



# DEFENDING LAND AND NATURAL RESOURCES FOR SURVIVAL

AJWS'S CONTRIBUTION TO KENYA'S LAND RIGHTS MOVEMENT

**EVALUATING OUR IMPACT**

AJWS CASE STUDY #1

All photographs by Mark Tuschman.

COVER: In the spring of 2013, AJWS grantee Ogiek Peoples' Development Program (OPDP) helped this woman's community win a legal case against loggers who were plundering forests that indigenous people depended on.

OPPOSITE PAGE: Masai villagers in Kenya seek equal rights for Kenya's indigenous people, with the support of AJWS grantee Il'laramatak Community Concerns.



American Jewish World Service is the leading international Jewish organization dedicated solely to ending poverty and promoting human rights in the developing world. Through philanthropy and advocacy, we address some of the gravest global problems of our time—genocide, violence against women, girls and LGBT people, abuses of land rights and the horrific consequences of natural disasters. Our 550 grantees in 19 countries are tackling these issues by advocating for lasting change in their societies and by building social justice movements that will have the strategies, strength and endurance to build a better world.

Over the past 12 years in Kenya, AJWS has supported 24<sup>1</sup> grantees working to protect the land, water and other natural resources that the country's poorest rural citizens depend on for survival. This report presents highlights from recent research that measures the contributions they have made with AJWS's support.

## STOLEN RESOURCES, IN KENYA AND BEYOND

Throughout the developing world, corporations and governments vie for valuable land that is rich in natural resources and inhabited by indigenous and poor

## OUR HISTORY OF SUPPORTING NATURAL RESOURCE RIGHTS IN KENYA<sup>2</sup>

- ▶ 12 YEARS
- ▶ \$1.9 MILLION
- ▶ 24 GRANTEES

communities. This land is often seized, mined, dammed and developed without the participation, consent or benefit of local people. Such development projects destroy farms, fisheries, villages and poor urban neighborhoods. Entire communities are sometimes evicted without fair compensation.

Kenya is home to nearly 10 million<sup>3</sup> indigenous people: nomadic tribes who forage and raise livestock on the plains, communities who live off the bounty of the forest, and ethnic minorities who face persecution. After Kenya

<sup>1</sup>This figure is current as of August 2015. The study, which took place in 2014, included 10 of these partners.

<sup>2</sup>This data refers to AJWS's work on land and natural resource rights in Kenya. In addition, we have granted an additional \$5.47 million to 40 organizations

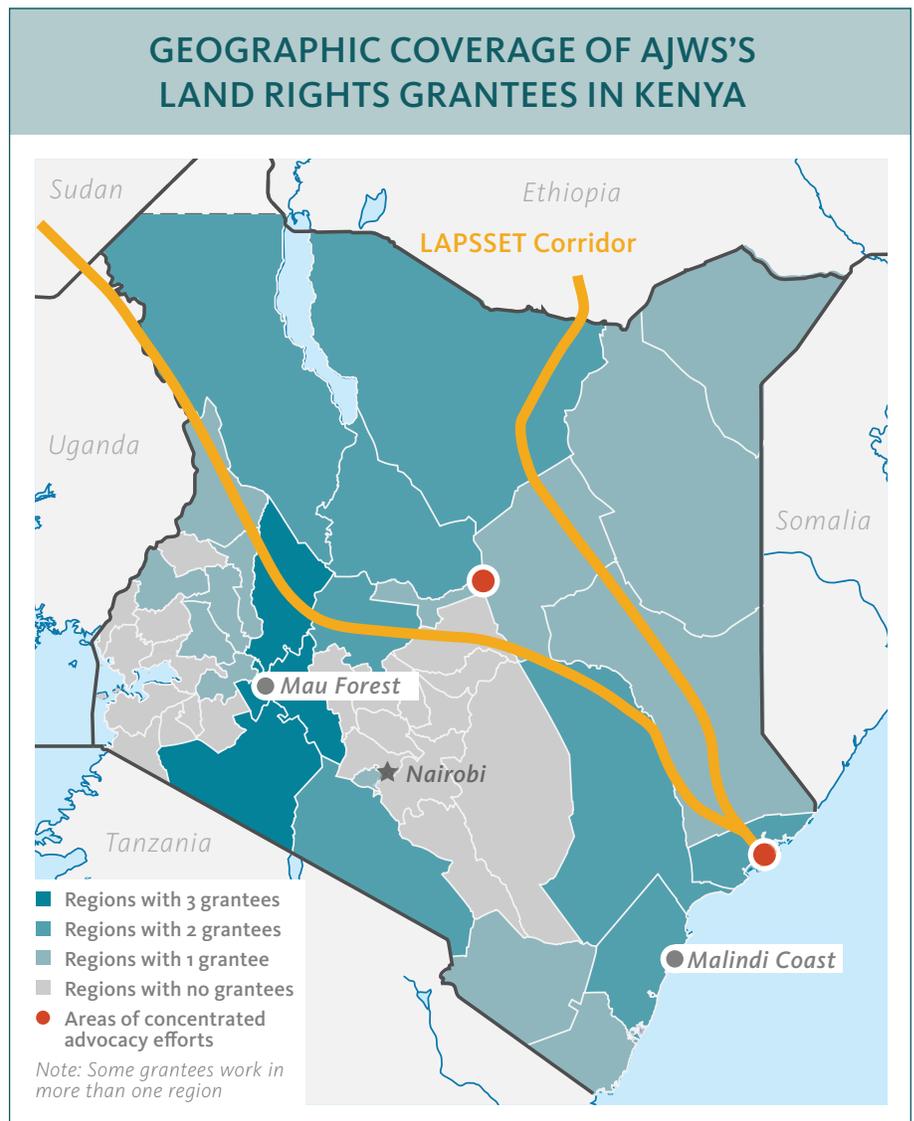
working on other topics through AJWS's core grantmaking program and \$10.9 million to 25 organizations through a donor-advised fund.

