WORKSHOP

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European Parliament

# Opportunities and challenges of the green transition for pastoralism and indigenous people in Africa


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POLICY DEPARTMENT

European Parliament

WORKSHOP

# Opportunities and challenges of the green transition for pastoralism and indigenous people in Africa

## ABSTRACT

The green transition aims at creating a sustainable and carbon-neutral economic system. Key to this transition is the change from fossil fuel based energy production and mobility to carbon emission free technologies. The transition also entails a switch to more sustainable land-use practices, including sustainable agriculture.

The EU has committed itself to the green transition and is supporting its partners in their paths to sustainable economies through development cooperation. However, large renewable energy projects as well as new land-use plans that are considered and labelled as part of the green transition, may be at odds with traditional forms of land-use. Pastoralist people have traditionally grazed their herds on more than half of Africa's land and have already lost access to some of these lands through green energy, new sustainable land-use plans and tourism projects.

The workshop provided an overview of the challenges and opportunities pastoralists face through green transition projects in Africa. Based on the analysis of cases from Kenya and Tanzania, the workshop was an opportunity to discuss how the EU can ensure that green transition projects under its purview create more opportunities than challenges for pastoralists and other indigenous people in Africa.

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In-depth analysis: *'Opportunities and challenges of the green transition for pastoralism and indigenous people in Africa'*

Workshop proceedings

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT

European Parliament

IN-DEPTH ANALYSIS

# Opportunities and challenges of the green transition for pastoralism and indigenous people in Africa

## ABSTRACT

The green transition in Africa is attracting significant development finance, yet offers not just opportunities, but also threats for pastoralists and indigenous peoples. The European Union (EU) has the capacity for adopting stronger mechanisms which avoid inequitable outcomes, whilst at the same time promoting projects that strengthen pastoralist development through the green transition. Achieving a just green transition requires adherence to established safeguards as well as international principles and norms around equitable development, emphasis on meaningful benefit sharing, and investing in the contribution that pastoralists can make to the green transition through sustainable natural resource management in their carbon-rich and biodiverse rangelands. The EU should strengthen internal knowledge and awareness of how negative stereotypes and discriminatory language are used to undermine pastoral resource rights and achieve inequitable outcomes through development interventions. Strengthening governance and land tenure, including reinforcing pastoral civil society, will create a stronger platform for a just green transition.

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| | |
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| CIDP | County Integrated Development Plan |
| DG INTPA | Directorate-General for International Partnerships |
| EU | European Union |
| FPIC | Free, Prior and Informed Consent |
| IUCN | International Union for Conservation of Nature |
| IWGIA | International Work Group for Indigenous Affairs |
| JTM | Just Transition Mechanism |
| JVLUP | Joint village land use planning |
| LTWP | Lake Turkana Wind Power |
| MEPs | Members of the European Parliament |
| MIPs | Multi-annual Indicative Programmes |
| NAFCO | National Agriculture and Food Corporation |
| NbS | Nature-based Solutions |
| NDICI-Global Europe | Neighbourhood Development and International Cooperation Instrument – Global Europe |
| PLUP | Participatory Land Use Planning |
| SDGs | Sustainable Development Goals |
| UCRT | Ujamaa Community Resource Team |
| UN | United Nations |
| UNDRIP | United Nations Declaration on the Rights of Indigenous Peoples |
| UNFCC | United Nations Framework Convention on Climate Change |
| UNGA | United Nations General Assembly |
| VGGT | The Voluntary Guidelines on the Responsible Governance of Tenure of Land Fisheries and Forests in the Context of National Food Security |

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# 1 Introduction

Global climate and biodiversity crises result from operating beyond our planetary boundaries and over-exploiting natural resources. Averting these emergencies requires a re-orientation of economic growth not only to reduce environmental risks and ecological scarcities, but also to achieve sustainable development without degrading the environment[1]. This requires a shift towards an environmentally sustainable economic model as well as an economy that is not reliant on fossil fuel and does not over-consume resources, referred to in this In-depth Analysis as the green transition. This is a framework for improving human well-being and social equity recognising the true value and scarcity of environmental resources and ecosystems[2]. Developing green economies requires action in at least six main sectors: renewable energy, green buildings, clean transportation, water management, waste management and land management[3].

Pastoralists and indigenous peoples in Africa are among the worst affected by the impacts of climate change. They largely occupy arid and semi-arid rangelands where high temperatures and seasonal water scarcity create a high level of environmental uncertainty. Climate change is projected to increase temperatures and amplify this uncertainty, placing strain on already-stressed adaptation mechanisms. Climate change is also projected to reduce primary production in the rangelands and cause a shift from grass to woody species, which as a consequence will reduce fodder quality and availability (Herrero et al., 2016).

In theory, pastoralists can benefit from green economic development by taking advantage of new technologies and being rewarded for safeguarding ecosystem services through their natural resource management practices. Regrettably, in practice they are at risk of becoming victims of green economic development as their capacity to adapt to emerging opportunities is compromised by underlying structural poverty, governance failures and marginalisation (McGahey et al., 2014). Recent studies highlight the high levels of poverty among pastoralists in Eastern Africa, particularly measured in livestock assets *per capita*. An increasing number of droughts, compounded by the impact of locust swarms and the COVID-19 pandemic, have increased the number of pastoralists living in poverty (Lind et al., 2020b), with those in Tanzania (Cosmas et al., 2022) and Kenya (Mburu et al., 2017) facing high and increasing levels of income and asset poverty.

Pastoralists are recognised by the United Nations (UN) as indigenous peoples (UN General Assembly, 2007). They are the largest group of indigenous peoples in Sub-Saharan Africa, representing approximately 25 % of the population, and their extensive livestock production is carried out on more than 40 % of the continent's land area (Leal Filho et al., 2020). They occupy regions where climate and soil properties render crop production unreliable and where weather, topography and heterogeneous resource endowments require seasonal herd movements (Davies et al., 2015). Pastoralists are ethnic minorities in most countries and are under-represented politically. Their mobile lifestyle and unique cultures have frequently been used as an excuse to withhold investment, to dispossess them of natural resources and to enforce changes that have weakened their societies and economies. Most pastoralists face land tenure insecurity, having lost significant areas of their most valuable land to other uses, such as wildlife conservation and crop farming for the land used by the geothermal development and from other benefit-sharing initiatives. Such equitable outcomes depend on first clarifying land (Davies et al., 2016).

[1] United Nations Environment Programme, 'Towards a Green Economy: Pathways to Sustainable Development and Poverty Eradication', webpage, 2011.
[2] Eurlex, 'Glossary: Green transition', webpage, n.d.
[3] United Nations Environment Programme, 'Towards a Green Economy: Pathways to Sustainable Development and Poverty Eradication', webpage, 2011.

Governments perpetuate discriminatory practices towards indigenous peoples, which stems from 'social stigmatisation and the negative attitudes of the dominant groups in society towards indigenous peoples'. They often face disproportionately high poverty and social exclusion as well as low levels of educational attainment, particularly among girls. The combination of illiteracy and poverty together with nomadic lifestyles and the remoteness of judicial institutions has created problems with access to public justice services (Maiga, 2012).

The marginalisation of pastoralists is frequently cited as a leading reason for their poor performance against development indicators, along with their persistent poverty and vulnerability. Development opportunities, such as those that can be created through the green transition, risk being lost due to the insecurity of pastoral land rights and pastoralists' low political representation (Waters-Bayer and Wario, 2023). However, this green transition in Sub-Saharan Africa can also generate innovations that accelerate pastoralist development in many sectors. This In-depth Analysis documents some of these opportunities, including *inter alia* green investments in land management and the energy sector. It examines not only the conditions under which these emerging opportunities can benefit pastoralists and indigenous peoples, but also the risks they face when the green transition does not address their underlying development challenges. The report provides actionable policy recommendations for the European Union (EU) institutions, including the European Parliament and Member States.

Many green economy definitions explicitly include social equity, which can be assured only if green economy investments deliberately address the underlying weaknesses in pastoralists' adaptive capacity. This Analysis presents examples of measures which can be adopted to strengthen the governance of pastoralist land and water, approaches that have upheld the rights of pastoralists, as well as interventions to build human capital, develop appropriate infrastructure and enhance market access. Crucially, the green economy will need to ensure that it does not leave poor and marginalised groups further behind, but rather creates opportunities to advance their development.

# 2 Methodological approach

Research for this Analysis was developed through a literature review and expert interviews (see Annex 1). An overview of green economy issues relevant to pastoralists and indigenous peoples was gathered from previous studies; this includes a summary of the underlying development challenges across many disciplines. Local contexts and evidence of green development projects' impact are less well published and were enriched with testimony from key informants, including pastoralist organisations and community members in the target countries of Kenya and Tanzania. Where possible, 'key informant' interviews were substantiated using documented evidence such as project reports. Contributors include staff of local, national and regional non-governmental/research organisations as well as EU representatives. These include community members from the Borana, Renville and Maasai pastoralist communities.

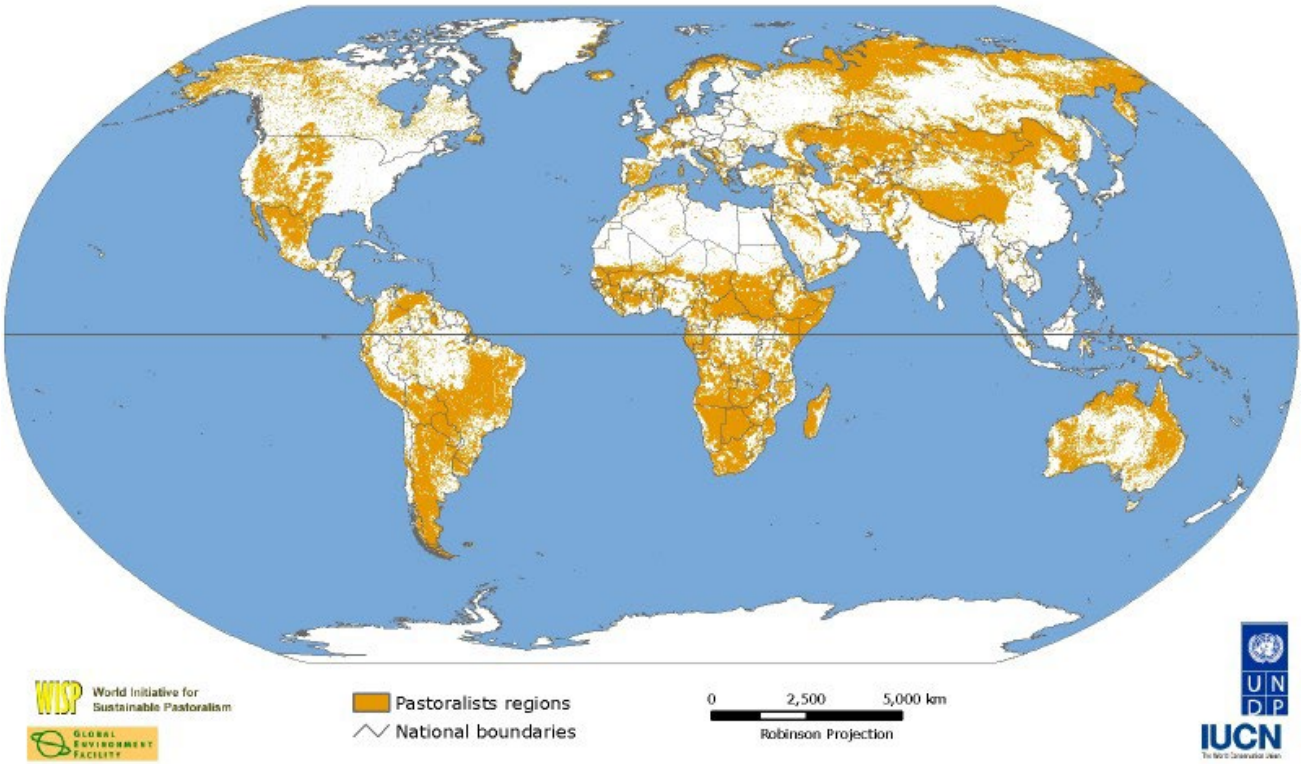
Section 5 consists of six case studies that examine specific green transition projects. These were selected to provide a balance of good and bad practices, to present a combination of natural resource and renewable energy projects and to provide examples from both Kenya and Tanzania. The case studies highlight the challenges and opportunities faced by pastoralists that are outlined in Sections 3 and 4; they are presented in brief and include links to more detailed documents that are available online. They attempt to lay out essential information to highlight specific good and bad practices, albeit neglecting aspects of those projects that may be of interest to other audiences.

# 3 Pastoralists and indigenous people in Africa and their development challenges

Pastoralism has been defined as 'extensive livestock production in the rangelands' and is practised in more than three-quarters of all countries worldwide (McGahey et al., 2014). It is practised in most African countries and is particularly associated with arid and semi-arid regions as well as the rangeland ecosystems that occupy two-thirds of the continent. Pastoralism is considered 'one of the most sustainable food systems on the planet' and 'plays a major role in safeguarding natural capital across a quarter of the world's land area' (Davies et al., 2013). In 2023 UNESCO's Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage officially declared transhumant pastoralism as an Intangible Cultural Heritage for ten countries in Europe (Albania, Andorra, Austria, Croatia, Spain, France, Greece, Italy, Luxembourg and Romania)[4].

Pastoralism is a livelihood system that produces so-called live goods, such as milk and fibre, as well as meat and hides (e.g. leather) along with other goods and services. However, this system is also valued for the role it plays, inter alia, in enriching rangeland biodiversity, maintaining soil fertility, promoting carbon storage and sequestration in grasslands, as well as fire management. It has been estimated that grazing lands cover five billion hectares worldwide and sequester between 200-500 kg of carbon per hectare per year, making a substantial contribution to climate change mitigation. Pastoralism is also part of our global agricultural heritage that has significant cultural value (Davies et al., 2015).

**Figure 1: Approximate distribution of pastoralists around the world**




Source: Map extracted from Nori, M., and Davies, J., 'Change of wind or wind of change ? Climate change, adaptation and pastoralism', Report, World Initiative for Sustainable Pastoralism, 2007[5].

[4] UNESCO, 'Transhumance, the seasonal droving of livestock', webpage, n.d.

[5] The authors note that mapping pastoral territories is made challenging by the lack of a consensus definition for pastoralism, overlapping resource claims, seasonal and inter-annual movements as well as disagreement between pastoralists and national governments over land tenure (Nori and Davies, 2007).

Pastoralism is usually characterised by the organised seasonal movement of herds and in many countries, particularly throughout Africa, this requires seasonal movements of the people who manage those herds: pastoralists. Herd movements are driven by various factors, including taking advantage of pasture resources with high seasonal value (e.g. rainy season grazing lands), escaping from the parasite burden of higher rainfall areas, reaching crop residues for livestock fodder, accessing markets and avoiding conflicts (Davies et al., 2015; Niamir-Fuller, 1999).

Most rangelands in Africa are arid or semi-arid and they are heterogeneous, with high-value resource patches, such as salt pans and seasonal riverbeds, that are critical to how pastoralism operates. Management of these scattered resources is made possible by a communal way of life with a high degree of cooperation and risk-sharing. Most natural resources, including land and water, are not only used and managed collectively, but also depend on communal tenure and governance systems. These governance systems function between households within a pastoral community, but can also mediate resource use between communities, between different pastoralist ethnic groups, as well as between pastoralists and non-pastoral populations. They operate across borders, including internal boundaries (e.g. between many districts or counties) and national frontiers – for instance, the Maasai in Kenya and Tanzania have historically shared resources that are now divided by the national border (Herrera et al., 2014).

This report uses the term *pastoralist* to describe the people who carry out pastoralism: they are livestock producers in the rangelands. Pastoralists go by many different names, such as shepherds, graziers, drovers, nomads and transhumants. They are also frequently known by their ethnic labels, including Maasai, Bedouin, Mongol, Raika and Tuareg. In Mongolia's successful UN proposal to declare 2026 as the International Year of Rangelands and Pastoralists, pastoralists are referred to as 'people who raise livestock or semi-domesticated animals on rangelands, including ranchers, nomads and transhumant herders' (2026 International Year of Rangelands and Pastoralists Initiative, 2019: 3). However, others may define pastoralists in ethnic or cultural terms and place less emphasis on an active role in livestock management, such as the World Alliance on Mobile Indigenous Peoples[6]. Some actors define pastoralists as Mobile Indigenous Peoples and invoke the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) to protect the core elements of pastoralist governance, including territory, collective identity, customary institutions, leadership and law.

Neither the Kenyan nor the Tanzanian government – two countries that will be examined more closely in this research – formally recognise the concept of indigenous peoples. However, the Kenyan government does acknowledge pastoralists as 'Vulnerable and Marginalised Groups' under Article 260 of the Constitution, using similar language to the UNDRIP(International Fund for Agricultural Development and International Work Group for Indigenous Affairs, 2022). The 2012 report of the African Commission on Human and People's Rights 'Working Group on Indigenous Populations/Communities' notes that indigenous peoples are 'not recognized as such and are yet to enjoy all their rights in most African countries'. Indigenous Peoples were reported frequently to be the 'victims of land and property dispossession', facing discrimination and marginalisation as well as 'inhuman and degrading treatment from the dominant groups and government policies' (Maiga, 2012).

Pastoralist societies throughout the world, and particularly in Sub-Saharan Africa, have suffered from decades of low and inappropriate investment (Davies et al., 2010). Development policies have sought to transform pastoralism in the name of modernisation and have pushed pastoralists to abandon practices that have evolved over centuries to allow survival in challenging dryland environments (McGahey et al., 2014). Development actors have justified these policies using reports of the alleged irresponsible nature of pastoralists: as the perpetrators of desertification, land degradation and biodiversity loss; as the instigators of violent conflict; as communities who are anti-development and refuse to change their lifestyle to access

[6] World Alliance of Mobile Indigenous Peoples's website, n.d.

modern services; and as irrational hoarders of livestock who refuse to engage in the market economy (UNEP, 2019). It is harshly ironic that these policies have become self-fulfilling by compelling pastoralists to adopt practices and behaviours that corroborate the negative stereotypes.

