



Tool 4-1

Appreciating the Fourth Leg of PRM: Relations with government and customary institutions

November 2018

Tool 4-I

Appreciating the Fourth Leg of PRM: Relations with government and customary institutions

Objective

To prepare members of the rangeland management institution and other stakeholders to plan and implement interventions that strengthen the Fourth Leg of participatory rangeland management

Anticipated output

The rangeland management institution engages with government and, where applicable, customary institutions:

- to secure recognition for itself as a representative body of the community and for the community's rangeland management activities; and
- to build strong and constructive relationships with authorities at higher levels.

Participants in this activity

- Members of the rangeland management institution
- Other county, sub-county and community stakeholders: e.g. ward administrators, influential elders and traditional leaders, chiefs, etc.

Introduction

The Fourth Leg of participatory rangeland management (PRM) is concerned with the community's and the rangeland management institution's relationships and interactions with government and customary institutions. The rangeland management institution as an organization needs to have relationships with governance bodies at higher levels. These authorities at higher levels—national government, county government, and in some cases, customary institutions—have roles to play in confirming the legitimacy of a community rangeland management institution. These kinds of vertical relationships connect not only community and government organizations from

different levels, but also the rules and processes such as grazing plans and bylaws and constitutions of a rangeland management institution that are embedded within a larger framework of laws and regulations. These include policy, legislation and regulations at both the county and national level, the constitution of Kenya and international law. Legitimization and, at times, enforcement of a rangeland management institution's grazing plans and other rules depends on these relationships.

Formal recognition

Formal recognition of a community rangeland management institution is often based on county legislation that spells out the processes and requirements for rangeland management institutions to be recognized. The provisions of the 2010 constitution regarding community land and the Community Land Act (2016) provide a legal foundation for community management of rangelands (see Tool 4-2 for further elaboration on the implications of the Community Land Act for PRM). In some cases, PRM may take place through organizations established under other frameworks such as wildlife policy and legislation (for community conservancies) or water policy and legislation (for water resource user associations).

When a community rangeland management institution receives its formal recognition from one of these frameworks, it will typically receive a certificate or some other formal documentation. While such formal recognition from government is not nearly as important as the informal legitimacy that comes from the bottom up—people within and outside of the rangeland unit recognizing the institution as being legitimate and accepting its role—formal recognition is nevertheless very important. Government actors such as chiefs, ward administrators, and the Kenya Wildlife Service will normally require a rangeland management institution to have this recognition if they are to assist in any way with enforcement of its plans and rules.

Aside from the formal recognition of the rangeland management institution itself, its grazing plans and rules around land use can also be legitimized through processes such as strategic environmental assessments and county spatial planning.

Relations with customary institutions

In some pastoralist communities in Kenya, traditional governance systems still have a significant degree of authority. These traditional governance systems, which are more than simply the elders of a particular settlement or local area, often involve systems of councils and traditional meetings at different levels, various categories of pastures and other land, rules around mobility and resource use and shared understanding on how rangelands are to be managed at a landscape scale. Establishing a strong working relationship with the traditional system, including recognition of the rangeland management institution by that system, is a key aspect of earning legitimacy in the eyes of community members and goes a long way towards strengthening the Fourth Leg of rangeland management.

One approach to strengthen relations with traditional institutions is for the rangeland management institution to be a hybrid institution that incorporates elements of both the traditional system and modern organizational forms. This strategy is particularly appropriate where the rangeland unit corresponds with a traditionally defined territory of some sort. Where there are traditional institutions such as a clan or section council that operates at a scale larger than the rangeland unit, for example, the Gabra Yaa council or the Rendille Naabo council, acceptance and recognition of the rangeland management institution by the customary governance body will make the work of the rangeland management institution much easier.

The “soft side” of relations with authorities

The Fourth Leg of rangeland management relates not only to formal recognition by authorities but more generally to maintaining strong and constructive relationships with authorities. This requires frequent and ongoing communication with officials, participation in public forums and other platforms where community organizations interact with authorities and proactively involving officials in the activities and interventions of the community’s rangeland management system. This helps to ensure officials are aware of the rangeland management institution and what the community is doing in terms of rangeland management, and encourage their support, sometimes financially from the county government budget or other sources.

The Fourth Leg of rangeland management also has a “soft side”: frequent informal communication with government and traditional authorities.

Examples of activities to strengthen the Fourth Leg

The following list is not exhaustive, but merely gives some examples of the kinds of activities and interventions that can help strengthen the Fourth Leg. In the near future, some of these will be elaborated as additional tools to be added to this toolkit.

- Obtaining formal recognition for the rangeland management institution: this may be under a framework established by county legislation or through other frameworks such as wildlife policy and legislation (for community conservancies) or water policy and legislation (for water resource users associations).
- Registration under the Community Land Act (2016): see Tool 4-2 for ideas on the relationship between community rangeland management institutions and the Community Land Act.
- Embedding grazing plans and rules around land use with government processes such as county spatial planning: the county spatial planning process can help ensure connections between land use planning at different levels. Incorporating community plans into the county spatial plan gives added weight to the community plans.
- Frequent informal communication with authorities: these include chiefs and sub-chiefs, ward administrators, members of the county assembly, staff of national and county government agencies and members of customary institutions.

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Photo credit: ILRI/Dave Elsworth

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