



**IGAD
Livestock
Policy
Initiative**

The Political Economy of Pro-Poor Livestock Policy Reform in Kenya

Brendan McSherry & Jennifer N. Brass

Institute for International Studies

University of California, Berkeley

Research Director: David K. Leonard

Institute of Development Studies (Sussex)



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PREFACE

This paper is part of a series of political economy Working Papers prepared for the Inter-Governmental Authority on Development's Livestock Policy Initiative (IGAD LPI) and the Pro-Poor Livestock Policy Initiative (PPLPI) of the Food and Agriculture Organization (FAO) of the United Nations. The purpose of these papers is to explore strategic political economy issues that would facilitate or inhibit livestock policy reforms in the IGAD region that would benefit poor producers.

Specifically, this paper seeks to understand how the Inter-Governmental Authority on Development's Livestock Policy Initiative (IGAD LPI), a project jointly managed by IGAD and the Pro-Poor Livestock Policy Initiative of FAO (PPLPI), can assist the poor livestock producers in the greater Horn of Africa to improve their livelihoods through strategic policy or institutional interventions. Unlike many policy papers, however, this report specifically and explicitly examines the political context in which livestock are produced, and aims to identify entry points that are truly feasible given these political realities. The report identifies key national and international actors, institutions and processes that surround formal and informal policy-making relevant to livestock production, the institutional bases of existing policies, and finally, strategies and resources required to make the politically feasible changes and creations possible. The recommendations made in this paper are therefore based on strategic choices, and not the technical or economic merits of various policy options.

Livestock is vital to the economies of many developing countries, and especially those of the Horn of Africa. Animals are a source of protein for human diets and can serve to provide income, employment and foreign exchange within a country. For many low income producers, livestock also serves as a store of wealth, provides draught power and organic fertilizer for crop production, acts as a means of transport, and serves as a vital component of social functions and exchange. Consumption of livestock and livestock products in developing countries, though starting from a low base, is growing rapidly. This sector growth could provide opportunities for the livestock-dependent poor to improve their livelihood, and this report aims to recommend politically feasible policy and institutional changes that can allow this to happen.

To arrive at its recommendations, this report uses the analytic tools of political science to determine policies that will be truly feasible in a particular real-world political context. The author is neither an economist nor a specialist in livestock production and is not using the criteria of those disciplines in its suggestions. The report instead seeks to select on the grounds of political feasibility from among the recommendations that local and international experts have made on technical or economic grounds. Thus, the report identifies key national and international actors, institutions and processes and their role in policy-making relevant to livestock, the institutional bases of existing policies, and finally strategies and resources required to make selected changes and creations possible.

Methodologically, the paper is based on several weeks of field work in the area, supplemented with a thorough review of government documents, newspapers and recently published research. The author relied foremost upon the informed observer method of research, conducting interviews with individuals and groups of people in a position to understand the political economy of the livestock sector, including the processes that shape its policies and their reform. Thus interviews were held with those in the government, the donor community, non-governmental organizations, academia, and the leadership of relevant livestock and other civil society organizations. These interviews

were not a 'random sample' nor even necessarily 'representative'; the author sought those who had knowledge drawn from their own work and experience.

Due to the sensitive political nature of this research, interviewees were offered anonymity and confidentiality for their statements, and very few people chose to waive this right. Even though this report cannot cite their names, the author subjected informants' statements to high standards of rigor. The author sought to be conscious of any partisan bias or rumor that informants might have had in their report and whether they were actually in a position to know on personal or very strong secondary authority what they reported. In most cases corroboration for key analytic points was sought as well, either from other informants or through quotable statements from academic literature. Where corroboration was impossible and the point was important the author generally has indicated the number of people who supported the point, so the reader can judge for him/herself the strength of the evidence. On occasion, the use of corroboration via academic literature may give the paper a 'desk study' veneer, but it is the understandings of the informants - analyzed with the theoretical tools of political science - that drive the conclusions.

We hope this paper will provide useful information to its readers and any feedback is welcome by the authors, IGAD LPI, FAO PPLPI and the Livestock Information, Sector Analysis and Policy Branch (AGAL) of the Food and Agriculture Organization (FAO).

Disclaimer

The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of either the Food and Agriculture Organization of the United Nations or the Inter-Governmental Authority on Development concerning the legal status of any country, territory, city or area or its authorities concerning the delimitations of its frontiers or boundaries.

The opinions expressed in this paper are solely those of the author and do not constitute in any way the position of the FAO, IGAD, the Livestock Policy Initiative nor the governments studied.

David K. Leonard
Research Director
Institute of Development Studies (Sussex)

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ABBREVIATIONS AND LOCAL TERMS

ASALs	Arid and Semi-Arid Lands
ALRMP	Arid Lands Resource Management Project
AU-IBAR	African Union - Inter-Africa Bureau for Animal Resources
CAHWs	Community Animal Health Workers
CEMRIDE	Center for Minority Rights Development
CEWARN	Conflict Early Warning Network
CKRC	Constitution of Kenya Review Commission
CSO	Civil Society Organization
DFID	Department for International Development (of the British Government)
DFRD	District Focus for Rural Development
ERSWEC	Economic Recovery Strategy for Wealth and Employment Creation
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
GDP	Gross Domestic Product
GOK	Government of Kenya
IED	Institute for Education and Development
IGAD	Intergovernmental Authority on Development
ILRI	International Livestock Research Institute
IQAM	Improving Quality Assurance in Milk Markets
IPAR	Institute of Policy Analysis and Research

KANU	Kenya African National Union
KARI	Kenya Agricultural Research Institute
KCC	Kenya Cooperative Creameries
KDB	Kenya Dairy Board
KLA	Kenya Land Association
KMC	Kenya Meat Commission
KPF	Kenya Pastoralist Forum
KVB	Kenya Veterinary Board
LPI	Livestock Policy Initiative
MoLFD	Ministry of Livestock and Fisheries Development
MP	Member of Parliament
NARC	National Rainbow Coalition
NCC	National Constitutional Conference
NEP	North Eastern Province
NGO	Non-Governmental Organization
OP	Office of the President
PPG	Pastoralist Parliamentary Group
PPLPI	Pro-Poor Livestock Policy Initiative (FAO)
PRSP	Poverty Reduction Strategy Paper
PS	Permanent Secretary
RVF	Rift Valley Fever
SDP	Small-holder Dairy Project

SIDA

Swedish International Development Agency

USAID

United States Agency for International Development

EXECUTIVE SUMMARY

Livestock are crucial to the economy of Kenya, where their production contributes over 12% of total Gross Domestic Product (GDP). Kenya's livestock sector is one of the best-organized in the region, and the number of dairy cattle exceeds that of any other country in Africa (Leksmono et al. 2006). Despite the sector's relative success, however, the overwhelming majority of Kenya's 8m livestock producers are among the poorest people in Kenya. In the dairy industry, approximately 86% of milk produced comes from 600,000 small-holder households, usually with just one or two cows (ibid). The situation is worse for many pastoral producers, most of who live in the extremely difficult conditions of northern Kenya, where they face low rainfall, frequent drought and increasing desertification, as well as a history of marginalization by the central government in service and infrastructure provision and economic opportunity.

Many of the disfunctionalities and anti-poor biases of the livestock sector date to the era of agricultural settler colonialism, during which time foreigners established laws, regulations and patterns of governance to benefit themselves and the Kenyan ethnicities living near to them in the agriculturally productive highlands. The British systematically neglected the less climatically temperate "low potential" areas inhabited by pastoralists, leaving a legacy of the lowest education and development rates in Kenya in these areas.

Colonialism's method of "indirect rule" also laid the foundation for a weak, divided and highly personalized neo-patrimonial political system, in which traditional personal rule is combined with formalized, professional laws and rational-legal codes of conduct. The result has been a state with high levels of ethnic-based clientelism and corruption, as well as a history of making national economic decisions based on political logics, particularly during the Moi years (1978-2002). This political situation is significant for how policy related to the livestock sector has been made. The centralization of power in the presidency and the workings of patron-client politics have tended to exacerbate neglect for both predominantly pastoralist areas and the livestock-dependent poor generally. Pastoralist groups have never played much more than a marginal role in the ethnic coalition-building that drives politics, and have been increasingly alienated from their most vital resource, land. The lack of development in pastoralist areas has also resulted in higher levels of insecurity, with violent inter-ethnic and cross-border cattle rustling.

Thus, considerable constraints to livelihood improvement exist for Kenya's poor livestock producers. In addition to those already mentioned, they are limited by:

- weak governance and one of the highest levels of corruption in the world.
- a politically marginal and weak livestock Ministry (MoLFD).
- an overly complex dairy regulation and licensing system that strongly favors large-scale producers and processors over their poor, small-holder counterparts.
- incomplete markets and poor marketing systems for meat and live animals.
- low integration of small-holders into high-profit, formal production systems.
- lack of service provision and infrastructure in pastoralist areas combined with repeatedly thwarted efforts by Members of Parliament (MPs) to lobby for change.
- outdated policies, regulations and laws, combined with exceedingly sluggish policy reform processes that are often stalled by the politically powerful.
- a land administration system that has gradually reduced the viability of the pastoral lifestyle by alienating pastoralists from their land.

Many Kenyans thought this difficult environment for poor livestock producers would change quickly after the democratic change of power in 2002, yet many feel that politics continues as before. Despite this cynicism, political as well as economic liberalization have in fact led to several major changes that have opened potential doors for pro-poor reforms. These changes include: the electoral contestation for pastoralist votes, which increases their political salience; the growth and maturing of activist civil society development; a slow but gradual acceptance of pastoralism as a viable livelihood; the growing power of the legislative branch of government vis-à-vis the executive; and the rise in respect for evidence-based policymaking.

These openings in Kenya's political space make the following four policy or institutional changes most feasible for helping the livestock-dependent poor:

- support to the Pastoralist Parliamentary Group (PPG): The current time period in Kenya is an excellent moment in which to attempt to formalize and build capacity in the PPG, a currently-informal grouping of MPs from pastoralist areas, as pastoralist issues are gaining political salience in the run-up to the 2007 national elections, and as MPs gain increasing autonomy from the executive.
- improvements for Small-holder Dairy Producers: For the first time in decades, the formal dairy sector environment appears to be moving toward acceptance and integration of small-holder production. Several considerable de facto changes have been made towards recognition of small-scale marketing including the introduction of an improved Dairy Bill, suggesting that more formal legal or regulatory reforms may not meet major opposition.
- collaboration and Capacity-Building with Kenyan Civil Society: The Kenyan voluntary sector is the strongest in the IGAD region, and IGAD LPI should network with Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs) on research and policy change advocacy. With the opening of political space in Kenya, CSOs have forcefully vocalized their critiques of government programs and actions that affect the livestock dependent poor, and this is likely only to increase in the future. Even when the government is wary of civil society actors, it has increasingly taken a participatory approach to them, even in the policy-making process, and IGAD LPI should take advantage of their position and local knowledge.
- attempt at Insecurity Reduction: Insecurity among pastoralist groups was the most frequently cited livestock-related problem in Kenya, and is therefore a priority. Searching for commonalities between pastoralist communities and MPs, strengthening cross-border initiatives like the Conflict Early Warning and Response Network (CEWARN), and increasing service and infrastructure provision in pastoralist areas are necessary.

IGAD LPI may also engage in policy reform on land reform, animal marketing and exports and Community Animal Health Workers (CAHWs), though the authors believe these to be more difficult areas of intervention.

Keywords

Kenya, livestock, policymaking, trade, development, rural development, pastoralism, poverty.

