



HAKIJAMII

THE TENSION BETWEEN HUMAN RIGHTS & DEVELOPMENT

THE CASE OF LAPSSET IN ISIOLO COUNTY

REPORT



Hakijamii

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About Hakijamii

Founded in 2004, the Economic and Social Rights Centre (Hakijamii) is a national human rights organization that works with marginalized groups to claim their economic and social rights and improve their livelihoods. Our vision is a society that ensures the protection, promotion and fulfillment of all rights for all people.

Registered as an NGO under the NGO Coordination Act, the organization is headed by an Executive Director who reports to a Board of Directors. The organization currently works in seven counties of Kenya namely Nairobi, Mombasa, Kisumu, Isiolo, Garissa, Kakamega and Kwale. It coordinates its activities from its secretariat which is located in Nairobi.

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ACRONYMS AND ABBREVIATIONS

ArcGIS	Geographical Information Systems Software for Working with Maps
CAA	Content Analysis Approach
CIDP	County Integrated Development Plan
CNLMN	Community Neighbourhood Land Monitoring Network
CoK	Constitution of Kenya
CSO	Civil Society Organization
CSUDP	Civil Society Urban Development Platform
EIA	Environmental Impact Assessment
EMCA	Environmental Management & Coordination Act
ERS	Economic Recovery Strategy
ESC	Economic and Socio-Cultural
ESCR	Economic and Socio-Cultural Rights
ESRC	Economic and Social Rights Centre
FCRF	Formal Consent Request Form
FGDG	Focus Group Discussion Guide
FGDs	Focus Group Discussions
FGM	Female Genital Mutilation
GEMT	GPS Enabled Monitoring Tool
GIS	Geographical Information Systems
GoK	Government of Kenya
GPS	Global Positioning System
Ibid	Ibidem (Latin) “In the same place”
ICESCR	International Covenant on Economic, Social and Cultural Rights
IELF	Integrated Ethnic Leaders Forum
IIA	Isiolo International Airport
IRIN	Integrated Regional Information Network
KI	Key Informant
KIG	Key Informants Guide
KII	Key Informants Interview

LAPSSET	Lamu Port-South Sudan-Ethiopia-Transport
LCDA	LAPSSET Corridor Development Authority
LCPs	LAPSSET Corridor Projects
NGO	Non-Governmental Organization
NLC	National Land Commission
PAP	Project-Affected Person
PPP	Public Private Partnership
SEA	Strategic Environmental Assessment
SGR	Standard Gauge Railway
SPSS	Statistical Package for Social Scientists
TIVET	Technical, Industrial, Vocational, Education and Training
UN	United Nations
WARMA	Water Resource and Management Authority

EXECUTIVE SUMMARY

Kenya's Vision 2030 and all its flagship projects are envisaged to spur rapid economic growth and steer the country into a middle income economy by the year 2030. The LAPSSET Corridor Projects (LCPs) which includes a port in Lamu, resort cities, the Standard Gauge Railway (SGR) and upgrading of the Isiolo Airport to international standards among others, is part of the programme. This study sought to examine the effects of LAPSSET project on economic and socio-cultural rights of the communities living along the LAPSSET corridor in Isiolo County.

A mixed research approach was employed with multi-stage, snowball and purposive sampling techniques to generate both quantitative and qualitative data. A sample of 100 general respondents and a cohort of Key Informants (KIs) and Focus Group Discussion (FGD) sessions were held. Data was collected through content analysis, observation, interviews and an integration of Geographical Information Systems (GIS) and a handheld Global Positioning System (GPS) to assess spatial changes on land. The Statistical Package for Social Scientists (SPSS) was used to analyze quantitative data, while the qualitative data was analyzed by categorizing the responses into specific themes to capture key feedback to the main study questions. Life experiences and issues of concern raised by the respondents were recorded in verbatim expressions.

The study established that the communities along the LAPSSET corridor projects had not been sensitized about the projects. They were not informed about the impacts that the project would have on their lives. In addition, they were not adequately involved in various stages of project implementation. Although information dissemination forums were organized occasionally in Isiolo Town by LCDA, majority of the residents are still speculating on the main route the corridor will be taking, who among them would be affected and how they would be compensated. The study established that the mega projects had not enhanced any basic social services; instead, these services are further threatened through effects like noise pollution and strained access to basic services due to the influx of people.

Besides designing an ESC and a GIS-enabled monitoring tools, the study recommends that the LAPSSET Corridor Development Authority (LCDA) initiate essential social services along the corridor such as strategic water points, cattle watering taps, schools, colleges, and meat and milk processing factories to empower the local communities and help improve their lives. Public participation and information dissemination in the project should be heightened to assist in addressing speculation that is straining the peaceful co-existence of people in this region.

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We are also grateful to all the key informants who had to spare time from their busy schedules at the Isiolo County offices, LAPSET Corridor Development Authority, Vision 2030 Secretariat, Kenya Airports Authority and the National Land Commission to respond to our questions. We cannot forget to appreciate the time and enormous contribution of all the local leaders who participated in the focus group discussion sessions, particularly the elders, religious leaders, youth and representatives of the Civil Society Organizations (CSOs), for their open communication, articulation and sincere expression of the issues at hand.

To all Hakijamii staff led by the Executive Director, Pauline Vata, who worked with commitment and dedication to ensure that the report was a success. Special thanks go to Lucy Baraza, Collins Liko, Samuel Olando, Geoffrey Kerosi, Zulekha Amin, Peter Karachu, Linda Ikenye, Catherine Jelimo and Beatrice Oginga who made very useful comments on the original draft.

We are also very grateful to Civil Society Urban Development Platform (CSUDP) for their generous support. Thank you for giving us the opportunity not only to explore and learn, but also to continue with our work on social justice and service to marginalized communities.

1

INTRODUCTION

1.1 Introduction

The Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) initiative was jointly launched by the Kenya, Ethiopia and South Sudan Governments in March 2012.¹ The projects are part of Kenya's Vision 2030 programme that are planned to cover 1700km from Lamu to Southern Sudan². The LAPSSET Authority states that Lamu Port will connect the East African coast and West African coast at Doula, Cameroun. It further posits that this massive infrastructure would enable East African countries to access large-scale socio-economic development with a bigger market in the West Africa region. The project consist of two features: a 500m-wide corridor to accommodate a power line, road, pipeline and industries to be constructed at intervals of 50km on both sides.³ Critiques however sees non-tariff barriers and lack of political will as major impediments that could slow down the pace of project implementation, besides tedious Public-Private Partnership (PPP) arrangements to secure funding for the projects.

Further, the proposed projects have met serious resistance from several lobby groups under the banner '*Save Lamu 2012*', who took the government to court for not involving the local communities in planning and implementation of the LAPSSET projects. They also cited a range of environmental concerns⁴. The groups reiterated that they might not be adequately compensated and resettled since they lack authentic title deeds as true owners of their ancestral land which was still communally owned.

1.2 Statement of the Problem

Isiolo County is largely an arid and semi-arid region where the main economic activity is pastoralism. Other activities undertaken on a smaller scale include farming, fishing and hunting. This county is considered among the poorest in Kenya and is characterized by inadequate access to basic services such as water, food and social security. It is known to have experienced historical injustices by successive governments since independence. This is attributed to the colonial government policies that marginalized the Northern corridor that was perpetuated by the successive post-colonial governments⁵. Evidence has

1 The LAPSSET Corridor Development Authority Report, 2016

2 (ibid)

3 See LCDA Report, 2016 pg. 11

4 See Lamu Port Legal Petition, January 25th 2012, Milimani Court, Nairobi

5 (ibid)

further shown that there has been no genuine public sensitization, involvement and participation which has not only discriminated the local communities from taking part in the projects from an informed point of view, but also excluded them from their national duty and responsibility to make informed decisions on any development activity that affects their destiny.

This study was commissioned to examine how implementation of the LAPSSET corridor projects have affected the economic and socio-cultural rights (ESCR) of the locals living along the corridor in Isiolo County.

1.3 Objectives of the Study

The study was guided by the following objectives:

- (i) To examine the state of basic service provision since inception of the LAPSSET projects in Isiolo County.
- (ii) To develop a GIS-enabled Monitoring Tool to measure implementation of economic and socio-cultural rights in Isiolo County.
- (iii) To assess the level of community involvement in the LAPSSET projects implementation processes in Isiolo County.

1.4 Literature Review

1.4.1 Socio-Cultural Costs and Land Conflicts along the LAPSSET Corridor in Isiolo County

Existing literature reveals⁶ that the LAPSSET project in Isiolo faced serious opposition from the indigenous pastoralist communities⁷. They had evicted some officers who were erecting beacons on the proposed LAPSSET routes in Ngaremarara area⁸. Likewise, it is evident that proper compulsory land acquisition procedures as stipulated in Part VIII of the Land Act⁹ were not properly followed considering that to date, 32 people¹⁰ who claim to have been evicted from Isiolo Airport land have not been compensated; instead, unfamiliar people claimed compensation for the same land. Compulsory Land Acquisition in part VIII of the Lands Act of 2010 provides the procedures for land acquisition for public purposes¹¹. Further to this, the volatile situation caused by the border conflict between Isiolo and Meru counties and areas that are prone to banditry attacks and raids along the corridor route are major setbacks to the progress of the project.¹²

6 See Kenya News Agency, 8th December 2005

7 Such as the Boran, Turkana, Samburu, Meru and Somali among others,

8 Daily Nation, 18th November 2015

9 See The Community Land Act, September 2016.

10 See the Daily Nation, 16th May 2016

11 See <http://www.nation.co.ke/counties/lamu/-LAPSSET-land-payment/3444912-3096336-r6ck6s/index.html>, (retrieved on 26th April 2017, at 3.48pm)

12 See LCDA Report, 2016

From a cultural perspective, historical social heritage properties like grave-yards and traditional birth places are virtually lost whenever indigenous land is compulsorily acquired by the state for development projects. Traditionally, a lost family household psychologically interferes with a person's social stability and peace of mind. Some of these attributes are associated with one's social heritage, since they form a mental cognitive view that people always remember as a part of their sense of belonging¹³.

During an emergency consultative meeting between the Isiolo County and the LAPSET Corridor Development Authority officials¹⁴, county leaders firmly proposed the re-routing of the LAPSET corridor to avoid Isiolo-Meru land conflict zones. They stated that:

The corridor was designed to pass through Garbatula-Kulamawe-Ngaremba (near Isiolo Town) towards Lokichar and Marsabit, which has a lot of unresolved community issues and settlements.

The government failed to consult and involve them and their communities before physical mapping and planning of the project site.

Isiolo is the main hub that connects the Standard Gauge Railway to Uganda, Ethiopia and South Sudan. The LAPSET officials denied claims of a conspiracy to divert all projects from Isiolo as claimed by leaders. The leaders also proposed that the government consider introducing an additional airport, dry port, resort city, oil refinery and rail station along the proposed new route. This new demand would require new structural and physical plans produced at an extra cost.

Isiolo County leaders proposed that the new route should pass through Garbatula, via Boji and directly link Lodwar through Merti and, by extension, to Ethiopia, thus avoiding Kambi Garba-Ngaremba areas. According to the LCDA's initial physical plan, the corridor was designed to pass through Garbatula-Kulamawe-Ngaremba (near Isiolo Town) towards Lokichar and Marsabit, to Ethiopia¹⁵.

A comprehensive Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA) was commissioned much later in 2016-2017 after several of the projects had been completed. This went against the legal requirement for projects of such magnitude which should be subjected to such assessments, prior to their implementation¹⁶. Although the LCDA ascertain that these two processes were recently carried out, it was too late since they should have informed decision-making before the initial stages of implementation of the project in Lamu. This was a serious oversight and violation of major infrastructural investment procedures and the Law on the right to information and public participation.