Prejudices towards pastoral societies have a historical foundation that was reinforced during the colonial occupation of many African countries. Colonial administrations classified pastoral lands as wastelands and treated them as uninhabited wilderness that could be acquired cheaply on a large scale. This attitude has been retained by many national governments who continue to ignore the historical land claims of pastoralists (Lind et al., 2020a). The enclosure, privatisation and fencing of grazing lands have been described as the greatest impediment to development for pastoralists in Kenya and Tanzania (Cultural Survival, 2010).

The UN's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) highlight the link between land rights and pastoral marginalisation. Their guide to implementing the VGGT in pastoral lands explains that customs and rules governing the management and use of pastoral land are highly adapted to local challenges and deeply embedded in pastoral culture (Davies et al., 2016). These adaptations include mobility and communal tenure, which combine to create complex customary land tenure that requires unique legal support from the government. Such support is often absent due to the neglect of pastoral regions together with the historical and ongoing marginalisation of pastoralists from national discourse. As a result, pastoralists have 'limited access to government services and have low literacy rates, poor access to health care, and weak security' (Davies et al., 2016: 17).

Although pastoralism is frequently associated with insecurity and conflict, these conflicts are varied and include competition over resources, cattle raiding and resisting theft of livestock, political rebellion and secessionist movements. Conflicts between farmers and pastoralists have been described as an *echo of biblical times* (Herrera et al., 2014). Pastoralists usually have overlapping claims on resources (e.g. water, pasture, woodlands) with neighbouring communities. Many pastoralists have historical relationships with those neighbours that relate to resource use, such as grazing crop residues after harvest and allowing livestock to fertilise those fields. Furthermore, many pastoral and farming societies have a history of intermarriage and trade. Those societies have developed institutions and customs that manage these relationships and where those institutions have been weakened, it has led to an increase in conflict. This has sometimes been the consequence of deliberate action by national governments to weaken local power bases while failing to provide effective alternatives for security. Conflict has also been aggravated when land rights have been strengthened for one side involved in resource competition and not for the other, which is often the case in farmer-pastoralist conflicts (Herrera et al., 2014).

This Section has underlined some of the systemic failures of development and human rights that characterise most pastoralist societies in Africa. These include weak resource tenure, political marginalisation and weak representation, low awareness of rights, sustained under-investment, and entrenched negative stereotypes in the popular consciousness. This background information can help to explain some of the threats that development projects, such as those financed through the green transition, can pose to pastoralists. This report will show that these underlying constraints must be addressed to ensure that pastoralists and indigenous peoples can shift from being the victims of development projects, towards being deservedly the true beneficiaries.

## 3.1 Pastoralism and resource competition in Kenya and Tanzania

Pastoralism is practiced in over 70 % of Kenya's territory and 40 % of Tanzania's according to one estimate (Elliot and Wu, 2010). However, the lack of consensus over who is and who is not a pastoralist, combined with uncertainty over land rights in the areas populated by pastoralists, leads to disputed and unclear estimates of their populations and territories. The population of pastoralists in Kenya has been estimated

at 9 million, or close to 25 % of the country's total population (Schilling and Werland, 2023), which correlates closely with the population of identifiable pastoralist ethnic groups in the 2019 Kenya Population and Housing Census (Kenya National Bureau of Statistics, 2019). The population of pastoralists and agropastoralists in Tanzania was estimated at around 2.2 million people in 2008, or approximately 10 % of the country's population, although it is acknowledged that this figure is out of date (Kipuri and Sørensen, 2008). Pastoralist groups in Kenya include, *inter alia*, Somali, Borana, Maasai, Samburu, Turkana and Kalenjin (encompassing various pastoralist indigenous peoples such as the Kipsigis, Endorois, Tugen, Pokot and Sabaot[7]). Pastoralists in Tanzania include Maasai, Barbaig, Taturu and Sukuma[8].

Pastoralists in Kenya and Tanzania suffer from systemic development and human rights failures that are justified by the use of discriminatory language to support anti-pastoralist attitudes and policies. The International Working Group for Indigenous Affairs (IWGIA) reports on systematic negative stereotyping that represents pastoralists in Tanzania as non-productive, criminals, destroyers of the environment and drivers of conflict. Many African pastoralists have lost large tracts of land under the premise of putting it to better use, for example through wildlife conservation or crop agriculture. Tanzanian pastoralists have lost large areas of land not only to private acquisitions by politically connected elites and foreign investors, but also to wildlife conservation areas (International Working Group for Indigenous Affairs, 2016). The IWGIA reports that pastoralists face ongoing evictions accompanied by human rights violations, including disappearances of pastoralist men and women, brutal and degrading treatment, the slaughter of livestock, extortion, and the burning of property.

Pastoralists have always neighboured farming communities and in many countries those neighbours have expanded their cropland into former grazing areas. At the same time, large agriculture projects have converted rangelands to intensive crop farming, often through major investments in irrigation infrastructure that not only alienates land, but also diverts scarce water resources in drylands into relatively isolated irrigable pockets (Davies et al., 2013; Niamir-Fuller, 1999). In the past 20 years, pastoralists have faced a new threat of land alienation by renewable energy companies, which will be dealt with in more depth below.

IWGIA reports that Kenya's pastoralists face social and cultural prejudices and an array of social, cultural, economic and political constraints as well as various other challenges. They not only have high illiteracy and poverty levels, but also lack an adequate voice to influence cultural and political governance as well as development policies (International Work Group for Indigenous Affairs, 2023). National statistics appear to confirm pastoralist under-development; for example, Kenya's pastoral Turkana County has the lowest level of primary education, whilst the pastoral Marsabit County has the highest under-five mortality rate in the country (Schilling and Werland, 2023).

Under-development in pastoral areas has often been attributed to the perceived low value of those regions, but perceptions are changing. Pastoralists are now facing various pressures on their land as outside interests realise the value that can be gained by acquiring pastoral land. Kenya's long-term development plan, laid out in Vision 2030 (Government of the Republic of Kenya, 2007), prioritises *inter alia* the development of energy infrastructure; moreover, the strategy for delivering Vision 2030 in pastoral regions emphasises the value of those lands and their untapped potential (Government of the Republic of Kenya, 2012).

## 3.2 Competition between pastoralism and crop farming

Alienation of pastoral land for crop cultivation has been widespread throughout Africa and is exemplified by Tanzania's National Agriculture and Food Corporation (NAFCO) having annexed around 70 000 hectares

[7] Minority Rights Group International, Pastoralists in Kenya, webpage, n.d.
[8] Nomadic Pastoralist's Development Organization in Tanzania, webpage, n.d.

of land from Barabaig pastoralists in 1968. NAFCO's wheat farming project was funded by USD 60 million from the government of Canada and supported by Canadian expertise and machinery. This investment led to Barabaig herders being forcibly evicted and forbidden from crossing farm boundaries to access grazing and water resources as well as their ancestral burial sites. This land alienation was challenged in court in 1981 and the Tanzanian High Court initially ruled in favour of the Barabaig, 'by declaring that their customary claims were valid under the Tanzanian constitution and that NAFCO did not follow proper legal procedures for acquiring land' (Elliot and Wu, 2010). However, the court decision led to compensation for only six plaintiffs who were compensated for 300 ha of land with a value of just USD 1 200. Despite the insignificance of the settlement, it was successfully overturned on appeal by NAFCO who proceeded to expand the wheat scheme (Elliot and Wu, 2010).

The reputation of pastoralists as aggressors is frequently used to attribute blame for conflicts and can deflect attention away from the underlying drivers of conflict. Tanzania's Pawaga Valley is home to both crop farmers, in the valley bottom, and pastoralists in the adjacent highlands. Pastoralists migrate into the area from neighbouring districts during droughts to access grazing resources and water. The conflict between pastoralists and farmers is narrowly attributed to animosity between these groups, but often overlooks the role played by government investment in creating four new irrigation schemes, acquiring large areas of land for establishing a protected area and alleged corruption by local leaders. Furthermore, dispute resolution has proven ineffective as it treats transgressions as criminal cases rather than as contested land claims (Massay, 2017).

## 3.3 Competition between pastoralism and wildlife conservation

Wildlife conservation in Eastern Africa was promoted by colonial administrations in the early and mid-twentieth century, primarily to protect valuable hunting assets for attracting European visitors. Trophy hunting was a valuable source of revenue for the colonial governments and pastoralism was viewed as incompatible with wildlife conservation. As a result, large areas of pastoral land were enclosed for wildlife conservation and tourism and the narrative of pastoralism as harmful to the environment was strongly promoted (Lankester and Davis, 2016). The presence of numerous national parks on pastoral lands in Eastern Africa has been viewed as an indication of their abundance of wildlife, which may indicate that pastoralism has historically been highly compatible with conservation (McGahey et al., 2007).

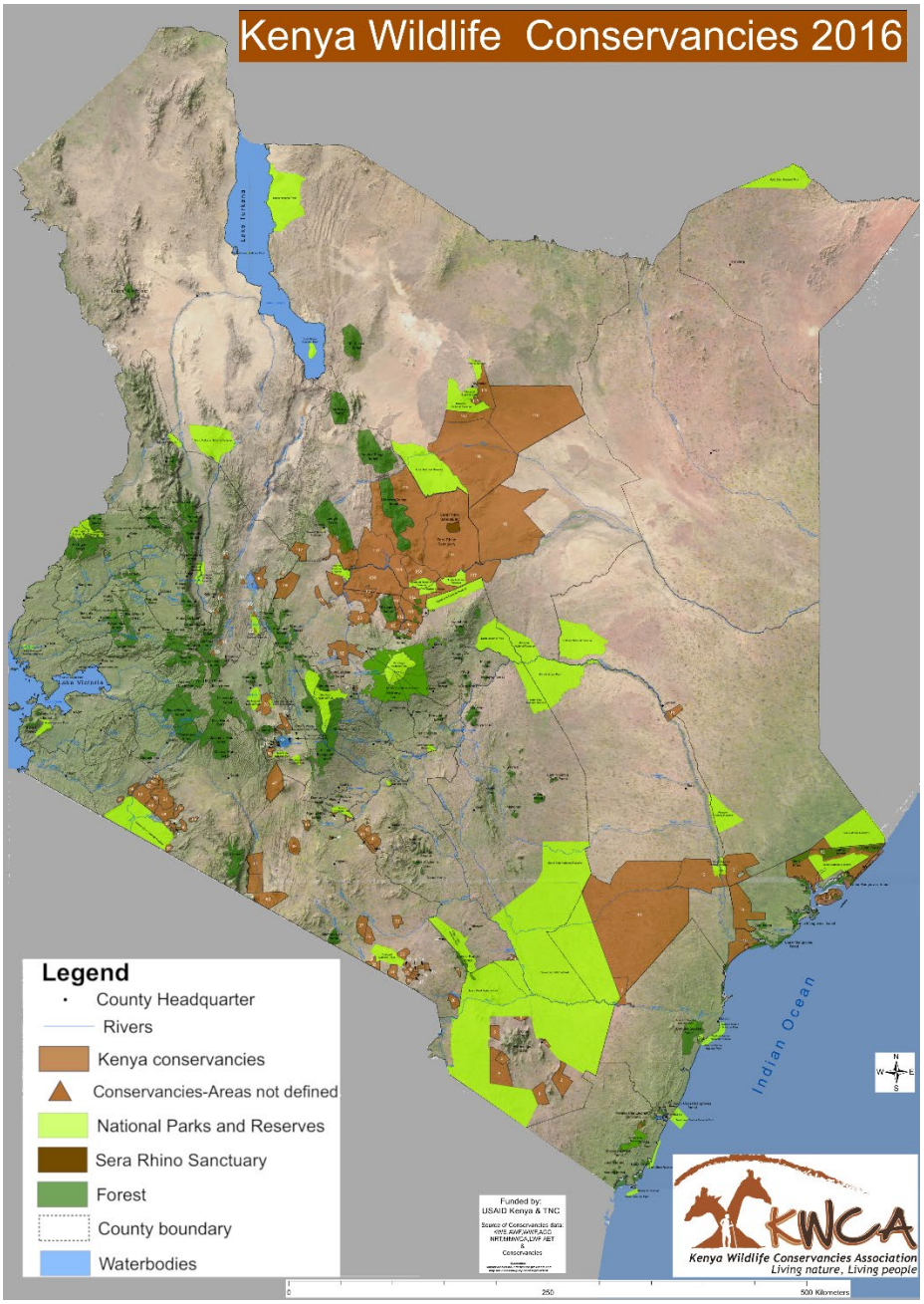
The iconic Serengeti National Park, at 14 760 km$^2$ and Ngorongoro Conservation Area at 8 292 km$^2$ occupy former pastoral land in Northern Tanzania. Although Maasai pastoralists have been granted the right to graze their animals in the Conservation Area, they have lost grazing rights in the Serengeti National Park. While the Maasai can no longer access a large area of valuable grazing land, wildebeest and other wildlife routinely graze on pastoral land and transmit diseases to domestic animals, compromising herd (and human) health and contributing to growing levels of malnutrition (Elliot and Wu, 2010).

A similar history of eviction of pastoralists to make way for wildlife conservation is common in both Tanzania and Kenya. The European Parliament's Resolution on the Maasai Communities in Tanzania (European Parliament, 2023) was motivated to address the conversion of 1 500 km$^2$ of pastoral land in Loliondo into a game reserve, evicting Maasai pastoralists and denying more than 70 000 people access to grazing land. A 2015 Fact Finding Mission found that security forces and wildlife rangers had carried out numerous violations, including torture of villagers, illegal prosecution, harassment of local leaders, denial of the right to health, denial of the right to be heard denial of the right to freedom of expression, and prevention of villagers' free movement to other villages. In some cases, evictions have been forced through the burning of property and confiscation of livestock (Human Rights NGOs Joint Intervention, 2015).

Wildlife conservation in Kenya is increasingly carried out on conservancies: land managed by individual landowners, private companies, or communities for the purpose of protecting wildlife and usually to support wildlife tourism. Kenya has 167 conservancies covering 6.35 million hectares of land, equal to 11 %

of the country's territory[9]. The largest concentration of conservancies is found in pastoral Counties in Northern Kenya (Samburu, Marsabit and Isiolo) (Schilling and Werland, 2023).

**Figure 2: Kenya National Wildlife Conservancies Map 2016**




Source: Kenya Wildlife Conservancies Association, 'KWCA Publishes the Kenya National Wildlife Conservancies Map 2016', 15 April 2017, formatted by the Policy Department for External Relations of the European Parliament.

Conservancies often play a role in supporting local communities, with many being community-governed and owned. Conservancies can create income opportunities through tourism while not only contributing to health and education infrastructure, but also in some cases significantly enhancing local security. However, conservancies also restrict the access of pastoralists to some grazing areas and have been a source of conflict between neighbouring ethnic groups with rival claims, such as claims to seasonal grazing rights. Kenya's Laikipia County is an example, where conflict has escalated in recent years due to various

[9] Kenya Wildlife Conservancies Association, 'Conservancies: transforming communities while safeguarding our iconic wildlife', webpage, 2022.

factors, including a proliferation of small arms, 'inadequate policing and state security policies, weakening and undermining of traditional governance systems' (Mkutu, 2001) as well as intensified and commercialised cattle rustling. This conflict is aggravated by an influx of Samburu and Pokot pastoralists from adjacent counties which is partially attributed to the expansion of wildlife conservation areas on their land (Mkutu, 2001).

## 3.4 Resource competition and conflict between pastoralists

Pastoral lands have indeterminate boundaries and large areas of shared or contested land and water resources. Resource use is subject to governance by customary institutions, behaviours and relationships, but these governance arrangements have weakened in many cases (Herrera et al., 2014). Governance of pastoral land and resources is changing in response to many internal and external pressures, including changing power dynamics within and between households as women and young people take on new roles and responsibilities (Lind et al., 2020b).

Cattle rustling, or livestock raiding has been carried out between pastoral societies in the Horn of Africa for centuries. The practice of raiding has been cited as evidence of the lawlessness of pastoral societies and the natural enmity between ethnic groups, but in some cases has become a screen for illegal activities that are not ethnically motivated. Raiding was traditionally carried out to restock herds after periods of hardship as well as a means of gaining status for young warriors. In recent years raiding has become more frequent, more violent, more destructive and better organised. Conflict is an indication of customary authorities' weakening power within pastoral communities as well as the state's failure to provide security and protect pastoral livelihoods. The nature of raids has changed for various reasons, including pressure to access land, opportunities for quick profit and access to more powerful automatic weapons (Kuol, 2019; Schilling et al., 2012; Triche, 2014).

In the Karimojong Cluster the weakening of customary governance arrangements contributed to violent clashes. This is an area of land shared by Kenya, Uganda, South Sudan and Ethiopia that is populated by various pastoralist ethnic groups including the Turkana, Pokot, Toposa and Karimojong. During the late 20$^{th}$ and early 21$^{st}$ century, conflicts became both more frequent and more violent with increased fatalities, including the death of women and children, displacement of families and significant loss of livestock (Leff, 2009). The escalation of conflict eroded livelihoods that were already threatened by changing levels of drought, disease and marginalisation. Cattle raiding led to loss of life, loss of property, reduced herd sizes and loss of access to pasture and water due to the creation of no-go areas. The constant threat of violence impedes development, not only drives away investors and traders, but ultimately also leads to the closure of services such as schools (Schilling et al., 2012; Triche, 2014).

Significantly, the past ten years have seen a stabilisation of the Karamoja region, following region-wide disarmament. Increased stability has allowed for the expansion of markets and investments by national and international actors; as a result, pastoral livelihoods have strengthened (Stites and Howe, 2019). This peace dividend has brought new challenges in the form of localised conflicts, including resource conflict, theft and intrahousehold violence. Despite the significant benefits of increased security, households are increasingly affected by climate change impacts, which increases their vulnerability to conflict, while the residual conflict further erodes the capacity of households to adapt to climate change (Abrahams, 2021).