<sup>3</sup>International Working Group for Indigenous Affairs. "Indigenous peoples in Kenya." Retrieved on August 28, 2015, from <http://www.iwgia.org/regions/africa/kenya>

gained independence from Great Britain in 1963, the Kenyan government sold or granted vast tracts of land to former colonists and their descendants and to international investors. These transactions displaced hundreds of thousands of indigenous people from the land their ancestors had freely used for generations.

In recent years, the government has broken ground on several large-scale infrastructure development projects in the country's northern regions and on the coast—without consulting the communities that live there. For example, the Lamu Port South Sudan Ethiopia Transportation (LAPSSET) corridor is a multi-billion-dollar project—by far the largest in Kenya's history—to construct ports, resorts and airports; extract minerals; and transport oil and other resources. Unfortunately, this development designed to augment Kenya's economy is taking place on land that is home to some of Kenya's poorest indigenous people. The projects have begun without local people's consent and they do not stand to benefit from the profits.

This pattern is repeating around the country: The Kenyan government is converting the fragile Mau Forest to large-scale agricultural operations and timber plantations. It is investing in the salt industry on the coast near Malindi, poisoning vast stretches of ancestral Mijikenda tribal farmland. It is mining for oil, coal, gemstones and gold nationwide.



In some areas, villagers have reacted with violent protests. Meanwhile, the abuses by government and private developers have exacerbated ethnic tensions between communities who share already scarce land and resources.

## MEASURING OUR IMPACT

AJWS takes stock of our work in order to do it better. In 2014, we collaborated with local researchers in Kenya, Senegal, Bolivia, Haiti and Peru to investigate our contribution to social change in these countries over time.

In Kenya, a leading natural resource rights organization called Kenya Land Alliance (KLA) conducted this research. KLA interviewed dozens of local leaders, activists and the very people our work has sought to help. The researchers evaluated what our grantees

have accomplished, what they need from us next, and how we can improve our strategies in response to the lessons we have learned from this work. We then vetted and shared the findings with our grantees, who are now drawing on this knowledge to sharpen their strategies as they pursue greater social change.

The resulting data is allowing us to even more rigorously evaluate and refine AJWS's strategies, maximizing our future contribution to the human rights movements we are helping to build.