13 See Kibiku, et al, 2016

14 See Nation Newspaper, 27th September 2016

15 ibid

16 See EMCA, 1999

1.4.2 Legal and Policy Framework

1.4.2.1 International and National Law

The Universal Declaration of Human Rights¹⁷ provides that “*everyone has the right to own property alone as well as in association with others*” and that “*no one shall be arbitrarily deprived of his property*”. The African Charter on Human and People’s Rights, 1986¹⁸; provides that the right to property shall be guaranteed. It may nevertheless, “*only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws*¹⁹”. It further declares that “*all peoples shall freely dispose of their wealth and natural resources*” and that “*this right shall be exercised in the exclusive interest of the people*”.

The law in this case articulately states that in no case shall people be deprived of their property. In case of spoliation, the dispossessed people shall have the right to the lawful recovery of their property as well as to an adequate compensation in case any of the steps articulated in the procedure were violated. The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was established in 1966 has been in force from 3rd January 1976. It expects its parties to work towards the granting of economic, social and cultural rights (ESCR) to Non-Self Governing Trust Territories and individuals including labour rights, right to health, the right to free education, right to an adequate standard of living and is monitored by the UN Committee on Social and Cultural Rights which ensures that all member countries set action plans to achieve the targets.

The Land Act, 2012 states that communities have a right to own and have land registered in their name. The Lands Acquisition Act, 2013 clearly highlights the procedure of land acquisition for development investment²⁰. The procedure and management of land issues are further discussed in the Land Laws Amendment Act of 2016²¹.

The preamble of the Constitution of Kenya 2010 (CoK 2010) acknowledges that “*All sovereign power belongs to the people of Kenya*”, inferring that the people of Isiolo are supreme, and deserve their rights, including the right to inclusion and information. The CoK 2010 ascertains that, the state shall provide economic and social rights and avail appropriate social security to persons who are unable to support themselves and their dependents²².

Regarding protection of the right to property and adequate housing, the law indicates that the state shall not arbitrarily deprive a person of property of any description, or of any interest in, or right over property

17 Refer to Article, 17

18 See Article, 14

19 Refer to Article, 21

20 See Land Act, 2012, Sections 75, 117 & 118

21 See Land Laws Amendment Act, 2016

22 Refer to Article 43(a) to (f)

of any description²³ unless the deprivation happens in accordance with the law; which would attract prompt and just compensation to the person(s) affected. It goes further to allow any person who has an interest in, or right over that property a right of access to a court of law²⁴. It mandates Parliament to enact laws to protect this right. However, the laws should not deprive anyone of any interest or right over their property arbitrarily.

The state may deprive any rights or interests over any property if the deprivation is as a result of compulsory acquisition which ought to be merited on the grounds that:

- a) The land must be required for a public purpose or in the public interest, in which case;
- b) Just compensation must be promptly paid to the person(s) whose land is being acquired.

Any aggrieved person(s) has the right of access to a court of law to seek a remedy on the acquisition or compensation process²⁵. The question at this point is: were the local members of the public in Isiolo fully involved and made aware of the economic and socio-cultural implications of the LAPSSET projects on land acquisition²⁶, and if yes, were they fully compensated in a timely manner? If not, why were they not fully involved? And finally what needs to be done to resolve the quagmire, to ensure no imminent disputes that may occur in future should community members resist and prevent some of the projects from being implemented on their land without their permission as happened in Ngaremara area?

This study intended to examine these issues in order to highlight how the local communities in Isiolo have been directly or indirectly affected by the LAPSSET corridor projects and explore potential ways in which access to basic services has been hampered or accelerated by the LAPSSET project in Isiolo County. The people living along the LAPSSET corridor are the most affected since their right to prior information on the project as their constitutional right was denied.²⁷

1.4.2.2 Kenya Vision 2030

Kenya's Vision 2030 endeavours to have a "globally competitive and prosperous country with a high quality of life by 2030", with the aspiration of "transforming the country into a newly industrializing middle-income country providing a high quality of life to all its citizens in a clean and secure environment". Infrastructure is highlighted as one of the foundations for the Kenya Vision 2030 pillars which will help in realization of the socio-economic transformation. The 2030 Vision aspires for a country firmly interconnected through a network of roads, railways, ports, airports, water ways and telecommunications and that will provide water and modern sanitation facilities to its people. By 2030, it will become impossible to refer to any region of our country as "remote". To ensure that the main projects under

23 See Article 40, 1(a)

24 See Article 40 sub article (3b) i & ii)

25 Refer to Article 40(3)

26 See Article 61

27 Refer to Article 35 (1-3)

the economic pillar are implemented, investment in the nation's infrastructure will be given the highest priority. The LAPSSET projects are one of the platforms for achieving this goal.

Vision 2030 points out that Kenya's journey towards prosperity involves the building of a just and cohesive society that enjoys equitable social development in a clean and secure environment. This quest is the basis of transformation of the society in seven key social sectors: Education and Training; Health; Water and Sanitation; the Environment; Housing and Urbanization; Gender, Youth, Sports and Culture, as well as Equity and Poverty Eradication. It also makes special provisions for Kenyans with various disabilities and previously marginalized communities along the Northern Corridor.

In the political pillar, under rule of law, the 2030 Vision is "adherence to the rule of law as applicable to a modern, market-based economy in a human rights-respecting state". Specific strategies will involve: aligning the national policy and legal framework with the needs of a market-based economy, national human rights, and gender equity commitments; increasing access and quality of services available to the public and reducing barriers to justice; streamlining the functional capability of legal and judicial institutions to enhance inter-agency cooperation; and inculcating a culture of compliance with laws, cultivating civility and decent human behaviour among Kenyans, and between Kenyans and outsiders. The LAPSSET project is an inter-regional project connecting Kenya, South Sudan and Ethiopia.

1.5 The Gaps

The reviewed literature highlights likely major success stories and gains for Kenya and other African countries if the envisaged LAPSSET corridor projects are accomplished as planned, and none of the key stakeholders (Kenya, South Sudan and Ethiopia) withdraw or withhold resources to implement their sections. This is based on the assumption that there would be no major barriers like war, political or social conflict, or large-scale natural calamities like an earthquake along the corridor stretch and/or devastating disasters.

However, in the local scene, the literature provides extensive evidence of the Government of Kenya sidelining communities from genuine public awareness, participation and involvement in planning and implementation processes of the projects as required by the Constitution 2010. In Mwangaza, which neighbours Isiolo Airport for example, it was rumoured that people were required to vacate their ancestral land to pave way for the expansion of the airport. Prior to eviction, inhabitants were hurriedly summoned to vacate their land without adequate notice and knowledge to psychologically prepare them for relocation. Indeed, the right to information and involvement was violated.

In Ngaremara area, community members woke up one morning to find LAPSSET officials erecting beacons next to their premises without any knowledge on what was happening. Unfortunately, the local people resisted and told the surveyors to leave. If these people had been sensitized and fully involved in the preparations of this initiative, they would have embraced the project instead! Unlike in Lamu where

the LAPSSET compensation rates were well determined at Kshs. 1,500,000 per acre²⁸ beforehand, in Isiolo Airport (Meru side), inhabitants were compensated Kshs. 200,000 per acre, while on the Isiolo side, the government opted to compensate land-for-land which is an acceptable method in law, though consent from the project-affected persons (PAPs) was missing. The PAPs balloted for alternative land since they had no other option; however, a number of them found other communities already settled on the parcels of land. This was direct deprivation of their land, and violation of their right to compensation. To date, 32 of the PAPs have not been fully compensated and the disputes affecting their land remain unresolved. Demolitions led to non-adherence to the provision of adequate housing for the inhabitants of Isiolo Airport area, most of whom had to seek temporary shelter with family friends.

Due to lack of prior participation of the local people and their leaders on the LAPSSET initial planning, there was a demand by the local leaders to re-route the project, which would imply additional costs for physical planning, designs and other logistics for the government. This process would also cause unnecessary delays, something that would have been averted. The procedures for compulsory land acquisition by the state were largely violated²⁹ as relocation of PAPs to already occupied parcels was a recipe for chaos and conflict.

These numerous social concerns seem to have not only discriminated and abused the fundamental economic and socio-cultural rights of the local communities, but also denied them proper and optimum compensation so that they would willingly relocate to their alternative lands and re-invest any surplus thereof to improve their basic livelihoods. There was also no evidence that a consultant land valuer was commissioned to negotiate on behalf of the community members in Isiolo Airport compensation case. These gaps justified the need for this study to examine the state of economic and socio-cultural rights along the LAPSSET corridor in order to make recommendations and design an Economic and Socio-Cultural rights Monitoring Tool to be used periodically to generate data to inform the policy framework on how such social rights and economic violations could be avoided and to ensure that the LAPSSET corridor projects proceed uninterrupted, and above all, that they do not re-marginalize the already poor indigenous communities, thus adding to the historical injustices that have existed since independence.

28 See barakafm.org/2016/09/26/lamu-landowners-welcome Shs. 1,500,000 compensation

29 See the Lands Act, 2012 and the Community Lands Act, 2016

2

RESEARCH METHODOLOGY

2.1 Research Methodology

This section presents the criteria used in research site identification and selecting, the rationale for sampling techniques and how the sample size was determined. It discusses the data collection methods, analysis and presentation of the findings.

2.2 Site Selection and Description

Isiolo County is located about 285km from Nairobi and lies between approximately geographical coordinates 36.60° and 38.50° East and 0.5° and 2° North. The county is well known for its arid or semi-arid low plains topography; it is divided into two constituencies namely Isiolo North and Isiolo South, with its largest and capital town being Isiolo Town. With a spatial area of 25,336.1 square kilometres, it is quite expansive when compared to other neighbouring counties. Isiolo Town, the county's headquarters, was established after the First World War. The study was conducted in five selected areas in Isiolo County namely: Isiolo Airport, Kambi Garba, Ngaremara, Kulamawe and Garbatulla. The areas were selected because these are the sites that were affected by the LAPSET corridor projects (LCPs), and also experienced some resistance from community members.



Figure 1: Map of study area

2.3 Research Design and Sampling Techniques

The study adopted a mixed research design to generate both inferential statistics and descriptive responses from the respondents. Convenient sampling was employed to identify areas where evictees from the airport land had settled, and those within the proposed LAPSSET corridor route. Snow ball sampling technique was employed to target respondents who had been displaced from the Isiolo Airport land, besides others. Cluster sampling approach was applied to exhaustively deal with all those who were concentrated in the same area. Purposive sampling design was employed to identify respondents who had information on the LAPSSET projects among members of the general public. The approach was ideal in identifying cohort groups for collective views in Focus Group Discussion (FGD) sessions and Key Informants (KIs) among key leaders in political, administration, religious, civil society, trade, land, LAPSSET and development initiatives for personalized face-to-face interviews. A Geographic Information System (GIS) hand-held set helped in locating key coordinate points where the LAPSSET corridor will pass, in order to examine how the 500m width is likely to affect existing infrastructure, social and economic activities.

2.4 The Sample Size

The sample was determined by calculating the sample size from the target population by applying the Cooper and Schindler, (2014) (12th edition) formula.

$$n = \frac{N}{1+N(e)^2}$$

Where: n= Sample size, N= Population size e= Level of Precision.

At 95% level of confidence and e=10%,

$$n = \frac{143,294}{1+143,294(0.1)^2}$$

$$= (0.1 \times 0.1) = 0.01 \times 143294 = 1432.94 + 1 = 1433.94$$

$$= 143,294 / 1433.94$$

$$= 99.93026208$$

Hence

n = 100 (Sample Size), for the sample to be representative of the county.

The following formula was used to proportionally allocate samples for each stratum of the four (4) cluster areas:

$n_h = N_h$ when n_h = sample size for a stratum (cluster), N_h = population size for a stratum (cluster), n = total sample size and N = total population size.