INTRODUCTION

Kenya, a country of approximately 34 million people, has the third-largest economy in sub-Saharan Africa, growing democracy, and a relatively well-developed livestock sector, with more dairy cattle than anywhere else in Africa, and higher milk consumption than any other developing country in the world (Leksmono et al. 2006). The agricultural sector broadly contributes over 30 percent of GDP annually, over 50 percent of foreign currency income, and employment for just under 75 percent of the population. Within the sector, dairy production contributes 3.5 percent of GDP, comprising 14 percent of agricultural GDP (Hooten 2004). In processing, dairy is the most advanced of the livestock sub-sectors, with 34 companies producing over 600,000 liters of milk per day. Livestock production, including these dairy figures, comprises 47 percent of agricultural GDP and over 12 percent of total GDP, making it a crucial part of the economy.¹

Despite the sector's relative success, however, the overwhelming majority of the country's 8m livestock producers are among the poorest people in the continent, and often have the lowest standards of living in Kenya. In the dairy industry, for example, approximately 86 percent of milk produced in Kenya comes from over 600,000 small-holder households - often farms with just one or two milk cows (Leksmono et al. 2006). The situation is worse for many pastoral producers, most of whom live as pastoralists in the Arid and Semi-Arid Lands (ASALs) of northern Kenya, where living conditions are extremely difficult with low rainfall, frequent drought and increasing desertification, as well as a history of marginalization by the central government in service and infrastructure provision and economic opportunity.

Livestock producers therefore face considerable constraints in achieving a satisfactory standard of living from their livelihood, although dairy farmers, even small ones, do better than pastoralists. They remain limited by: neglect by the central government despite the large role livestock plays in the economy, poor governance and high corruption, a politically marginal and weak Ministry of Livestock and Fisheries Development (MoLFD)², incomplete markets and poor marketing systems, outdated policies and laws governing their sector, little access to natural and financial resources, insecurity and in some cases low-level civil conflict, and high HIV/AIDS prevalence.

The primary objective of this paper is to understand how IGAD LPI can assist Kenya's livestock-dependent poor to overcome these obstacles through policy or institutional interventions. To do so, the analytic tools of political science have been used to conduct political feasibility assessments of pro-poor policy options. The aim is to determine policies that will be truly feasible in the real-world political context of Kenya, not merely those that are just promising on a technical or hypothetical level. Thus, the authors identify key national and international actors, institutions and processes and their role in policy-making relevant to livestock, the institutional bases of existing policies, and finally strategies and resources required to make these changes and creations possible.

In order to accomplish these goals, the authors conducted six weeks of in-country fieldwork between May and July 2006, supplemented with a thorough review of government

¹ According to FAO (2005, 3), there are approximately 11.5m cattle, 18.6m small ruminants, 332,000 pigs and 27.9m chickens in the country.

² This statement is not meant to pass judgment on the MoLFD or to suggest that there was any overt political action made to marginalize it. It is meant only to explain that MoLFD is not one of the more powerful ministries within the Kenyan system. It is a relative new Ministry, having been separated from the Ministry of Agriculture, and remains under-funded, according to Kenyan government informants.

documents, newspapers, academic journals and recently published research on the livestock sector in Kenya. We have relied foremost upon the informed observer method of research, conducting over 40 interviews with individuals who are in a position to understand the political economy of the sector, including the processes that shape its policies and their reform. Interviews were held with those in the government, the donor community, non-governmental organizations, academia, and the leadership of relevant livestock and other civil society organizations. Field trips were also conducted to a number of key sites throughout the country to allow the researchers to talk to some livestock producers firsthand.

At present, the authors find that several major changes, fueled largely by political liberalization, have helped to open potential doors for pro-poor livestock policy change, in some cases after years of neglect and marginalization by the central government. These changes include the governmental change in power, the growth and maturing of activist civil society and NGO development, a slow but gradual acceptance of pastoralism as a viable livelihood in the ASALs, the growing power of the legislative branch of government vis-à-vis the executive, and the rise in respect for evidence-based policymaking. These developments, all of which will be discussed in detail in this report, will all help to make the changes recommended to the IGAD LPI in this report more easily implemented.

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PART I: THE POLITICAL PROCESS IN KENYA AND THE LIVESTOCK INDUSTRY

British Colonial Heritage

While Kenya has been independent for over 40 years, many of the disfunctionalities and anti-poor biases of the livestock sector date to the colonial period, making discussion of colonialism still relevant today. British colonialism in Kenya spanned approximately 80 years, beginning in the 1880s and lasting until independence in 1963. Colonialism in Kenya was implemented largely on a settler basis, with foreigners establishing large mixed farms (including dairy), extensive ranches, and tea and coffee estates in the most hospitable and fertile areas of the country. This had a profound impact on livestock rearing, land use patterns, policy and public administration, the impact of which continued after independence and still affects the livestock sector today.

For example, British colonialism emphasized building strong institutions and productive economic enterprises in the “White Highlands” - the areas of European settlement near Nairobi and throughout the agriculturally productive “high potential,” high-elevation parts of the country. In these areas, they created a relatively developed dairy industry, importing exotic high-yielding cows and often cross-breeding them with local animals for disease and climate resistance. To do this, they developed a successful artificial insemination program and veterinary service as part of the colonial administrative services, which were quite well developed and professionalized by the time of independence. They also implemented land policies allowing settlers to appropriate vast tracks of the country’s best farm land, while resettling many Africans native to these areas into reserves. Finally, they invested heavily in infrastructure and, as colonialism went on, education of the Africans native to the highlands.

In favoring the highlands, British colonialism systematically neglected more remote, less climatically temperate, “low potential” areas - particularly the ASALs of the northern two-thirds of the country, which were inhabited largely by nomadic pastoralists.³ During colonialism, these areas received little attention, and as a result, little educational development, civil service administration, and infrastructure - thereby setting the stage for difficulties for pastoralists in the post-independence era.

Livestock-related policies during colonialism thus thoroughly benefited European settlers at the expense of most native Kenyans. For example, until the 1950s, native Kenyans were barred from participating in the dairy industry, and both the Dairy Industry Act of 1958 and licensing regulation for urban milk sales were designed to protect the interests of large-scale settler dairy farmers. Similarly, the dual system of land regulation, in which English law was used in settler areas and native custom in the African Reserves, allowed the colonialists to expropriate the most productive land in the country. Moreover, during colonialism, the Governor of the colony, assisted by the Commissioner of Lands, had sole authority to grant land rights. While they were required to allocate land so as to benefit the “public interest,” this was often loosely interpreted to the benefit of the wealthy European settlers. Finally, as mentioned above, education opportunities, infrastructure,

³ ASALs as a whole also include some areas of low rainfall sedentary agriculture, such as those of Ukambani. In this paper, when we discuss ASALs, however, we are usually stressing pastoralist systems.

public goods and services, and animal and human health facilities were directed towards areas in which they would benefit settler populations.

Post-independence Political Dynamics

Kenya's colonial heritage paved the way for the country's post-independence neo-patrimonial political and policy dynamics, which continue to affect the Kenyan livestock sector. Colonial rule in Kenya, as in much of the rest of Africa, involved the employment and cooptation of traditional African leaders and other administrative middlemen in a form of indirect rule or "decentralized despotism" that was both inexpensive and allowed European personnel to be thin on the ground (Mamdani 1996). This laid the foundation for a weak, divided and highly personalized post-independent state: a "near perfect example" of neo-patrimonialism, in which traditional personal rule is combined with formalized, professional laws and rational-legal codes of conduct (Barkan et al. 2003). Adding insult to injury, colonial administrative structures, rules and laws, which were not seen as legitimate institutions by most native Kenyans during colonialism, were adopted nearly wholesale at independence, partly because newly powerful leaders directly benefited from them in much the same ways that their colonial predecessors had. While in Kenya for many years public administration was much stronger than in most of Africa, the legacy of illegitimate, foreign institutions meant that the notions of citizenship and nationalism did not fully develop. Instead, it has been considered legitimate to use the government for the good of the self and kinship groups - and it has become the norm to distribute goods and services as the means of gaining compliance with the state. Kenyan leaders have found it difficult to maintain their power and authority without resorting to ethnic-based clientage, personalism and reliance on informal arrangements.

Thus, clientelism in Kenya after colonialism has tended to take an ethnic and regional dimension, with individual politicians considered personally responsible for delivering goods and services to their ethnic brethren. During the Kenyatta administration (1964-1978), public administration was fairly strong, particularly in former settler areas. These areas and those educated, however, were disproportionately Kikuyu and other highland ethnicities, since colonialism concentrated development in the areas where these groups lived. This it was initially easy for Kenyatta to favor his ethnic group since they usually were the best qualified candidates. While Kenyatta is considered to have tempered his favoritism and maintained stability both by allowing loyal local leaders of other ethnicities a degree of power in their localities and by carefully balancing his Cabinet and the benefits associated with it along ethnic lines, near the end of his administration, the Kikuyu were unduly favored, causing considerable tensions between ethnicities.

This highly unstable political system, which became considerably more exaggerated during the Moi administration (1978-2002), also had catastrophic economic consequences. In order to maintain political stability and loyalty to the regime, Kenya's leaders have often made economic decisions following distributional political - not rational economic - logic (Bates 1981). For example, at the same time as he decried "tribalism" in Kenya, Moi pursued "ethnic balancing" policies both to remove Kikuyu control of the administration and to "reward and punish" various areas of the country. This, combined with an increasingly frequent shuffling of key allies into positions from which rents could be easily drawn, resulted in a major erosion of quality in the civil service and administration in the country (Barkan et al. 2003). Only occasionally did this significantly help people in nomadic areas, as when Moi used a quota system to lower admission standards for those from pastoralist backgrounds (Livingstone 2005).

To maintain control, Moi also further centralized power during his 24-year rule. The combination of these policies resulted in Kenya having one of the world's most corrupt systems by the end of his regime, according to global corruption watchdog Transparency International (Transparency International 2002). Many thought the situation would change upon the democratic change of power in 2002, with Mwai Kibaki's new coalition able to turn the country around. Unfortunately, however, Kibaki has included many "old guard" politicians from the Moi and Kenyatta administrations in his cabinet and most agree that patronage politics continues as before⁴. This endemic corruption remains one of the biggest obstacles to policy change in Kenya, as nearly any alteration to the status quo removes at least some access to state resources for the already-powerful.

Not surprisingly, clientelist politics have also resulted in highly ethnicized electoral politics, with political parties tending to be organized on an ethnic basis, with virtually no ideological basis. Tensions along these lines became violent during the 1992 and 1997 presidential elections, when Moi fomented political-ethnic strain in the Rift Valley, resulting in over 2000 deaths. On the parliamentary level, constituencies tend to be very small, usually populated by members of only one group, who expect that their MP will use his/her power to gain access to state resources for their group. As Barkan et al. (2003, 6) write it in their review of the Kenyan political system:

Stated simply, the objective of politics is to control the state for the purpose of funneling state resources back to one's supporters and local communities. Politics is local and patronage is usually king. The result, is that political leaders invariably view most issues of public policy through a "distributional" lens by asking the question: "what will this policy bring to my constituency?" Great effort is devoted to securing a school, health clinic, water system or road for one's local community. Less effort is spent on issues from which there are no or few distributional payoffs. Voters also evaluate their leaders from the same perspective. Those who "deliver the goods" back to the rural constituency are supported for reelection, while those who have not are voted out.

Thus the politics of neo-patrimonialism, including clientelism, personalism, corruption, distributional logics for gaining compliance and politically - but not always economically - rational economic decision-making have combined to make for a unique and difficult arena in which to attempt pro-poor livestock policy change.

The Legacy of Colonialism and Neo-Patrimonialism on the Livestock Sector

Colonialism, and 40 years of neo-patrimonial rule in Kenya, have had a significant impact on the way in which policies related to the livestock sector have been made. For example, the centralization of power in the presidency and the workings of patron-client politics, especially during the Moi administration, have tended to exacerbate the colonial heritage of neglect for both the predominantly pastoralist ASALs and the livestock-dependent poor generally. As a result, the ASALs have been largely neglected when patronage is distributed from the center.