## OVERVIEW: OUR CONTRIBUTIONS TO KENYA'S LAND RIGHTS MOVEMENT

*Over the past 12 years, AJWS has supported 24 social justice organizations that have helped communities advocate for their land and water rights, defend their homes and protect the natural resources that support the lives of millions of people.*

*With funding from AJWS, our grantees have:*

- Promoted the land rights of Kenya's most vulnerable people who subsist in the country's villages, forests and plains by farming, fishing and grazing livestock
- Provided pro-bono legal support to help communities stop illegal infringements on their land by the development projects of loggers and others
- Won legal cases in favor of communities and stopped or delayed projects that violated communities' rights<sup>4</sup>
- Increased communities' input into decisions about land use and oversight of development projects
- Successfully advocated to require developers to conduct environmental impact assessments on three projects, with the participation of community members, to assess the potential consequences before the government decided whether or not to approve them<sup>5</sup>
- Helped to secure an agreement with a mining company that it share a percentage of revenues derived from iron ore mining with community members living on the mining site
- Secured language in Kenya's new Constitution that protects indigenous communities' land—and fought to secure laws and policies that will put these promised rights into practice
- Encouraged women to participate in and take leadership roles in the land rights movement, striving to make Kenya a more inclusive, just society that values the equality of all citizens
- Built the capacity of organizations led by communities themselves, and strengthened alliances that enable smaller groups to collaborate, speak and advocate for change in unified movements
- Conducted research and shared the findings with AJWS, fellow grantees and other funders, strengthening the movements we're helping to build

## SOLUTIONS THAT WORK

*Our research delved deeply into our grantees' activities, documented their progress and identified areas where AJWS can adjust our strategies to deepen our impact.*

### SPOTLIGHT: TURNING VIOLENCE INTO LAWFUL ADVOCACY

**INJUSTICE:** In the **LAPSSET corridor**, the government and the developers are harassing and evicting local inhabitants, bulldozing the land that nomadic pastoralists and farmers depend on, and destroying the region's delicate ecosystems. Several years ago, desperate people in some areas began taking up arms to prevent the destruction of their grazing grounds.

**ACTION:** AJWS grantee **Kituo Cha Sheria** turned this anger into advocacy. It taught community members to **use legal channels, rather than force**, to protect their rights. With AJWS funds, communities have hired lawyers and brought their cases to court. By learning about their rights and taking action to defend them, these local activists have reduced tension in the area.

**LESSON:** Although the evicted farmers are now fighting land grabs peacefully, these court cases take time and money. Even when the people win in court, it can take years to implement the rulings. And when developers threaten to evict communities, local people do not have a reliable way to fight back quickly.

**VISION:** AJWS is now investing more in grassroots efforts to foster **direct dialogue** between community

<sup>4</sup> Reflects developments from late 2013 to late 2014

<sup>5</sup> Reflects developments from late 2013 to late 2014

## GRANTEES' SUCCESS AGAINST DAMAGING DEVELOPMENT PROJECTS

**85%** HAVE DELAYED OR STOPPED PROJECTS THAT INFRINGE ON THEIR LAND

**38%** HAVE WON AT LEAST ONE LEGAL CASE

**62%** HAVE FILED AT LEAST ONE LEGAL CASE

**54%** HAVE AT LEAST ONE CASE PENDING

## SPOTLIGHT: REDRESSING THE CRIMES OF COLONIALISM

**INJUSTICE:** When the British colonized Kenya in the late 19th century, they seized vast areas of farmland and established huge commercial plantations to grow tea and coffee for export. The indigenous farmers who had tilled this soil for generations had little choice but to stay on as agricultural laborers—"squatters" earning a pittance to work on their own ancestral lands. When Kenya declared its independence in 1963, the government did not restore most of these spoils of conquest to their original owners, and much of it remains in the hands of the colonialists' descendants. A lack of land reform—and the political will to enact it—has kept many Kenyans landless, powerless and poor.

**ACTION:** AJWS grantee **Il'laramatak Community Concerns (ICC)** worked with several hundred landless laborers living as tenants in Laikipia County, in the central Rift Valley, to use legal means to regain land they claim was stolen from them generations ago. The tenants accused their landlord of holding a fraudulent title to the land. With **ICC's** support, they brought their case to Parliament in 2013 to demand that the land be returned to them. In a landmark decision, Parliament ruled in their favor and ordered the Kenyan government to purchase the acreage from the landlord and return it to its rightful owners.

The landlord is still negotiating a price for the land; but in the meantime, with AJWS's support, **ICC** and the Laikipia community are pressing the government to issue a new land title that **legally recognizes the laborers' ownership**. In anticipation of their impending transition from tenants to owners, the farmers have begun to invest time and energy in the property: They have divided the territory into plots for each household and begun building homes, farm buildings and schools.