Total Population (*Universe*) of Isiolo County = 143, 294³⁰.

Note: The sample of 100 did not include the key informants and Focus Group Discussion respondents.

2.5 Data Collection Methods

a) Structured and Non-Structured Observation

These methods were predominantly used to examine the current state of affairs on the progress and extent of LAPSSET physical project implementation, against replacement of existing socio-economic structures and human economic activities.

b) GIS hand-held handset

The Geographic Information System (GIS) was used to identify basic service provision since inception of the LAPSSET projects. It helped identify the route along which the projects would be implemented in order to understand socio-economic impact of the project. The tool helped in preparation of location maps of the corridor in the study areas. It was used in collection of location data on the existing structural facilities and development along the corridor using Global Positioning System (GPS) where maps of the current land use were prepared using ArcGIS software for an interface comparison.

c) Structured Interviews

Face-to-face interviews were extensively employed to generate in-depth insights from the project-affected persons, opinion leaders and members of the public. Focus Group Discussion (FGD) sessions with religious leaders, elders from the major communities and Civil Society Organization (CSO) representatives each consisting of between six and eight participants were carried out. Key informants drawn from different sectors ranging from Vision 2030, the LAPSSET Corridor Development Authority, National Land Commission, Isiolo County offices, Isiolo County Lands office, Kenya Airports Authority and others were interviewed to generate responses on how the projects have affected and are likely to affect the local people and the county in the future.

2.6 Data Collection Instruments

- A questionnaire for the general public with both open- and closed-ended items was designed and initially used to guide and record responses from individual respondents drawn from the general members of the community in each study areas.

30 See Kenya Population Census, 2009

- A Stakeholder Analysis Matrix was designed to identify potential respondents and organizations that have a direct stake in the LAPSSET corridor projects.
- A Structured Observation Guide to direct physical visual assessment of structures was designed and employed in assessing the situation where LCPs have already been implemented.
- A Key Informants Guide (KIG) and Focus Group Discussion Guide (FGDG) were designed and used to guide in-depth discussions in the field.
- A Formal Consent Request Form (FCRF) had been designed to seek consent from respondents for their voluntary participation in the study which was administered before interviews began. Any participant who did not want to participate in the study was excused.

2.7 Ethical Considerations

- To guarantee freedom of expression in the study, each respondent's consent to provide information was sought prior to the interviews. Those who declined to participate for various reasons were excused.
- To ensure confidentiality and that individual privacy was observed, respondents' names, their ethnic communities, photographs and telephone contacts were not recorded on the data collection instruments to ensure that their personal identities were not exposed to the public for their own security.
- Data enumerators were trained on courtesy and interpersonal etiquette in order to accord respondents the highest respect during interviews.
- Pseudonyms rather than participants' own names were used in the report for personal security reasons.

3

DATA ANALYSIS AND FINDINGS

3.1 Study Results

Table 1 shows that 53% of the respondents were male while 47% were female. In terms of age-group, majority (78%) of the respondents were aged between 25-29 and 40-44 years respectively. Majority (61%) of the respondents are married.

Table 1: Socio-demographic profile (gender, age group, marital status)

Demographic	Value	Areas					Total
		Mwangaza	Kambi Garba	Garba Tula	Kulamawe	Ngaremara	
Gender	Male	15	11	13	8	6	53
	Female	15	9	7	7	9	47
Total		30	20	20	15	15	100
Age Group	20-24	0	2	0	0	1	3
	25-29	8	4	10	0	0	22
	30-34	5	5	1	3	3	17
	35-39	13	1	8	0	3	25
	40-44	4	4	0	5	1	14
	45-49	0	2	0	0	0	2
	50-54	0	2	1	5	3	11
	55-59	0	0	0	0	1	1
	60+	0	0	0	2	3	5
Total		30	20	20	15	15	100
Marital Status	Single	5	3	7	4	1	20
	Married	16	16	10	9	10	61
	Separated	2	0	1	1	0	4
	Divorced	4	1	0	1	3	9
	Widowed	2	0	2	0	0	4
Total		29	20	20	15	14	98

Regarding occupation, Table 2 illustrates that 46% and 34% of the respondents were pastoralists and business people, respectively, while on education level, majority (63%) of the respondents in all the areas had attained primary and secondary education. However, 23% of the respondents had no education in all the areas except in Isiolo Airport, with 11 out 20 in Garbatula falling in this category. This could be an indication that illiteracy levels are quite high among the pastoral communities in the county. Majority of the respondents were Muslim (65%).

Table 2: Socio-demographic profile (occupation, education level, religion)

Demographic	Value	Area					Total
		Mwangaza	Kambi Garba	Garba Tula	Kulamawe	Ngaremara	
Occupation	Business	15	8	2	6	3	34
	Pastoralist	4	9	14	7	12	46
	Both	0	1	0	1	0	2
	Farmer	4	2	3	0	0	9
	Civil servant	2	0	0	0	0	2
	Teacher	3	0	1	1	0	5
	Other	2	0	0	0	0	2
Total		30	20	20	15	15	100
Education Level	Primary	8	5	6	2	5	26
	Secondary	15	7	3	8	3	36
	Diploma	6	3		1	0	13
	Degree	1	0	0	0	0	1
	No Education	0	4	11	4	7	23
Total		30	19	20	15	15	99
Religion	Muslim	8	14	19	14	10	65
	Christian	20	6	0	1	5	32
Total		28	20	19	15	15	97

3.1.1 The Right to Information

In the context of access to information, majority (73%) of the respondents affirmed that they were not aware of the LAPSSSET projects until evictions started around the proposed airport land. This is despite the fact that the Constitution of Kenya strongly advocates for access to information in Articles 35 (1) (a) & (3), and 232(1) (f). One Focus Group Discussant affirms that:

“The LAPSSSET corridor projects are so vivid in our minds! My sister’s family was ordered to vacate their land in Isiolo Airport at the last minute. No notice had been issued. They came to live with us for almost a year after they were evicted, yet her husband had settled on that land in the 1970s”.

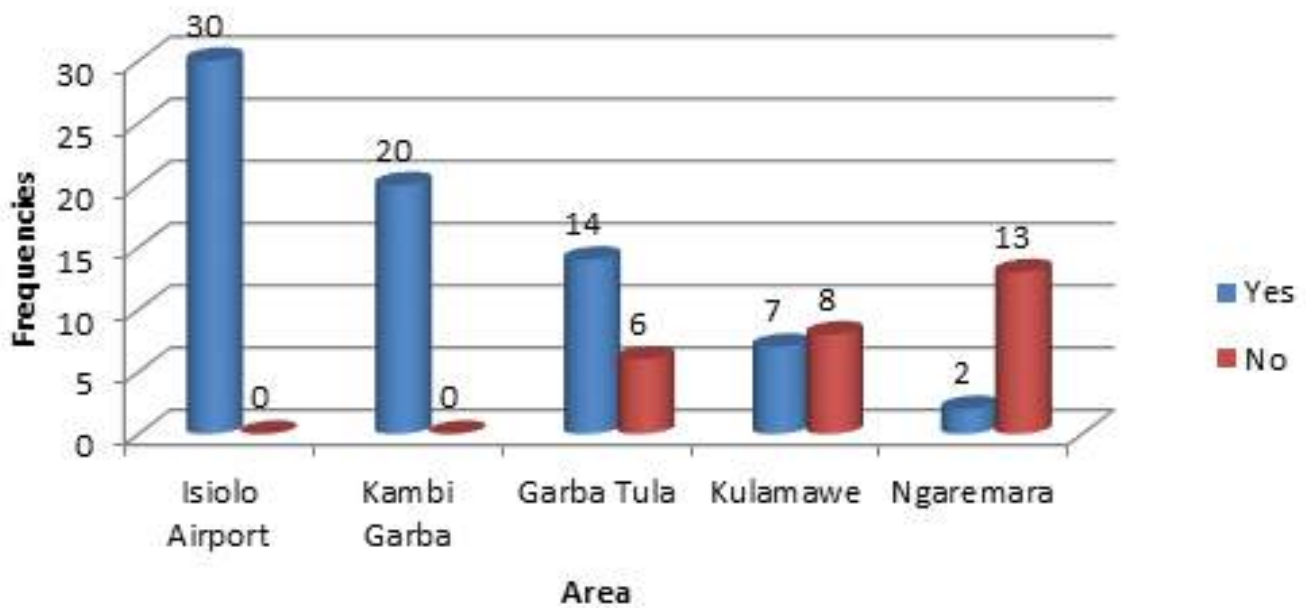


Figure 2: Level of participants' awareness of the LAPSSET project

Figure 3 presents a GIS map overlaying the affected area, where residents had not been made aware that their parcels of land were located inside the airport before inception of the expansion implementation plan.

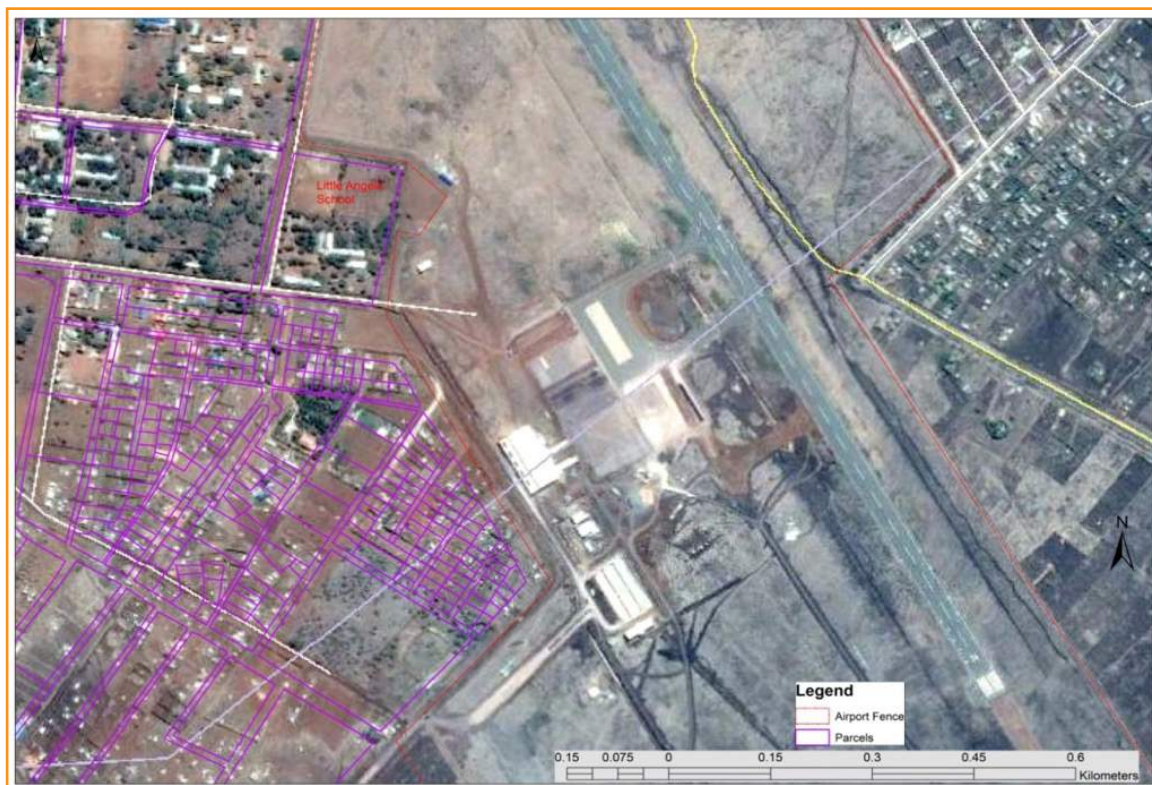


Figure 3: Overlay of digitized parcels affected by the airport

As indicated in Figure 2, 73.5% of the respondents observed that they had not been told where the exact boundaries of the LAPSSET corridors would pass in Isiolo County. One of the leaders in the leaders' focus group reported:

“Please note that since the inception of this project, there has been no public sensitization and engagement, which explains why some of us are still not aware about the LAPSSET projects. In fact, some of us learned about it through newspapers following some leaders' meetings which were held recently in an Isiolo hotel. To date, some of us leaders do not know the exact layout of the project in our county. We are only hearing rumours about this project”.