⁴ For more information on changes during the Kibaki Administration, see the section below entitled "Political Liberalization" in Part II: Policy-making Since Liberalization: Pro-Poor Policy Change?"

Furthermore, predominantly pastoralist areas have never played more than a marginal role in the ethnic coalition-building that drives politics. Despite the fact that Moi was himself from a pastoralist background and used this fact to gain KANU party and personal allegiance from most pastoralist regions and their individual MPs, he tended to employ divisive measures to prevent pastoralists from banding together to promote their collective interests. Instead, he promoted key individuals from pastoralist backgrounds to prominent positions, thereby maintaining the support of their constituents isolated from larger pastoralist commonalities and interests. By manipulating individual benefits in this way, he was largely able to avoid spending scarce government resources on expansive pastoralist development policies.

Moreover, the “low potential” economic label has continued for the predominantly pastoralist ASALs, making them remain economically, and therefore, politically unimportant in post-colonial times. Those in power have not recognized short-term incentives for investing in the ASALs through service provision (IMF 2005), and government services like health, roads, drinking water and education have continued to be concentrated in the “high potential” highlands. For this reason, ASAL pastoralists are among the least educated members of Kenyan society, and the ASAL poverty rate of 65 percent is 13 percent higher than the national average of 52 percent (FAO 2005). Insufficient development resources leading to a dearth of alternate livelihood opportunities have also resulted in higher levels of insecurity in many pastoralist areas, where inter-ethnic and cross-border cattle rustling has become increasingly violent in recent years. North Eastern Province (NEP) is particularly under-developed, and was actually “closed” or under a state of emergency for much of the post-independence period. Ethnic politicking has in particular led to a bias against predominantly-Muslim Somalis, who make up between a quarter and a third of the pastoralist population.

In addition, many of the laws and regulations relating to livestock have remained intact since colonial times. For example, dairy regulation is still largely based on the 1958 dairy act, which favored large-scale farms supplying urban centers - and not the small-scale producers who now comprise 86 percent of production (hooten 2004). In general, it is the politically well-connected who have very large dairy farms and have benefited from this policy.⁵ even more significantly, land administration and policy have changed very little since the colonial policies of the 1950s, with “disastrous” consequences (marongwe & palmer 2004). While land administration reform has been suggested numerous times in the independence era, the power to allocate lands, as outlined in the government lands act, remains extremely centralized in the hands of the president and the commissioner of lands - in the same way as it was with the governor during colonialism. An extremely opaque system without accountability, land allocation has been easily abused, often at the expense of the livestock-dependent poor. According to the minister for lands and settlement, “land has been used as a pay-back system for political supporters, though limited to certain groups of people.” (ti-kenya 2003)

⁵ For example, the Kenyatta family owns the Brookside Dairy, one of the largest processors in Kenya.

PART II: POLICY-MAKING SINCE LIBERALIZATION: PRO-POOR POLICY CHANGES?

While livestock policy in the independence era has been largely path dependent, based on laws, regulations and patterns established during colonialism, several important changes have occurred since the mid-1980s to bring about the possibility for alterations in these policies. Liberalization, both economic and political, has played a particularly strong role in changing the course of policy direction pertaining to livestock.

Economic Liberalization

For most of the post-independence era, the Kenyan government followed a policy of high state involvement in the economy, which exacerbated the colonial-based skewed economic gains from the livestock sector, as key government positions controlling the dairy and meat industries were used as patronage-based prebends⁶, and politically powerful producers were able to use their connections for economic benefit. By the middle of the Moi administration, however, poor economic management and high corruption, combined with declining world market prices for Kenya's main exports, created fiscal crisis. As in most developing countries, Kenya was urged to take a path of economic liberalization to manage the crisis and get the economy back on track. Many of the liberalization measures have been strongly resisted by the Kenyan government, yet donors continue to push for these actions. In the livestock sector, several key policy changes were made.

First, the veterinary system was largely privatized, removing subsidies for artificial insemination and veterinary services. While this was effective in places close to Nairobi and in much of Central Province, where the dairy industry is strong, it has been much less so in other areas of the country. Prices have become prohibitive for some users, artificial insemination services are extremely difficult to access, and private veterinarians are out of reach to many. This is the case for much of the pastoralist north, as it is difficult and costly to induce highly educated veterinarians to live in these remote, service-poor areas.

One proposed solution has been to provide tax breaks for veterinarians willing to work in these areas. The use of Community-based Animal Health Workers (CAHWs) has also been widely accepted as a means to provide services in these areas,⁷ although some private and government-based veterinarians still appear threatened by or otherwise opposed to their use, as there is no way to verify their professional skills and ethics. It has been suggested that the Kenyan Government and the Kenyan Veterinary Board (KVB) further the acceptance of CAHWs by creating a formal recognition and accreditation process for those trained according to nationally developed standards (Cinnamond & Eregae 2003).

⁶ Prebends are revocable grants of rights to particular income streams.

⁷ According to a recent survey on the use of CAHWs in Kenya, 65.3% of pastoralist respondents in West Pokot, 98.3% in Wajir and 100% in Marsabit had received treatment from CAHWs for their livestock. In these areas, the competitors to CAHWs are not professional veterinarians, but black market vendors and dukas, or small kiosks, selling veterinary medicines (Cinnamond & Eregae, 2003).

Besides animal health service privatization, liberalization also greatly impacted the dairy and meat industries, both of which were state controlled by monopsony marketing boards, the Kenya Cooperative Creameries (KCC) and the Kenya Meat Commission (KMC), respectively. Liberalization sounded the death knell for these ungainly parastatals. In the dairy sector, liberalization progressed slowly beginning in the early 1980s, as competitor licenses were given in 1983 and 1986, followed by parastatal reform, reduced government spending and finally, milk price deregulation in 1992, after which KCC slowly collapsed.

After 60 years controlling the milk industry, the gap left by KCC was quickly filled by informal small-scale producers and several large, licensed and regulated processors. This situation is sufficient to provide most Kenyans with milk, although the small-scale producers are usually unlicensed and unregulated. While they have in many cases formed cooperatives to sell their milk to large processors, they do not reap high profits from these arrangements, and have instead begun to sell more directly to consumers at informal "milk bars." The competition caused by this informal sales arrangement caused considerable discord between the small and large-scale producers, though policy-related efforts to alleviate this issue are being considered, including the formal recognition of small-scale producers, their training in sanitary standards, and the creation of a new Dairy Bill. These will be discussed in more detail later in this report.

While the dairy industry in Kenya has remained largely successful and exports milk to much of Southern and Eastern Africa, the liberalization of the meat industry has not met with similar private success – so much so that the GOK reopened a state-owned KMC in 2006. The old KMC was "one of the worst cases of mismanagement of state corporations" (Mogusu & Kathuri 2006), and – partially due to its conflicting aspirations to provide both buyer-of-last-resort welfare services to pastoralists and to make a profit – was unable to compete with local abattoirs once the meat industry was privatized. Informants now hope the new KMC will provide a more stable way for ASAL pastoralists to sell their animals, though the conflicting goals of profitability, equity and welfare service remain. Proponents of the new KMC also hope it will allow Kenya to access the recently reopened live animal and corned beef markets in Saudi Arabia, which could prove profitable for poor producers, although the KMC's focus on corned beef may reflect unrealistic expectations about global demand for this product.⁸ Moreover, many fear that the KMC will quickly sink back into mismanagement and is merely a ploy by the Kenyan Government to please ASAL voters ahead of the 2007 elections. The government has pledged to privatize the KMC after two years of operations. These issues will also be discussed in more detail later in the paper.

Finally, and related to the KMC, liberalization of the meat industry also meant liberalization of quarantine facilities in Kenya – which many now believe to have been a mistake, as there is no longer enough regulation. In its heyday throughout the 1970s, Kenya exported meat throughout the world, maintaining access to key markets in Europe and the Arabian Peninsula. In fact, the livestock trade brought in \$32m in 1980, whereas it is now down to only \$6m (FAO 2005, 12). These markets eventually closed to Kenyan exports due to insufficient ability of the Kenyan government to police quarantine zones and the related refusal of cattle ranchers to respect them (Leonard 1991), but could, in principle, be re-opened if Kenya develops quarantine facilities that it are able to monitor and regulate reliably and convincingly. In fact, the newly reopened KMC, along with other potential Kenyan exporters, was initially granted export rights to the very lucrative Saudi Arabian market in late 2006, but a new outbreak of Rift Valley Fever (RVF) prevented the market from opening. This being said, it is worth noting that most of Kenya's export grade beef is produced not by pastoralists, but large cattle ranchers, meaning efforts to

⁸ KMC was a large provider of corned beef to Europe during World War II, when European countries faced food shortages. It would appear as though the current desire to export this product may not reflect changed market conditions since that time.

improve beef exports will only assist poor producers indirectly, or those who work on the large ranches. Pastoralists do provide small ruminants for export, however, which are also prone to RVF and other diseases that make quarantining necessary.

Thus, to maintain access to valuable markets, the Kenyan Government will have to reassert its role in the regulation and provision of quarantining services through the Department of Veterinary Services (DVS) and by coordinating disease control measures and border surveillance with neighboring countries. In recent years, DVS has been limited by restricted funding, but with the advent of the re-opened KMC and Saudi markets, the government has pledged to increase this funding. It remains to be seen, however, whether DVS will ever be truly successful in asserting quarantine controls over well-connected large ranchers, as it has not been so in the past.

Political Liberalization

The 1990s witnessed not only the start of liberalization in the economy, but also in the political sphere, where multi-party presidential elections have now taken place three times, in 1992, 1997 and 2002. The last of these elections resulted in the first electoral change in power in Kenya's history, with Mwai Kibaki of the new NARC coalition party defeating the KANU candidate, first-president Kenyatta's son and Moi's hand-picked successor, Uhuru Kenyatta.

Significantly for pastoralist populations in the country, the 2002 election was the first in which pastoralists were courted by multiple parties. In prior elections, the ruling party KANU was the only party with enough funds to launch a successful campaign in the rugged and remote territory where most pastoralists live, yet in 2002, the NARC manifesto singled out pastoral development as one of its core commitments. While KANU retained 27 of the 39 pastoralist seats in parliament, the competition for their votes suggests that pastoralist concerns will become increasingly difficult to sideline as time progresses. Chances are good that these poor livestock producers will again be crucial in the upcoming elections, making 2007 a key time for the current government to make improvements in these areas.

This change of power after forty years of KANU control brought a euphoric sense of possibility to the people of Kenya. Since 2002, a handful of small yet potentially significant changes have occurred within the political system and civil society that may open the door for more pro-poor policy choices in the livestock sector.

Livestock Policy Environment Changes

Civil Society Development

One of the most significant changes that has occurred in the policy environment has been the blossoming of civil society organizations and both local and foreign development NGOs under the new government. While many of these organizations' leaders are quick to point out that the development of civil society truly started during the final Moi administration, they also note that the Kibaki government has made a concerted effort at participatory and consultative processes involving their organizations in policy development. This has happened or is happening in many sectors, including several relevant to livestock. As will be discussed in more detail in the following sections, NGOs became quite highly involved

in the drafting of a new Dairy Bill, the draft National Policy for the Sustainable Development of Arid and Semi-Arid Lands of Kenya, the proposed constitution's land management chapter, and the draft National Land Policy. They have also been highly vocal in expressing dissatisfaction with the state of corruption and administrative mismanagement in the country, putting pressure on the current government for change. The Kenyan voluntary sector is now stronger than in any other IGAD country.