## 3.5 Land tenure and pastoral lands of Kenya and Tanzania

### 3.5.1 Kenya

Kenya's pastoralists face the insecurity of land tenure despite recent legislation that has established opportunities for strengthening their rights. A new legal framework has been established, as discussed below, albeit legislation has not yet been widely implemented. The capacity of local government and civil

society organisations (CSOs) to implement legislation on pastoral land tenure is weak and land claims are highly complex. As a result of insecure tenure, pastoral land is easily misappropriated by powerful or influential elites who can illicitly register land in their names or sign land over to investors without following due process.

The VGGT notes that 'states should respect and protect the civil and political rights of … pastoralists … and should observe their human rights obligations when dealing with individuals and associations acting in defence of land, fisheries and forests' (Food and Agriculture Organization, 2012: para 4.8). The VGGT and associated guidelines for implementation in pastoral lands (Davies et al., 2015) highlight some of the unique features of pastoralism that require adapted solutions to secure their land rights, including: transboundary claims; inter-related claims over a wide variety of resources such as water, salt pans and trees; as well as extensive use of commons. Common land is land owned, managed, or used collectively by a community or group of communities, which can have important cultural, social and spiritual value for rights-holders as well as providing ecosystem services that are valued far beyond their borders.

Land tenure in Kenya is governed by the Community Land Act adopted in 2016 which gives effect to Article 63 (5) of Kenya's 2010 constitution to provide for the: recognition, protection and registration of community land rights; management and administration of community land; as well as acknowledgment of county governments' role in relation to unregistered community land and connected purposes (Republic of Kenya, 2022). According to the Land Act, customary land rights, including those held in common, have equal force and effect in law with freehold or leasehold rights. Community land may be compulsorily acquired only by the State for a public purpose.

Despite the law being in place for nearly eight years, there are few successful community claims under the Land Act. The number of interest holders on pastoral lands is often high – sometimes in the tens or hundreds of thousands – and the process of registering them is complex. Kenya's dry regions are poorly resourced, civil society is weak and there is very little legal capacity. Of all the counties in Kenya's drylands, only Samburu County has allocated public money to implementing the Land Act[10]. Samburu has progressed because much of its land was already registered as group ranches, whereas most counties do not have significant areas of land under such tenure.

Most of Kenya's 24 dryland counties are Trust Lands and only one trust land title has been issued to date, in the community of Kamuthe, Garissa County. After registering their land, the Kamuthe Community were supported to develop land use plans that were then adopted as part of the County Government spatial plans, under the County Integrated Development Plan, which is a formal requirement of the counties. Although the legal processes are still being developed in Kamuthe, the process of formalising land rights and establishing a land management committee has helped to overcome conflict and reduced tensions between neighbouring communities. While the Garissa case continues to struggle with competing views over land use, it is being used as a model to inspire action in other dryland counties[11].

The Land Act requires a community to be registered by the community land registrar, to elect a community land management committee and to provide a comprehensive register of communal interest holders. Registered communities are issued with a certificate allowing them to claim the title of their land. Various county governments, including Turkana, Isiolo, Wajir and Marsabit, have been inspired by the Garissa experience and have submitted formal inventories for community land. These inventories document traditional ownership, the area of land, how the land is used, who claims the land and who uses it. It has been estimated that the entire process of securing trust land in one community is around 10 million Kenyan shillings, roughly equal to EUR 60 000[12].

[10] Expert Interview, Drylands Learning and Capacity Initiative (Kenya), 21 December 2023.
[11] Expert Interview, Drylands Learning and Capacity Initiative (Kenya), 11 January 2024.
[12] Expert Interview, Drylands Learning and Capacity Initiative (Kenya), 11 January 2024.

Tanzania has long-established legislation that allows pastoralists to secure their land rights, but the implementation of legislation in many pastoral areas is weak, as discussed in this sub-section. Innovations for securing communal rights through joint land use planning have been demonstrated but not widely adopted, constrained by a combination of low political will and limited financial resources. The government has exercised its power to alienate large areas of pastoral land and allocate it to foreign investors, for example for conservation, hunting concessions or for large-scale crop cultivation (Weldemichel, 2020).

Tanzania's Land Policy (United Republic of Tanzania, 1997) allocates all land into three categories: general land; village; and reserved land. Reserved land includes land set aside in accordance with laws governing the conservation of forests, marine resources and wildlife; hence land alienated from pastoralists for conservation areas is included. Village land-use plans are proposed as a tool for implementing land policies and improving land management (Food and Agricultural Organization of the UN, 1997). Tanzania has also passed the Village Land Act (Food and Agricultural Organization of the UN, 1999), which divides village land into three main categories: Land for communal and public use; land for individual or family use; and land reserved for future communal or individual use.

The National Land Policy and the Village Land Act recognise Customary Rights of Occupancy of land and communal or collective rights to land ownership. The Village Land Act permits village land to encompass fallow land, land used for grazing cattle or for passage of herds and land allocated to users with the agreement of villagers, or in accordance with customary law (Mollel and Porokwa, 2014). However, the pace of processing village land-use plans and issuing Village Land Certificates is reported to be very slow and districts lack sufficient resources to develop such plans[13].

Joint village land-use planning (JVLUP) has been implemented in pastoral areas as a tool for protecting land, rationalising land use and managing conflicts between land users. The Village Land Act enables villages to delineate grazing areas, while later legislation on livestock movement (United Republic of Tanzania, 2010) allows villages to establish livestock corridors that are protected for grazing. JVLUP faces many political, socio-economic, environmental, cultural and technological hurdles, but has been shown to secure land rights and reduce land-based conflicts. However, they demand a high degree of time and skill to ensure full participation, thereby ensuring that pastoralists and farmers are equally involved in decision-making in village assemblies and councils. In practice, pastoralists are held back by 'cultural and traditional barriers, weak civic and formal education, and inadequate engagement in political decision-making' (Sulle and Mkama, 2019).

# 4 The green transition and pastoralism in Eastern Africa

## 4.1 The green transition and the EU

The green transition implies a shift towards an economy that does not depend on fossil fuels and does not over-consume resources. As such, it provides a framework for improving human well-being and social equity, while remaining within planetary boundaries as well as recognising the true value of environmental resources and ecosystems[14]. The EU aims to become a global leader in this green transition (European Commission, 2023b) and has passed legislation to cut greenhouse gas emissions in all sectors, in line with the Paris Agreement (European Commission, 2019a).

Europe's Green Deal aims to transform the Union 'into a modern, resource-efficient, and competitive economy' where 'there are no net emissions of greenhouse gases by 2050' and 'economic growth is

[13] Expert Interview, International Livestock Research Institute, 17 January 2024.
[14] Eurlex, 'Glossary: Green transition', webpage, n.d.

decoupled from resource' depletion, pollution and biodiversity loss while leaving no one behind[15]. The Green Deal has generated a wide range of policies that have major implications for its development partners in Africa, including policies related to climate, adaptation, biodiversity, forests, farming, circular economy and energy (European Commission, 2021). The Green Deal, through its component policies, commits the EU to use diplomacy, multilateral engagement, trade policy, investments and international cooperation to be seen as a leader in the green transition globally.

The following policies may have implications and create opportunities for pastoralists in Africa:

- **Climate, environment and energy.** The EU has committed to support countries to achieve climate neutrality, enhance climate resilience and improve their capacity to manage climate change adaptation and disaster risk in line with the Paris Agreement and the Sendai Framework on Disaster Risk Reduction[16]. This includes investment in 'sustainable energy, circular economy, water, biodiversity and forests, green cities, sustainable agriculture and food systems, environment, and climate change mainstreaming' (European Commission, 2022: 267) as outlined in countries' Nationally Determined Contributions and climate action plans.
- **Sustainable energy.** Access to energy is a prerequisite for socioeconomic development and inclusive growth; furthermore, promoting sustainable energy is a priority for the EU's international partnerships. The EU supports partner countries' transition into modern, safe and sustainable energy systems that increase access to energy and boost economic growth while contributing to the global fight against climate change[17].
- **Natural resource management.** The EU programme on the Water-Energy-Food-Ecosystem Nexus addresses the impacts of rising temperatures coupled with declining precipitation on people and ecosystems in the context of rising demand for water due to population and economic growth[18]. The EU Biodiversity Strategy promotes good governance for sustainable management of natural resources, ecosystem conservation for food security sustainable rural development, and ecosystem-based solutions towards a green economy[19]. The EU programme on forests addresses Illegal logging and deforestation whilst supporting the creation of forest partnerships, in recognition of the important role forests play in 'climate change mitigation and adaptation, preventing desertification and soil erosion, alleviating the effects of natural disasters, cleaning the air and water and protecting biodiversity'[20].
- **Sustainable food systems**. The EU Farm to Fork strategy focuses on healthy, affordable and sustainable food that *inter alia* helps to tackle climate change, protect the environment and preserve biodiversity. The strategy includes support for improving consumer choice, food labelling, reducing food waste, boosting research and innovation as well as promoting global transition. This strategy will influence production in the EU's trading partners and includes collaboration with those countries to support a global shift to sustainable food systems[21]. Related action that may be significant for African pastoralists is the Methane Strategy, which includes explicit attention to reducing agricultural (and therefore livestock) emissions[22].

[15] European Commission, 'The European Green Deal', webpage, n.d.
[16] European Commission, 'Climate change', webpage, n.d.
[17] European Commission, 'Sustainable energy', webpage, n.d.
[18] European Commission, 'Water-Energy-Food-Ecosystem Nexus. The struggle for resources is a source of potential conflict in numerous regions of the world', webpage, n.d.
[19] European Commission, 'Biodiversity and ecosystems', webpage, n.d.
[20] European Commission, 'Forests', webpage, n.d.
[21] European Commission, 'From farm to fork: Our food, our health, our planet, our future', Factsheet, 20 May 2020.
[22] European Commission, 'EU Methane Strategy', Factsheet, 14 October 2020.

- **International cooperation**. The Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-Global Europe) – the EU's main financing instrument for external actions – aims to support developing countries through development cooperation. Its thematic programmes, particularly the global challenges programme, highlight the importance of well-functioning ecosystems for healthy, prosperous and resilient societies as well as a stable climate. While the NDICI emphasises the importance of forest, freshwater, coastal and marine ecosystems, addressing particular concerns over deforestation, grasslands are noticeably absent despite their major global significance and impact on climate change and nature recovery, particularly in pastoral areas. The NDICI highlights the importance of water scarcity, which affects more than 40 % of the world's population, but also overlooks the importance of grassland and dryland ecosystem management to address water scarcity (European Commission, 2021).

The EU and its Member States are scaling up international climate financing, with a 30 % climate spending target for NDICI-Global Europe and an additional EUR 4 billion earmarked for climate finance by the Commission (European Commission, 2023a). The Africa-Europe Green Energy Initiative, launched in 2022, aspires to increase renewable energy generation capacity by 300 gigawatts and secure access to affordable, reliable and sustainable energy in Africa. The EU has also committed to double its external funding to biodiversity from 2021-2027 (equivalent to EUR 7 billion), in accordance with the Kunming-Montreal Global Biodiversity Framework[23]. Moreover, the EU has developed projects to support green and productive landscapes in the Sahel and Horn of Africa in line with the Great Green Wall[24].

The EU's support for the green transition evidently creates many opportunities, but potentially many threats for pastoralists and indigenous peoples in Africa. While some national governments may treat pastoral development as a low priority, EU projects could have a direct or indirect impact on pastoralists and indigenous peoples; hence, measures should be taken to ensure that these projects not only contribute to pastoral development, but at the same time avoid harmful outcomes. This can be enhanced by EU support for civil society, particularly its role in advocacy, as well as engagement of marginalised groups, youth and women. In its voluntary review covering the implementation of the 2030 Agenda for Sustainable Development, the EU reaffirms its commitment to leave no one behind and fight inequalities as building blocks for sustainable development (EU, 2023).

## 4.2 Frameworks for equitable green transition investments

The EU makes a significant contribution to the green transition through its bilateral assistance programmes. These are aligned with the UN's 2030 Agenda and the Sustainable Development Goals (SDGs)[25] and aim to contribute to human well-being, social equity and environmental sustainability. By following internationally established frameworks, the EU along with its national and international partners can create safeguards for: upholding human rights as well as environmental and social standards; developing incentives or adequate compensation; as well as sharing benefits equitably and meaningfully. The EU can also work with local actors (communities and CSOs) to strengthen representation, accountability and mediation, thereby empowering communities that are affected by development projects.

The UN 2030 Agenda is 'a plan of action for people, planet and prosperity' which 'seeks to strengthen universal peace in larger freedom'[26]. The Agenda's 17 SDGs and 169 targets are all relevant to the green transition, but not all goals will apply to each project. The case studies in this report look at green transition projects in pastoral lands and typically focus on SDG1 (No Poverty), SDG2 (Zero Hunger), SDG5 (Gender

[23] Convention on Biological Diversity, 'Kunming-Montreal Global Biodiversity Framework', webpage, n.d.
[24] Expert Interview, Directorate-General for International Partnerships (DG INTPA), 19 January 2024; The Great Green Wall, website.
[25] European Commission, 'Climate, environment and energy', webpage, n.d.
[26] UN, 'The 17 goals', webpage, n.d.

Equality), SDG 7 (Affordable and Clean Energy), SDG13 (Climate Action) and SDG15 (Life On Land). However, even projects narrowly focused on one or two of these goals can also contribute to other development priorities through benefit-sharing approaches, including SDG3 (Health), SDG4 (Education), SDG6 (Water) and SDG16 (Peace, Justice And Strong Institutions).

The SDGs align with commitments made under other international agreements, including the three Rio Conventions. SDG13 is to 'take urgent action to combat climate change and its impacts' and is directly aligned with agreements under the UN Framework Convention on Climate Change (UNFCCC). SDG15 to 'protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss' is aligned with the Convention on Biological Diversity. SDG15 is additionally aligned with the UN Convention to Combat Desertification and its headline target of achieving Land Degradation Neutrality (SDG Target 15.3).

Implementing projects in line with these international commitments can help the EU to find common interests with its development partners, but more detailed frameworks and instruments can be used for a stronger impact. This includes UNDRIP, adopted by the UN General Assembly (UNGA) on Thursday, 13 September 2007. UNDRIP establishes a 'framework of minimum standards for the survival, dignity and well-being of the world's indigenous peoples and it elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of indigenous peoples'. The Declaration clarifies the rights of Indigenous Peoples as well as the responsibilities of the state, for example, in providing effective mechanisms to prevent land acquisitions or ensure redress when land is acquired (UNGA, 2007: Article 8).

Free, Prior and Informed Consent (FPIC) is a vital tool for indigenous peoples and other local communities that is established in the International Labour Organization Convention 169 (International Labour Organization, 1989) and various other international frameworks and invoked in certain UNDRIP Articles. Accordingly, Indigenous Peoples cannot be forcibly removed from their lands or territories without FPIC. FPIC is also required for legislative or administrative measures that may affect indigenous peoples and for the use of their cultural, intellectual, religious and spiritual property. FPIC is a pre-requisite for any activity that affects their ancestral lands, territories and natural resources (UNGA, 2007).

Indigenous peoples have lost and continue to lose ancestral land to State-sponsored conservation, tourism and forestry development. Besides undermining the capacity for subsistence, the loss of ancestral land undermines the cultural identity as well as the spiritual and social well-being of indigenous peoples. Responding to these and other observations, the African Commission on Human and Peoples' Rights recommends, *inter alia*, that States ratify International Labour Organization Convention No 169, which lays down their obligations regarding indigenous peoples and envisages their adopting a law to promote and protect the rights of indigenous peoples (Maiga, 2012).

While neither Kenya nor Tanzania legally recognises pastoralists as Indigenous Peoples, they do recognise pastoral societies as marginalised and vulnerable groups; hence, FPIC is increasingly being treated as an important principle for any work with local communities. Involving local communities in decision-making increases their sense of ownership and engagement, thereby helping to guarantee their right to participation and self-determination. Implementing FPIC takes time and skill: 'For an FPIC process to be effective and result in consent or lack of it, how the process is conducted is paramount. The time allocated for the discussions among the indigenous peoples, the cultural appropriateness of the way the information is conveyed, and the involvement of the whole community, including key groups like women, the elderly and the youth in the process, are all essential' (FAO et al., 2016).

The International Labour Organization Convention 169 establishes a principle of creating appropriate and effective mechanisms for consultation and participation of indigenous and tribal peoples for matters concerning them. The Convention 'provides for systematic action to protect rights and to guarantee the

integrity of indigenous peoples', including the resolution of land claims, employment, training, social protection, education, facilitation of cross-border contacts and more (European Commission, 2016). The EU has demonstrated its strong support for inclusiveness and human rights, for example in its support for the outcomes of the World Conference on Indigenous Peoples, which took place at the 2014 UNGA, as well as support for participation and inclusion in delivering the SDGs (European Commission, 2016).

The Joint Staff Working Document on implementing EU external policy for indigenous peoples recommends mainstreaming human rights together with inclusion in EU strategies and financing instruments, including the following (European Commission, 2016):

- 'The indigenous peoples' rights to their 'self-development', including the right to object to projects, in particular in their traditional areas, and the right to obtain compensation where projects negatively affect their livelihoods;
- The full and effective participation of indigenous peoples at all stages of the project cycle (in development cooperation) and the importance of building the capacities of organisations representing indigenous peoples;
- The inclusion of the concerns of indigenous peoples into the political dialogues with partner countries'.

The Joint Staff Working Document concludes that human rights tools, such as dialogues, guidelines, country strategies and best practices should be better used by taking into account UNDRIP principles. It recommends that to protect and promote the rights of indigenous peoples, all EU actions including trade and development cooperation should systematically apply these principles as well as *inter alia* all relevant voluntary safeguards and guidelines of the Multilateral Environment Agreements (European Commission, 2016).

FPIC is reinforced by the VGGT, guidelines which 'promote secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment' (Myers and Sanjak, 2022). They support efforts towards the eradication of hunger and poverty, sustainable livelihoods, social stability, housing security, rural development, environmental protection as well as sustainable social and economic development (Food and Agriculture Organization, 2012). The VGGT are based on internationally accepted standards and provides a framework for States to develop their strategies, policies, legislation, programmes and activities related to the governance of tenure.