Figure 4 illustrates the LAPSSET layout in Isiolo County generated through plotting of the gazette coordinates in ArcGIS interface, overlaid on the road network and towns in Isiolo and neighbouring counties.

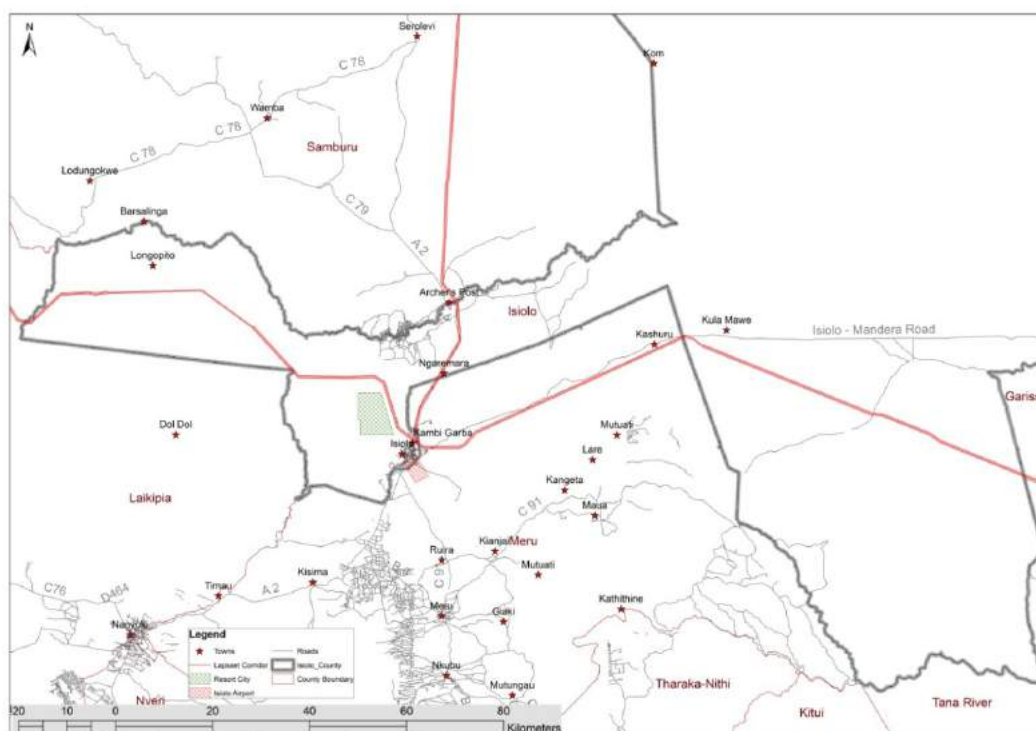


Figure 4: Map of the LAPSSET Corridor overlaid on Isiolo County

Sources of Information

Majority (67%) of the respondents in all the areas claimed to have heard about the project through the media (television, radio and newspapers) as illustrated in Figure 5. However, few people in Kambi Garba alleged that they were sensitized on the LAPSSET project through a training session organized by a local NGO.

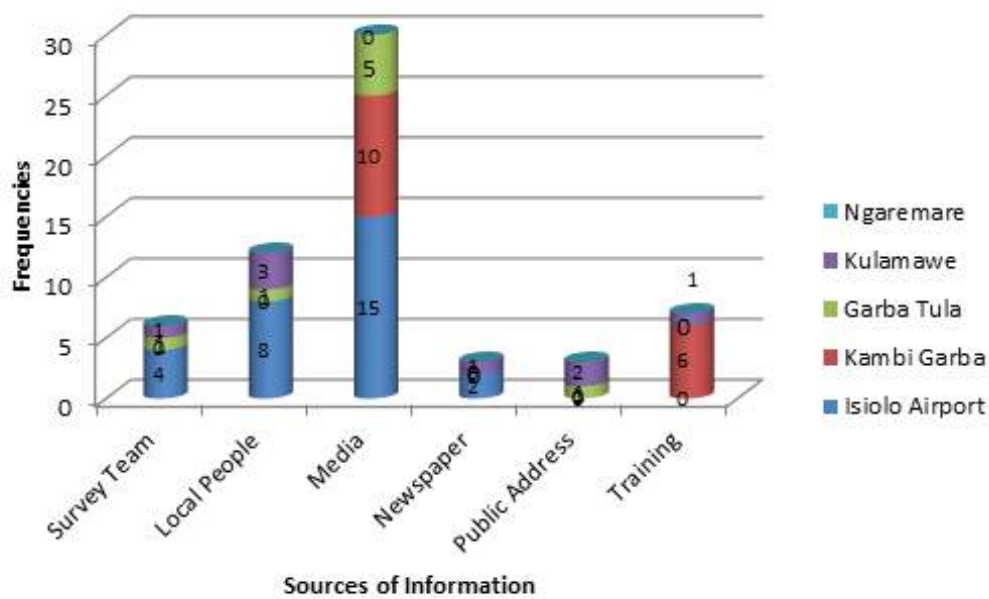


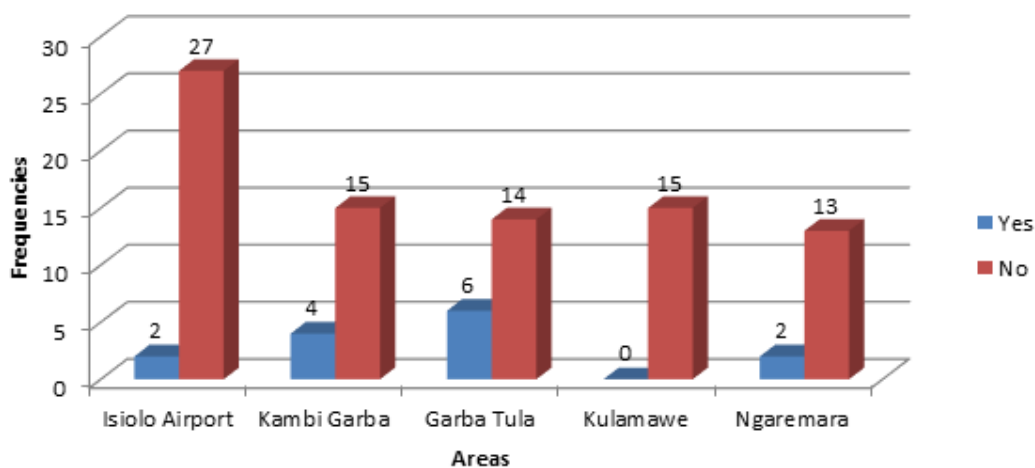
Figure 5: Sources of information on the LAPSSET project

Community Participation

From the survey, it was revealed that majority (84 or 87.5%) of the respondents were not involved as demonstrated in Figure 6, which is a contravention of Articles 174(c) and 10 (2)(a). The LAPSSET projects did not seem to prioritize public participation and engagement to enable members of the public make informed decisions. This is complemented by an excerpt from one of the key informants from the group of religious leaders who reiterated that:

“The weakest part of the LCP is that it disregarded the views and involvement of the local people, thus the Isiolo County Government administration resisted the proposed route and suggested a new one”.

Figure 6: Level of community involvement



This further confirms that the community members were denied access to information and hence an opportunity to participate as required by the Constitution of Kenya, 2010 and Public Participation Laws in order to make informed decisions.

3.1.2 Right to Clean and Safe Water

According to 51.5% of the respondents, besides relocation of people and schools from the airport land, the project reduced water supply to Isiolo Town, most of which was diverted to the airport for construction and operational use (see Plate 1). Authorities from the Water Resource and Management Authority (WARMA) however refuted this and claimed that the lack of water was caused by communities living upstream who diverted the same, thus preventing it from flowing downstream. This is a contravention of Article 43(d) as outlined in the Constitution. Commenting on how the project was likely to affect herders in rural areas in the future, one elder noted:

“Pastoralist communities would have a huge white elephant in the midst of their grazing land, where speeding cars would claim their animals, through hit-and-run accidents, with no compensation. The oil pipeline would be an obstruction to animal paths and grazing land for our people. Also, the Isiolo River is now completely dry! Animals and small irrigation farms that were thriving near our town are no more. Without water, our animals are greatly threatened.”

This claim was further confirmed through the photo in Plate 1 below showing a section of the dry river bed.



Recording of geographic co-ordinates using a handheld Global Positioning System (GPS)

Plate 1: Dry Isiolo river bed (Source: Hakijamii, Field photography)

3.1.3 Right to Education

On the right to education as required under Article 43(f) of the Constitution, the study revealed that several learning institutions would be adversely affected through evictions, and those adjacent to the airport would be affected by noise pollution. This was supported by 37 (43.1%) of the respondents as illustrated below in Table 3 and the GIS parcel overlay in Google Earth in Figure 7.

Table 3: Number of education facilities affected by LAPSET projects

Education Facilities Affected	Response	Areas					Total
		Mwan-gaza	Kambi Garba	Garba Tula	Kulamawe	Ngaremara	
Schools	Yes	10	15	10	0	2	37
	No	10	2	10	15	12	49
Total		20	17	20	15	14	86

Figure 7 indicates the location of KK Nkengecia Primary school inside the fenced airport area, whose alternative land was provided by the community across the airport land. However, it is yet to move since the Kenya Airports Authority is yet to put up a new school to relocate it outside the airport-controlled property.



Figure 7: KK Nkengecia Primary School located inside the airport fence

On school facilities, one of the civil society focus group members observed that noise would be a disturbance as indicated below:

“The loud noise as planes take off or land would disrupt learning in the nearby learning institutions like Isiolo Girls and Little Angels Primary School, among others. The schools should be relocated to other ideal areas several kilometres from the airport.”

3.1.4 Right to Employment

As revealed in Figure 8, the majority of the respondents 80 (82.5%) claimed that the LAPSET projects were not beneficial to the local people. They argued that most jobs at the Isiolo Airport were awarded to non-locals. See a GIS illustration of some of the affected areas below. This was a contravention of Article 27 on equality and non-discrimination and Article 43(1) which provides for the right to social security, a right that can only be realized through employment.