**LESSON:** In Laikipia, **ICC** is helping farm laborers wrest back what the British took from their ancestors more than a century ago. This case may pave the way for other communities to succeed with similar claims.

**VISION:** The struggle for land rights in Kenya will be long, but the country's landless laborers are beginning to emerge from more than a century of dispossession, starting to enjoy the stability of their own homes and farms and to **build economic security** for their families and communities. AJWS will continue to support these communities to advocate and reclaim their land.

groups and the developers and government officials who hold the reins of these projects. Our grantees **Kituo Cha Sheria, Kenya Natural Resource Alliance (KeNRA)** and **Pastoralist Development Network** are bringing the two sides together to talk and understand each other. By encouraging productive dialogue, we aim to bring about more ethical, environmentally sustainable development practices that will benefit Kenya's economy without harming the country's most vulnerable people.



A Masai woman aided by Il'laramatak Community Concerns.

Indigenous women supported by Ogiek Peoples' Development Program work their land.



## SPOTLIGHT: ADVANCING WOMEN IN THE LAND RIGHTS MOVEMENT

**INJUSTICE:** Women are responsible for most of the small-scale farming in Kenya: They sow the fields and ensure that their families have adequate food and water. But tradition dictates that men own and control land, and this practice persists despite the fact that more equitable property rights were added to Kenya's Constitution in 2010. So when couples divorce or husbands or parents die, women are commonly left without land, livestock or secure livelihoods. And although women are deeply affected by the inequities of land use in Kenya, they are often excluded from the land rights movement organizing to overcome these challenges.

**ACTION:** AJWS is striving to build a feminist natural resource rights movement that addresses land rights and women's rights together. AJWS grantees such as **ICC**, **Save Lamu** and **Oasis of Object Images Diversion Kenya (OAID)** are **promoting women to decision-making roles** in their organizations and ensuring that

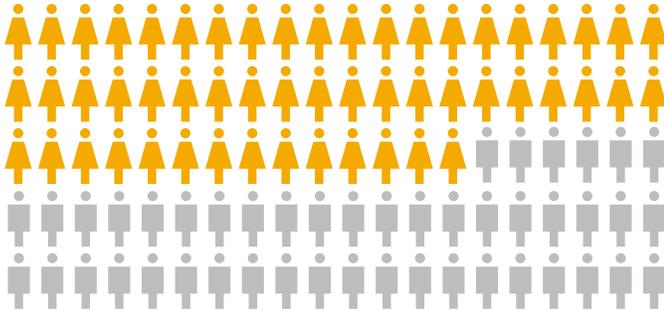
the greater land rights movement benefits from and reflects women's leadership.

**ICC** is led by a female Masai executive director and 75 percent of the organization's decision-making roles are held by women. The group employs a **strong feminist perspective** in its work to educate communities of herders about the importance of protecting women's land rights. At **Save Lamu**, which advocates for local communities to influence and benefit from the LAPSET development projects, half of the leadership roles are held by women. And **OAID** strives to place women in communal positions of power. In 2014 it helped **elect a woman** to lead the **Community Forest Association**—an alliance of nine villages that negotiates with the government about land use.

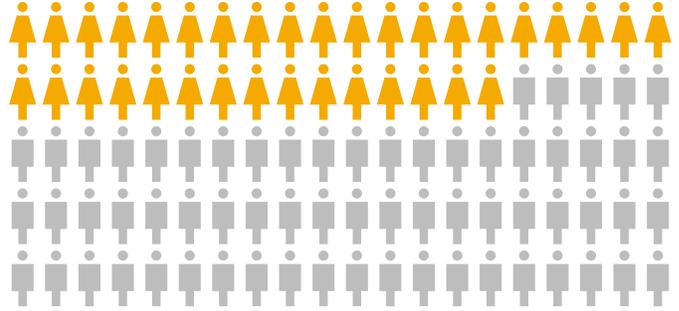
**LESSON:** Our research showed that women are still denied their rights and left out of decision-making roles in many communities and in Kenya's land rights movement. Activists must be more deliberate in ensuring that women have a role, a voice and a seat at the table when decisions are made. Organizations that have not yet fully integrated

## RIGHTING THE GENDER BALANCE: Women work the land but trail in leadership of the land rights movement

**54%** OF ALL KENYAN AGRICULTURE WORKERS ARE FEMALE



YET WOMEN HOLD ONLY **35%** OF LEADERSHIP ROLES AMONG AJWS'S LAND RIGHTS GRANTEES



Source: International Labour Organization, Key Indicators of the Labour Market database (8th Edition, downloaded 2 October 2015).

women into their work and have not yet tapped their full potential can look to **ICC**, **Save Lamu** and **OAID** as models. These three AJWS grantee organizations are **placing women at the center of land rights movements**, just as they are at the center of their families, farms and communities.