Gradual Acceptance that Pastoralism is a Viable Lifestyle for the ASALs

Perhaps partially due to the work of pro-poor NGOs and CSOs mentioned above, a small but discernible change in public opinion – among politicians and non-politicians alike – has begun to occur whereby old prejudices against pastoralism as a viable economic activity have weakened somewhat. At least some policy-makers have begun to view pastoralism as a viable economic enterprise in arid and semi-arid lands. Consequently, overt policy biases from the past that aimed to bring pastoralists into the towns and cities and to force them to “modernize” by adopting other, supposedly more appropriate, ways of life, have given way to a greater understanding that pastoralism can be viable.

This change has been reflected in some of the GOK's policy and planning documents in the past several years, including the country's Poverty Reduction Strategy Plan (IMF 2005) and Economic Recovery Strategy for Wealth and Employment Creation (ERSWEC), which call for an ASAL development program as one of its specific “poverty targeted programs.” To this end, the Government has enlarged its Arid Lands Resource Management Project (ALRMP), based in the Office of the President and funded by the World Bank.⁹ The ALRMP aims to improve natural resource and drought management, build capacity at the community level and strengthen service provision at the local level in education, health, livestock production, marketing and health and agricultural services.¹⁰ As discussed in more detail elsewhere in this report, the government has also recently re-opened the KMC, with the stated objective of uplifting the standards of living among pastoralists in the ASALs.

While these developments are certainly a move in the right direction for poor livestock producers in the ASALs, implying that the current government will be open to pastoralist assistance, there is still some question as to how serious the Government really is about their development. For example, it has yet to pass the Draft National Policy for the Sustainable Development of Arid and Semi-Arid Lands of Kenya, which was written in 2004, and many believe that both the ALRMP and the KMC re-opening serve specifically as tools to garner political support, not as truly pro-poor minded development efforts.

Growing Power of Parliament vis-à-vis the Executive

A third and potentially path-breaking change in Kenyan politics lies in the growing strength and autonomy of the parliament vis-à-vis the executive. As Kenya continues to liberalize and democratize, there are signs that parliament may have begun to garner more power over policymaking and the general affairs of the country than in the past.

Perhaps the most significant change in parliament since 2002 lies in the dramatic increase in MP salaries, now at \$5,000 a month, over seven times the previous formal

⁹ This is not meant to imply that this is the first ASAL development program in Kenya, only that the current government has formally renewed commitment to these areas. In fact, the Government of Kenya had some successful ASAL programs in the early 1980s (Leonard 1991).

¹⁰ The program works in the following ASAL Districts of Kenya: Baringo, Garissa, Ijara, Isiolo, Kajiado, Kitui, Laikipia, Makueni, Mandera, Marsabit, Mbeere, Moyale, Mwingi, Narok, Nyeri-Kieni, Samburu, Tana River, Tharaka, Transmara, Turkana, Wajir and West Pokot.

compensation. In principle, this new pay level, one of the highest in the world, should free MPs from reliance on state patronage and make them less beholden to the executive. This does not signal the end of patronage in the country altogether, as constituents still expect their representatives to provide largess, whether it comes from their salaries or from executive-derived patronage. Without the need to cozy up to the executive for these funds, however, the MPs should prove more independent. The limited evidence available suggests that this is the case.

Legislators have furthered their quest for autonomy by successfully pushing for decentralization and devolution of power in the way of Constituency Development Funds - generous funding for development enterprises at the local level that are controlled by committees of local authorities and civil society organizations under the leadership of the MPs. These funds are intended to de-personalize the flow of development funds, to lower patronage politics and to increase accountability by bringing funding decisions closer to the people - though they have been critiqued for merely bringing patronage to lower levels, as gross mismanagement of funds has already been reported in some places. It is unlikely that the combination of increased salaries and Constituency Funds will root out patronage politics altogether, but it will certainly alter the dynamics of neo-patrimonial politics and allow at least some MPs to act more autonomously from the executive.

Finally, many MPs have been pushing for both increased devolution and more power for the parliament in the quest for a new Constitution of Kenya. The most visible and controversial sign of this was the attempt to create an executive Prime Minister position, which would remove considerable power from the presidential office. While cynics argue that these changes were merely a way for parliamentarians to get more control over state resources for their own purposes, the balancing of power among the various branches of government could only be a good thing for Kenya. It is worth noting, however, that the draft constitution rejected by voters in a heated November 2005 referendum created only a non-executive Prime Minister and fewer levels of devolution than hoped for, suggesting that those benefiting from highly concentrated power hold considerable sway in the creation of new policies. Considering that the parliament did pass this draft constitution, we might also question how serious the MPs really are about increasing parliament's relative power. On the bright side, however, Kenyan democracy is strong enough for the failed referendum to hold, suggesting that changes can still be made in the future.

While controversial, the increase in MP salaries, the formalization of their influence over Constituency Development Fund and the push for more parliamentary power in the Constitution may have begun to free them from the patronage of the executive in ways unimaginable during the Kenyatta and Moi eras. This might open avenues for the improvement of livestock policy and for pro-poor policy-making, in general. Moreover, the new generation of MPs appears - at least according to many sources - more interested in executive oversight than previous MPs. While various observers differ as to how they assess the degree to which changes in parliament constitute any real move from neo-patrimonial politics, signs point to at least some positive change.

Case Study: The Pastoralist Parliamentary Group

The rise of the Pastoralist Parliamentary Group (PPG), an informal grouping of approximately 30 MPs from pastoralist areas aimed at improving policy towards the ASALs,¹¹ demonstrates clearly both the potentialities and pitfalls of increasing MP autonomy. Fundamentally, the rise of the PPG brings hope that these parliamentarians will be able to place pastoralist issues on the policy-making agenda by providing a forum for collective action among pastoralists. Realistically, however, the Kenyan PPG - like its

¹¹ Of Kenya's 210 parliamentary constituencies, 39 can be considered to be located in pastoralist areas (Livingstone 2005).

counterparts in Uganda and Ethiopia - remains informal, weak in capacity and internally divided along lines of region, ethnicity and religion. Nevertheless, the PPG has been able to bring pastoralist issues onto the radar in small ways and may, in the future, offer pastoralists a strong voice in the parliament.

The PPG has a long history marked by false-starts and opposition from old-guard politicians - Moi in particular. Its first incarnation was short lived: during the 7th Parliament (1992-1997) a group of MPs from the much marginalized North Eastern Province (NEP) formed an informal organization to raise awareness and support for pastoralist and ASAL issues among MPs. However, after only several months of its attempts to influence parliament, Moi successfully thwarted the group's existence. This was necessary for Moi since his strength lay in the ability to keep constituencies and MPs personally loyal to him, yet divided among themselves. The PPG movement to raise political consciousness and find common causes between very diverse communities and across party lines was a serious threat to his power (Livingstone 2005, 22).

While the first attempt at pastoralist unity failed, during the 8th Parliament, a new group bringing together pastoralist MPs from across the country arose, largely through the leadership of Turkana Central MP, Ekwee Ethuro. Ethuro had previously been a member of the Kenya Pastoralist Forum (KPF), an NGO umbrella group pushing a pro-pastoralist agenda. The new group proved less ephemeral than the last and embarked quickly on a series of visits to pastoralist areas after which they created policy documents specific to the needs and interests of each area. Unfortunately, the nascent PPG lacked the capacity to create a true advocacy program, and these policy documents had little real effect. Those in power remained very unreceptive to the PPG agenda, and the KANU government, seeing it as a threat, worked quickly to undermine the PPG completely. As an unprecedented effort to bring pastoralism into the mainstream of Kenyan politics, the PPG presented a distinct threat to the markedly anti-pastoralist KANU agenda. Moreover, the affiliation of the PPG with KPF hurt the group's image among many MPs, as the KPF was viewed as a largely Somali organization and consequently became portrayed as subversive and possibly even irredentist.¹²

After the change of government, however, the PPG re-launched itself in 2003 with the help of the Center for Minority Rights Development (CEMRIDE), a local NGO. This recent reincarnation of the PPG continues to face many problems, but it has proven far more resistant than its predecessors. In sharp contrast to the earlier PPGs, this new incarnation spanned the country with members from 30 of 39 pastoralist districts in four provinces and throughout the Rift Valley, and from most of the country's pastoralist ethnic groups. This helped to dispel fears of Somali irredentism and - by greatly increasing membership numbers - significantly bolstered its potential bargaining power.

While the PPG remains informal, with very rare organized meetings, no permanent secretariat, nor a constitution, it has attempted to work as a coordinated lobbying group within parliament. Led informally by a core group of MPs with a sophisticated understanding of the most important policy issues and the processes of parliament, PPG MPs operate by consulting with each other informally before approaching Ministers, Permanent Secretaries (PSs) or members of parliamentary committees (Livingstone 2005). One success from these efforts was to gain budgetary funds for boarding schools in pastoralist areas as part of Government's Universal Primary Education strategy.

Although the PPG members largely appear to be sincere in their interest in improving quality of life and economic opportunities for their constituents, they still face several major challenges. The biggest of these, as for Kenya generally, is the divisive

¹² Ethnic Somalis in Kenya, regardless of their birth or family history, are usually seen as "outsiders" by most Kenyans. This is a considerable added challenge for groups like the PPG.

ethnisation of politics among PPG members along tribal and religious lines, which impedes members' ability to see and promote their collective interests. Despite incredible benefits that could come from pastoralist cohesion, it is difficult for many groups to see beyond differences and sometimes long-standing inter-clan conflicts. This has become especially true in recent years with the intensification of violent inter-ethnic cattle raiding and banditry. Unfortunately, some MPs explicitly exploit these differences to win elections and are thought to be themselves behind many cattle raids, an issue that will be discussed in more detail in Part III of this report.

Other problems faced by the PPG are low literacy levels, poor economic opportunities and general social service shortage in their home areas - pastoralist areas have the highest incidence of poverty in Kenya (Livingstone 2005, 2) and illiteracy rates as high as 80 percent in some areas (ibid, 5). These often translate into the MPs themselves being under-educated by Kenyan standards, with less of a grasp on the complexities of policy and parliamentary procedure - particularly new MPs. As a result, they are often unable to defend their interests against powerful politicians and interest groups - this has happened repeatedly over land issues, as pastoralists lose their land to individuals, mining interests, national parks and large government schemes.

Despite these obstacles, investment in the development of the PPG may help this group to overcome collective action dilemmas to advance the interests of pastoralists in Kenya. Specific strategic intervention measures will be discussed and analyzed in Section IV of this report.

Rise in Respect for Evidence-based Policy-making

A fourth, more nascent - and potentially more path-breaking - change involves the slow acceptance among politicians and other stakeholders of evidence-based policymaking, in which policy is made or changed due specifically to the presentation of scientific evidence in support of the change. While evidence-based policy decisions remain the exception rather than the rule, some key examples of evidence-based policy change suggest that the potential for more movement in this direction may be presenting itself in Kenya. In general, evidence-based policymaking may work in the current political climate only when and if: 1) the evidence in favor of pro-poor policy changes is clear and overwhelming; 2) stakeholders directly involved in government policy circles play a role in creating and presenting the evidence; and 3) the policy changes proposed do not conflict with the interests of the relevant policymakers.

Case Study: Small-holder Dairy Project

The most obvious recent example of evidence-based policy change lies in the de facto (but not de jure) removal of restrictions against small-scale and informal raw milk traders and processors. The change followed an active drive by the Small-holder Dairy Project (SDP), a collaborative research and development initiative between the International Livestock Research Institute (ILRI), Kenya Agricultural Research Institute (KARI) and the MoLFD, to raise awareness about the negative effects of these restrictions on the poor and the dearth of benefits arising from the restrictions to the general public. Policy changes decriminalizing informal milk marketers and easing the licensing process are particularly important since these small traders account for the overwhelming proportion of marketed milk in Kenya, over 85 percent (Hooten 2004).

The growth of informal small-scale marketing developed in the wake of liberalization, during which time the marketing infrastructure for dairy collapsed. Most notably, the government-controlled Kenya Cooperative Creameries (KCC), which had monopsony control over the milk industry since 1964, buckled following price deregulation in 1992.