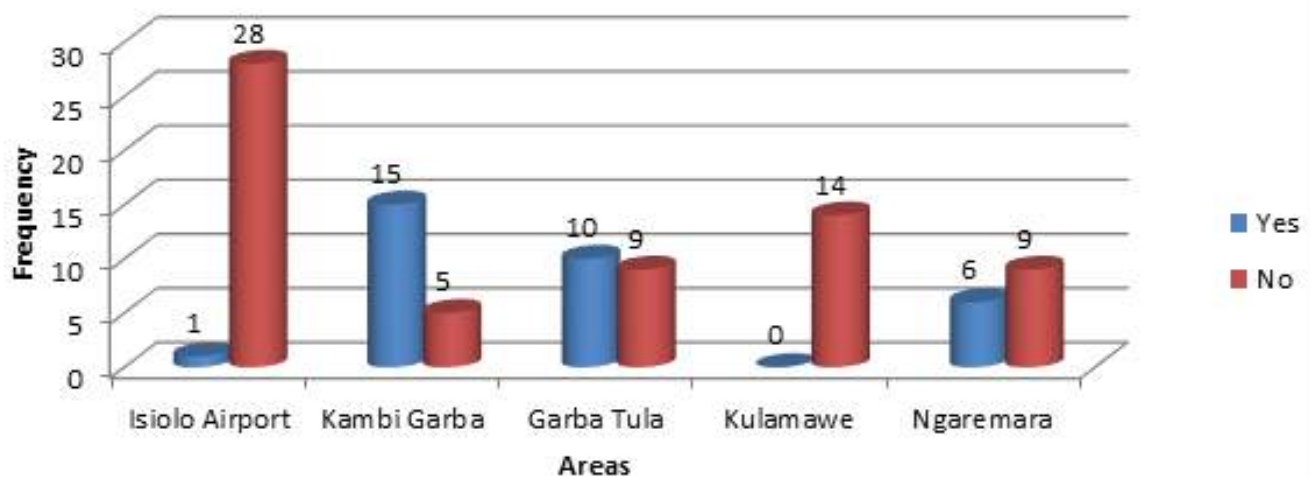


Figure 8: Finding out if LCPs are beneficial for the local people

A majority of the respondents from the Airport area and Kambi Garba reported that the LAPSSSET projects would have a negative impact on the community due to displacement, hence tampering with their normal livelihoods. Figure 9 demonstrates the responses in the various areas affected in Isiolo County. As one respondent noted:

“It is obvious the LAPSSSET projects would enhance trade and transport network once the projects are fully implemented. However, the indigenous pastoralist communities may not enjoy any tangible gains unless there are ready markets for their animals and animal products.”

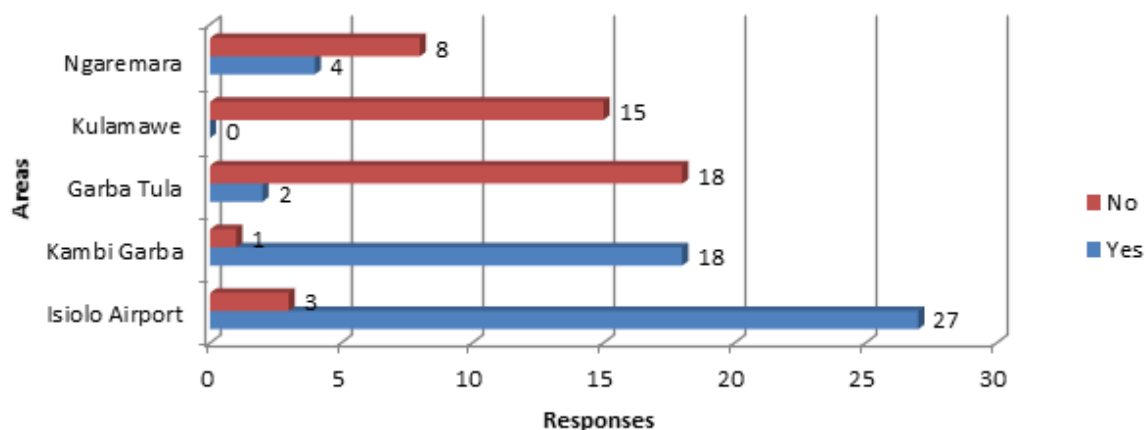


Figure 9: Negative effects of LAPSSSET projects on the community

When asked how the local community would benefit from LCPs, a small proportion (23%) of the respondents felt that it improved infrastructure, especially the road network and expansion of the airport.

An overlay of the LAPSSSET projects on the satellite image of Isiolo clearly demonstrates the areas where the corridor will traverse, as well as the location of the resort city and Isiolo Airport, as shown in the map in Figure 10.

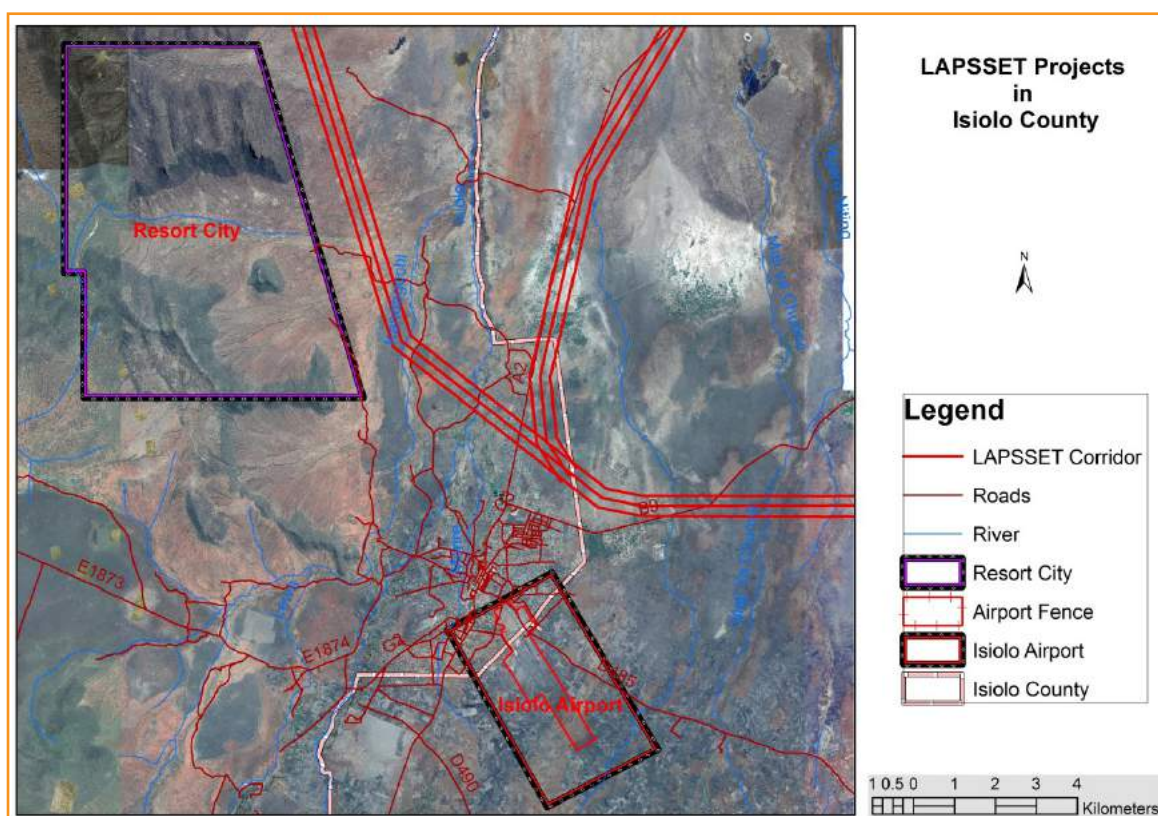


Figure 10: Overlay of LAPSSET projects on satellite image

Table 4: Number of people who received compensation for their land

Area	Yes	No	Total
Mwangaza	4	25	29
Kambi Garba	4	15	19
Garba Tula	11	9	20
Kulamawe	0	14	14
Ngaremara	4	10	14
Total	23	73	96

When asked whether they were compensated for their land, 73 (76%) of the respondents confirmed that they were not compensated even for disturbances and relocation, as one of the elders put it in the following excerpt:

“There was no cash compensation; people were given alternative land, which was already occupied by other people. Therefore, it was not genuine compensation; if we were paid in cash, people would have invested in other ways. This made most of the evicted people vulnerable since their incomes were adversely affected.”

3.1.5 Right to Adequate Housing and Reasonable Standards of Sanitation

Asked whether the LCPs caused interruptions as indicated in Figure 11, 63 (64.9%) of the respondents were in agreement that it was a dehumanizing act since their houses were demolished immediately they were evicted. Most of them claimed to have been accommodated by family and friends where they lived

under very poor conditions and lacked privacy. This act was central to Article 43(1)(b), as one of the elders highlighted during the Focus Group Discussion when she reiterated that:

“All of a sudden people were rendered homeless, and began looking for others to accommodate them in Kambi Garba and other estates in town. Lack of one’s own shelter is a bad feeling. One never feels at home in somebody else’s house.”

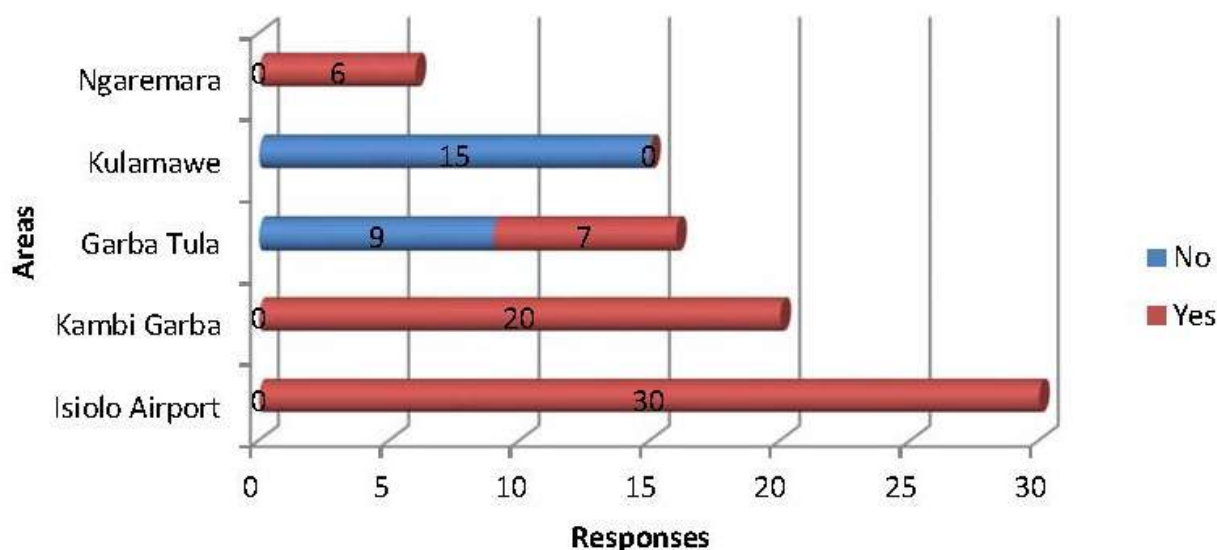


Figure 11: Whether the LAPSSET project caused interruptions

As illustrated in Table 5, 78.8% of the respondents felt that the expansion of Isiolo Airport made people much poorer, especially those who never received genuine replacement for land. However, as a member of the youth group in one of the Focus Group Discussions observed in the following excerpt, the projects should not be overly condemned:

“If it is true these LAPSSET projects would be accomplished as shown in the Master plan, with a functional international airport with weekly international flights here, then definitely business would improve tremendously. Although a Resort City in Kipsing Gap may be resisted by herders in Eldonyiro area, it will attract huge investment, create employment for the youth and open up a large market for local products. But how sure are we that this will happen? Different governments in the future might have different priorities and set aside the LAPSSET Corridor initiative.”

As revealed in Table 5, on whether the local people had any opportunities from the LCPs especially reduction of hunger and improvement of food security, 77 (78.8%) argued that the projects subjected people to hunger since they interfered with their means of livelihood. Income levels became worse thus making people poorer. This went centrally to Article 43(1) (c). It is compounded by the fact that River Isiolo is now dry and no more irrigation could be carried out there. Considering that Isiolo is located in an arid and semi-arid region, food security is a basic need, where lack of permanent source of income puts the inhabitants at risk of hunger and starvation.