**VISION:** AJWS is now working with local activists to devise strategies—and make it a priority—to defeat the obstacles standing in the way of women becoming leaders and active participants in the land rights movement. At a three-day workshop in 2014 convened by AJWS in Naivasha, our grantees, community members and staff collaborated to improve their efforts to bring women to the fore of the movement for land and resources.

Since the workshop, AJWS began funding two new grantees that are promoting women's voices within the land rights movement: **Samburu Women's Trust**, which promotes the participation of indigenous women in its LAPSET advocacy; and **Fahamu**, a national organization that is helping all of our grassroots grantees deepen their efforts to integrate women's rights within their broader efforts to achieve natural resource rights.

### SPOTLIGHT: OPPORTUNITY TO STRENGTHEN THE LAND RIGHTS MOVEMENT

**INJUSTICE:** Until recently, the Kenyan government had amassed all of its power in the presidency and in a centralized national government. The government's branches in the provinces were infamously weak and corrupt, leaving concerned citizens nowhere to go to challenge the central government's laws, express opinions or report abuses of power.

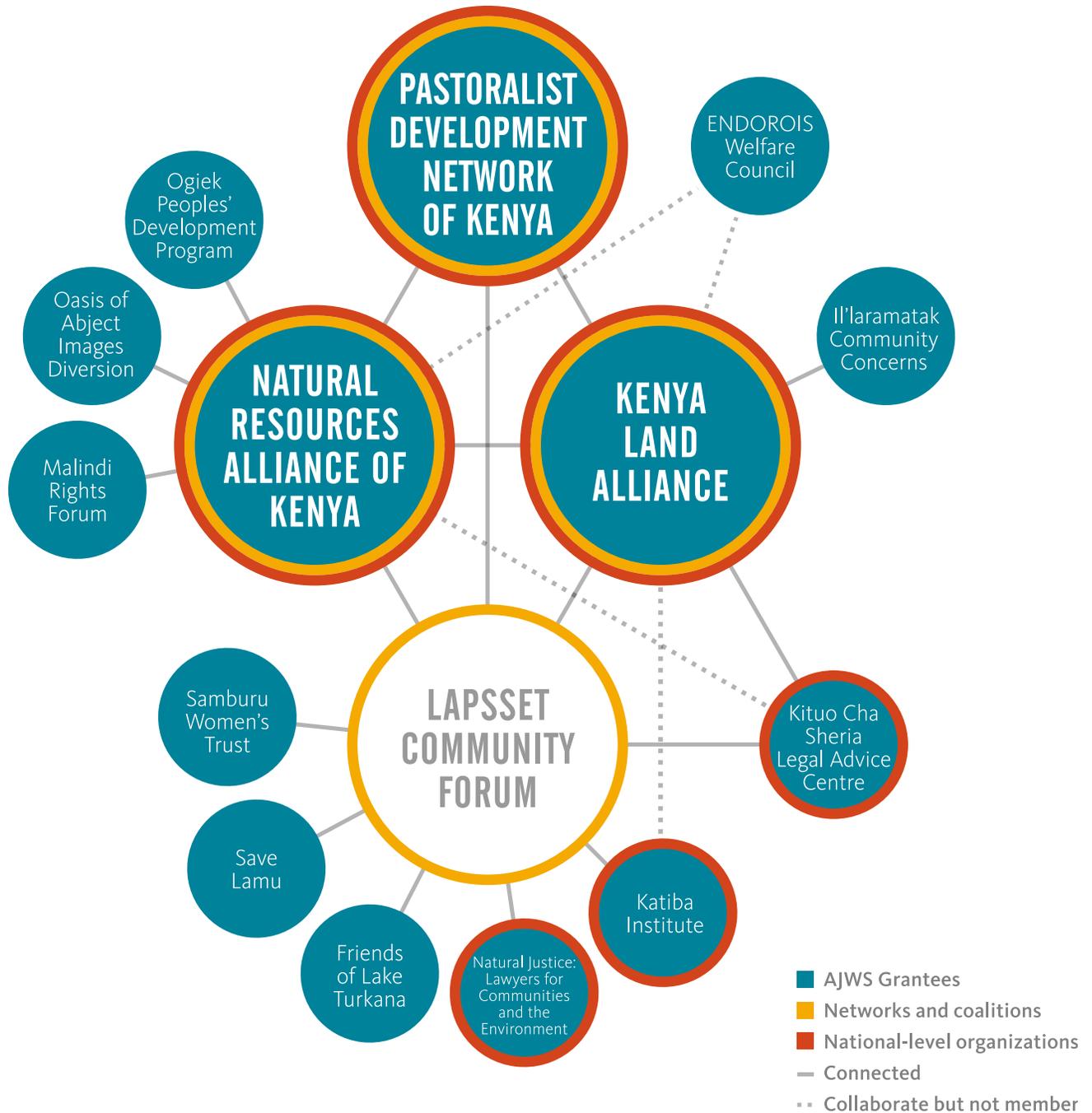
**OPPORTUNITY:** In 2010, the new Constitution opened an unprecedented door to progress: Kenya formed counties, creating local governments that had legislative and executive authority to influence laws and policies. Leaders of civil society hope that the county governments will be more responsive to the needs of their constituents and will enable community members to influence local policy on land rights and other issues.

