africa. There is a need to look at these projects, the types of contracts that are being done and the implications on land rights and see what we can learn.

There are project developers and project proponents who can help communities develop projects to sell carbon removal units. There are standards for certification of the process. More and more companies in Sub-Saharan Africa are doing these validations. It is crucial to understand national legislation on carbon and what is possible in terms of owning carbon credits and revenue sharing to see if it is viable. Some legislations make it more difficult for forest-related projects to be viable.

A discussion followed on the topics to consider regarding communities and their rights, related to carbon markets, especially: Communities need to know, be part of FPIC and understand risks and potential benefits. What are the safeguards that we can build into the system to protect communities? Benefits-sharing mechanism - Carefully assess what cuts are being taken (government taxation, project developer etc.). What is being left for the community? Understand laws, legal system and possible gaps in ownership of trees and carbon credits and distribution of benefits.

# WHOLESOME APPROACH IN SECURING LAND TENURE: THE CASE FOR KENYA

**Organised by:** FAO, Kenya

The session began with a presentation that considered the wholesome approach to securing land tenure highlighting the case of Kenya. First, the legal perspective was highlighted, including the Constitution of 2010, which is the mother law, notably the chapter on land and environment eliminates gender discrimination in law, customs and practices related to land, and encourages communities to settle land disputes through recognised local community initiatives. The Constitution classifies land into three categories: public land, private land, and community land. The CLA supports the recognition, protection and registration of Community Land. FAO supports governments in developing and implementing policies and regulations . To date, approximately 40 Community Lands have been registered. The Government of Kenya is pushing the agenda for digitization, a National Land Information Development System has been developed, and paper-based processes will be moved to digital processes – this is a good practice.

There is rampant grabbing of lands in Kenya. Through the National Land Commission, land investment safeguards have been developed, although they may not be applied in practice. Acquisition of Community Lands is not illegal, however, appropriate processes must be followed and compensation provided.

A participant from Benin voiced concern that communities are not aware of the guidelines and voiced support for more capacity building through the Mayor's offices. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) is voluntary and governments cannot be held accountable to it. A participant from Togo shared that they had received support to develop a toolkit creating awareness within communities of VGGT. The VGGT highlights that the State should support communities to lay their claims and get their rights. Investor engagement will be covered by a country's own laws. There may be institutions within countries where communities can gain additional support, for example in Kenya the Human Rights Commission and the Office of the Ombudsman.

## HARVESTING LESSONS: TAKEAWAYS FROM THE AFRICA LEARNING EXCHANGE

- A progressive legal framework, such as Kenya's Community Land Act, was highlighted as crucial for enabling conservation efforts also in other countries.
- The power of community movement in ensuring successful conservation is acknowledged.
- More discussion is needed to better understand carbon markets, especially with regard to communities.
- Legal support to communities is needed
- Need for a holistic understanding of the interconnectedness between spirituality, biodiversity, climate action etc.
- The power of communities to turn human and financial resources into conservation and land rights.
- There were calls for collaboration, feedback, and improvement from the ALE
- Continued Collaboration: Participants emphasized the need for sustained collaboration among stakeholders, including government bodies, NGOs, and communities, to ensure the successful implementation of community-based conservation initiatives.
- Policy Support: Advocacy efforts should focus on influencing policies and legal frameworks that recognize and protect the land rights of indigenous peoples and local communities, with a particular emphasis on customary land tenure systems.
- Capacity Building: Ongoing capacity-building programs are essential to equip communities with the skills and knowledge required for sustainable management and conservation.
- Inclusivity: Encourage the inclusion of women and marginalized groups within communities to ensure equitable participation and benefits from conservation efforts.
- Knowledge Sharing: Establish platforms for sharing successful experiences and lessons learned among African countries engaged in community-based conservation.