Table 5: Opportunities created for the inhabitants of Isiolo as a result of LAPSET

Aspects	Value	Area					Total
		Mwangaza	Kambi Garba	Garba Tula	Kulamawe	Ngaremarara	
Created jobs	Highly Agreed	5	0	3	0	1	9
	Agreed	24	15	9	0	12	60
	Not Decided	1	3	3	13	1	21
	Disagreed	0	0	5	2	1	8
	Highly Disagreed	0	2	0	0	0	2
Total		30	20	20	15	15	100
Reducing hunger and improved food security	Highly Agreed	0	0	02	1	0	3
	Agreed	6	1	5	0	2	14
	Not Decided	21	5	4	11	2	42
	Disagreed	1	11	3	2	7	24
	Highly Disagreed	0	3	6	1	1	11
Total		28	20	20	15	12	95
Increased income	Highly Agreed	0	0	3	0	2	5
	Agreed	7	0	8	0	8	23
	Not Decided	18	18	0	11	2	49
	Disagreed	5	2	7	4	2	20
	Highly Disagreed	0	0	2	0	0	2
Total		30	20	20	15	14	99
Made people poorer	Highly Agreed	0	1	1	0	1	3
	Agreed	16	11	7	0	1	35
	Not Decided	13	5	3	15	2	38
	Disagreed	1	3	9	0	11	24
	Highly Disagreed	0	0	0	0	0	0
Total		30	20	20	15	15	100

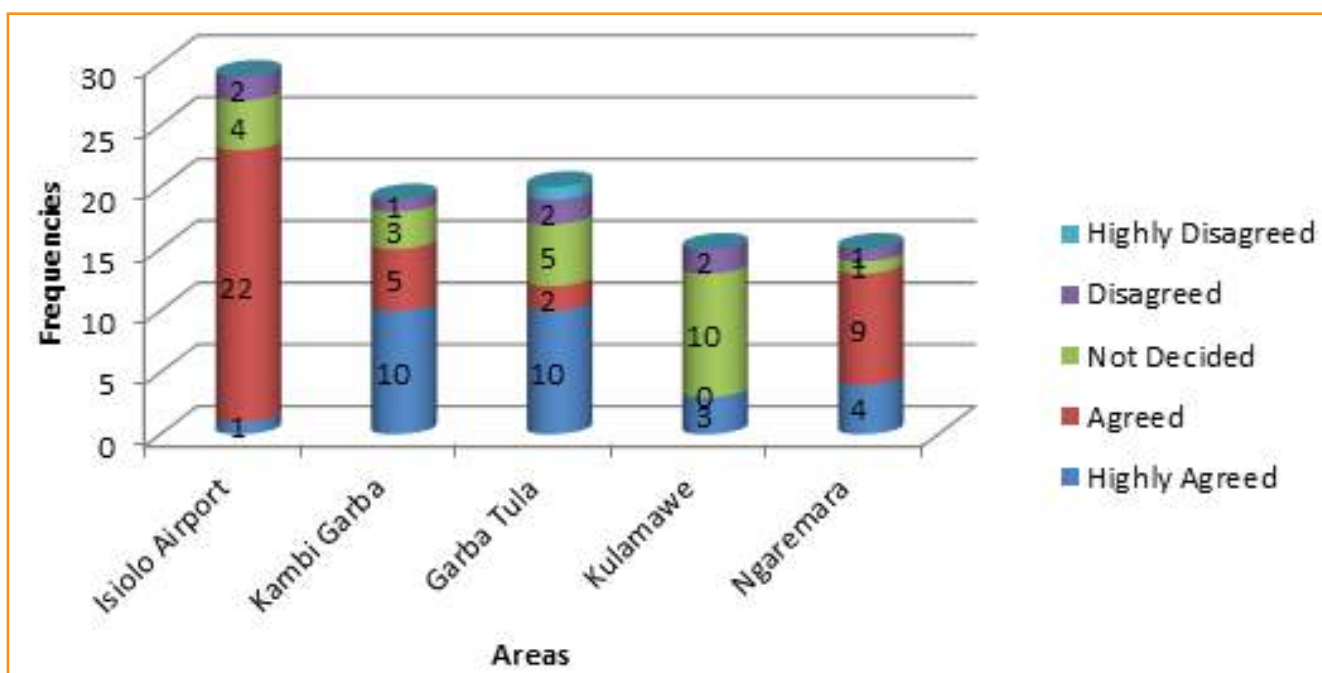


Figure 12: Communities' views on the LAPSSET project

Key informants from the LCDA put emphasis on how the project would benefit the local people beyond Isiolo once complete. One of them stated that:

"The local people in Isiolo are yet to experience and appreciate the benefits of this project. Once the road network is completely operational, it would mean faster movement of live animals and animal products like camel milk and even meat from the abattoir directly to different market destinations. The youth will be awarded scholarships to acquire technical skills under the TIVET (Technical, Industrial, Vocational, Education and Training) initiative, which has already been rolled out in Lamu. It's only that an ideal financier for most of the projects under the Private-Public Partnership (PPP) arrangement has not yet been identified so the community has not yet experienced these benefits. Members of the public need to be patient on this matter!"

Asked why the local people in most areas along the corridor were neither aware nor sensitized on the projects during the planning and implementation stages, another one responded:

"The LCDA has a well organized unit that would deal with awareness creation and public sensitization process, but they are yet to partner with other units in the counties to do the work. As you know, the LCDA operates from Nairobi, and we are yet to establish county units."

On rating of the county and national government on promotion of access to services as illustrated in Table 6, 52.6% and 44.3% of the respondents respectively, felt that neither the county nor the national government had promoted access to essential social services.

Table 6: Effects of LAPSSET on the people of Isiolo County

Aspects	Area						Total
	Value	Mwangaza	Kambi Garba	Garba Tula	Kulamawe	Ngaremara	
Caused social conflict	Highly Agreed	3	7	1	3	2	16
	Agreed	26	9	4	0	0	39
	Not Decided	1	4	10	12	3	30
	Disagreed	0	0	2	0	9	11
	Highly Disagreed	0	0	3	0	0	3
Total		30	20	20	15	14	99
Improved Isiolo town	Highly Agreed	0	5	3	0	0	8
	Agreed	5	7	8	0	2	22
	Not Decided	23	5	3	11	10	52
	Disagreed	2	3	5	4	1	15
	Highly Disagreed	0	0	1	0	2	3
Total		30	20	20	15	15	100
Provided water	Highly Agreed	0	0	0	0	0	0
	Agreed	2	1	1	0	0	4
	Not Decided	6	15	6	11	10	48
	Disagreed	20	3	5	4	3	35
	Highly Disagreed	2	1	8	0	1	12
Total		30	20	20	15	14	99

On whether the project had made people poorer, 78.8% of the respondents felt that the expansion of Isiolo Airport made people much poorer, especially those who never received genuine replacement of land. However, one of the youth in the Focus Group Discussion observed: ,

“If it is true these LAPSSET projects would be accomplished as shown in the Master plan, with a functional International Airport with weekly international flights here, then definitely business would improve tremendously. Although a resort City in Kipsing gap may be resisted by herders in Eldonyiro area, it will attract huge investment, create employment for the youth and open large market for local products. But how sure are we that this will happen? Different Governments in the future might have different priorities than the LAPSSET corridor initiative”.

Table 7: The effect of LAPSSET projects on social services

Facilities Affected	Response	Areas					Total
		Mwangaza	Kambi Garba	Garba Tula	Kulamawe	Ngaremara	
Water	Yes	2	10	2	0	3	17
	No	15	5	18	15	11	64
Total		17	15	20	15	14	81
Source of livelihood	Yes	20	9	10	0	3	42
	No	8	4	9	15	11	47
Total		28	13	19	15	14	89

3.1.6 Right to Health Care Services

Majority of the respondents 62 (81.6%), were of the opinion that hospitals were not improved by the LAPSSET projects as shown in Table 8.

Table 8: Health facilities affected by the LAPSSET project

Health Facilities Affected	Response	Areas					Total
		Mwangaza	Kambi Garba	Garba Tula	Kulamawe	Ngaremara	
Hospitals	Yes	1	2	9	0	2	14
	No	16	8	11	15	12	62
Total		17	10	20	15	14	76

As illustrated in Table 9, 88% of the respondents argued that there had been no positive impact on health care facilities or services.

Table 9: Improved health care services

Aspects	Value	Area					Total
		Mwangaza	Kambi Garba	Garba Tula	Kulamawe	Ngaremara	
Improved Health Care Services/ Facilities	Highly Agreed	1	5	1	0	1	3
	Agreed	26	13	12	0	0	9
	Not Decided	1	2	1	12	10	56
	Disagreed	2	0	3	2	2	19
	Highly Disagreed	0	0	3	1	2	13
Total		30	20	20	15	15	100

3.2 GIS Monitoring Tools

The interface of the monitoring tool, done in ArcGIS online, is capable of creating new features, updating existing ones, deleting and saving. There is an option for restricting the tool so that only authorized personnel can view and carry out the necessary amendments. The editing interface will assist in updating

future trends of the parcels along the LAPSET corridor. Figure 13 highlights the interface of the monitoring tool.

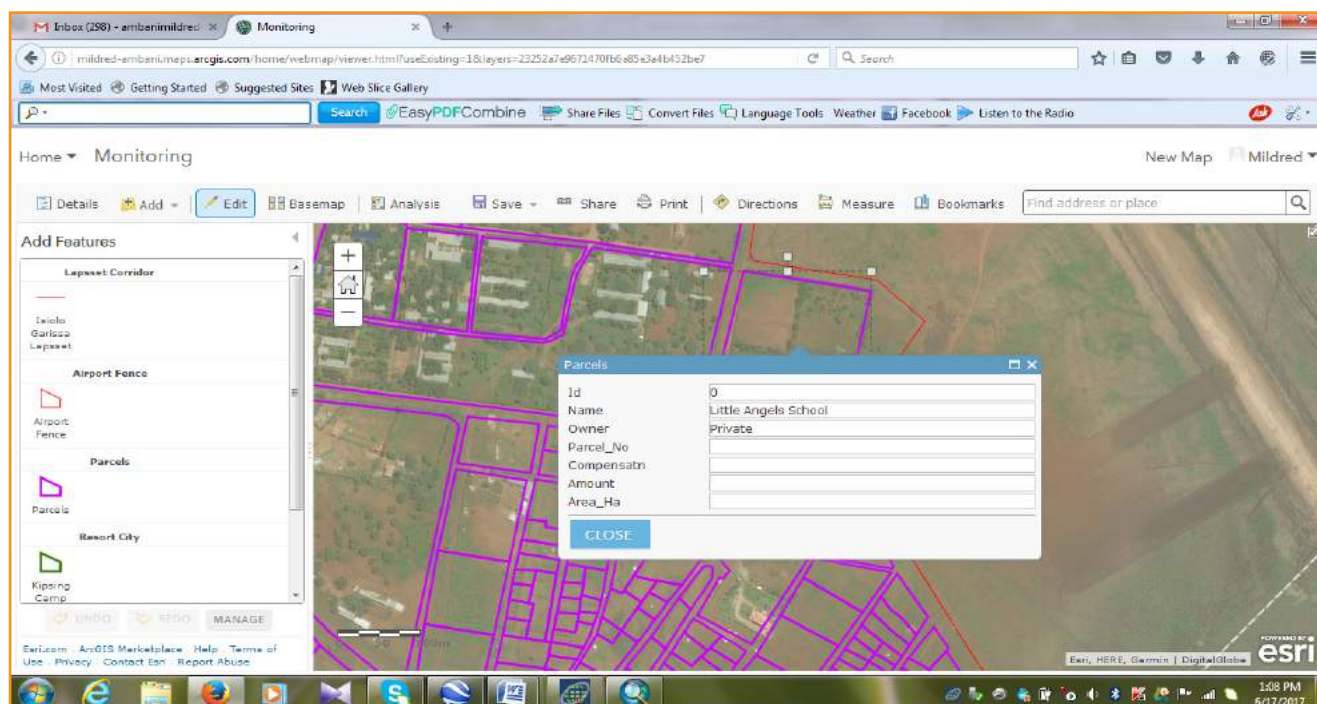


Figure 13: Monitoring tool interface

The search interface assists in identifying parcels for editing and updating purposes as illustrated in the demo in Figure 13.