In addition to global frameworks, green transition projects may benefit from commitments made by national governments through African regional frameworks. Kenya and Tanzania are members of the African Union, the East African Community and the Common Market for Eastern and Southern Africa. These institutions have generated numerous frameworks that are capable of supporting equitable development for pastoralists and indigenous peoples, thus requiring closer attention. Included in these frameworks are the African Convention on the Conservation of Nature and Natural Resources (African Union, 2003), the African Union Climate Change and Resilient Development Strategy and Action Plan (UN Economic Commission for Africa, 2022), the Convention of the African Energy Commission (African Union, 2001) and the African Union Policy Framework for Pastoralism in Africa (African Union, 2010).

The African Union Climate Change and Resilient Development Strategy and Action Plan provides clear support for pastoralism that EU delegations can reference in their dialogue with national governments. This document emphasises the importance of people-centred approaches as well as equitable access to green economic recovery and sustainable development. It acknowledges the important role indigenous people play in climate responses, advocating for collective development and broad-based participation. Priority interventions for protecting land-based ecosystems and carbon sinks include designating community lands as ecologically important, as well as empowering Indigenous Peoples and local

communities by clarifying land rights as well as building capacity and strengthening governance (UN Economic Commission for Africa, 2022).

Bilateral agreements between the EU and partner countries should include a human rights clause (HRC) that includes 'respect for democratic principles and fundamental human rights, as laid down in the United Nations Universal Declaration of Human Rights, and for the principle of the rule of law'. All agreements containing HRCs should provide for permanent human rights committees that include representatives of the parties, parliaments of the parties and civil society. These committees should play a role in monitoring implementation and should have the power to request that the Commission investigates alleged violations of human rights. The inclusion of civil society in monitoring association agreements varies significantly and the strength of civil society varies greatly between countries; hence, the monitoring role of EU institutions such as the European Parliament is particularly important (Bartels, 2014).

Civil society refers to 'all forms of social action carried out by individuals or groups who are neither connected to nor managed by state authorities' and CSOs are organisations 'whose members serve the general interest through a democratic process and which play the role of mediator between public authorities and citizens'[27]. The role of civil society and the nature of CSOs not only evolve over time, but can also differ between countries according to the space created by the government and society. Civil society deliberately attempts to shape policies, norms or social structures from its position outside the state and the market. Its make-up comprises, *inter alia*: community-based organisations; ethnic lobbies; farmers' groups; environmental campaigns; human rights advocates; women's networks; youth campaigns; relief organisations; peace activists; religious bodies; and academic institutions (Scholte, 2003).

The European Parliament can play an important role in ensuring that human rights are effectively implemented in line with agreements, either by withholding consent to international agreements or exercising its power of co-legislation on human rights issues. The European Parliament has been recommended to ensure that all future trade and investment agreements are covered by an effective human rights clause providing for 'appropriate measures' in the event of violation (Bartels, 2014).

The EU's new partnership agreement with the African, Caribbean and Pacific countries, referred to as the Samoa Agreement, states that, 'the Parties agree that respect for human rights, democratic principles and the rule of law shall underpin their domestic and international policies and constitute an essential element of this Agreement' (Council of the EU, 2023). The objectives of this Agreement include, *inter alia*: promoting human rights, the rule of law and good governance; combating climate change; protecting the environment; and ensuring the sustainable management of natural resources. The terms 'human rights, democratic principles and the rule of law' have not been defined in the Samoa Agreement, but the terms are expected to be interpreted according to the Vienna Convention on the Law of Treaties as well as other relevant rules and established norms that are part of customary international law (Bartels, 2023). The Samoa Agreement includes repeated reference to 'respect for the rights of all, including indigenous peoples as set out in UNDRIP and local communities' (Council of the EU, 2023).

## 4.3 Implications of the green transition for pastoralists and indigenous peoples

Pastoralists and indigenous peoples are among the groups most vulnerable to the impacts of climate change and will face risks to their livestock-based economy as well as food security (Thornton et al., 2009). Increasing climate variability is likely to: increase livestock mortality; reduce the reproductive performance of herds; compromise feed and water resources; and lead to a reduction in herd sizes. This report highlights the underlying development challenges that confront pastoralists, which not only occur independently of

[27] European Commission, 'Civil society organisation', webpage, n.d.

climate change, but are also arguably a more immediate and urgent threat to pastoralists. Nevertheless, although pastoralists have a highly adaptive lifestyle, centred on herd mobility as a risk management strategy, pastoralism is facing an unprecedented adaptation challenge (Herrero et al., 2016).

Pastoral rangelands face a myriad of challenges, including: increasing population densities; loss of land and water resources; degradation of land and water; as well as barriers to accessing resources. Pastoral societies are also changing in response to internal and external pressures, which has weakened their kinship networks and customary institutions on which adaptation depends. Changes in consumption patterns and expectations, communication as well as new employment opportunities are leading to continual and often rapid change in pastoral societies, with the potential to overwhelm adaptive capacities. Such threats are aggravated by climate change, but paradoxically while this increases the need to adapt, the adaptive capacities of pastoralists are simultaneously being eroded (Herrero et al., 2016).

Change can bring both opportunities and threats and the outcome of change depends partly on the capacity to adapt. Pastoral livelihoods are inherently adaptive and pastoral rangelands provide ecosystem services, including carbon sequestration, storage and water supply, that have growing value in the face of climate change. The green transition could create innovations that accelerate pastoralist development, including investments in sustainable land and water management as well as the energy sector (McGahey et al., 2014).

In recent years the historically marginalised pastoral areas of Kenya have become a new resource frontier due to the opportunities they offer for renewable energy development. These major investments create expectations of economic benefit among the local populations as well as fear over new levels of insecurity, creating what has been described as an economy of anticipation (Greiner et al., 2022). While it is common to portray indigenous peoples and local populations as victims of such investments, this does not tell the full story and overlooks some of the opportunities created for local actors as well as the differential outcomes based on local politics and hierarchies.

Kenya's pastoral lands, as with pastoral lands in many countries, are nevertheless handicapped by a legacy of marginalisation, which has delayed the implementation of the Community Land Act and group registration of land. Shortcomings in local governance have allowed powerful local actors to capture the benefits and opportunities of green infrastructure projects (Greiner et al., 2022). This patronage can create an obstacle to equitable outcomes from green development projects and benefit-sharing policies. Kenya's Petroleum and Energy Act of 2019 (Republic of Kenya, 2019) provides for the local sharing of public revenues from oil and geothermal installations, although not for wind energy, but negotiations over this payout have contributed to local conflict as well as deterioration of relationships between County and National governments (Greiner et al., 2022).

Although pastoralists and indigenous peoples can find opportunities to benefit from green transition projects, more often than not they are reported to be victims of the green transition because their capacity to adapt to emerging opportunities is compromised by underlying structural poverty, governance failures and marginalisation (McGahey et al., 2014). Pastoralists and other indigenous peoples have 'lost access to the land they depend on for their livelihoods and consider sacred and, while the development and use of this land and its resources is highly profitable, they do not share in its benefits' (Renkens, 2019).

Companies are competing over pastoral land to develop renewable energy projects without adequate consultation with land users and with little regard for FPIC, often aggravating the historical marginalisation of pastoralists and indigenous peoples. National governments give away rights to common grazing land that they hold 'in trust' for pastoral societies, even when they have signed international agreements to uphold those rights. This is often justified by classifying such land as unused or degraded. Many pastoralists are poorly informed of their rights in relation to energy projects and find their land rights and cultural rights violated. They seldom receive significant compensation or other forms of compensation for such projects and rarely gain access to the energy generated on their land. In the worst cases, renewable energy projects

exacerbate local conflicts leading to loss of life and property for the pastoralists together with escalating costs and delays for the investors (Waters-Bayer and Wario, 2023).

The pursuit of pastoral land for renewable energy projects has been described as a new scramble for Africa, with pastoralists themselves striving to gain legal title over land, in response to the aforementioned economy of anticipation. The experience of land grabbing by outsiders has led some pastoralists to demarcate their land and ignore historical claims by others in their community or in neighbouring communities who have shared resource rights (Drew, 2022).

Decision-making processes in most pastoral societies are typically decentralised, relying on communal resource management and shared rights. Customary tenure allows pastoralists to access resources that are widely dispersed and move between resource areas according to their needs. Legal frameworks to secure land tenure can compromise these customary tenure arrangements and care is needed to ensure appropriate systems of reciprocity in resource access and use, as modelled in Tanzania's Joint Village Land Use planning discussed in Section 3.5.2.

The surge of interest in pastoral lands has led to the development of pipelines, roads, wind farms, plantations as well as other projects that not only alienate and fragment pastoral landscapes, but also undermine customary tenure. Many pastoralist areas are beginning to attract the development investment that has long been sought after, but without significant efforts to strengthen rights and governance, those investments bring many unwanted consequences, including major changes to resource rights as well as political and social relations (Lind et al., 2020a).

Studies have shown that there is potential for renewable energy projects to benefit pastoral livelihoods, co-exist with livestock grazing and provide a dividend to the livestock economy. Successful projects benefit local communities by gaining equity ownership, sharing in the revenues generated and managing community trust funds. An example of good practice in Kenya is elaborated in the case studies below (Kipeto Wind Farm) and other good practices can be found outside Africa. For example, Chinodin Chigumi Nodin Kitagan (Bow Lake Wind Farm) in northern Ontario, Canada created equity ownership and a community trust fund with mechanisms to ensure collective management of the funds (Smith and Scott, 2021). In Mexico, the Ixtepec Wind Project in Oaxaca Province is an example of a community-owned and controlled project developed by the community with support from a not-for-profit wind developer (Sánchez-Casanova and Desilus, 2020).

There is a growing body of literature presenting good practices in securing a just green transition. The European Bank for Reconstruction and Development also finances just transition projects that could provide further lessons and good practices[28]. The UNFCCC provides information on country-driven strategies and best practices on just transition, and examines the impact on the workforce of implementing low greenhouse gas emission policies and strategies (Katowice Committee of Experts on the Impacts of the Implementation of Response Measures, 2023). The report includes a small number of examples of the transition to agroecology and agroforestry as well as examples of promoting social entrepreneurship and nature-based solutions to drought, flood, landslides and other human-influence risks, which may be more relevant to the case of pastoralists and indigenous peoples in Africa. The UN Department of Economic and Social Affairs documents a range of good practices (Tavares, 2022), highlighting some common shortcomings, such as late and inadequate consultation processes, that have been identified in some case studies in this In-depth analysis.

Effective projects need to be developed through improved consultation with pastoralists and with greater effort to ensure pastoralists are informed of their rights. Renewable energy projects should be developed as part of a multifunctional land use strategy that addresses livestock production alongside other social

[28] European Bank for Reconstruction and Development, 'Just transition projects financed', webpage, n.d.

and economic activities and conserves biodiversity. Particular attention should be given to strengthening the voice and agency of pastoralists, thus enabling them to negotiate desirable outcomes (Waters-Bayer and Wario, 2023).

## 4.4 Potential contribution of pastoralism to the green transition

Much of this In-depth Analysis examines the green transition as a series of interventions, such as energy projects, that are developed outside pastoral areas and implemented on pastoral land. Attention is therefore being paid not only to the safeguards required which will avoid any negative impacts from the project for pastoralists and indigenous peoples, but also to the incentives that can ensure they benefit from any projects that they host.

In the wider conversation about the green transition, a third consideration should be the extent to which interventions can be designed with and for pastoralists to harness their contribution to the green transition: to promote rangelands as carbon sinks; to rehabilitate rangeland biodiversity; and to restore rangeland ecosystem functionality to safeguard water supply and air quality or reduce sand and dust storms.

Africa's rangelands, which occupy two-thirds of the continental land area, contain an estimated 36 % of the world's total terrestrial carbon. It may be possible to restore as much as 700 million hectares of Africa's rangeland, through sustainable livestock management and other practices, which would make a significant contribution to mitigating climate change (United Nations Economic Commission for Africa, 2022).

Many of the interventions that are advocated to achieve sustainable pastoralism, in general, will simultaneously deliver many green transition aims. This is a feature of actions that are commonly referred to as Nature-based Solutions (NbS) (International Union for Conservation of Nature, 2020): actions to protect, sustainably manage and restore natural and modified ecosystems in ways that address societal challenges effectively and adaptively, to provide both human well-being and biodiversity benefits. Rehabilitation of degraded rangelands in particular has been reported as contributing simultaneously to the goals of the UNFCCC, the Convention on Biological Diversity; and the UN Convention to Combat Desertification (Akhtar-Schuster et al., 2016).

Sustainable land management by pastoralists, based primarily on the effective movement of herds, can rehabilitate rangeland ecosystem functions to generate a range of goods and services. Pastoral development should be based on harnessing this diversity of values rather than investing in single goods, such as the production of beef or wool. Rangeland ecosystem services such as water cycling, carbon sequestration and sedimentation control have high value; furthermore, the value of resources such as water clearly rises the scarcer this resource becomes (Davies et al., 2015).

Accordingly, rangeland rehabilitation must be anchored in secure rights for pastoralists, including human rights as well as secure rights and effective governance over land, water and other natural resources. These building blocks for sustainable development confer their own intrinsic benefits as well as being instrumental for other progress. Delivering a lasting green transition through pastoralist development projects – projects that respond to the explicit needs and goals of pastoralists – will create an enabling environment for equitable investment in rangelands and pastoralism that can generate significant returns (Davies et al., 2015). There is strong evidence showing that the benefits of restoring land through sustainable land management greatly outweigh the costs both of intervention and inaction (The Economics of Land Degradation, 2015).

If the green transition is to support rather than undermine the potential of pastoralists, three areas of knowledge, policy and investment need to be addressed (McGahey et al., 2014):

1. Reinforcing the role played by pastoralists in maintaining and enhancing natural capital;

2. Developing policies and investments that are aligned with the inherent resource efficiency of pastoralism;

3. Addressing enabling conditions required for pastoralism to deliver its green economic potential.

## 4.5 EU green transition investments in Africa in relation to pastoralists and indigenous peoples

The EU is a global leader in the green transition and provides over 40 % of global public climate finance. It has committed to using 'diplomacy, trade and development cooperation to advance climate action' and to set 'standards for sustainable growth across global value chains' (European Commission, 2019b). For example, it aims to use its influence to bring climate and environmental issues to the centre of relations with African states. In 2019, Josep Borell, the High Representative of the EU for Foreign Affairs and Security Policy/Vice President of the European Commission pledged to work with multilateral partners, local communities and civil society to ensure a sustainable economic transition (Borell, 2019).

Implementing projects in partnership with developing country governments can create challenges for the EU to ensure equitable outcomes for pastoralists and indigenous peoples, because it is not always possible to insist on specific standards with partner countries. The multi-annual indicative programmes establish priorities for seven years, usually in three primary sectors, which may limit the opportunities for introducing new areas of work around pastoralism. Furthermore, the international development arena is competitive, which can act as a disincentive for investing in the most difficult-to-reach places where needs are greatest[29].

Large-scale investment projects face heightened social and environmental risks. Hence, the EU relies on its partner finance institutions' safeguards for environmental and social impact assessments. The EU has developed guidelines for project design that address human rights, gender, environment and other issues, but these guidelines are not integrated and thus there is uncertainty over how well they are applied in projects. Whilst the EU conducts compulsory screening at an early stage of project development and implements a quality review process[30], it has no legal position on FPIC and hence may not be able to impose any necessary corrective action on partner governments[31]. EU delegations have to rely on diplomatic channels therefore to influence partner countries and can draw on the Samoa Agreement to promote human rights and the rule of law.

The EU can prioritise green transition projects due to the way cross-cutting priorities have been established in Multi-annual Indicative Programmes (MIPs) under the Neighbourhood, Development and International Cooperation instrument – Global Europe[32]. The green transition is a core EU business and as such found across all MIPs in all countries. However, the EU's Global Gateway is still in its early stages of implementation and there are currently few evaluations to draw lessons from as projects have not yet reached maturity[33].

However, the EU has been able to implement some of its priorities through regional and global programmes rather than at country level. This includes two subregional programmes in the Horn of Africa and West Africa supporting pastoralism and a third regional programme of support for the Great Green Wall in the Sahel (see Box 1). Regional actions can address transboundary issues and work with regional bodies to address issues that may not be national government priorities. The EU also has a small portfolio

[29] Expert Interview, DG INTPA, 19 January 2024.
[30] Expert Interview, DG INTPA, 19 January 2024.
[31] Expert Interview, DG INTPA, 19 January 2024.
[32] European External Action Service, 'The new 'NDICI – Global Europe' (2021-2027)', webpage, 17 March 2022.
[33] Expert Interview, DG INTPA, 19 January 2024.

on strengthening land governance, including support for the International Land Coalition's land matrix[34] to help communities resist land grabbing, which can provide assistance for pastoralist communities. The EU supports the FAO Voluntary Guidelines on Responsible Governance of Tenure and attempts to embed rights-based approaches in all its programmes as a cross-cutting component. The EU also implements a global programme on strengthening civil society, although most CSO support is provided through country delegations[35].

**Box 3: EU regional projects on pastoralism in Africa**

Knowledge for Great Green Wall Action is a EUR 13 million project which supports the African flagship initiative to regreen the Sahel from Senegal to Somalia and complements EU country support for the Great Green Wall. The project could make a significant contribution to developing good practices in securing land rights as well as restoring and sustainably managing pastoral rangelands in the Sahel.

The regional programme to support the development of the pastoral economy in West Africa and the Sahel[36] is a EUR 60 million project of support for the pastoral economy in West Africa and the Sahel. This project could demonstrate equitable investment in pastoral value trade and its contribution to resilience and peace in pastoral areas.

The Regional Programme in Livestock and Pastoralism for Climate Change Adaptation in the Eastern/Horn of Africa is a EUR 40 million project supporting the development of the pastoral economy in the Horn of Africa plus Tanzania. This initiative could use investments in pastoral value chains as a vehicle for changing attitudes towards the multiple values and opportunities of pastoralism.