After KCC's demise, small-scale informal milk traders and a handful of large, private licensed and regulated processors and packers quickly entered the market. Informal traders supplied an estimated 70 percent of Kenya's milk by 2000.

Without the KCC, these informal traders have organized themselves into numerous marketing cooperatives. In general, however, these organizations remain both fairly weak and weakly connected to private processors, who end up reaping most of the profit from processed milk. As an alternative, many traders and cooperative groups have opted to bring their milk to informal "milk bars"; small shops marketing fresh (raw) unpasteurised milk. While it is common practice for nearly all Kenyans to boil milk before drinking it, thereby effectively pasteurizing it, government regulations technically forbid the sale of raw milk. Yet at the same time, the Kenya Dairy Board (KDB), which is responsible for regulating the industry, lacks the real capacity to systematically enforce this regulation. Still, with less than one percent of small-scale traders registered, these traders have had to work to avoid the authorities, paying bribes instead of taxes.

To make matters worse, in late 2003, the Kenya Dairy Processors Association, a coalition of formal milk processors, joined forces with Tetra-Pak, the largest milk packaging manufacturer in Kenya, to launch a massive 'Safe Milk Campaign' aimed at convincing consumers that only their processed milk was healthy to drink. The campaign argued both that informal traders adulterated their milk to increase volumes and, therefore, profits, and that drinking raw milk could lead to various diseases, such as brucellosis and tuberculosis. The campaign seriously threatened small-holder producers' and traders' livelihood, as it aimed not only to discourage the general public from buying raw milk, but also to force the government to begin systematically enforcing its laws against the informal milk trade.

While the campaign garnered reputability among the masses, the SDP quickly saw it as an attempt by these companies to increase their market share by providing inaccurate information to the masses. They also recognized that the poor informal producers and traders faced serious deterioration in living standards should the campaign succeed. To counter the campaign's claims, SDP held a conference offering substantial evidence showing not only that raw milk was unadulterated and sufficiently sanitary, but also that significant decreases in informal milk use would harm the health of the poor and destroy hundred's of thousands of livelihoods. This conference set off a "milk war" between the SDP and the large processors, who repeatedly questioned the evidence provided by the SDP. They and the Kenya Dairy Board (KDB), which initially backed their claims, could not provide any scientific counter-evidence, however, and they eventually backed down. Ultimately, the end of the "milk war" was the defection of the KDB away from its defense of the processors towards collaboration with the SDP.

The SDP used the "milk war" as a starting point to push for pro-poor policy change. In 2004, SDP convened a Dairy Policy Forum, attended by the Ministers for Livestock and for National Planning, together with parliamentarians. The Forum presented evidence of the deleterious effects of restrictions on informal traders, and parliamentarians themselves began to push the government to make appropriate policy changes and to listen more to scientific evidence in the future. The SDP proposed a new Dairy Bill¹³ aimed at legalizing the informal traders - a bill the Minister of Livestock gave a commitment to passing. The proposed bill recognizes the role of small-holder producers and includes methods to formalize the informal industry through technology development, training and certifications. It also suggests reforms to the KDB to increase its transparency and accessibility to all producers. Calls have also been made to streamline and harmonize the licensing process, as six licenses issued by three agencies are currently required for milk

¹³ The researcher was unable to obtain a copy of the proposed bill, despite numerous attempts.

traders and handlers.¹⁴ While these changes would benefit poor farmers and traders considerably, the Dairy Bill has yet to pass - further evidence of the incredibly slow political process in Kenya.

Despite the stalled Dairy Bill, several informal changes have resulted from the SDP effort. The KDB has made efforts to beginning licensing - and no longer harassing - small-holder producers. In many ways, informal trade has been de facto legalized. The KDB, along with NGOs and other partners, has also begun to provide business development assistance to help small-scale traders with the licensing process, sanitary handling procedures and animal health issues. Some of these programs have been very successful. The Improving Quality Assurance in Milk Markets (IQAM) program, which works to incorporate small-scale producers into the formal market chain through regulation of milk bars, formalization of milk transporters and training on sanitation and marketing, for example, has increased participant production levels by 15-50% (Wahome 2007a). The MoLFD also seems to be more attentive to the needs of poor producers, with the PS himself pushing for their recognition in the new Dairy Bill. Finally, private actors have at least become less openly hostile to the small-holder producers. While many still feel that it is "unfair" for them to be able to operate unlicensed (and untaxed), some formal producers have encouraged collaboration with informal operators.

The SDP and "milk war" experience points to several important changes and challenges that should be noted by those interested in policy and institutional reform in Kenya. On the positive side, the small-holder experience shows that Kenyan policy-makers - as well as the general public - can be swayed by objective scientific evidence. In this case, it has influenced the environment to be more accepting of changes reflecting the reality of small-holder production and distribution as dominant. The SDP experience also shows the benefits of inter-agency collaboration and cooperation: the SDP project leader was actually a MoLFD staff member assigned to SDP, which meant that developments and results at SDP were constantly brought into the Ministry's knowledge and policy process.

Nevertheless, several challenges remain. First, as with the draft pastoralist legislation, new pro-poor policies created often disappear into the morass of created, but not passed, regulations, policies and bills in Kenya. Because these policies threaten large, powerful and often politically well-connected actors, it is difficult to get them past the final leg of enactment. While unofficial recognition of small-holder production and milk bar use now exists and many people say the issue has become moot, a large push is needed to drive through actual policy reforms, since small-holders remain vulnerable without it. As an IQAM informant states, "The dairy sector is being strangled by colonial legislation that should have been repealed a long time ago" (Wahome 2007a). Even if this happens, however, a second limitation frequently cited by informants is that even if legislation is created, there is often a very large gap between the legislation on paper and its implemented reality. For these reasons, several informants insisted the formal policy environment doesn't matter. They point to the fact that it hasn't been really in synchrony with the de facto industry for decades, and while the government has been trying to reform it since at least the early 1980s, the industry has continued. This mindset must also be changed, however, as without formal rights and recognition, small-scale traders will remain vulnerable to pressure for bribes and clientage and thus severely constrained in improving their livelihoods.

¹⁴ At present, milk traders and handlers must have a producer license, milk bar license and milk movement permit issued by KDB, a medical and public health certificate issued by the public health department, and a single business permit issued by local authorities (Wahome 2007a).

Case Study: Land Reform in Kenya

The opening of the political space in Kenya and the attempt to draft a new constitution have also led to considerable efforts and calls for updating Kenya's land laws and land administration. This reform is crucial to poor livestock producers, particularly those in pastoralist areas, as the current land administration system - and its misuse - combined with high population growth rates, have been highly detrimental to the viability of the pastoralist way of life.¹⁵ Because pastoralist communities have historically held very little sway in the Kenyan system, and because the power to allocate land has been so highly concentrated that those at the top have been able to allocate land as they wish, pastoral communities have lost much of their grazing land over time to more politically-significant or better connected agriculturalists, private corporations, national parks, individuals and state agencies. As a result, many customary grazing routes have been cut off or diminished, and in some cases pastoralists have lost their land completely. In such cases, these people often resort to urban migration, where they frequently end up raising animals or seeking low-skill employment in precarious slum conditions. Or they have little alternative but to impinge on agricultural land, increasing animosity between herders and sedentary agriculturalists. Clearly, this not only constrains a given community's ability to raise animals, it has also led to heightened conflict among communities, as they fight for decreasing grazing resources - violence in pastoralist areas is closely associated with land dispossession. Furthermore, many of the individual title-holders do not actually live on the land they own, creating difficulties of absentee landlordism. Thus, the possibility of real land reform is extremely attractive to these communities. Nonetheless, as badly needed as land reform is to Kenya's livestock producers, and despite the sincere efforts being made by some members of Government and civil society, considerable obstacles remain in the way of beneficial reforms.

As mentioned previously, the current land administration system was inherited from the colonial system, placing all the allocation power in the hands of the President and Commissioner of Lands. This highly centralized system is extremely opaque, and those with access to it keep information very close. Few people know exactly how land has been allocated, as registration record-keeping is incomplete, and land maps are constantly changing for political reasons. Land in Kenya now falls into three categories: 1) land held by the government, 2) trust land, held by county councils on behalf of local communities in accordance with local customary law, and 3) private land, registered through formal legal procedure (Southall 2005).

At independence and lasting until recently, efforts were made to individualize all land ownership under the formal titling system and to move away from use of customary law and trust lands. This strategy was largely successful in the redistribution of the "white highlands" shortly after independence. Over time, however, there has been a growing realization that individualization may be incompatible with pastoralists' and other communities' way of life. Thus, considerable land has remained communal, and over 50 percent of the land in Kenya has not been formally allocated (TI 2003). In principle, these lands are managed under customary law, though in practice, most are put under the custody of local authorities as trust land, meant to be held in the common interest of the community. This system has not always worked in favor of the pastoralists, however, as local authorities have privileged their own political interests over the true common interest (Wanjala, undated).

¹⁵ It is important to note that purely political reasons are not the only cause of land conflicts. The population of Kenya has grown from only 4 million during colonialism to over 34 million today, and the pressures of this population growth on the land are quite apparent.

Such abuses of office have been extremely widespread. In a country where agriculture comprises the majority of GDP, export income and livelihoods, and where patronage politics are the name of the game, land allocation is extremely important for political success and guaranteeing loyalty. Interestingly, according to the Minister for Lands, “The last 15 years has seen a rise in allocation of land for political purposes. With the multiparty era that started in 1990, the land allocation problem reached its peak” (TI 2003). During the elections of the 1990s, this became a violent political issue as many legal title holders, especially in the Rift Valley, were driven from their lands, which were then given to KANU loyalists for their votes. Abuse of the land titling system may be the rule, rather than the exception.

Many of the abuses of the post-independence era came out in two important inquiries published during the Kibaki administration. The first, the Commission of Inquiry into the Land Law System (Njonjo Commission), began in 1999 under Moi and was finished in 2002, but was not published until Kibaki came to power. The second, the Presidential Commission of Inquiry into Illegal and Irregular Allocation of Public Land (Ndungu Commission), was appointed by Kibaki in 2003 to examine unlawful allocations of public lands, ascertain the beneficiaries, identify public officials involved and make recommendations for land restoration (Southall 2005).

This latter Commission of 20 prominent citizens, lawyers and civil servants produced the bulky and highly damning Ndungu Report.¹⁶ It found vast and wide-ranging abuses of not only of presidential discretion during both the Kenyatta and Moi administrations, but also exploitation of the system in nearly every rank and office of the government system.¹⁷ At the local level, for example, the allocation of individual plots and the management of trust lands have been abused by District Plot Allocation Committees composed of District Commissioners, Settlement Officers, Agricultural Officers, MPs, and County Councils (ibid). These individuals, rather than respecting their role as protectors of the public interest, have benefited greatly - the Ndungu Commission found that councilors grabbed more land than anyone else.

In response to these abuses, the Ndungu Commission, like the Njonjo one before it, called for a number of land administration changes, which were largely incorporated into the land chapter in the recently rejected Constitution reforms. These included: a comprehensive and updated land policy, harmonization of land legislation¹⁸, the creation of a professional, transparent and parliament-monitored national land commission as well as a land division in the high court, a complete inventory and computerization of land records, establishment of a Land Titles Tribunal to deal with accusations of irregular land allocation, an insurance system for land title deeds, capacity-building at the Ministry of Lands, the Attorney General’s Chambers and in the judiciary, and prosecution and restitution in cases of illegal land allocation.

While critiques can be made that the Ndungu report was not damning enough, mainly because it did not “name names”, thereby allowing identified perpetrators to walk free, the very fact of its publication suggests that positive change in land policy may be possible. Since the reports’ publications, a National Land Policy (NLP) reform process has

¹⁶ At 244 pages in length with annexes of 976 and 797 pages, the Ndungu report is extremely thorough.