4

CONCLUSIONS AND RECOMMENDATIONS

This section presents key conclusions and recommendations on the basis of the above study findings.

4.1 Conclusions

The study sought to respond to a number of questions which were used as parameters to guide the conclusions based on the quantitative (numerical) and qualitative (descriptive) data obtained from the field:

- On the basis of the above findings the study concludes that the LAPSSET project in Isiolo disregarded a number of economic and socio-cultural rights of the local communities in the county. Evidence revealed that the evictees from the airport had no prior information and were not extensively involved in the projects as the Constitution 2010 anticipates.
- The findings reveal that 79% of the services in Isiolo Town, and by extension in the county, actually deteriorated with implementation of the LAPSSET projects. Those who were reallocated new land were frustrated since some of the parcels of land they were shown were already owned and occupied by other people. The state of unemployment worsened, thus increasing the level of insecurity in the town. Provision of water as indicated by the leaders, became a nightmare. The Isiolo River is now dry and all the small-scale irrigation farms and pastoralists downstream have no water. This might fuel some social conflict in the near future, the respondents emphasized. Education institutions such as Isiolo Girls, Little Angels, Hekima Primary, New Era Primary, St. Mary's Girls and others would either be relocated or would be adversely affected by serious noise pollution and disturbances from the aeroplanes either landing or taking off in the future. In all aspects, the respondents are unanimously in agreement, including the key informants, that social service provision has become worse. Both the county and the national governments have not done much to improve social service provision, although, most services are now devolved functions. In summary, Article 43 of the Constitution has been violated. This fact leads to the conclusion that Articles 10, 27, 33, 35 and 232 of the Constitution 2010 on the right to information, public involvement and participation were seriously violated which is a socio-cultural right of the people.
- There is virtually no data to suggest that those evicted from the airport land have had assistance to empower them in any way. However, literature indicates that in Lamu, some scholarships have been awarded by the LAPSSET Corridor Development Authority (LCDA) to enable children from poor and deserving families to enroll in sea port-related training under the TIVET initiative. The findings suggest that LAPSSET is unlikely to create equitable urban

societies, since as new urban centres like the Isiolo Resort in Kipsing Gap evolve, herders will relocate deep in the forests to graze their animals and sustain their cultural values and traditions. Their perception and focus may not easily change, unless their children seriously adopt modern education and technical training to take advantage of the emerging service industry in the new cities. The morans may continue to uphold some of the harmful socio-cultural practices like cattle rustling, clannism and female genital mutilation (FGM), especially among the Somali, Borana, Samburu and Turkana communities, unless formal education is enhanced through a compulsory free education scheme in the county. Evidence from the study suggests that the indigenous people in Isiolo County have not benefited economically from the LAPSSET projects. As elders and business people reiterated, even tenders for the airport extension projects were awarded to people from other parts of the country.

4.2 Recommendations

a) To the Local Community

- The local communities in Isiolo County have a right to know where the LAPSSET corridor projects pass, who will be affected and how they would be compensated in good time to avoid situations where they would be forcefully evicted without prior arrangements on where to go, since the LAPSSET projects were gazetted in a Gazette Notice Vol. CXVIII-No. 129 of 21st October 2016.
- Those whose land was acquired for expansion of the Isiolo Airport and have not been compensated to date have a right to pursue the matter through the court of law.
- The community members should establish a 7-member Community Neighbourhood Land Monitoring Network (CNLMN) consisting of a male and female youth, women representatives, two religious leaders (Muslim & Christian), and two clan elders to sensitize their neighbours on what is happening since the LAPSSET Corridor project implementation process is inevitable.
- The community should demand for their rights through their local leaders and public forums. They should hold peaceful (picketing) demonstrations where and when dialogue fails to yield positive results.

b) To the County Government

- It is the responsibility of the county government through the office of civic education and public participation to sensitize the public and create awareness on the Gazetted area for the LAPSSET corridor projects in collaboration with the LCDA.
- The county government should consult the public before they make key decisions that affect the people's destiny like re-routing of the LAPSSET Corridor so that the public may give their opinion.

- The government may incorporate the LAPSSET Corridor Development plan in their County Integrated Development Plan, since the project schedule is already known.
- The county government should demand for social service provision (water, health care facilities, education institutions, employment for the locals, fair compensation, etc.) alongside the LAPSSET projects to ensure that the people of Isiolo are not de-marginalized by such mega investment projects.

c) Civil Society Groups

- The civil society agencies, including religious movements, should be the true representatives and eye-openers of the marginalized voiceless members of the public.
- They should alert, educate, sensitize and organize the public for any public picketing/demonstrations as the last resort wherever the people's basic rights are violated.
- They should create firm lobby groups within the community as an avenue for addressing basic rights violations.

d) To the LAPSSET Corridor Development Authority (LCDA)

- Due to the low education levels where 23% of the respondents had no formal education, we highly recommend that to enhance education and technical training in Isiolo County, the LAPSSET Corridor Development Authority (LCDA) in partnership with the Ministry of Education and the County Government could initiate formal education and technical training programmes targeting the pastoral communities along the LAPSSET corridor under the TIVET (Technical, Industrial, Vocational, Education and Training) initiative. This could be designed to enroll all children from pastoral communities in special schools in strategic locations along the corridor to ensure that they are able to consistently remain in school, as their parents move with the animals in search of pasture and water. This initiative would reduce Moranism and cattle rustling among the warring communities, and guarantee peace and cohesion among the pastoralists. It would prepare them to take up employment in the upcoming resort cities and other LAPSSET projects as they become operational. Scholarships could be rolled out to support children from these communities to join such academic programmes. This should be advanced as an advocacy aspect in the county.
- Since evidence revealed that there has been little civic education and public participation on LCPs, the unit that is charged with this responsibility in the LAPSSET Authority could partner with the county civic education and public participation units to relay information to the public through a well designed training manual before the actual implementation of the LAPSSET projects. This awareness could be transmitted through the media where possible, including vernacular radio stations and public *barazas*.
- As the situation is at the moment, any citizenry organization should move to court to seek

legal redress on the violation of basic economic and social rights on the main route of the corridor, on behalf of the indigenous community members.

- In case the LAPSSET Authority and the Ministry of Lands want to conceal information to avoid speculative behaviour by scrupulous investors who might move to purchase land and put up property to attract high compensation, a caveat could be imposed to sanction any such investors that their property would not attract any compensation. Hence that should not be a genuine reason for denying the public their right to information and participation.
- Although community members may not have the basic technical skills to fully engage in the LAPSSET project implementation process, it is a legal requirement that they be involved from the project inception stage. This has not been the case in Isiolo. Thus, the study strongly recommends that the communities like those in Isiolo who would be adversely affected need to be involved from the inception stages so that they may not only be aware, but also to reduce resistance and social conflict when they feel short-changed.
- **Note:** If the county government and community leaders in Isiolo had initially been involved in designing the main route of the LAPSSET Corridor, there would be no proposal to re-route the corridor which would cost money and a repeat of feasibility studies. Community members may as well resist the new route and plan unless they are made aware prior to its implementation.
- There is great need to plan early on the socio-cultural services that would boost and improve the pastoralist community's way of life. Although abattoirs are mentioned in the LAPSSET Master plan, it is silent about earth-dams, water traps, cattle dips and animal husbandry units along the corridor where herders could water or treat their animals. There is need to plan and incorporate such considerations in the project financing and execution plan.
- There is need to conduct a thorough socio-cultural situational analysis to create an inventory of the basic traditional cultural values, oral and knowledge database on how much would be lost as a result of the new resort cities that are planned at Isiolo Kipsing Gap and Lake Turkana.
- There is need to urgently assess how the LAPSSET Corridor would affect the wild animal seasonal migratory corridor between Ngaremara and Archers Post. This initiative must ensure that free movement of wild animals will not be affected.
- The LAPSSET Corridor Management Authority could take advantage of the existing Integrated Ethnic Leaders Forum (IELF) in Isiolo which brings together the (BIG 5 + 1) (The largest five ethnic communities namely: The Borana, Turkana, Meru, Samburu and the Somali, plus the other minority 37 groups) that constitute the rest of the communities like the Kikuyu, Luo, Luhya, Kamba, etc.) in Isiolo Town during key decision-making processes, to spearhead peace and cohesion of the communities through the Civil Society Stakeholder Forum (CSSF) as the lead agency.
- Leaders and community elders may need to be sensitized to review their position on re-routing of the LAPSSET route away from Isiolo Town, since once towns are isolated from

a mainstream infrastructural network, they tend to become economically dormant for investment. New resort cities would greatly open Isiolo for investment, industrialization, service provision and wealth creation for the local economy.

e) The National Government

- Should adhere to the Compulsory Land Acquisition Act and procedures to ensure that members of the public involved are informed prior to evictions and all the necessary steps are followed to ensure smooth transition of the community to new settlements.
- Public utilities like schools, health centres and colleges should be reconstructed early to ensure continuity of services for the relocated people.
- Should ensure that its created commissions adhere to the rule of law in accordance with the spirit of the Constitution, 2010; hence avoid violating the economic, social and cultural rights of the citizenry for whom the law is made to protect.
- Should allocate funds for compensation in good time whenever there are cases to be compensated to avoid long delays that create anxiety which may trigger social conflict among the community members.

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APPENDICES

Appendix I: Questionnaire for the General Public Displaced by LAPSET Projects

(To take 30 minutes per respondent at most)



Economic and Social Rights Centre (Hakijamii)

Yaya Court, Suite 8, Along Chania Avenue

P.O Box 11356-00100,

NAIROBI, KENYA

Tel +254 020- 27311667/2720751

Introduction

The Economic and Social Rights Centre – Hakijamii is a National NGO working with communities in Isiolo and Garissa among other counties in Kenya. We are conducting an evaluative research “**To Examine the Implementation of Economic and Socio-Cultural Rights along the LAPSET Corridor in Isiolo County**” with an aim of “creating equitable urban societies along the LAPSET Corridor” in the long-term; and assessing the basic status of socio-cultural rights of the indigenous people affected by the LAPSET projects in the short-term. We therefore request you to ***voluntarily provide information*** on these issues to help achieve the main objectives of this study. Any information provided shall be treated with utmost confidentiality only for the above purpose, and not for any commercial gains thereof.

Do we have your consent to proceed with the interview? Yes (), No ().

If consent is denied, DO NOT interview the respondent.

1. Bio-Data

- a) Gender: M () F ()
- b) Marital Status: Single (), Married (), Separated (), Divorced (), widowed ()
- c) Community: Turkana (), Oromo (), Gabbra (), Somali (), Samburu () Aweer (), Sanye (), Endorois (), Bajun (), Meru (), Borana (), Others:

- d) Education Level: Primary (), Secondary (), Diploma (), Degree (), Postgraduate (), No education (), Others:.....
- e) Occupation: Business (), Pastoralist (), Both (), Farmer (), Fisherman (), Hunter (), Civil Servant (), Teacher (), Others:.....
- f) Rank if employed:
- g) Religion: Muslim (), Christian (), Others:

2. State of service provision since inception of the LAPSSET Projects in Isiolo

- a) Are you aware of the LAPSSET Project? Yes (), No ()
- b) If yes, when did you know about it?, If No, explain.....
- c) If yes, how did you know about it.....
- d) In your opinion, has it affected you in any way? Yes (), No ()
- e) If yes, how have the projects affected you?
 - i) Displaced (), Relocated (), Houses demolished (), Business destroyed (), Others:
- f) Have the LAPSSET Projects been of any benefit to you? Yes (), No ()
- g) If Yes, how have the LAPSSET Projects been of benefit to you?
- h) If the LAPSSET Projects have NOT been of benefit to you, Explain:
- i) In your view, were the people whose land was taken for the projects, compensated? Yes (), No ()
- j) If yes, how much were they compensated per acre?
- k) Which other items/things were compensated for?
- l) If people were not compensated, what were the reasons?
- m) Which social services were provided through the LAPSSET Projects?
- n) Did the LAPSSET Project interrupt people's way of life in any way?
- o) Were there any negotiations on how much people should be compensated? Yes (), No ()
- p) Who were negotiating on behalf of the people?
- q) How were the negotiators identified?