**LESSON:** Our research revealed that AJWS's grantees have just begun to explore this opportunity. The coming years are ripe with potential for using this new governmental landscape to advocate for the rights of vulnerable communities to participate in planning and to benefit from economic development projects taking place on their land.

**VISION:** We are now funding our grantees' efforts to **build stronger, more cohesive movements** equipped to wield influence with the county governments. They have begun to strategize collectively and work together on land rights cases. And at the Naivasha meeting in 2014, 11 grantees

committed to contributing to a quarterly newsletter to share success stories, lessons from their work and opportunities for collaboration. Stronger together than they were as individual organizations, our land rights grantees are now poised to effect even greater change.

**GREATER THAN THE SUM OF THEIR PARTS:  
AJWS grantees networked for change**





## BUILDING MOVEMENTS: A UNIQUE APPROACH

AJWS goes beyond grantmaking. To build movements, we:

- Offer multi-year grants, because sustainable change takes time
- Invest in nascent organizations and help them grow bigger and stronger
- Address the root causes of human rights abuses
- Bring clusters of similar and complementary groups together, enabling them to learn from experts and each other and build strong, united movements
- Promote our grantees in the media and foster their leadership on the international stage
- Ensure that women, indigenous people, LGBT people, religious and ethnic minorities and other groups remain at the center of all our social change efforts
- Conduct research and share our findings with grantees and fellow funders, strengthening the movements we're helping to build

ABOVE: Backed by AJWS grantee Il'laramatak Community Concerns, Masai farmers stand up to landowners and development projects that threaten the land their families have lived on for generations.

## ABOUT AJWS

Inspired by the Jewish commitment to justice, **American Jewish World Service (AJWS)** works to realize human rights and end poverty in the developing world. AJWS advances the health and rights of women, girls and LGBT people; promotes civil and political rights; defends access to food, land and water; and aids communities in the aftermath of disasters. AJWS pursues lasting change by supporting grassroots and global human rights organizations in Africa, Asia, Latin America and the Caribbean and by mobilizing supporters in the U.S. to advocate for global justice. Working together, the AJWS community strives to build a more just and equitable world.

BACK COVER: Through the courts and local advocacy, AJWS grantees strive to ensure that Kenya's indigenous inhabitants have access to the fertile land that sustains their survival.



**American Jewish World Service**

45 West 36<sup>th</sup> Street  
New York, NY 10018

**t:** 212.792.2900  
800.889.7146  
**f:** 212.792.2930

**w:** [ajws.org](http://ajws.org)  
**e:** [ajws@ajws.org](mailto:ajws@ajws.org)  
**f:** [/americanjewishworldservice](https://www.facebook.com/americanjewishworldservice)  
**t:** [/ajws](https://twitter.com/ajws)  
**i:** [@americanjewishworldservice](https://www.instagram.com/americanjewishworldservice)