¹⁷ Abuses of office included: granting individual title without consideration for the public interest, for political reasons, and/or without following proper legal channels; the allocation of “alienated” public land, despite the fact that it is outside the presidential purview to assign; forged letters and documents; the destruction or “misplacement” of records at the Ministry of Lands; altered land allocation maps; the illegal granting of public lands, including that reserved for schools and hospitals to third parties, individuals and companies for huge sums of money; public corporations being forced to purchase lands to be resold illegally to politically connected insiders; and Commissioners of Lands making grants of government land without the knowledge or authority of the President.

¹⁸ There are currently more than 40 different complex and overlapping statutes dealing with land administration, ownership and use. Few people understand and are aware of all of them.

begun. It was launched in February of 2004 at a stakeholders' workshop, after which a 30-member, primarily government committee was formed to create a draft policy, which was completed in December of 2005, though the draft bill form has yet to be ratified.¹⁹ As did the Njonjo and Ndungu Commissions, the draft policy calls for a reorganization of the Ministry of Lands, upgrading of the lands registry system and the creation of a National Land Commission (NLC), which would be lean at the central level, playing a coordinating and monitoring role, and have highly autonomous Regional (District) Land Boards and Local (Area) Land Committees at more local levels.

There is considerable worry about the NLP - both in its content, and in its likelihood of being enacted and bringing about real change. On the content side, many people worry that the current easily-abused powers of the President and Commissioner of Lands will simply be transferred to the NLC, and that the devolution suggested will allow for continued egregious exploitation at the local level, particularly in communities with weak civil society. Concern also remains regarding sufficient safeguards to protect the interests of the poor. Much of this comes from their lack of involvement in the creation of the policy - the poor were not consulted directly and only 6 of the 30 policy committee members were non-governmental individuals, who were meant to represent the interests of the poor. The Kenya Land Alliance (KLA), an umbrella NGO aimed at lobbying the Kenyan government for appropriate and fair land reform, is particularly concerned with this lack of representation for the poor. They feel this crucial omission will "promote the continued existence of a policy framework that favors the big private and well-heeled developer thus ensuring wealth is generated and retained by only a few people." (Kenya Land Alliance 2004, 3) Furthermore, the lack of input from poor land users means that the proposed land policy does not specifically address the needs of pastoralists, and in particular the problem of the gradual encroachment of agriculturalists on pastoralists' dry-season grazing land.

Beyond concerns with the content of the draft NLP, there is also real apprehension that the document will never be passed or if passed, implemented. Part of this is based on realistic acknowledgement that past efforts at land reform have never brought fruition; the Katana Ngala report on coastal lands, the Akiwumi Report on Land Clashes, the Njonjo and Ndungu reports, and the current Constitutional recreation have all been frozen at some stage. Much of this sluggishness is due to strong resistance by the people who stand to lose considerably - those currently involved with land administration and those with title deeds gained from illegal land transactions. These individuals, many of whom hold vast tracks of land and high government position, are often politically connected enough to take the bite out of land reforms. This suggests that while some well-meaning individuals in the Kibaki administration do plan for real change, it may be unlikely that the government will do little more than posture about land reform - particularly ahead of national elections scheduled for the end of 2007. Promising land reform may gain currently dissatisfied land users' and pastoralists' support, yet it is also in the government's interest not to actually move forward on reform, since land allocation remains one of the most profitable sources of patronage in the country. Kibaki will not want to upset NARC's agriculturalist base of support ahead of the elections. Moreover, on a purely technical level, it is likely that the government currently lacks the human and financial capabilities to establish and implement the proposed changes. For example, operationalising the changes would require modifications or repeal of over 30 laws and amendments (KLA 2005).

¹⁹ The PS of the Ministry of Lands is the Secretary of this committee, which also includes individuals from many other relevant ministries including: Local Government, Agriculture, Livestock and Fisheries Development, Water Resource Management, Environment and Natural Resources, Tourism and Wildlife, Planning and National Development, Regional Development, Roads and Public Works, Gender, Sports, Culture and Social Services, the Office of the President and the Attorney General's Chambers. (Kenya Land Alliance 2004).

Nevertheless, there are still reasons to remain optimistic, or at least proactive, about the land reform process. That the Kibaki administration allowed the damning Njonjo and Ndungu Reports to be published and the NLP process to be initiated is promising, as is the government pledge to improve land administration in its ERSWEC. Moreover, the fact that these documents have all been government-produced suggests that there are people on the inside who can be reinforced - the current Minister for Lands is thought to be one of these people with a solid understanding of the complexities involved in the land reform process.

Moreover, land reform is highly supported by donors, who have some influence on outcomes - the development agencies of the US, Sweden, Ireland, and UN-Habitat have all expressed support for the NLP proposals, the World Bank has started a project to digitize and improve the land registration system, and the UK Department for International Development (DFID) has implemented a major capacity-building program for 7,000 workers in the land boards and land dispute tribunals. Likewise, CSOs, largely organized under the KLA umbrella, have taken an active role in promoting the interests of the poor in the reform process, not only lobbying government on their behalf, but also trying to make communities more aware of their rights regarding land. While it is unclear how successful this will be in Kenya, in Uganda, DFID and the Uganda Land Alliance successfully made the government listen to the concerns of the poor in land reform debates (Palmer 2000). NGOs have also shown their weight in Tanzania, where many NGOs are unwilling to implement new land policies created by government alone (ibid).

PART III: CONTINUED OBSTACLES TO PRO-POOR POLICY CHANGE

While the PPG, SDP and small-holder recognition indicate positive movements in the livestock sector of Kenya, serious obstacles still remain in the way of pro-poor policy change. As mentioned briefly above, the lack of real policy change or implementation, the underdeveloped and non-competitive nature of the meat and live animal industries, the insecurity, lack of services and infrastructure in livestock producer areas, particularly the ASALs, and the continuing obstacles to pro-poor land reform make helping the livestock-dependent poor difficult.

Difficulty in Moving Forward on Policy Change and Formulation

When speaking to NGO workers, researchers and even government officials in Kenya, one often hears the idea that formal policy doesn't actually matter, since official policies are often severely out of date or even non-existent, making the de facto situation more important than the de jure one. Thus we find the Dairy Bill has not been updated since the 1950s, despite the fact that it no longer reflects reality in the dairy industry, the Livestock Development Policy and Dairy Development Policy have not been modified since the early 1980s and 1990s respectively - notwithstanding massive changes to the industries' operations since liberalization, and the ASALs have not had a policy for their development since the early 1980s. In this fluid and informal policy environment, the wealthy and well-connected are often able to navigate the de facto informal system, yet the poor are often excluded, made to feel that anything positive that happens is a favor to them, for which they must give something in return, and not a legal right²⁰. Thus because they give ultimate rights and recognition, and limit patronage and corruption, de jure laws, policies and regulations do matter.

When there have been attempts to update or create new policies in the past, however, few have resulted in real ratified or implemented adjustments. For example, work has been on-going for more than a decade to review and revise the Dairy Industry Act and Dairy Development Policy with no visible results (Muriuki and Ahuya, undated). Similarly, while the National Livestock Policy is now nearing the final review state and presentation to the cabinet, and a Veterinary Surgeons Act is awaiting stakeholder validation, efforts to update former policy have already taken nearly a decade, and other policies for veterinary service delivery and livestock breeding have stalled. While some of these issues may be due to budgetary constraints, even when there is ample funding from NGOs and donors, when the ERSWEC calls for the changes, and when it appeared that the Kibaki government might move quickly, nothing concrete has yet appeared.

This suggests that efforts are needed to build capacity for policy review, analysis and formulation. This will not be an easy task, since technical policy assessments of this sort threaten the very nature of the Kenyan political system, where political maneuverings and impasses are part of the game. While liberalization has brought many changes, democratization has not whisked away the patrimonialism and ethnic favoritism that have so stifled the chances for significant policy changes in the past.

²⁰ Thank you to David Leonard for pointing out these impacts of having a largely informal policy environment.

Poorly Organized, Non-competitive Meat Industry: Case Study of the Revitalized Kenya Meat Commission (KMC)

A second major obstacle to the development of the livestock sector in Kenya is the under-developed and largely non-competitive meat and animal marketing system, which makes generating profits for poor pastoralists very difficult. Some of the problems with the meat industry for poor producers are based around the KMC, the government-controlled marketing agency that dominated the sector from the 1940s to the 1970s (by which time corruption, mismanagement and policy misdirection had taken their toll) and existed until formal liberalization in the late 1980s. While the KMC did buy animals from poor producers, payments were often late and incomplete. After liberalization, several local abattoirs attempted to take over from the KMC, and managed to drive the KMC out of business, but these private organizations did not have the capacity to expand the industry.

Another problem for poor meat producers is that, unlike in the dairy sub-sector, small-holders have been very weakly integrated into the high yield, high profit production of large ranchers - at least partially due to the highly dispersed nature of pastoral production and the lack of infrastructure in many pastoralist areas.²¹ Moreover, ambitious government programs aimed at improving livelihoods for poor pastoralists, such as the early post-independence Kenya Livestock Development Project usually failed to develop desired results, largely because incentives and profits were skewed toward the KMC and large ranches, rather than poor producers, who did not supply animals in the quantities imagined (IRIN online).

In the most recent attempt to reverse this situation for poor producers, the KMC was re-launched amid considerable hype and fanfare in mid-2006. The opening of the KMC is being sold as a pro-pastoralist move, aimed at providing a guaranteed market to poor livestock producers, particularly during times of drought, creating employment in the livestock sector, and providing export market access to the Middle East. Many government officials, including the new head of the KMC, seem genuinely optimistic about the benefits to poor producers the KMC will bring, and realistic about the failures of the KMC in the past. Conversely, other informants suggest that the KMC is not intended so much as an economic stimulus, but as a political one in the continued tradition of patronage politics. They point to the fact that while the new KMC is being touted as a buyer of last resort during droughts, like its predecessor, the old KMC was notorious for extremely late payments, for taking all pastoral cattle but then paying for only some, and for paying subsidies to well-connected wealthy ranchers and not only to poor pastoralists. Were this to happen again, it could actually push poor producers out of the local market.

Furthermore, many of the problems haunting the initial KMC have not been eliminated - there is no good mechanism for bringing NEP and other outlying areas' animals together for export²²; transportation and infrastructure are so bad that by the time animals reach the KMC facilities in Athi River, located just southeast of Nairobi, they have lost considerable weight and value; the quality of pastoralist animals is often too low for the high-profit export markets; slaughterhouses where they do exist (few and far between) often retain monopsony characteristics, meaning that a very few merchants control all sales and prices; and as mentioned earlier, quarantine laws and administration are both

²¹ As an illustration, Farmer's Choice has been very successful in developing pork products, which are very popular amongst all strata of Kenyan society. Farmer's Choice, however, has created something of a self-contained system, they have their own veterinarians, produce meat without the use of small-holders and even grow their own feed. About 25% of Farmer's Choice's business is in the beef industry.

²² As one informant pointed out, "It takes less time to get from Wajir to London than to the Ugandan border!"

antiquated and ineffective, such that the target export markets may not accept Kenya-certified animals. Adding to this, pastoralist organizations remain extremely weak, under-educated and ineffective, so they are not able to push for changes in these conditions.

Furthermore, the re-introduction of a subsidized livestock industry is quite simply unsustainable. The GOK has pledged to privatize the KMC within two years of its opening, but many in the media, private and voluntary sectors are questioning this commitment, as it is hard to square the profit incentive of privatization with the KMC's buyer-of-last-resort welfare function.

The question remains as to how to deal with these issues of livestock marketing and the KMC. As one livestock expert pointed out, the KMC is already back, so the issue now is to minimize damage from it, rather than critique its existence. Possible entry points for change in this sub-sector will be discussed in Section IV of this report.