EU Delegations may lack an in-depth understanding of pastoralism and how it is evolving. Hence, they may not be able to counter strong anti-pastoral narratives from national governments and nongovernmental partners, such as conservation non-governmental organisations (NGOs). Anti-pastoral rhetoric is particularly strong in Tanzania and evidence of the conservation value of pastoralism as well as its ecological, social and economic rationale is not widely known. If arguments are better articulated, the Delegation can use diplomatic channels to influence change, but more work is needed to build consensus[37].

Although EU support for pastoralism in Tanzania is restricted by government attitudes, lessons can be drawn from other countries that implement more progressive projects for pastoralist development. For example, the EU supports sustainable pastoralist development in conservation buffer zones in Chad to protect migratory corridors, thereby establishing effective ways of working between pastoralists and conservation organisations. It also supports the regional pastoralist advocacy network Bilitaal Maroobe to advocate for the rights of pastoralists in West Africa[38].

Renewable energy projects are particularly high-profile investments that can have serious negative consequences for pastoralists and indigenous peoples. The EU recognises that the challenge of transition to sustainable energy is greatest in Africa, where millions of people still do not have access to electricity[39]. The Africa-Europe Green Energy Initiative (see Box 2) has been developed to stimulate private investment in electricity production/access, promote energy efficiency, support regulatory reforms and foster market integration[40]. The EU is likely to invest in a growing number of large green transition projects that use blended finance approaches, creating further opportunities and risks for pastoralists and indigenous peoples[41]. The examples listed below illustrate the range of EU investments in renewable energy across

[34] International Land Coalition, Land Matrix Initiative, webpage, n.d.
[35] Expert Interview, DG INTPA, 19 January 2024.
[36] In French 'Programme régional d'appui au développement de l'économie pastorale en Afrique de l'Ouest et au Sahel'.
[37] Expert Interview, DG INTPA, 19 January 2024.
[38] Expert Interview, DG INTPA, 19 January 2024.
[39] European Commission, 'Sustainable energy', n.d.
[40] European Commission, 'Africa-Europe Green Energy', webpage, n.d.
[41] Expert Interview, DG INTPA, 19 January 2024.

Africa and although these are predominantly not on pastoral lands, these projects offer opportunities to establish best practices in safeguarding the rights of indigenous peoples.

**Box 4: Africa-Europe Green Energy Initiative projects in 2023**

- West African Power Pool Coordination Centre inaugurated in Benin;
- European Investment Banks (EIB) agreements signed with Burundi, Cabo Verde and Djibouti;
- Studies launched on the Ruzizi III regional hydropower plant in DRC-Rwanda-Burundi;
- Feasibility study on the 'GREGY' project – an electricity interconnection cable linking Egypt to Greece;
- Solar plant inaugurated in Ivory Coast;
- Agreement for contribution to rural electrification in Madagascar with Agence Française de Développement;
- Call for proposals for a hydrogen power plant in Morocco;
- Launch of the tender process for constructing a National Control Centre for Energy Infrastructure in Mozambique;
- EIB signature for the construction of a solar power plant in Namibia;
- Inauguration of the Gorou-Banda solar plant in Niger;
- Agreement with AFD for Kakono Hydropower Plant in Tanzania;
- Agreement with the government of Zambia for the rehabilitation of Kariba Dam;
- Financing agreement will be signed for the generation of renewable energy projects in Nigeria and a Youth in Agribusiness programme will be launched;
- Preparations for building a Power-to-X hydrogen power reference plant (Public Private Partnership), in Morocco.

Source: European Commission, 'Africa-Europe Green Energy', webpage.

Green transition projects may be implemented through private investment facilitated by export credit from EU Member States. These transactions can be aligned with EU policy goals to ensure that they cohere with the objectives of a just green transition. For example, the Commission could require due diligence and mitigation strategies for projects with high social risk and could cover issues of mitigation and compensation (Schlögl et al., 2023). Countries providing export credit are asked to prevent and mitigate 'adverse environmental and social impacts of projects', 'undertake appropriate environmental and social reviews and assessments' and 'encourage protection and respect for human rights' (Organization for Economic Cooperation and Development, 2022: 6-7).

The EU can also influence development processes through its research funding and it has invested in various research initiatives that explore options for strengthening the resilience and sustainability of pastoralism. The Integrated & Climate Smart Innovations for Agro-Pastoralist Economies and Landscapes in Kenya's Arid and Semi-Arid Land[42] aims to enhance agropastoral livelihoods through innovations in fodder and livestock husbandry. The project will contribute to building resilience against climate shocks and increasing the capacity of local governments for climate resilience and drought resilience landscape management. The Comprehensive Africa Agriculture Development Programme with the Association for Strengthening Agricultural Research in Eastern and Central Africa[43] supports: the development of research capacities; the adoption of climate-smart agriculture technologies; partnerships for knowledge exchange on climate-relevant agriculture; as well as the strengthening of National Agriculture Knowledge and Information Systems. Earth Observation and Environmental Sensing for Climate-Smart Sustainable Agropastoral Ecosystem Transformation in East Africa aims to contribute to a transition towards climate-

[42] Capacity4dev, 'ICSIAPL Kenya', webpage.
[43] Capacity4dev, 'ASARECA', webpage.

smart agropastoral systems in Sub-Saharan Africa through a system-wide view of food and nutrition security, diversified livelihoods and ecosystem sustainability leading to improvements[44].

# 5 Green transition projects and programmes in Eastern Africa

This Section uses six case studies featuring green transition projects from Kenya and Tanzania that demonstrate some of the opportunities, challenges and recommendations which can improve outcomes for pastoralists. The case studies draw on secondary resources and personal testimony, but they are deliberately brief and selective in how they are reported. Further information is available from the detailed studies reviewed, which are referenced where relevant. The case studies include three renewable energy projects and three rangeland rehabilitation approaches. The European Investment Bank and at least two Member State institutions – The Finnish Fund for Industrial Cooperation and the Danish Climate Investment Fund – have been directly involved in two of the case studies: the Lake Turkana Wind Power Project and Olkaria Geothermal Energy project.

Kenya is a leader within Eastern Africa in renewable energy and since the 1990s has made significant reforms to its legal and institutional environment to enable energy generation and renewable energy expansion. Access to electricity doubled from 37 % in 2013 to 75 % in 2022 and the country is on target to achieve its goal of 100 % access by 2030. Renewable energy accounts for nearly 90 % of all energy generated in Kenya (International Energy Agency, 2023).

Kenya has implemented or planned various ambitious renewable energy projects, including the Olkaria Geothermal projects in the Rift Valley and major wind farms in Lake Turkana, Kipeto, Isiolo, the Ngong Hills and Lamu. The government adopted a policy on feed-in tariffs that applies to wind, biomass, small hydro, geothermal, biogas and solar electricity production (Ministry of Energy, 2012).

Renewable energy development is at an earlier stage in Tanzania and thus no case studies have been included with this report. President Hassan has recently announced the goal of producing 6 000 MW of renewable energy by 2025, much of which will come from three hydropower schemes that are currently under construction or at the planning stage (Julius Nyerere, Ruhudji and Rumakali Hydropower Projects). The President also announced plans to generate 600-700MW from solar energy production and will explore options for generating electricity from wind and geothermal sources, aided by new legislation on procuring privately generated electricity (Tena, 2022). The World Bank has provided a grant to Tanzania for developing solar water pumps in 165 rural Tanzanian villages[45].

## 5.1 Lake Turkana Wind Power Project

The Lake Turkana Wind Power (LTWP) Project, in the arid northwest of Kenya, consists of 365 wind turbines, each with a capacity of 850KW providing approximately 17 % of Kenya's total power. LWTP is owned by six shareholders: Anergi Turkana Investments Limited; Milele Energy Ltd; Vestas Eastern Africa Limited; the Finnish Fund for Industrial Cooperation; the Danish Climate Investment Fund; and Sandpiper Limited[46]. This plant was built on land near the town of Loiyangalani and the majority population in the area are Turkana pastoralists. However, the land is also used by Samburu and Rendille pastoralists at different times of the year and for different purposes; it is also claimed by the El Molo ethnic group. These ethnic groups have a history of conflict over resources that has been exacerbated by selective benefit sharing and resource appropriation by the wind farm. The project's investors did not trigger Indigenous Peoples policies during land acquisition because Kenya has not yet ratified UNDRIP; hence, they regard the land as empty and unclaimed (Waters-Bayer and Wario, 2023).

[44] Capacity4dev, 'ESSA East Africa', webpage.
[45] International Trade Administration, 'Tanzania – Country Commercial Guide', webpage.
[46] Lake Turkana Wind Power, 'The Lake Turkana Wind Power (LTWP) Project. Overview', webpage, n.d.

The village of Sarima was relocated to allow construction of an access road for the farm and some community members received compensation of between USD 123 and USD 151. The total area of the wind farm is 162 km$^2$ and although some land has been fenced off, most is unfenced and pastoralists are thus free to graze their herds near the turbines (Schilling and Werland, 2023).

Local communities complain that the land was taken without consultation and has blocked migration routes around Lake Turkana and access to the grazing reserves of nearby Mount Kulal. The company was accused not only of carrying out a self-serving environmental and social impact assessment (Kenya Law, 2018), but also of assuming that the Turkana were the sole group with land claims. The company has been accused of failing to understand the cultural importance of this land, which is a historic site for carrying out circumcision ceremonies. LTWP was taken to court in 2006 on behalf of some residents, although the lawsuit was challenged by other residents who claimed that they *had* been consulted. Claims of residency are easily contested when rights-holders are mobile pastoralists with seasonal use rights. Marsabit County Council approved a 99-year lease for 150 000 acres of community land in 2017, but in October 2021 the High Court ruled in favour of the communities and declared that the land title needed to be regularised, giving the government of Kenya and the LTWP 12 months to conduct proper consultations for registering the land (Wanyoro, 2021)[47].

Despite widespread criticism of the wind project, some local benefits have been reported. Residents, notably from Sarima village, have benefited through employment opportunities at the LTWP and increased security provided by the wind farm' personnel. Road access to the region has improved and a borehole has been drilled for local use. However, inequitable access to employment has increased tension between Turkana and Samburu pastoralists and the arrival of many newcomers to the LTWP brought new challenges, including substance abuse and problems of sanitation (Achiba, 2019). While the farm generates significant amounts of electricity for Kenya, Sarima village remains off-grid and has no access to electricity (Schilling and Werland, 2023).

Some of the LTWP challenges are attributed to a narrow understanding of land value as well as a failure to appreciate the impact of land acquisition and investment on social relationships, territoriality and long-established ancestral connections to certain places. Benefits from the project are considered tokenistic and generate new forms of exclusion. By driving up land value, this project has driven a rush to claim land titles exclusively, thereby creating further contestation (Cormack and Kurewa, 2018)

It is claimed that LTWP denies the existence of indigenous peoples in the project area, although it recognises that local communities are pastoralists and recognises their ancestral claims over the territory (Sena, 2015). Land in the project area is classified as trust land under Kenyan law and the local government may have entered into legal agreement with the investors without consulting the communities for whom the land is held in trust. FPIC was not obtained from affected communities and compensation is considered to have been inadequate. An Environmental Impact Assessment carried out on LTWP raised numerous issues of sufficient concern for the World Bank to withdraw from the project, although other funders, including The Finnish Fund for Industrial Cooperation Ltd and the Danish Climate Fund[48], continue to finance the wind farm (Renkens, 2019).

A major challenge for LTWP is to register land under the Community Land Act passed in 2016, although the land was acquired in 2006 under the former Trustland Act, which designated the County Council as custodians. Registering the land required the convening of a community assembly, including anyone who claims the land due to livelihood, culture and ethnic affiliation as set out in the constitution. The project

[47] Expert Interview, Drylands Learning and Capacity Initiative (Kenya), 21 December 2023.
[48] Currently listed on the TTWF's website, n.d.

covers 150 000 hectares and the land is claimed by up to 100 000 Rendile, 280 000 Samburu and 50 000 Turkana, making consultation logistically difficult if not impossible. The constitution offers a simplified route if each community can designate a community land management committee, but this has been rendered more challenging by new rival claims created since the land was acquired[49].

Responsibility for coordinating these complex processes is unclear, but is generally understood to rest with the Minister of Lands and the National Land Commission. The Ministry was the third defendant in the Court Case and has repeated many of the misconceptions about this land being empty and having no value, which leaves residents with little confidence that the process will be respected. Civil Society is weak here and thus there are few local champions to fight this case for the local population. This is particularly problematic considering the cost of consulting the likes of such a large population over benefit sharing, reparations and seeking FPIC in a legitimate and transparent process[50].

## 5.2 Kipeto Wind Farm, Kenya

Kipeto Energy PLC in the Maasai-dominated Kajiado County is Kenya's second-largest wind power project with a 100-megawatt capacity that can supply approximately 250 000 households. The project was developed through a partnership between the African Infrastructure Investment Fund, the International Finance Corporation and Craftskill Wind Energy International, with funding from the Overseas Private Investment Corporation. BTE Renewables, a company of Actis Capital in the United Kingdom, is now a major shareholder (55 %) while the Kipeto Community Trust holds a 5 % share (Kazimierczuk, 2019). The project has been reported as an example of good practice in renewable energy development on pastoral lands (Waters-Bayer and Wario, 2023).

The power station came online in July 2021 and has 60 turbines occupying 70 $km^2$ of Maasai pastoral rangeland. Land supporting the turbines as well as land for the transmission line is leased from the local community through their voluntary participation. Land in Kipeto has been privatised requiring the company to negotiate with individual landowners and households rather than collectively. Although this process was reported to be time-consuming and complicated, it generated considerable awareness and understanding of the projects and has enabled various innovative solutions to be created through community engagements (Sena, 2018).

To help communities understand and navigate the legal issues related to the project, Kipeto Energy hired a Maasai Lawyer and carried out negotiations at the household, family and sometimes village levels. A community implementation committee was established comprising landowners, elders, women, youth, public administration and company representatives. Engagement with the community is facilitated by community liaison officers hired by Kipeto Energy. Consultations have also involved the County Government, environmental NGOs and other stakeholders. It is estimated that more than 14 million Kenyan shillings (*ca*. EUR 89 000) have been spent on consultations over the past eight years or more (Sena, 2018).

Through these community negotiations, Kipeto Energy has reached an agreement over the use of pastoral land and the sharing of benefits from the project. Rather than use compulsory purchase for the land, they have agreed to lease the land from the landowners, following an agreed lease payment according to the area of land ownership with a 5 % annual increase. Each landowner will also receive 1.4 % of the gross revenue of each turbine located on their land. In the absence of legislation dictating benefit-sharing arrangements, Kipeto Energy has agreed to allocate a 5 % share of the company to the local community, which will be channelled through a community trust to increase share revenue generated from the sale of power (Sena, 2018).

[49] Expert Interview, Drylands Learning and Capacity Initiative (Kenya), 21 December 2023.
[50] Expert Interview, Drylands Learning and Capacity Initiative (Kenya), 21 December 2023.

The company has established buffer zones around individual turbines with restrictions on land use during their construction and operation. However, Kajiado County has not insisted on a formal change of land use – from grazing land to industrial wind park – on the basis that the installation is not permanent, uses less than 20 % of the land area and will not lead to a dramatic change in landowners' livelihoods. This avoids significant increases in land rates that might otherwise have been payable by the landowners (Sena, 2018).

The Kipeto project required 15 homesteads to be relocated away from the turbines' immediate vicinity, but relocation was possible within the landowner's land, resulting in 80 new houses being constructed for the residents. Although energy from the project is fed directly into the national grid and cannot be distributed locally, the project agreed to install solar power for all the new houses constructed. Kipeto has also funded the refurbishment of the Olyankalani Clinic in Kipeto, which serves more than 5 000 residents[51]. The company has committed 20 million shillings for investment (*ca*. EUR 114 305), which will be administered through a Community Investment Committee, and estimates that 400 jobs will be created during the turbines' construction. It is currently developing measures to ensure a more equitable sharing of benefits with women since men typically receive the payments under current arrangements. The Kipeto project has also created two grievance mechanisms – one managed by the company and one managed by the lenders – to help address conflicts and resolve disputes (Sena, 2018).

In addition to these social development efforts, Kipeto has created a partnership with The Nature Conservancy[52] to address risks posed by the wind farm to local wildlife, particularly the endangered vulture. The Kipeto Board has a biodiversity subcommittee that governs the use of these funds, which includes local and international conservation experts[53].

Kipeto Energy PLC has recently created nine Trustees, including two connected to Kipeto, one independent member, three representing landowners and three from surrounding communities. These Trustees provide oversight to the Management team and are appointed on a 3-year voluntary basis. The Trust is responsible for projects in Education, Health, Water and Sanitation as well as Sustainable Livelihoods[54].

## 5.3 Geothermal energy development in Kenya's Rift Valley

Kenya sits on the geologically active Rift Valley and has great potential for generating geothermal energy. The Rift Valley runs roughly north to south and is almost exclusively arid and semi-arid lowlands inhabited and used by pastoralists. Kenya has rich under-exploited geothermal energy reserves, estimated at thousands of MW, which can be exploited with minimal impacts on the ecology and the sector is predicted to grow in the coming years (Merem et al., 2019).

The areas targeted for geothermal energy development have been inhabited by pastoralist communities for centuries, in particular the Maasai. The hills of the Rift Valley have cultural-spiritual significance for pastoral societies as well as being economically valuable grazing reserves that are crucial for surviving the dry seasons (Lomeri and Rotich, 2014). As a result, pastoralists have lost pasture and water resources and, in some cases, have been forcibly resettled. Geothermal development has not only negatively affected human and animal health, but also caused environmental degradation. Conflict has arisen over the equitable use of pasture and water resources around geothermal installations and access to benefits such as jobs, houses and profit sharing. Pastoralists report a loss of their human rights as well as their land rights and are dissatisfied with the way they are represented in negotiations with geothermal companies (Hughes and Rogei, 2020).