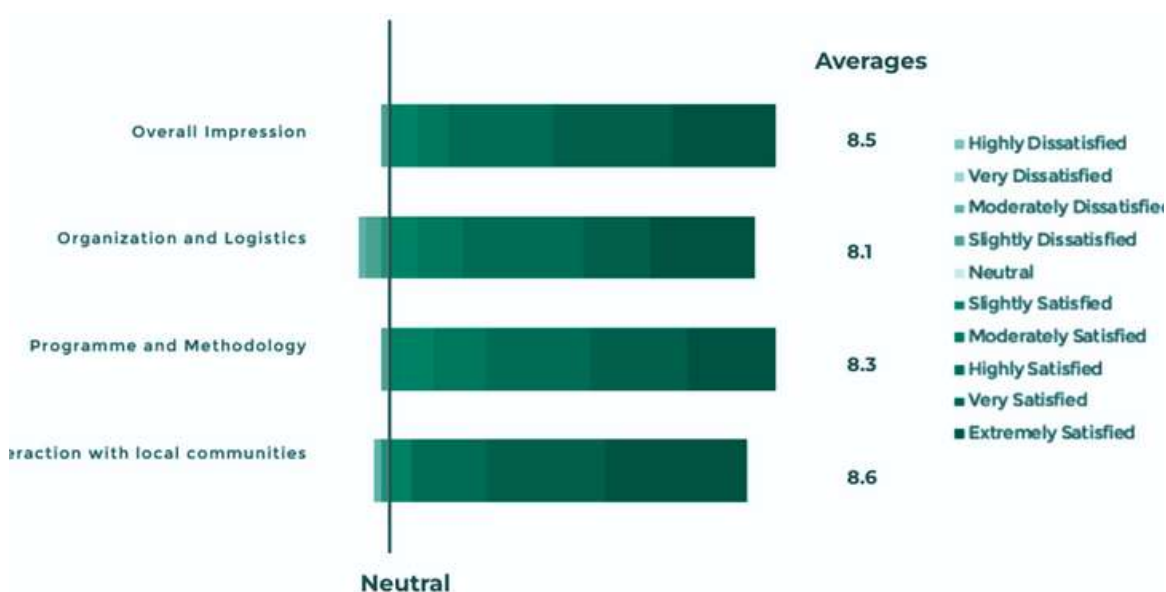
## POST-EVENT SURVEY

Less than a week after ALE, a post-event survey was circulated to participants requesting their feedback on their experience, asking how they valued different parts of the learning exchange and whether it had inspired further action. 53 participants out of about 100 responded, signalling a high level of satisfaction according to the rating and comments given.

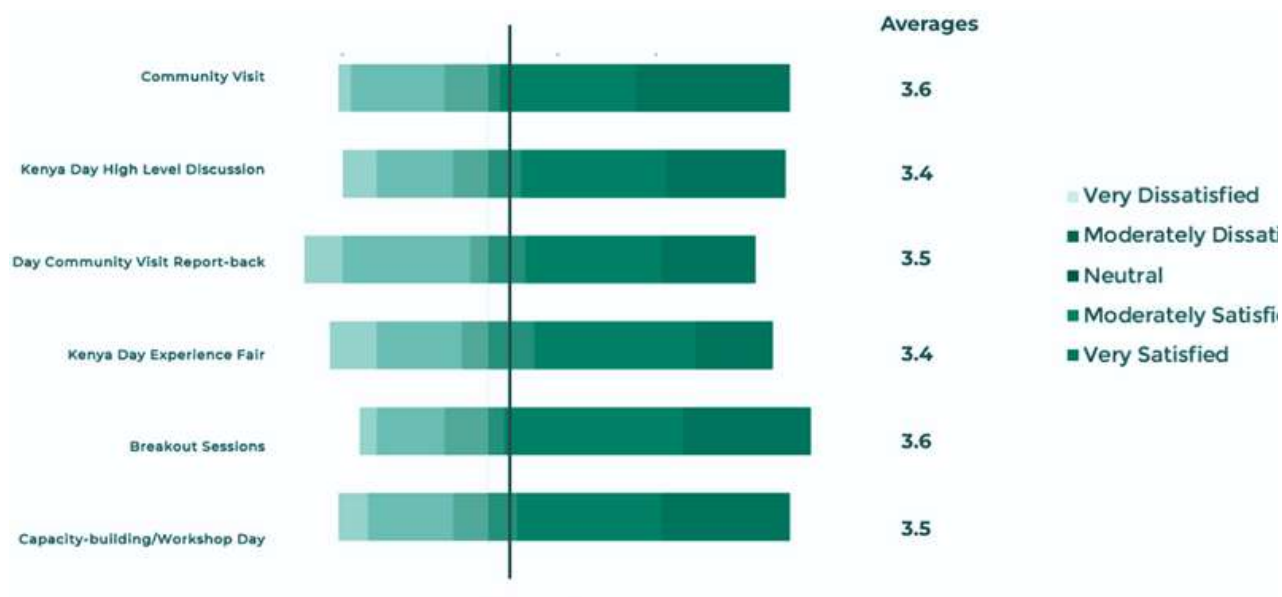
Indeed the general comments from participants included positive feedback. Participants found ALE to be a good platform for learning and sharing experiences with different countries. It was also seen as a success with many experiences shared and learned and as a huge platform for learning and sharing experiences, and participants were glad to be a part of it.

With regard to community visits specifically, comments indicated that the community visits were well organized and interactive, providing opportunities to connect with host communities, learn directly from their experiences, and witness their challenges and successes and that the experience of walking and talking with community members in the forest was particularly enjoyable.

Africa Learning Exchange General Ratings



### Africa Learning Exchange Ratings by Session



The full set of results from the post-event survey can be found linked [here](#).





# THANK YOU



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