Insecurity in the ASALs

Probably the biggest obstacle to growth of the meat and live animal sub-sectors is the rampant insecurity and lawlessness in the ASALs, which provide some 60 percent of animals arriving at the KMC. This issue was brought up in nearly every interview and document reviewed pertaining to pastoralism, and simply must be addressed in the long-term.

While generalized banditry and lack of sufficient administrative presence are common issues in the hinterlands of many new and weak states, drawing to mind Jeff Herbst's (2000) analysis of the inability of African states to "broadcast power" all the way to their borders, it is inter-ethnic conflict and cattle rustling that are the primary obstacles to pastoralist development in the ASALs. Cattle rustling has been occurring in these areas for generations as a traditional sign of manhood and a means to achieve bride price for marriage, yet in recent years this traditional practice has become intensified, commercialized and increasingly violent with the rising availability of cheap firearms from conflicts in neighboring countries. Much of the cattle rustling occurs among ethnicities or groups within Kenya, but a good portion is also trans-boundary, occurring on the Sudan, Ethiopia, Uganda and Somali borders. For example, the Ugandan Karamojong have been armed and raiding Kenyan pastoralists for more than 20 years.

Many informants stated or insinuated that powerful local actors, government officials like chiefs, police officers, and in some cases even MPs are responsible for some of the biggest raids. According to Hull (2006), "A Turkana politician or a Pokot politician will incite these people and then protect them, and that is how they get their seats." As Immanuel Imana, a former MP, told a Kenyan newspaper, the Daily Nation, "The raid was planned with the knowledge of the chiefs. How could 300 people assemble without being noticed?" (Gettleman 2006). Financial incentives are great for these frontier big men or others responsible for the raids - in a region with very little other economic opportunities, considerable financial gains are available from selling livestock gained on major markets. If it is truly the case that some MPs and local leaders are behind the rustling, making changes to the status quo will be very difficult. Moreover, not only does insecurity of this nature reduce inter-ethnic trust generally, it also does so between MPs, including those in the PPG, who would otherwise fight for increased security together.

For these reasons, searching for commonalities between pastoralist communities and pastoralist MPs will be very important, allowing them to see increased incentives for

collective action. Strengthening the PPG and pastoralist civil society may help in this regard. Since insecurity and cattle rustling are common across many of the countries of the Horn of Africa, programs like IGAD's Conflict Early Warning and Response Network (CEWARN) that work to monitor and reduce inter-pastoral conflict, are important. The Governments of Kenya and Uganda have also made attempts at conflict reduction and dearmification, though the Ugandan government has its hands full with armed conflict in its north. The GOK along with its development partners must also intensify efforts to develop the region in other ways, making other economic opportunities possible. Education is extremely badly needed, as illiteracy rates are upwards of 60 percent among the Pokot and 70 percent for the Turkana (Ngugi & Lumwamu 1998)²³.

²³ The GOK is making efforts nationally to increase education rates through the Universal Primary Education initiative. However, ASALS are still considered underserved in this regard.

PART IV: CONCLUSION: POSSIBLE & POLITICALLY FEASIBLE ENTRY POINTS

Despite the many obstacles to pro-poor policy or institutional development in Kenya, several possible entry points for change currently exist, largely resulting from the opening of the political sphere following the movement to multi-party elections. Thus, as civil society has blossomed in Kenya, there has emerged a growing understanding that pastoralism is a viable lifestyle in the ASALs, a rise in respect for evidence-based decision-making in policy circles, increasing power of parliament vis-à-vis the executive, and perhaps most importantly, a more important electoral role for poor livestock producers, especially in the ASALs. These changes have all led to openings for institutional change to benefit the livestock dependent poor as the GOK vows to pay increasing attention to the livestock sector.

In this section, we will consider each of the possible policy areas of entry, ranked generally based on their political feasibility and likelihood of success. Page numbers in parentheses refer to the pages in this report in which these issues were addressed. A table summarizing these findings is located at the end of this section.

The Pastoralist Parliamentary Group (PPG)

Likelihood of Success: Moderately High

Possible Entry Points:

In order to assist the PPG (p. 12-14) to become a more successful lobbying group for the interest of pastoralists, several interventions are possible:

- IGAD LPI should consider working to strengthen the PPG by helping it to formalize by developing an organizational structure, office, governing board, officers, etc. Although there are benefits to informality, formalization would allow members of the group to better coordinate strategies for achieving their goals. It would also provide a concrete organization through which they could join forces with others who share their objectives, such as CSOs, NGOs, donors and academics.
- PPG members would benefit greatly from training on such things as parliamentary procedure, pastoralist development issues and conflict mediation - which could be organized through a formalized PPG secretariat.
- IGAD LPI should collaborate with other organizations working in pastoralist areas to strengthen the civil society capacity of pastoralist communities, so they can lobby their MPs and provincial administrators to work towards their interests.
- making use of IGAD's unique position in the Horn of Africa, IGAD LPI should consider supporting inter-state pastoralist and PPG collaboration on common issues such as banditry, cattle rustling, inter-ethnic conflict and disarmament, and opening borders to traditional trans-border migratory patterns, by holding regional fora for pastoralists MPs.

Political Feasibility Assessment:

The current time period in Kenya is an excellent moment in which to attempt to formalize and strengthen the PPG, as pastoralist issues are gaining political salience in the run-up to the 2007 national elections, and as MPs gain increasing autonomy from the executive.²⁴

While in the past, pastoralist alignment with then ruling party KANU was virtually guaranteed, allowing government to minimize assistance to pastoralist areas, this is no longer the case, and the current NARC-held GOK will not be able to deliberately and visibly weaken the PPG as the Moi administration did in the past. In fact, the Kibaki Government and allied parties have been making increasing efforts to court pastoralist constituencies in the upcoming election. At the same time, however, interventions will have to address the political reality of considerable in-fighting among PPG members and their constituencies. For this reason, it may be wise to combine support for the PPG with continued efforts at reducing insecurity and cattle rusting in these areas, at least partially in conjunction with IGAD's CEWARN efforts.

Small-holder Dairy Producer Improvements

Likelihood of Success: Moderately High

Small-holder dairy producers (p. 14-16) currently produce 86% of the milk in Kenya, but most of this milk is traded informally and illegally. Recent events have begun to change attitudes towards informal traders, making reforms more possible.

Possible Entry Points:

- IGAD LPI should encourage the GOK to move forward on several legal or institutional changes in the dairy industry, including: passing and implementing the proposed Dairy Bill, de-criminalization of informal milk-producers and/or easing of the formalization process, and restructuring the KDB so that it is more representative of actual production patterns.
- IGAD LPI could also work to initiate increased collaboration between large- and small-scale producers. Strengthening efforts by on-the-ground NGOs to build capacity among small-holders and cooperatives in sanitary requirements, handling procedures, and organizational skills could help to bring more linkages between the small and large producers.
- IGAD LPI should facilitate increased NGO and research organization collaboration with the MoLFD, the KDB and other government institutions. This was immensely helpful at the SDP, where the project leader was also a MoLFD staff member, which allowed developments at SDP to be brought to the MoLFD and its policy process.
- to assist in creating policies reflecting industry realities, IGAD LPI could create a livestock monitoring system, both within Kenya and regionally.

Political Feasibility Assessment:

While large-holder interests still hold most sway at the KDB, the result of the SDP and the "milk war" is such that the environment appears currently to be more accepting of changes reflecting the reality of production, in which 86% of milk is produced by small-

²⁴ It is difficult to predict what will happen following the 2007 elections. Should Kibaki remain in power having gained pastoralist votes away from the opposition, it seems possible that they will be rewarded for their change in majority allegiance. However, given the current fluidity in both the ruling and opposition parties as of early 2007, too many scenarios seem possible for more than speculative analysis.

holders. Already, several considerable de facto changes have been made, suggesting that also moving forward on formal legal or regulatory change may not meet major opposition. Most significantly, informal traders have become essentially (but not actually) legalized and are now mostly able to produce and trade milk without fear of retribution. KDB has begun efforts to license these small-holder producers and to provide business development assistance to make registration easier for them, so helping KDB to simplify its registration and licensing process may be welcomed. This change has been supported by some of the large-scale producers who can see that there may be financial benefits of collaboration. Moreover, key government officials, including the MoLFD Minister and PS, as well as MPs, have declared their interest in beginning parliamentary debate on the Dairy Bill and legalizing informal trade. Even if licensing fees are reduced, the government stands to gain considerable tax revenues if it is able to formalize many of the 600,000 now-informal traders.

At the same time, we should not be too optimistic that real change will occur quickly. The fact that the Dairy Bill has become stalled suggests that there may still be powerful dairy interests who feel threatened by the advancement of small-holder producers.

Making Use of NGOs and Civil Society

Likelihood of Success: Moderately High

Possible Entry Points:

- IGAD LPI should encourage and actively participate in inter-organizational research initiatives and programs within Kenya so as to avoid duplication of efforts and make use of already-existing resources and on-the-ground knowledge. Relatedly, IGAD LPI should support and collaborate with key research organizations, civil society groups and NGOs to disseminate and share research findings and program results.
- IGAD LPI could facilitate the creation of a network of Kenyan actors working on pro-poor livestock producer issues. Actors to be included in such a network might include: ALRMP, CEMRIDE, civil society groups monitoring for CEWARN, DFID, FAO, ILRI, IPAR, KARI, KLA, KPF, MoLFD, National Council of Churches of Kenya, Pastoral Development Network of Kenya, dairy cooperatives and the PPG.

Political Feasibility Assessment:

The Kenyan voluntary sector (p. 9-10) is now stronger than that of any other IGAD country, and IGAD LPI should take advantage of the power and versatility of these organizations, teaming with them to push forward the pro-poor policy changes suggested in this paper. With the opening of political space in Kenya, these groups have become able to forcefully vocalize their critiques of government programs and actions that affect the livestock dependent poor, and this is likely only to increase in the future. Even when the government is wary of civil society actors, it has increasingly taken a participatory approach to them, even including some of them in the policy-making process - though this may be partially a response to donor "participatory development" requirements.

Furthermore, as another researcher for the IGAD LPI has observed, the success of many top-down programs often depends on the inclusion of civil society groups, since NGOs tend to have greater experience, ties to local communities and knowledge than do

national governments or inter-governmental agencies (Prichard, undated draft). Including civil society groups in the development of IGAD LPI work is essential.

Insecurity

Likelihood of Success: Low to Moderate

Possible Entry Points:

Insecurity among pastoralist groups in the ASALs (p. 24-25) was the most frequently cited problem for livestock production in Kenya, and should be seen as a priority by IGAD LPI for this reason. Searching for commonalities among pastoralist communities and MPs will be very important, allowing them to see increased incentives for collective action. Several possibilities for doing this or otherwise reducing insecurity include:

- IGAD should make use of its unique position to address cross-border issues by strengthening the CEWARN initiative and intensifying efforts at disarmament and reduction of arms sales along border zones. IGAD might consider expanding CEWARN to include a regularized forum in which these cross-border movement and production issues could also be considered.
- strengthening the PPG and increasing inter-ethnic collaboration and discussion in the PPG may help to lower conflict and insecurity.
- it is an issue for the GOK that civil servants, administrators, police and army often do not wish to serve in hinterland pastoralist communities. These communities might benefit if greater incentives were provided to civil servants such that these posts attracted higher qualified, harder-working candidates²⁵ - something that may change in the government's current review of civil servants' conditions of service. Administrators sent to pastoralist areas could also benefit from greater training on pastoralism and the pastoral lifestyle.
- the low level of development in pastoralist ASAL areas is also an issue for insecurity. Wherever possible, IGAD LPI should encourage development in these areas, making non-cattle-related economic opportunities possible. Education is badly needed, as illiteracy rates are upwards of 60 percent among the Pokot and 70 percent for the Turkana (Ngugi & Lumwamu 1998). The lack of infrastructure and services is also dire. One solution would be to encourage the GOK to pass and implement the Draft National Policy for the Sustainable Development of Arid and Semi-Arid Lands, which promises additional development assistance to these areas.