[51] Kipeto Energy, 'Community and Environmental Benefits', webpage, n.d.
[52] The Nature Conservancy, website, n.d.
[53] Kipeto Energy, 'Kipeto Wind Farm enters into Innovative Loan Agreement to fund Biodiversity', 20 October 2021. .
[54] Kipeto Energy, 'Recruitment of the community trust trustees', webpage, n.d.

The Kenyan government and its development partners have been criticised for not respecting the rights of pastoralists in relation to geothermal energy projects and for failing to seek consent and ensure equitable benefit sharing. Local communities have raised many concerns about corruption, nepotism and discrimination in local decision-making; some minority groups also accuse dominant pastoral societies in the project areas of further marginalising them in the fight for benefits (Hughes and Rogei, 2020).

The financing expansion of Olkaria I geothermal plant and construction of Olkaria IV[55] near Lake Naivasha was arranged through the European Investment Bank (USD 168 million) and the World Bank (USD 330 million initially and later an additional USD 68 million). The EIB has received formal complaints about the involuntary relocation of the Maasai and the negative impacts that this installation has had on the Maasai way of life, registered as SG/E/2014/07[56] and SG/E/2014/08[57]. Hence, a Mediation Agreement was established in 2016 which committed the power company, KenGen, to act in response to local complaints. An investigative mission and progress reports on the Mediation Agreement find that it is almost fully implemented, leading some to suggest that this reflects the failure of this agreement to address the relevant community concerns (Renkens, 2019).

Regarding the Olkaria developments, the land is legally owned by Kedong Ranch Ltd., comprising individuals who do not reside in the area. According to a letter from the UN High Commissioner for Human Rights, the land has been leased since at least the 1970s (Lawlor et al., 2021). The land is part of the Maasai indigenous community's ancestral land, having been occupied and used for centuries, thus creating overlapping claims over the land. This has sparked conflict and led to litigation challenging the allocation of ancestral lands to the Kedong ranch (Sena, 2015).

Geothermal energy developments could be designed to benefit the pastoral communities that host them on their land. These installations generate water that can be reused, for example, to irrigate pasture and to water livestock. Electricity generated through such schemes can boost the local economy, for example by powering food processing (e.g. dairy facilities) or powering water pumping to enhance irrigation (Lomeri and Rotich, 2014). Considering lessons learned from projects such as the Kipeto Windfarm discussed above, pastoral communities could also benefit from compensation for the land used by the geothermal development and from other benefit-sharing initiatives. Such equitable outcomes depend on first clarifying land rights. Currently, the benefits are enjoyed to a greater extent by the flower farms that are successfully competing against pastoralists for land and water resources around Lake Naivasha. Local pastoralists are instead bearing short-term socio-economic costs and increased conflict; hence, they fear long-term adverse environmental effects (Mariita, 2002).

## 5.4 Carbon credits for rangeland conservation and restoration

Grasslands cover at least a quarter of the earth's land surface and can play a major role in sequestering and storing greenhouse gasses as well as contributing to climate change mitigation. Grasslands are attracting growing attention as a carbon sink due to their vast expanse, high levels of soil organic carbon and significant rates of primary productivity (Lorenz and Lal, 2018). African grasslands, including tropical savannas, are predominantly used by pastoralists with their herd and flock management practices, mimicking the natural ecological relationship between ungulates and grasses. Nevertheless, some pastoral grasslands have become degraded and hence offer significant potential for capturing carbon through their rehabilitation (Davies et al., 2015).

[55] EIB, 'Olkaria I Geothermal Extension', webpage, n.d.
[56] EIB, 'Olkaria I & IV Geothermal Extension', webpage, n.d.
[57] EIB, 'Olkaria I & IV Geothermal Extension', webpage, n.d.

Carbon credits or offsets are agreements that allow the owner to emit a certain amount of carbon dioxide or other greenhouse gases in exchange for emission reduction or removal by another actor. Carbon offset projects can be verified using the Verra system[58], which ensures that carbon offset projects generate credible and permanent emission reductions.

**The Northern Kenya Rangeland Carbon project** works with pastoralists to generate carbon credits by modifying livestock grazing practices. The project was certified by VERRA and projected to remove and store 50 million tons of carbon dioxide over 30 years. Income from the project is intended to benefit local pastoral communities as well as wildlife conservation in the area[59]. The project has been criticised in the recent past and VERRA has suspended the issuance of credits according to the conservation news portal Mongabay (Mupko, 2023). A report by Survival International found numerous shortcomings in the project, including reliance on changing the way pastoralists graze their herds and undermining traditional governance arrangements. This report questions the assumption, made in the project baseline study, that traditional grazing is causing degradation. Indeed, supporting data demonstrates the opposite effect, in that the quality of vegetation has in fact declined rather than improved since the project started. The report claims not only that free prior and informed consent is absent within the terms of this project, but also that communities were poorly informed about the work involved and its implications. The project's legal basis has also been questioned, including a failure to register the Trust Lands in the project area; worries have also been raised over benefit sharing from the project (Counsell, 2023).

**The Makame Savannah project of Carbon Tanzania** has received more positive reviews and may demonstrate good practice in strengthening pastoralist land rights as a platform for carbon credits[60]. The Makame Maasai manage a wildlife-rich savannah and dry forest area adjacent to the Tarangire National Park following traditional herding practices. This area includes an important habitat for endangered and migratory wildlife, but is threatened by population growth and the immigration of farmers, leading to forest clearance for cultivation. The Makame Savannah Project is estimated to prevent 268 000 trees from being cut annually.

This project has been implemented in a Wildlife Management Area (WMA) covering 104 065 ha, involving five village communities and 15 000 people. More specifically, this project effectively revived the WMA to help communities resist encroachment on their land by crop-farming neighbours, given the WMA's integral role in protecting this area from deforestation. The local community carry out participatory resource planning through the revived WMA, which creates a legal land use plan that reflects how the local community use their resources.

Revenue from the Makame Savannah Project is used for land protection work as well as the improvement of Maasai's livelihoods. Support has been provided to village schools, community development initiatives, salaries for Village Game Scouts, boosting local governance and enforcing village by-laws, as well as improving health services. Carbon Tanzania agreed with the Tanzanian government on resource-sharing arrangements, with 51 % going to the local community through the WMA management authority, 10 % to the district government and 8 % to the national carbon monitoring centre in the Office of the Vice President (Carbon Tanzania, 2021)[61].

## 5.5 Securing rights and restoring rangelands in Tanzania

Securing the land rights of pastoralists and indigenous peoples is a recurring challenge in the case studies presented for this analysis. While pastoral tenure and customary governance may present some unique

[58] VERRA, Verified Carbon Standard, webpage, n.d.
[59] The Nature Conservancy, 'Carbon offsetting', webpage, n.d.
[60] Expert Interview, IUCN, 10 January 2024; CarbonTanzania, 'MakameSavannah', webpage, n.d.
[61] Expert Interview, Carbon Tanzania, 16 January 2024.

complexities, legislation in both Kenya and Tanzania allows pastoralists to secure their land rights. The ongoing weakness of tenure therefore reflects a failure to implement laws, which may be partially attributable to low awareness and weak capacity, but may also be rooted in a lack of political will. There is little doubt that both governments, as well as investors in the two countries, have benefitted from the vacuum created by insecure pastoral land rights. However, securing pastoral land rights could be among the most important measures for meeting pastoralists' development goals and green transition projects could thus be harnessed to achieve this end.

Tanzania's Village Land Act No 5 (Food and Agricultural Organization of the UN, 1999) and Land Use Planning Act No. 6 (United Republic of Tanzania, 2007) not only provide the legal framework and procedures, but also authorise Village Councils to prepare Village Land Use Plans. These Plans and Certificates of Customary Rights of Occupancy (CCROs) can help secure land tenure, although for shared grazing and water resources, which are common pastoral areas, joint village land use planning and group CCROs may be developed (Mwita et al., 2017).

Participatory Land Use Planning (PLUP) has been developed for the pastoral areas of Tanzania to overcome some of the challenges created by uncertain boundaries, communal resources as well as seasonal access to land and water. PLUP has facilitated agreements by communities across administrative boundaries to strengthen reciprocal resource rights, enable good governance and resolve conflict (Flintan et al., 2022). PLUP has been used to develop joint village land use plans and land certification to establish the OLENGAPA grazing area, covering 30 000 ha and four villages as well as the ALOLLE grazing area covering 95 000 ha and four villages[62].

Capacity building for district and village government includes training in conflict resolution, land laws and policies, stakeholders' related roles and responsibilities, technical planning and mapping skills as well as gender and social inclusion. All these aspects are essential for successful joint village land use planning[63]. An independent assessment of this initiative reported: improved rangeland condition; improved community participation in rangeland governance and management; increased security of rights to land and resources; a positive impact on livestock production; progress on gender issues; women's empowerment; other social equity aspects; and general improvements on livelihoods, food, nutrition security and income (Waweru et al., 2021).

The Inclusive Conservation Initiative in Tanzania is implemented by the Ujamaa Community Resource Team (UCRT) with funding from the Global Environment Facility, Conservation International, and the International Union for Conservation of Nature (IUCN). The project is strengthening indigenous governance structures in three areas of Northern Tanzania to enable communal land and natural resource management on pastoral rangelands. The project works with six vulnerable indigenous groups: Akie, Datoga, Hadzabe, Iraqw, Batemi and Maasai[64].

NDICI recognises that 80 % of wildlife habitat in Northern Tanzania is in the lands of indigenous peoples and hence conservation outcomes depend on the success of community-led conservation efforts. Since 2009, UCRT has facilitated Participatory Land Use Planning and registered Certificates of Village Land in 80 villages, paving the way for protecting over 800 000 ha of ecologically important indigenous land under the Communal Certificate of Customary Right of Occupancy. Community resource management plans have been developed to strengthen community governance and income from conservation. The partnership has also facilitated an FPIC process to establish a REDD+ programme with Carbon Tanzania (IUCN-GEF 2023, unpublished).

[62] Consultative Group on International Agricultural Research, 'Building Resilience through Joint Village Land Use Planning In Tanzania', Research Program on Policies, Institutions, and Markets, webpage, n.d.
[63] Expert Interview, International Livestock Research Institute, 17 January 2024.
[64] Expert Interview, IUCN, 10 January 2024.

## 5.6 Biofuel production

As a substitute for costly imported oil, biofuels were popularised in the 2000s. It was anticipated that they would not only assist agricultural growth and rural development, but also contribute to addressing climate change. Biofuel projects included large-scale plantations as well as small-scale out-grower schemes. However, concerns have been raised by CSOs and local communities about potential negative environmental impacts, loss of land and water resources as well as the risk of alienating land from rural populations, including pastoralists (Sulle and Nelson, 2009).

While this case study does not examine specific instances of pastoral land acquisition, it highlights the ongoing risk of land grabbing that results from pastoral land being labelled as marginal. Despite studies highlighting both the high value of pastoralism and the reasons that this value is routinely under-estimated (Davies and Hatfield, 2007), governments persist in the view that pastoralism has low value and that pastoral land should be put to better use for the common good. This argument has been employed manipulatively to support biofuel production and justify converting pastoral land for other uses such as tourism or large-scale crop production (Exner et al., 2015).

Land acquisitions for biofuel projects have led to migration and resettlement, with pastoralists particularly affected. Pastoral land is frequently declared as unused by the Tanzanian Government and pastoralists seldom have land registration or even understand land rights under Tanzanian law. Moreover, pastoralists are not recognised by the government as indigenous people, furthermore, the practice of pastoralism is frowned upon publicly and repeatedly dismissed as old-fashioned and in need of replacement (Johansson, 2013).

The race for land to grow biofuels raised tensions between private, local and government actors over the right to use and allocate land as well as compensation payments for land. A 2009 report found that companies had applied to produce biofuel, particularly jatropha, sugar cane and oil palm, on over 4 million hectares of land. While 640 000 ha had been allocated by 2009, only 100 000 ha had been granted formal rights of occupancy. Forest land was being particularly targeted despite the importance of forest products for rural livelihoods (Sulle and Nelson, 2009).

Biofuel investments have been identified as contributing to landlessness, food insecurity and environmental degradation in Tanzania. Attention has been drawn particularly to the risk of alienating customary lands, which has been complicated by conflicting interests of government policymakers who are also involved in private biofuel businesses. Compensation payments under the Village Land Act of 1999 are reported to be insufficient to allow alternative livelihood opportunities and the compensation process is unreliable, poorly understood by many landowners and badly implemented by many companies (Veit, 2019).

The risk to rural communities is much lower when biofuel companies use out-grower schemes or similar contractual arrangements with farmers. Biofuel crops can provide new revenue opportunities for farmers and can be used to generate income from unproductive or infertile lands. By forming cooperatives around biofuel production farmers can improve their access to markets. Village land trusts and equity-based joint ventures have been proposed as alternative models for raising private investment and improving the relationship between investors and communities as well as raising farmers' negotiating power (Sulle and Nelson, 2009).

While Tanzania continues to have potential for biofuel expansion, the implications for pastoralists continue to be concerning, given the continued weakness of their land rights. The resettlement of pastoralists because of biofuel schemes has been unwelcome and has triggered new conflicts. Biofuel projects adjacent to pastoral lands can divert water resources away from pastoral rangelands, while expansion of crop farming communities and cropland places new pressure on natural resources such as wood fuel.

New ways of acquiring land need to be established that not only respect existing rights, but also provide fair, negotiated compensation and benefit sharing for pastoral communities (Johansson, 2013).

# 6 Conclusions regarding pastoralism and indigenous people in Africa and the green transition

1. **The green transition covers a wide range of investments and opportunities that can be of benefit to pastoralists and indigenous peoples in Africa.**

The green transition is a broad concept that can include a wide range of development programmes. While certain large-scale investments, such as renewable energy projects, have earned notoriety, other interventions appear to address the needs of pastoralists and indigenous peoples more effectively. Green transition projects can include interventions in sustainable land management, participatory natural resource management and carbon credits for avoiding deforestation. It is worth recognising the opportunities for simultaneously delivering environmental, social and economic sustainability as mutually supportive outcomes rather than a trade-off between development goals. Effective monitoring and accounting are needed to capture the multiple co-benefits that are typically generated through green transition projects.

2. **Various green transition projects in Kenya and Tanzania have had serious negative consequences for pastoralists due to top-down planning and pastoral land rights being ignored.**

Some renewable energy projects have been particularly harmful to pastoral communities, not only primarily through the acquisition of large areas of pastoral land, but also by disrupting pastoral livelihoods, eroding pastoral culture and generating insecurity. Those projects have ignored the rights of pastoral communities and have paid little attention to understanding the diversity of stakeholders in the project site as well as their overlapping claims and rights. Projects have made tokenistic and selective attempts to share benefits with some local communities, while a small number of powerful and often non-local elites have captured greater benefits, which has aggravated existing tensions. Projects have created significant disruption to local communities with minimal recompense while compromising pastoral natural resources and degrading cultural landscapes. Under such circumstances, it is unsurprising that green transition projects generate fear and are distrusted.

3. **Opportunities for pastoralists to benefit from green transition projects are lost because of a prevailing negative attitude towards pastoralism.**

Many African countries have a history of deliberately marginalising pastoralists, portraying their livelihood system as backward, their culture as primitive and their attitude as anti-development. Misunderstanding and misrepresentation of pastoralism, particularly in Tanzania, has allowed the government and investors to justify the alienation of pastoral land and the abuse of pastoralists' rights in the name of progress. Rent-seeking around pastoral land has been reported in both Kenya and Tanzania, which suggests that influential people, including some originally from pastoral societies, may have little incentive to give secure titles to pastoralists. The portrayal of pastoral areas as conflict-prone can deter investors, but investments that fail to respect pastoral land rights can be the cause of conflict as highlighted by the case studies and key informant interviews. Green transition projects are likely to pose more of a threat than an opportunity to pastoralists if rights and responsibilities are unclear and not respected.

**4. The EU has a range of means to deliver more equitable outcomes from the green transition for pastoralists and indigenous peoples in Africa.**

The current portfolio of projects as well as the engagement of different diplomatic missions shows that the EU has many opportunities to ensure a just green transition for pastoralists and indigenous peoples. Projects can be tailor-made for pastoralist development without straying from country priorities laid out in the MIPs. However, delegations need a deeper understanding of pastoralism to identify how pastoralist development projects contribute to MIP priorities. The EU can use its diplomatic influence to raise the priority of pastoralist development projects, but delegations are constrained by their lack of expertise in this field and low awareness of pastoral development opportunities.

**5. Pastoralists and indigenous peoples need appropriate investment to meet many of their development goals.**

Investment in pastoral lands has often been viewed as a curse rather than a blessing because pastoralists have seldom benefitted. However, there is a clear need for resources which will enable pastoralists to pursue their own vision of development. Support is needed to establish pastoral-led institutions that will take responsibility for governing the land, managing resources, mediating in resource competition and representing communities. Donor organisations and other development partners need a deeper understanding of pastoralism and its benefits; furthermore, greater attention should be given to facilitating pastoralists' development of their own system rather than 'sensitising' them to accept outside notions of modernity and development. The process of helping a community to self-organise and secure its land has an intrinsic as well as an instrumental value and can yield an immediate dividend in terms of conflict mitigation and resource management.

**6. Pastoralists and indigenous peoples need secure land tenure for investments in their lands to be equitable.**

Kenyan and Tanzanian laws offer pastoralists opportunities to secure their land rights, but greater emphasis is needed on implementation. The process of securing land rights is slow and complicated, and the capacities of communities, civil society and local government to secure land rights are weak. Support is needed to 'midwife' the land tenure process, which could become more complex the longer it is left due to changing pressures that result from climate change and other factors. Securing land tenure creates a foundation on which development can progress more equitably and rapidly. It will enable local government to develop public-private investment partnerships with greater accountability to local communities and it will provide more transparency over investment decisions.