Political Feasibility Assessment:

Some of these possible interventions are less feasible than others, since it reportedly is often well-placed politicians, police and civil servants who benefit from insecurity.

Therefore, efforts to better educate these very individuals on pastoralist issues may be futile. Furthermore, while it is perhaps unlikely that the GOK would introduce additional financial, material or other incentives for administrators in these areas, as it is said that the government has historically used these assignments to "punish" wayward or incapable employees, a review of service conditions for civil servants is currently underway by the GOK, so these changes may be possible. Particularly as these hinterland areas become "up for grabs" in the coming elections, it is possible that the government will increase

²⁵ This is not to suggest that all civil servants and administrators in pastoralist areas are not hard-working, only that inducing candidate of the highest quality to these posts has historically been a serious challenge for the GOK.

development initiatives in them through service provision and infrastructure. Given the extremely slow pace of the draft ASAL policy, however, it is unlikely that this particular effort will be quickly implemented.

On the positive side, centralized inter-governmental efforts to reduce cross-border conflict seem to be paying off somewhat - the Kenyan Government at the national level appears willing to work on these issues. Although IGAD's CEWARN program is relatively new, it has received strong recommendations and should be strengthened where possible. Other international and non-governmental organizations pursuing similar ends could be brought into these strategies as well - for example, World Vision began a \$3.3m program called POTAKUSA to end rustling between Kenya and Uganda in 2003. The Governments of Kenya and Uganda have also made attempts to reduce conflict and disarm, though the Ugandan government must also deal with armed conflict in its northern regions.

Animal Health

Likelihood of Success: Moderate

Possible Entry Points:

- taking advantage of IGAD's unique regional position, IGAD LPI could assist member countries to harmonize their disease control methods and develop border screening points.
- to increase the reliability of service provided by CAHWs, the Kenyan Government and the KVB might find it useful to formally recognize and accredit CAHWs training according to nationally accepted standards. IGAD LPI could assist the GOK to build capacity by developing these standards.
- the GOK may also wish to introduce tax breaks or other incentives for trained veterinarians to work in remote pastoralist areas.

Political Feasibility Assessment:

In general, CAHWs are accepted and their use is fairly well institutionalized in Kenya, making them something of a political "non-issue" for most informants. Working to strengthen and standardize the quality of the services they provide could only be useful, although may not be the highest priority area for IGAD LPI. More useful for pastoralist communities in particular might be to encourage fully trained veterinarians to work in their areas, although the likelihood of the government successfully providing tax breaks or other incentives for veterinarians to move to remote areas is low.

Land Use

Likelihood of Success: Low to Moderate

Possible Entry Points:

Access to land (p. 17-21) is crucial for poor livestock producers, particularly pastoralists, who have seen their access to grazing land shrink considerably in the last century. Reforms pertaining to land may include:

- IGAD LPI could support movement forward on the National Land Policy reforms by facilitating a consolidated response from stakeholders to the draft policy.

- IGAD LPI could work with member governments to open borders to traditional trans-border migratory patterns, so as to reduce negative impacts of drought. The East African Community states, of which Kenya and Uganda are also IGAD members, are in discussions on free movement of people between the states.
- IGAD LPI should provide support to organizations like the KLA, the PPG, and the Pastoral Development Network of Kenya that work to promote the interests of the poor in the NLP process. In particular, IGAD LPI should ensure that they make well-reasoned presentations on the needs of pastoralists to the NLP reformers.
- IGAD LPI might work to develop dry land fodder harvesting, storage and management technology, so that pastoralists can make better use of the land to which they have access.

Political Feasibility Assessment:

Movement forward on land reform so as to benefit the livestock dependent poor will be at best, an uphill battle, although there are some indications that space has opened for change. Most importantly, key individuals within government - including the Minister of Lands - appear to be supportive of reforms and to be creative in their approach. Thus, for example, efforts to break the operational chain of corruption at the local level have been made at the Ministry of Lands, where officers stationed at the same office for more than three years have been shuffled. The ministry has also started a complaints center at the Nairobi headquarters to at least attempt to increase accountability in the land allocation system. The government has also published several damning reports on land administration abuses, worked to develop a draft National Land Policy over the past two years and has promised that such a policy will be enacted.

However, while these developments all indicate a move in the right direction, it is the assessment of this report that the obstacles to change may still outweigh the possibilities. First, land allocation has historically been one of the most politically important tools of the executive office and local administrators, and it is extremely unlikely that land granting power will be given up without a protracted battle. Second, although pastoralist issues are increasingly gaining political salience, agriculturalists, many of whose interests in land conflict with those of pastoralists, are currently more politically important to the Kibaki/NARC government as it seeks re-election. Third, even if land reforms were to go through, it is unlikely that they will reflect the interests of poor livestock producers, as these individuals have been largely neglected in the land reform consultations and processes.

Nevertheless, it is recommended that IGAD LPI remain cautiously optimistic and proactive since this may be the best opening available: IGAD LPI should not miss a possible opportunity because of skepticism that real reform simply cannot happen. If nothing else, IGAD LPI should work to highlight the key issues pertaining to poor livestock producers at a time when the public, civil society and parliament are discussing them. Doing so may not achieve the ideal land rights situation for the poor, but it could prevent their further marginalization. IGAD LPI should therefore collaborate with and support pro-poor organizations like the KLA, the National Council of Churches of Kenya and the Pastoral Development Network of Kenya that are working to make the interests of the poor heard in the land reform process.

Animal Marketing & Exports

Likelihood of Success: Fairly Low

Possible Entry Points:

In order for pastoralists and other animal producers to improve their livelihood, animal marketing systems will need to be improved:

- IGAD LPI could assist the GOK to create a plan for the privatization of the KMC.
- the GOK might consider increasing the number and availability of slaughterhouses and transit points for meat and live animal transportation.
- IGAD LPI could support the Kenyan Government in updating and increasing regulation of animal health for exports, including quarantine facilities. Similarly, it could facilitate coordination of disease control measures and quarantine conditions between member governments of IGAD.
- IGAD LPI could assist in government capacity-building by providing training for DVS officials on current global standards for quarantines and animal health.

Political Feasibility Assessment:

Unfortunately, the majority of possible entry points in the animal marketing and export promotion policy area rank low on an assessment of political feasibility and ability to help poor livestock producers. For example, while it may be possible to formally update and strengthen legislation, regulations and technical capacity for animal health and quarantine facilities, it is highly questionable that these institutions will be respected. In the 1970s, disease-free zones existed, allowing exports to lucrative European markets, but access ended after only several years, when it became clear that politically powerful cattle ranchers, as well as local pastoralists, were ignoring them. Since the same actors often remain, there is little reason to expect a change in action for the five disease-free zones that currently exist. This being said, the risk of infection and animal and profit loss from the on-going outbreak of RVF, which by the end of January 2007 had resulted in 118 human deaths, might sway ranchers in a new direction (Wahome 2007), as might the re-opening of the market in Saudi Arabia. It is only this latter development that will have a significant impact on poor livestock producers, who may be able to sell their small ruminants to Saudi buyers.

Finally, it appears fairly unlikely that the KMC will be effectively privatized within two years of its re-opening, as promised by the GOK. First, although many have high hopes for KMC's success, the projected profitability of corned beef exports seems unrealistic. Second, for the KMC to be a profitable enterprise, it would probably need to give up its welfare mandate as a buyer-of-last-resort for pastoralists during drought times. This is unlikely to happen, as it is largely for this politically significant welfare function that the KMC was reopened in 2006. Therefore, interventions at the level of the KMC are unlikely to succeed.

Summary of possible entry points for the IGAD LPI and their likelihood of success

Policy Area	Possible Policy Changes	Likelihood of Success
Pastoralist & PPG Development	<p><i>Legal or Institutional Reform</i></p> <ul style="list-style-type: none"> ▪ Pass and implement the Draft National National Policy for the Sustainable Development of Arid and Semi-Arid Lands ▪ Provide formal incentive for civil servants sent to the ASALs <p><i>Capacity Building</i></p> <ul style="list-style-type: none"> ▪ Provide support to the Pastoralist Parliamentary Group <ul style="list-style-type: none"> ○ Institutionalization of PPG through Formalization ○ Training for members on parliamentary procedure, development issues and conflict mediation ▪ Assist local pastoralist community organizations: allow them to better voice interests to PPG members and provincial administrators. ▪ Provide support to administrators and civil servants in pastoralist areas <ul style="list-style-type: none"> ○ Training on pastoralism as a viable economic and social system 	<p><i>LOW</i></p> <p><i>LOW</i></p> <p><i>MODERATE-HIGH</i></p> <p><i>MODERATE</i></p> <p><i>LOW</i></p>
Small-holder Dairy	<p><i>Legal or Institutional Reform</i></p> <ul style="list-style-type: none"> ▪ Pass the proposed Dairy Bill ▪ Pass <i>de jure</i> decriminalization of informal milk producers ▪ Ease process of formalization for small-holder producers <p><i>Capacity Building</i></p> <ul style="list-style-type: none"> ▪ Provide support for small-holders and their cooperatives: increase their ability to protect their self-interest and increase collaboration with large-scale producers <ul style="list-style-type: none"> ○ Training on sanitary requirements and handling procedures 	<p><i>MODERATE</i></p> <p><i>MODERATE</i></p> <p><i>MODERATE</i></p> <p><i>MODERATE</i></p>
Insecurity	<p><i>Legal or Institutional Reform</i></p> <ul style="list-style-type: none"> ▪ Increase incentives for civil servants working in pastoralist areas <p><i>Inter-organizational Collaboration</i></p> <ul style="list-style-type: none"> ▪ Address cross-border issues through IGAD's unique position and forum for discussion <ul style="list-style-type: none"> ○ Strengthen CEWARN initiative ○ Intensify disarmament campaigns 	<p><i>LOW</i></p> <p><i>LOW</i></p> <p><i>HIGH</i></p>
Civil Society and NGOs	<p><i>Inter-organizational Collaboration</i></p> <p>Encourage and actively participate in inter-organizational research initiatives, programs, dissemination of research findings, etc.</p> <p>Provide support to key non-governmental actors such as ILRI, KLA, CEMRIDE, etc. to take advantage of their on-the-ground knowledge</p>	<p><i>HIGH</i></p> <p><i>HIGH</i></p>

Veterinary Care	<i>Legal or Institutional Reform</i> <ul style="list-style-type: none"> ▪ Formally accredit and recognize CAHWs trained according to the KVB's guidelines ▪ Provide incentives for veterinary health workers to go to primarily pastoralist areas 	<i>MODERATE</i> <i>LOW</i>
Animal Marketing & Exports	<i>Legal or Institutional Reform</i> <ul style="list-style-type: none"> ▪ Create a plan for the privatization of the KMC ▪ Update and increase regulation of animal health for exports, including quarantine facilities <i>Capacity Building</i> <ul style="list-style-type: none"> ▪ Provide training for DVS officials on current global standards for quarantines <i>Inter-organizational Collaboration</i> <ul style="list-style-type: none"> ▪ Facilitate coordination of disease control measures and quarantine conditions between member governments of IGAD. 	 <i>LOW</i> <i>MODERATE</i> <i>MODERATE</i> <i>LOW-MODERATE</i>
Land Use	<i>Legal or Institutional Reform</i> <ul style="list-style-type: none"> ▪ Facilitate movement forward on the National Land Policy reforms ▪ Open borders to traditional trans-border migratory patterns <i>Capacity Building</i> <ul style="list-style-type: none"> ▪ Support to organizations like the KLA which work to promote the interests of the poor in the land reform process 	 <i>LOW</i> <i>LOW-MODERATE</i> <i>HIGH</i>

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