**7. Stakeholders in any given location must be carefully identified and appropriately engaged.**

Pastoralists are mobile and their livelihood system depends on shared resource rights, including shared rights of resource use, management and access. Those rights can be shared between many community members and between ethnically distinct communities, sometimes numbering in the hundreds of thousands. Rights can also be held in multiple and sometimes non-contiguous locations or different administrative areas. Rights-holders may have a vested interest in denying the rights of another group and external actors should be wary of bias towards one ethnic group that might be dominant in a specific area. Thorough stakeholder identification is a challenging but crucial step in upholding rights, managing conflict and equitably sharing the benefits of development projects.

**8. Pastoral development must be gender-inclusive, ensuring equitable rights to land and other natural resources as well as knowledge and information.**

All the issues outlined in this report have implications for women pastoralists, but the case studies have been weak in detail on how to ensure pastoral women's rights. The Kipeto Wind Farm case study highlights the importance of ensuring that women can provide oversight through project committees, which leads

to better targeting of community actions. Village land use planning in Tanzania also emphasises the importance of women's inclusion to avert the capture of land rights by men. All policies and programmes should aim to strengthen governance and rights equitably in alignment with EU policy, the Samoa Agreement, the Sustainable Development Goals as well as other international frameworks and norms. Sustainable development through the green transition must be achieved equitably within pastoral communities by paying greater attention to gender and the specific needs of and risks to women. Women's voices should be strengthened through support for civil society and their consent should be sought through effective FPIC processes. Their views and rights are particularly critical to conversations around securing land rights and sharing benefits from green transition investments.

**9. Civil society in pastoralist areas needs to be strengthened to help secure pastoral rights.**

Civil society, including CSOs, local leaders and champions, has an important role to play in developing civic responsibility, strengthening rights, advocating for policy and legislation as well as monitoring government and private investors. Civil society is weak in many pastoralist regions and can be marginalised by more powerful international organisations who may play some of the same roles, but do not effectively represent local communities and often lack the necessary trust at the grassroots level. Strong local civil society is essential for securing pastoralist land rights and supporting communities to stand up for their claims. This includes holding the government to account and helping to ensure the rule of law.

**10. Investments in pastoral lands must ensure Free, Prior and Informed Consent.**

UNDRIP is clear on the need for FPIC before pastoral land is alienated and before pastoralists are relocated away from their land. Despite the need for 'prior' consent, many actors seek to fulfil FPIC requirements retroactively, after decisions over land acquisition have been made. Decisions over large-scale investments are often secretive and communities find out after deals have been struck between investors and government. Securing FPIC is time-consuming and skilled expertise is needed to fulfil requirements properly. FPIC does not work if decisions are made far from the action. Moreover, the FPIC principle should apply to any land acquisition and not solely to the rights of indigenous peoples: countries should not deny communities an indigenous status and then consider that FPIC does not apply.

**11. The benefits of green transition projects need to be equitably shared.**

Green transition projects can generate a wide range of benefits, including jobs, revenue, equity, development projects and conservation projects. Project benefits should be carefully considered and should be commensurate with the project, not tokenistic. The most successful initiatives have generated significant benefits for local communities and have also strengthened local institutions to manage those benefits autonomously in accordance with the target community's priorities. In doing so they have derived extra co-benefits around strengthening governance and conflict management beyond the project's immediate needs.

**12. Carbon finance can attract resources to pastoral areas, but measures are needed to protect rangeland biodiversity and secure pastoral land tenure.**

Carbon finance projects have been developed without consulting communities and in some cases without receiving benefits. Certification methodologies have failed to respect the rights of land users, including their free, prior and informed consent. Concerns have been raised about the relative importance of trees and grasses in generating carbon credits for rangelands, which risks driving ecosystem change in a direction that is unsuitable for pastoralism. Greater attention is needed to the politics and management of finance; carbon projects should not be seen as an opportunity for the government to acquire land and compensate pastoralists, but they should build on secure pastoral land rights and ensure a meaningful sharing of benefits with the land users. The Verified Carbon Standard can help ensure equitable benefit sharing and avoid the conversion of native grassland into forest.

**13. Renewable energy projects will continue to seek land in pastoral regions and safeguards are therefore needed to ensure equitable outcomes.**

Governments are under pressure to deliver affordable, clean energy and will continue to promote investment in renewable energy projects. The most equitable projects described in this Analysis highlight the importance of extensive negotiations with local rights-holders prior to developing renewable energy projects, leasing rather than buying their land, providing substantial compensation for any necessary relocations, investing in significant community development projects and including the community as shareholders in projects. There is no blueprint for a successful renewable energy project because the context is highly varied. In some locations, the number of rights-holders will be so large that innovative solutions are needed to uphold their rights and ensure equitable outcomes. Donor-funded projects are an ideal vehicle for demonstrating good practice in these most challenging areas and showing how to overcome institutional barriers to development effectively.

**14. The creation of conservation areas should follow international best practices as outlined by the IUCN and the Convention on Biological Diversity.**

Although Tanzania has already surpassed Target 3 of the Global Biodiversity Framework on land – 30 % of the land area is under protected areas and other area-based conservation measures – the country continues to identify land for conservation initiatives. While Kenya has extended its conservation area through community-based initiatives, such as the conservancy approach[65], Tanzania still favours state-led policies. Community-based approaches can bring significant benefits to local communities, can be delivered without dispossessing people of their land and can combine significant environmental, social and economic benefits. New conservation initiatives should be informed by recommendations developed through international negotiations, including resolutions at the World Conservation Congress over recognising and respecting indigenous peoples' rights as well as protecting indigenous lands, territories and resources (IUCN, 2016).

# 7 Policy recommendations for the EU institutions, the European Parliament and EU Member States

**1. Reinforce diplomatic efforts to address the development needs and human rights of pastoralists and indigenous peoples.**

EU Delegations should:

- use diplomatic channels not only to raise concerns over the human rights of pastoralists and indigenous peoples, but also to strengthen support for sustainable pastoralist development;
- give higher priority to understanding the plight of pastoralists and indigenous peoples, recognising specific poverty, vulnerability and marginalisation of these communities, and challenging the use of prejudicial language to justify withholding human rights.

Furthermore, multiannual indicative programmes should be reviewed to identify potential risks to pastoralists and indigenous peoples, stressing existing opportunities to address their development needs. Delegations should be aware of HRCs in framework agreements as well as other relevant development plans and should enable committees monitoring HRCs to advance a human-rights-based agenda concerning pastoralists and indigenous peoples. Where necessary, EU Delegations can provide greater assistance to pastoralist civil society representatives to strengthen grassroots support for pastoral human rights.

[65] Kenya Wildlife Conservancies Association, webpage, n.d.

**2. Use the influence of the European Parliament to ensure countries uphold the human rights of pastoralists and indigenous peoples.**

Members of the European Parliament (MEPs) can ensure that all framework and partnership agreements in Africa include HRCs and insist on FPIC and associated mechanisms for monitoring and enforcement, including grievance mechanisms, in line with the Samoa Agreement. MEPs should be represented on monitoring committees for these agreements to track the implementation of HRCs, specifically for indigenous peoples and local communities. Partner countries can be held to account to respect the rule of law and uphold human rights according to all written agreements. Where necessary MEPs can draw attention to the rights of pastoralists and indigenous peoples in parliament to uphold the rights of specific pastoralist groups.

**3. The European Commission and EU bilateral funding agencies should ensure appropriate safeguards and equitable benefit sharing for all development projects, including those under the green transition.**

All projects should be developed after a thorough stakeholder evaluation, ideally conducted by an independent human rights organisation. Environmental and Social Impact Assessments should be conducted based on respect for pastoralism and understanding of the ecological, economic, social and cultural values that pastoralism provides. FPIC should be sought from all affected communities, with mechanisms established for follow-up, since communities have the right to withdraw their consent at any time. Negotiations between investors, public authorities and local communities should follow the rule of law and legal support should be provided to all affected communities. Projects should ensure sufficient resources are invested in developing and implementing safeguards, including establishing effective mechanisms for governance of land tenure, conflict management and benefit sharing. Benefit sharing should be commensurate with the scale of the project, including direct involvement in projects, revenue generation, asset creation and development projects (e.g. health centres, roads, schools). Benefit sharing may not necessarily need to be in-kind (e.g. electricity distribution from a wind farm) if the overall value of benefits is adequate, but locally appropriate energy solutions remain an attractive development opportunity for host communities.

**4. The European Commission and bilateral development agencies should design rangeland restoration projects to strengthen the resilience of pastoral livelihoods as part of the green transition.**

Rangeland restoration can make a significant contribution to the green transition, by addressing land degradation and associated risks, such as drought, while tackling other aspects of social development. The full value of rangeland restoration can be recognised only if the multiple benefits that are generated, including *inter alia* biodiversity conservation, soil productivity, drought remediation, carbon sequestration and storage are monitored. Rangeland restoration depends on securing land rights and strengthening natural resource governance and development partners should support the scaling up of innovations in this area. The EU can have the greatest impact on addressing the systemic issues that constrain the development of the poorest and most marginalised communities by placing governance and rights at the heart of green transition investments.

**5. Strengthen the capacity of civil society to represent pastoralists and indigenous peoples, secure pastoral land rights as well as governance and manage conflict.**

Sustainable development is unlikely to be achieved at scale in pastoral lands without the active engagement of pastoral representatives with adequate resources, capacity and opportunity. Civil society should be enabled to represent pastoralists and indigenous peoples or to strengthen representation by others (e.g. elected or traditional leaders). Civil society should be involved in building trust between various local communities as well as between local government and the community in general. Specific

opportunities should be created for pastoralist representatives to be consulted over development projects, to be involved in the process of securing FPIC and to be respected as watchdogs over green transition investments. Development partners should have a long-term plan of engagement with pastoral civil society, recognising the evolution of new civil society actors that may emerge and proliferate as local pastoral communities are strengthened, gaining autonomy and effectiveness through development projects.

6. **The EU and its research partners should build an institutional understanding of pastoralism across the EU and help staff promote constructive dialogue on pastoralist development, avoiding harmful stereotypes and ethnic discrimination.**

Understanding of pastoralism's merits as well as the rights of pastoralists and other indigenous peoples is inevitably mixed across EU staff, depending on prior experience and knowledge. The EU can make significant progress in upholding the rights of pastoralists and indigenous peoples by adopting a well-documented understanding of the economic, ecological and social merits of pastoralism and raising awareness of staff and partners of commonly held myths, misconceptions and prejudices. This could be developed as supplementary guidance alongside safeguarding instruments for new projects as well as a programme of awareness raising and capacity building on how negative stereotypes perpetuate discrimination and allow the abuse of pastoralists' human rights.

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DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT

European Parliament

WORKSHOP PROCEEDINGS

# Opportunities and challenges of the green transition for pastoralists and indigenous people in Africa

EP/EXPO/DEVE/FWC/2019-01/LOT3/1/C/16
May 2024 - PE 754.455

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Policy Department, Directorate-General for External Policies

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# List of abbreviations

| | |
|---|---|
| DEVE | Committee on Development |
| DG INTPA | Directorate-General for International Partnerships |
| EFA | European Free Alliance |
| EP | European Parliament |
| EPP | European People's Party |
| EU | European Union |
| FPIC | Free, Informed and Prior Consent |
| SDGs | Sustainable Development Goals |

# 1 Workshop programme

## Opportunities and challenges of the green transition for pastoralists and indigenous people in Africa

Tuesday 19 March 2024, 10.30 – 11.30

Brussels SPAAK building, room 5B1

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**DEVE PROGRAMME**

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10:30-10:35 **Introductory remarks**

Welcome by **Pierrette Herzberger-Fofana**, MEP (Greens/European Free Alliance [EFA], DE), Vice-Chair of the Committee on Development (DEVE)

10:35-10:45 **Presentation of the In-depth Analysis on 'Opportunities and challenges of the green transition for pastoralists and indigenous people in Africa'**

- **Dr Jonathan Davies**, International Expert in Sustainable Pastoralism, Rangeland Restoration, Sustainable Land Management and Regenerative Agriculture.

10:45-11:20 **Debate with Members**

- **Catherine Chabaud**, MEP (Renew Europe, FR)
- **François Thiollet**, MEP (Greens/European Free Alliance, FR)
- **Caroline Roose**, MEP (Greens/European Free Alliance, FR)
- **Pierrette Herzberger-Fofana**, MEP (Greens/European Free Alliance, DE)

11:20-11:25 **Intervention from the European Commission**

- **Philippe Thomas**, Head of Sector for Food and Agricultural Systems, Crisis and Resilience, Directorate-General for International Partnerships, European Commission

11:25-11:30 **Concluding remarks**

Concluding remarks by **Pierrette Herzberger-Fofana**, MEP (Greens/European Free Alliance, DE), Vice-Chair of the DEVE Committee

# 2 Introduction

The workshop entitled **'Opportunities and challenges of the green transition for pastoralism and indigenous people in Africa'** was organised by the European Parliament's (EP) Committee on Development (DEVE) and the Policy Department of the Directorate-General for External Policies. It took place on 19 March 2024 and was chaired by Pierrette Herzberger-Fofana, MEP (Greens/EFA, DE), Vice-Chair of the Committee on Development.

The chair recalled the workshop's focal point: exploring the opportunities and challenges of the green transition for pastoralism and indigenous communities in Africa. Highlighting the European Union's (EU) commitment to sustainability, particularly through initiatives like the Global Gateway, MEP Herzberger-Fofana underscored the importance of ensuring that such endeavours benefit local populations without creating tensions. She emphasised the risk of pastoralists losing access to their traditional lands due to poorly implemented green transition projects, especially in the context of large-scale renewable energy initiatives and evolving land use plans.

The workshop delved into these issues with a focus on case studies from Kenya and Tanzania. An external expert and representatives of the European Commission's Directorate-General for International Partnerships (DG INTPA) were present to engage in an open discussion with MEPs.

# 3 Presentation of the In-depth Analysis on 'Opportunities and challenges of the green transition for pastoralism and indigenous people in Africa'

**Dr Jonathan Davies** (International Expert in Sustainable Pastoralism, Rangeland Restoration, Sustainable Land Management and Regenerative Agriculture) presented his in-depth analysis on **'Opportunities and challenges of the green transition for pastoralism and indigenous people in Africa'** based on a comprehensive literature review and an analysis of online interviews with relevant stakeholders. With extensive experience as an Agricultural Economist and Ecologist, and having lived in Eastern Africa for two decades, Dr Davies has worked with pastoralists globally.

Specifically, the In-depth Analysis explored six case studies situated within Kenya and Tanzania. These case studies encompass a diverse array of green transition initiatives, ranging from renewable energy projects such as wind farms, the Olkaria Geothermal Project in Kenya and various land management projects consistent with the principles of the green transition.

He explained the concept of the green transition, highlighting its role as a response to the global climate and biodiversity crises. Dr Davies outlined how the reorientation of economic growth towards sustainability aims to mitigate environmental risks and achieve sustainable development. However, he acknowledged that some green transition projects, especially those involving renewable energy such as wind farms and other large projects have had adverse effects on pastoral lands in Africa, leading to land dispossession, community conflicts, increased poverty and heightened vulnerability among pastoralist populations.

Dr Davies explained the term 'pastoralists' as referring to those engaged in mobile livestock production in rangelands although underscoring the nuanced nature of the term, highlighting that it encompasses not just a livelihood but also serves as an ethnic label. Dr Davies described how pastoralists can lay claim to indigenous status due to the distinctiveness of their culture and livelihoods, coupled with the marginalisation they often face from governmental authorities. This complexity, he noted, poses challenges in identifying pastoralist communities and delineating their rights over various resources.

Dr Davies summarised key observations and recommendations aimed at EU institutions, including the European Parliament as well as EU Member States, to enhance the inclusivity of green transition projects, promote community participation, strengthen land tenure security, and improve coordination and monitoring mechanisms,

Dr Davies articulated key observations regarding the imperative of achieving a just green transition for pastoralists and indigenous peoples, emphasising three crucial elements. Firstly, he **underscored the importance of adhering to established safeguards and international principles** governing equitable development, citing frameworks such as the Sustainable Development Goals (SDGs) and international agreements as guiding benchmarks. Secondly, through the chosen case studies, Dr Davies stressed the necessity for **genuine and substantial benefit sharing**, distinguishing between token gestures and projects that deliver tangible advantages to local communities. Thirdly, Dr Davies advocated for **investment leveraging the potential contributions of pastoralists themselves to the green transition**. He lamented the prevailing negative attitudes towards pastoralism, noting that this mindset often leads to missed opportunities for pastoralist communities to benefit from green transition projects. Addressing this bias, he made recommendations to rectify misconceptions about pastoralism, thereby unlocking pastoralists' potential for sustainable resource management and development.

Highlighting the urgent need for development investment in pastoralist and indigenous communities, Dr Davies referenced the substantial disparities across various development indicators such as literacy rates, maternal mortality, and access to infrastructure. He stressed the imperative of ensuring **free, prior, and informed consent (FPIC)** for investments in pastoral lands, acknowledging FPIC as a fundamental principle that should guide all projects and programmes. Moreover, he emphasised the necessity of strengthening rights and governance in pastoral territories to facilitate FPIC processes, acknowledging the inherent complexity in navigating stakeholder dynamics and rights within communal pastoral tenure systems.

He highlighted the significance of bolstering rights and governance in pastoral and indigenous territories, proposing strategic investments in pastoral civil society. He emphasised the need for an explicit focus on fostering civic responsibility, advocating for policy reforms, and closely monitoring governmental and private interests in these lands.

Transitioning to the presentation of his six recommendations, Dr Davies outlined actionable steps to advance the cause of pastoralists and indigenous peoples.

The first recommendation centred on **reinforcing diplomatic efforts by country delegations** to address the development needs and human rights concerns of pastoralists and indigenous communities. He highlighted that this could include raising human rights concerns, identifying opportunities to support sustainable pastoralist development through country engagement and challenging the use of prejudicial language often used to justify human rights violations. Additionally, he highlighted the prevalence of such language, noting its occurrence not only within national governments but also among international organisations, non-governmental organisations, and even the conservation sector. He underscored the need for challenging such negative stereotypes and discriminatory language, suggesting that a better understanding of underlying issues among Delegation members could facilitate meaningful progress in addressing the rights and development aspirations of pastoralist and indigenous communities.

The second recommendation advised the **EP to wield its influence in safeguarding the human rights of pastoralists and indigenous peoples**. This entailed advocating for human rights clauses in partnership agreements, ensuring FPIC, and establishing mechanisms for monitoring and enforcement, including grievance mechanisms. Dr Davies stressed the necessity of resource allocation to support the effective implementation of these measures.

Furthermore, Dr Davies called upon the **European Commission and bilateral funding agencies in EU Member States to ensure the implementation of appropriate safeguards and equitable benefit sharing in all development projects**, including those under the green transition. He highlighted the need for comprehensive stakeholder evaluations, environmental and social impact assessments and ensuring FPIC. He highlighted that the provision of meaningful benefits to local communities should be commensurate with the scale of the projects, such as pastoralists and indigenous peoples' direct involvement in the project, revenue generation and asset creation. Drawing on the example of the Kipeto wind farm in southern Kenya, Dr Davies illustrated how equitable benefit sharing could lead to tangible improvements in pastoral communities, such as the development of essential infrastructure like health centres and schools.

Dr Davies elaborated on the fourth recommendation, calling upon **the European Commission and bilateral development agencies to design rangeland restoration projects that bolster the resilience of pastoral livelihoods within the framework of the green transition**. He emphasised the compatibility of such projects with the philosophy of the green transition and underscored their substantial value, often underestimated due to overlooked co-benefits. These projects, according to Dr Davies, encompass a myriad of benefits, including diverse livestock products, conservation of biodiversity, soil productivity maintenance, drought remediation, and carbon sequestration, among others. He stressed the importance of recognising and harnessing the wide range of services generated by healthy and intact rangelands through sustainable pastoral management.

Moving on to the fifth recommendation, Dr Davies advocated for **strengthening the capacity of civil society to represent pastoralists and indigenous peoples**, with a focus on **securing pastoral land rights and enhancing governance while managing conflicts effectively**. He proposed leveraging the influence of the European Commission to ensure, in different countries, the inclusion of civil society representatives in consultations and decision-making processes.

In his final recommendation, Dr Davies recommended that the **European Commission and its research partners cultivate an institutional understanding of pastoralism across the EU**. This includes promoting constructive dialogue on pastoralist development and combating harmful stereotypes and ethnic discrimination prevalent in policy discourse. To conclude, Dr Davies highlighted the potential for building awareness within country delegations to uncover overlooked opportunities for supporting pastoralists and indigenous peoples.

# 4 Debate with Members

**MEP Catherine Chabaud (Renew Europe, FR)** expressed disappointment regarding the absence of the Great Green Wall project in both the presentation and the in-depth analysis. Having visited Senegal, where the EU is actively engaged in the project, she highlighted the interconnection between pastoralism and agriculture within this context. MEP Chabaud drew attention to the In-depth Analysis' discussion of the competition between pastoralists and farmers, noting the prevalent sentiment in Senegal that livestock poses a significant threat to agriculture. She stressed the importance of reconciling these seemingly conflicting interests.

Furthermore, MEP Chabaud underscored the need to consider agroecology and agroforestry, which were not discussed in the in-depth analysis. She emphasised their significance due to their circular economy approach, wherein waste is utilised for agricultural production, thereby fostering the development of agroecological spaces around villages. MEP Chabaud elucidated on the integrated nature of such projects, where initiatives such as water collection and renewable energy are essential components.

MEP Chabaud enquired about the omission of the Great Green Wall project, especially considering the EU's substantial involvement in the initiative and ongoing efforts required for the project's advancement. She

referenced a conference she organised in May titled 'Accelerating the Great Green Wall: Fostering the Africa-Europe Partnership for a Just Rural Transformation in the Sahel', where various projects from sub-Saharan countries, primarily centred on agroecology, were showcased. MEP Chabaud inquired about the rationale behind focusing on pastoralism in the in-depth analysis and identified land use as a significant challenge in the context of the Great Green Wall. She recalled Dr Davies' emphasis on diplomacy and land ownership for pastoralists, underlining the pivotal role of land property rights.

Concluding her intervention, MEP Chabaud presented an illustrative example of an agroforestry and agroecology project in Senegal, where students are allocated a hectare of land for cultivation as part of their school curriculum. She advocated for EU support for such models and sought Dr Davies' perspective on these types of projects.

**MEP François Thiollet (Greens/EFA, FR)** raised concerns regarding the green transition, characterising it as often serving as a pretext for economic development at the expense of local populations, exemplified by the plight of the Maasai people in Tanzania. He highlighted instances where the Maasai, pastoralists by tradition, have faced mass eviction from their ancestral lands under the guise of biodiversity protection. MEP Thiollet lamented that the Tanzanian government further exacerbates the situation by restricting access to essential services such as food, education, water, and healthcare and restricting their traditional ceremonies and gatherings, effectively pressuring communities to relocate.

He referenced Parliament resolution 2023/3024(RSP) on the Maasai Communities in Tanzania, adopted in December 2023, which addressed the worrying situation, particularly the disappearance of a human rights defender from the Ngorongoro tribe.

MEP Thiollet underscored the adverse impact of the green transition on the Maasai people, attributing it to neoliberalism enforced by the EU, which, in his view, directly affects local populations. He criticised the EU's continued pursuit of trade agreements, citing the export of powdered milk to West Africa as detrimental to local producers and contrary to fair trade principles.

MEP Thiollet questioned the EU's commitment to nature conservation and fair trade within the context of potentially neo-colonialist conservation practices. He asked about what the EU can do for nature conservation and avoiding these detrimental effects; how can the EU fund organisations and projects that support indigenous populations rather than expel them?

Recalling the discussion on property rights, he suggested that the EU could incorporate land rights as a condition in its agreements with Tanzania and other nations. Emphasising the need to recognise and protect local agroecological practices, MEP Thiollet called upon the EU to consider the existing agroecological methods employed by local populations. He likened this responsibility to the efforts to protect the Amazon rainforest, suggesting that similar measures should be taken to safeguard pastoralists in Africa.

**MEP Caroline Roose (Greens/EFA, FR)**, expanded on her colleague's remarks concerning green hydrogen projects. She raised questions regarding the adherence of these projects to environmental and social standards and the inclusion of meaningful consultations with local populations. Additionally, MEP Roose sought clarification on the EU's strategies to ensure that the green transition does not adversely affect local communities and their sustainable development and well-being.

**MEP Pierrette Herzberger-Fofana (Greens/EFA, DE)** intervened to highlight recent events involving the Maasai's presence at the EP in June. She noted that Tanzanian authorities had denied access to certain parliamentarians, prompting her to inquire about the EU's strategies for overcoming such barriers. Additionally, she underscored the importance of addressing discriminatory or prejudicial language,

drawing upon her familiarity with Senegal to illustrate the complex issue of property rights intertwined with religious and traditional laws – which often exclude women from land ownership.

MEP Herzberger-Fofana expressed her appreciation of the integration of civil society support in the in-depth analysis and she sought clarification on Dr Davies' direct engagement with civil society organisations involved in pastoralism.

## 4.1 Intervention from the European Commission

**Mr Philippe Thomas (Head of Sector for Food and Agricultural Systems, Crisis and Resilience, European Commission, DG INTPA)** commenced his intervention by drawing upon his extensive 30 years' experience working on pastoral issues in the Sahel. He underscored the dynamic nature of pastoralism, noting significant changes observed over the past three decades. Mr Thomas commended the In-depth Analysis for accurately reflecting this evolving landscape and expressed his openness to constructive criticism, acknowledging the inherent complexity in addressing Dr Davies' recommendations.

Central to Mr Thomas's discourse was the recognition of pastoralism as a tangible reality, emphasising its historical connectivity with global cultures and contributions to sustainable resource management in fragile environments. He reiterated that, when it comes to land use and the best possible use of natural resources in fragile environments, it is what pastoralists do best. However, he highlighted the challenges posed by demographic shifts, where population growth necessitates increased land cultivation, thereby encroaching upon pastoral territories. Moreover, Mr Thomas highlighted the regulatory gaps in land governance, noting the absence of pastoral codes in many countries, except, for example, Niger. Often, he highlighted, pastoral land is what is left outside of urban and agricultural land in land codes.

Addressing misconceptions, Mr Thomas debunked the notion of technological exclusion among pastoralists and farmers, noting the widespread use of mobile phones for communication, particularly regarding weather patterns and water sources. He emphasised the significance of access to agricultural information, particularly in Eastern African and West African organisations.

Returning to earlier discussions on the Great Green Wall, Mr Thomas explained the intertwined relationship between farming and pastoralism – while there are farmers and pastoralists, farmers have livestock and pastoralists are farming. He specifically highlighted that, unlike farmers, pastoralists emphasise mobility, especially in the context of transhumance. Promising initiatives on pastoralism and its interactions with agriculture and environmental and climatic issues have been launched, with research/action programmes, as part of the Desira initiative, led by Team Europe. Unfortunately, insecurity and various political troubles are limiting the ability to develop the Great Green Wall with the initial ambitions.

While acknowledging criticism of the EU's Green Deal approach, he defended its necessity in tackling both immediate and long-term challenges. Mr Thomas underscored the ongoing evolution of food systems, attributing this dynamism to demographic shifts and the imperative for adaptability. He highlighted the EU's steadfast support for the Voluntary Guidelines on Land Tenure advocated by the Food and Agriculture Organization, emphasising the establishment of the global coalition for land tenure. Turning to the issue of land tenure for women in Tanzania, Kenya, and other African regions, Mr Thomas acknowledged the complex challenges faced by pastoralist women in male-dominated environments.

Developing on EU initiatives, Mr Thomas outlined efforts aimed at animal welfare and the eradication of cattle diseases, citing these as integral components of sustainable pastoral practices. He noted that smaller livestock holders often rely more heavily on natural resources, presenting opportunities for targeted interventions. Regarding the specific issue of the Maasai in Tanzania, Mr Thomas acknowledged the EU's principled stance while acknowledging the delicate nature of the situation. He further explained the EU's role as a partner in Africa, prioritising conflict mitigation and fostering community networks to alleviate tensions and promote dialogue across diverse communities in the region.

Mr Thomas underscored the pressing issues raised by livestock breeders associations to the EU. He highlighted that nowadays the main issue is the youth, noting the appeal of investing in firearms over livestock. Mr Thomas delved into conflicts, citing the pervasive influence of entities like Russia and jihadist movements exploiting the region's vulnerabilities. He described the marginalisation of pastoralists in conflict zones, detailing their victimisation through recruitment, human trafficking, and involvement in drug trade along migration routes. Highlighting the emergence of ethnic tensions and conflicts, Mr Thomas underscored the stigmatisation of certain communities and their unjust association with extremism.

In such fragile ecosystems where access to natural resources is contested, sustaining food systems becomes precarious. Mr Thomas stressed the imperative of all EP's political groups to maintain focus on these vulnerable regions to prevent further escalation of conflicts.

## 4.2 Responses from the panel

**Dr Davies**, answered the questions of the MEPs about how the nature conservation sector is reinforcing neo-colonial practices by pointing out that he touched upon this issue in the in-depth analysis. He pointed out that Tanzania was an outlier in that, while not being unique, still exclusively implements traditional approaches to conservation known as 'fortress conservation'. He described this as a neo-colonial approach, which several countries have stopped applying.

He also pointed out that the International Union for Conservation of Nature (IUCN) has adopted a resolution to promote a much broader understanding of conservation and governance approaches. IUCN gave full legitimacy to governance by indigenous people, for example, as a category (or all types) of protected areas can be governed as such. In practice, there are few examples of this new approach. Dr Davies indicated nonetheless that some can be found in Kenya through the conservancy movement. Through this approach, land is under conservation by communities, almost all of them pastoral. The area of land under conservancies in Kenya is roughly equal to the area found in national parks now. According to Dr Davies, this is progress from which Tanzania can learn. Within this framework, the important task is to find the 'champions' within communities who struggle to make their voices heard. He stressed that there might be an opportunity to give them a stronger voice and a platform to demonstrate ways to do conservation differently.

Dr Davies then highlighted that it is no coincidence that people want to take pastoralist land for conservation, as it is land full of wildlife thanks to pastoralism. Pastoralism is inherently sympathetic to conservation and it is an opportunity for pastoralists to benefit from the sustainability of their management system. He emphasised the fact that the opposite is the prevailing belief and that was harming pastoralists. Additionally, he explained that the green transition could play a role in using this already expert management as the entry point to finally support pastoralists in securing their resources because it is the platform for these kinds of investments. Dr Davies stressed that, ultimately it is about working with pastoralists to strengthen governance and secure their resource rights whatever the development intervention, whether it is a green transition or another framework, whether it is a protected area.

He emphasised that people cannot take opportunities offered to them if they do not possess a secure basis of rights and governance, which makes the difference. He declared himself glad that Mr Thomas mentioned the Voluntary Guidelines on Responsible Governance of Tenure as it is something the European Commission strongly supported. Dr Davies noted that he was involved in writing guidance on implementing those guidelines in pastoral lands and stressed that it provides an excellent way forward to address issues around gender and women's rights, which are difficult in very traditional pastoral societies. Thus, the challenge is having the determination to deliver complex answers in these rather unique contexts of pastoralism.

To the question from MEP Catherine Chabaud about the Great Green Wall, Dr Davies mentioned that it is very briefly touched upon in his in-depth analysis, which was commissioned to look at East Africa, particularly Kenya and Tanzania. He acknowledged that the research would have benefited from a bit of insight into the Great Green Wall. Initially, the initiative was not well-received as it was seen as perpetuating old myths as an excuse to take over pastoral land. Dr Davies explained the focus it had on trees in the Sahel when the region is savannah grassland, how people focused on putting closed canopy forests to replace the grassland, subsequently losing biodiversity and the traditional land management. The outcome of this initiative ended up being the opposite of what was desired, with the area losing the carbon dioxide it held. Dr Davies emphasised that this initiative started a long time ago (2005) and that the concept evolved, through different governments and institutions.

Since then, people have seen the opportunity to manage their rangelands healthily through the Great Green Wall. Mechanisms to provide support for pastoralists, not to plant trees but to manage the land in a resilient and sustainable way were created, leaving behind the idea of a wall of trees. As Dr Davies pointed out, now the Great Green Wall is more like a 'Great Green Carpet', as it is a swathe of sustainable land management, managing in its natural state grassland savannah and woodlands. Thus, it represents a lesson to be draw.

On the question regarding sustainable hydrogen as an energy source, Dr Davies stressed that he did not have much knowledge about it other than that it is certainly not wide spread in Africa now – though it will be 'on the horizon'. Answering the question about how to avoid harm, Dr Davies repeated the recommendation he made about pastoralists needing guarantees for secure land rights and effective governance. In his view, there is a need for the rule of law and security as fundamental to sustainable development. Should these be missing, no matter the opportunity, he stressed the outcome would likely be negative for pastoralists.

Dr Davies then commented on Mr Thomas' intervention, agreeing that pastoralism has changed significantly both positively and negatively as some of the changes have been forced on pastoralists. He stressed that it is a naturally very adaptive system and culture, and through these changes, pastoralists have found ways to adapt to the modern world, to the opportunities as well as the threats brought by technology. Then, with changing land uses, it is true more and more pastoralists are called 'agro-pastoralists' as they now engage in crop cultivation as well as mobile livestock production. Another point made by Dr Davies is that an underlying principle should be to understand the necessity for livestock mobility to maintain grassland health. He emphasised that if the livestock stopped moving there would have a vast area, possibly two-thirds of the land in Africa, which would degrade. Thus, necessary transhumance needs to be maintained as it is fundamental for the biodiversity of those systems and their economic resilience.

Dr Davies did not wish to comment on the conflicts and drug challenges, as he noted pastoralists are victims of these issues and yet often portrayed as the perpetrators. He stressed that it is part of the underlying discriminatory language that needs to end by having a deeper understanding of the situation, i.e. pastoralists as potential victims of ongoing changes and threats.

To conclude, to the question by MEP and Vice-Chair Pierrette Herzberger-Fofana, Dr Davies noted that he interviewed several DG INTPA representatives for the in-depth analysis as key informants. He mentioned the excellent feedback and found it encouraging to observe the wealth of expertise, projects and experience. He underlined that, although they might not be universal across country initiatives or country programmes, good practices were already there to draw from.

## 4.3 Concluding Remarks

In her closing remarks, Vice-Chair **Pierrette Herzberger-Fofana**, MEP (Greens/EFA, DE) expressed gratitude to the expert and everyone who contributed to the discussion. She concluded by pointing out that this workshop shed some light on the development cooperation policies of the EU with its partners when it comes to the environmental transition as a whole, and in the years to come.

# Annex 1 – Speakers' biographies

**Dr Jonathan Davies (International Expert)** specialised in pastoralism, rangeland restoration, and sustainable agriculture. He has been the Senior Ecologist at the Brecon Beacons National Park, the Coordinator of the Global Drylands Initiative and the Head of Sustainable Agriculture at the IUCN. He led IUCN's work on sustainable land management, rangeland restoration, sustainable pastoralism, and sustainable agriculture. He has extensive experience in landscape management and restoration, communal governance and resource rights, assessment of land health, ecosystem service valuation, policy design, and mobilising investment for ecosystem rehabilitation. Dr Davies was IUCN's representative to the United Nations Convention to Combat Desertification from 2009-2022. He holds a PhD in Agricultural Economics and has over 25 years of experience in sustainable development and conservation, particularly in Africa, Asia and Europe.

**Philippe Thomas (DG INTPA, European Commission)** has 30 years of experience in the area of rural development, agriculture, and food security, including 20 years in African countries, notably on the regional integration of livestock and pastoralism issues in West Africa, in support of regional organisations. Before his 20 years with the European Commission, he served as an official for the French Ministry of Cooperation. He is a veterinary doctor by training, with Post Graduate Certificates in animal production in hot regions, tropical medicine and statistics. He also continued his studies in economics/management and obtained a Master's degree in public economics.

# Annex 2 – Photos from the workshop


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