- r) Which services would you say have improved since the inception of the LAPSSSET Projects?
.....
- s) Do you think the LAPSSSET project affected positively or negatively the following:
- (i) Schools: Yes (), No ()
 - (ii) Hospitals: Yes (), No ()
 - (iii) Water: Yes (), No ()
 - (iv) Sources of livelihood: Yes (), No ()
- t) If Yes on i), ii), iii), or iv) above, please explain.
.....
- u) Kindly rate the role the Governments have played to promote access to services in (t) above:
- (i) County Government: Better (), Good (), Bad (), None ()
 - (ii) National Government: Better (), Good (), Bad (), None ()
- v) Which other services are provided by the LAPSSSET Corridor Projects? If any, explain:.....

3. Community involvement in the LAPSSSET Project planning and implementation processes

- a) In your view, have the local people been involved in any way in the LAPSSSET Projects?
Yes (), No ()
- b) If **yes** in which activities of the projects were they involved?
- c) If **not**, why do you think they were not involved?
.....
- d) Were the people informed about this project before it began?
Yes (), No ()
- e) If yes, how were they informed?
- f) If No, why were they not informed in your opinion?
- g) On a scale of 1-5 ranging from: **Highly agreed, Agreed, Not decided, Disagreed, Highly disagreed**; tick the most appropriate response to the following questions:

#	Question	Highly Agreed	Agreed	Not decided	Disagreed	Highly disagreed
1	LAPSSSET is a good project					
2	LAPSSSET has created jobs					
3	LAPSSSET has not been helpful					
4	LAPSSSET has increased people's income					

#	Question	Highly Agreed	Agreed	Not decided	Disagreed	Highly disagreed
5.	LAPSSET projects have made people poorer					
6	LAPSSET has caused conflict					
7	LAPSSET has improved Isiolo Town					
8	LAPSSET has provided water					
9	LAPSSET has made Isiolo a big city					
10	LAPSSET has improved education					
11	LAPSSET has opened up Isiolo					
12	Local communities have been involved in all LAPSSET activities					
13	LAPSSET has disorganized local people					
14	LAPSSET was imposed on Isiolo people					
15	LAPSSET compensation was very well done					
16	Most people want LAPSSET projects stopped					

h) Mention ALL the benefits of the LAPSSET Projects to the people of Isiolo:

.....

i) 1) Honestly list ALL the disadvantages of the LAPSSET Projects to the people of Isiolo

.....

j) Feel free to comment on any other aspect of the LAPSSET Project that affects you or other people:

.....

Thank you for your participation and contribution!

Appendix II: Focus Group Discussion Guide



Economic and Social Rights Centre (Hakijamii)

Yaya Court, Suite 8, Along Chania Avenue

P.O Box 11356-00100,

NAIROBI, Kenya

Tel +254 020- 27311667/2720751

Introduction

The Economic and Social Rights Centre – Hakijamii is a National NGO working with communities in Isiolo and Garissa among other counties in Kenya. We are conducting an evaluative research “**To Examine Implementation of Economic and Socio-Cultural Rights along the LAPSET Corridor in Isiolo County**” with an aim of “creating equitable urban societies along the LAPSET Corridor” in the long-term; and assessing the basic status of socio-cultural rights of the indigenous people affected by the LAPSET projects in the short-term. We therefore request you to *voluntarily provide information* on these issues to help achieve the main objectives of this study. Any information provided shall be treated with utmost confidentiality only for the above purpose, and not for any commercial gains thereof.

Do we have your consent to proceed with the discussion? Yes (), No ().

If consent is denied, release the unwilling participants.

a) Bio-Data

1. No. of participants:
2. Number of: Males (). Females ()
3. Brief description of membership composition:

b) Discussion Issues (*In any case probe further for detailed opinions*)

- 1) How has the LAPSET project affected your lives?
- 2) In your opinion, how have the local people benefited from the LAPSET projects?

- 3) Which specific categories of local people have benefited?
- 4) Are there some people who have not benefited from the LAPSSET projects?
- 5) In regard to access to clean and safe water, schools and hospitals, how has the LAPSSET Corridor affected these services?
- 6) Have the projects enhanced/strengthened any existing services?
- 7) How were persons whose lands were taken compensated?
- 8) Were the people whose land was taken represented in the negotiation processes?
- 9) In general, are the local people involved in any way in the LAPSSET Project's implementation processes?
- 10) Are some members of the community opposed to the implementation of these projects?
- 11) Which challenges would you associate with the LAPSSET Projects?
- 12) How have those challenges been addressed?
- 13) What would you recommend to be done to ensure the people of Isiolo benefit more from the LAPSSET Corridor Projects?
- 14) Is the County Government involved in any way in the implementation of the LAPSSET Projects?

Thank you for your participation and contribution!

Appendix III: Key Informants' Guide



Economic and Social Rights Centre (Hakijamii)

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FOR: LAPSSET Development Authority staff, Isiolo County officials, Local NGO staff, National Land Commission officials, Religious leaders, Administrators: (Chiefs, Assistant Chiefs), Political leaders, Women, Youth and representatives of the Physically Challenged, Community Lobby Group leaders, etc.

(To take 1 hour and 30 Minutes at most!)

Introduction

The Economic and Social Rights Centre – Hakijamii is a National NGO working with communities in Isiolo and Garissa among other counties in Kenya. We are conducting an evaluative research “**To Examine Implementation of Economic and Socio-Cultural Rights along the LAPSSET Corridor in Isiolo County**” with an aim of “creating equitable urban societies along the LAPSSET corridor” in the long-term; and assessing the basic status of socio-cultural rights of the indigenous people affected by the LAPSSET projects in the short-term. We therefore request you to ***voluntarily provide information*** on these issues to help achieve the main objectives of this study. Any information provided shall be treated with utmost confidentiality only for the above purpose, and not for any commercial gains thereof.

Do we have your consent to proceed with the interview? Yes (), No ().

If consent is denied, DO NOT interview the respondent.

a) Bio-Data

1. Gender: M (). F ()
2. Agency:
3. Occupation:
4. Rank:
5. What is the role of your organization in the LAPSSET Corridor Projects?
6. In your view have the LAPSSET projects created new opportunities for the indigenous inhabi-

tants of Isiolo County? (Probe for the gains if any, e.g. services, schools etc.)

7. In your opinion, are there cases where the local people have not benefited from the LAPSSET projects?
8. Which route has been approved after the leaders in Isiolo County requested for re-routing of the corridor away from Isiolo Town?
9. Were the local communities involved in the LAPSSET Projects in any way?
10. If yes, at what point and how were the local people involved?
11. How long were those, whose land was taken given to vacate the land?
12. How was the land compensation process done?
13. How were the compensation rates determined?
14. Were the landowners represented in the compensation negotiation processes?
15. What challenges would you associate with the LAPSSET projects?
16. How have these challenges been resolved?
17. Which issues were raised by Isiolo leaders to re-route the LAPSSET from Isiolo town?
18. Has that recommended new route been approved?
19. Isiolo airport displaced many people who have not been compensated yet. How is this issues been resolved by the NLC?
20. How were the compensation issues in Lamu dealt with?
21. In your opinion will the LAPSSET mega projects benefit the indigenous communities more or external investors? Feel free to give your opinion as you see it this far

Thank you for your participation and contribution!

Appendix IV: LAPSET GAZETTED COORDINATES

a) Isiolo-Airport

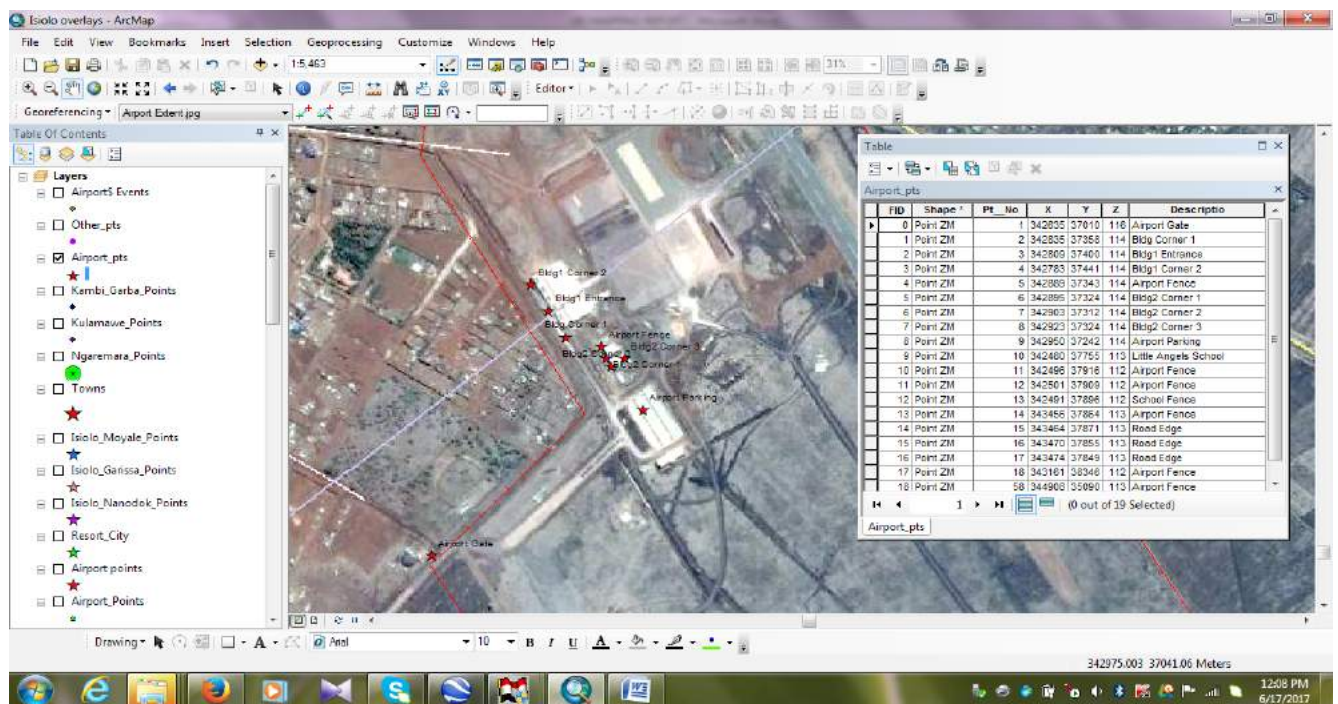
Pt No	X	Y
0	331971.8	52040.0
1	336659.8	52030.0
2	339248.2	43430.0
3	332435.4	43430.0
4	332434.6	46470.0
5	331964.2	46470.0

b) Isiolo Resort City

Pt No	X	Y
1	343743.40	33450.00
2	341309.60	37760.00
3	343851.60	39150.00
4	346435.80	34850.00
5	343743.40	33450.00

Source: The Kenta Gazette Notice, Vol. CXVIII No. 129, Nairobi, 21st October, 2016

Appendix V: Other Coordinates drawn from the Gazetted Area used in the Study



Gazetted Lapsset Coordinates - Microsoft Excel

	Pt.No	X	Y
1	1	345063.60	40540.00
2	2	344977.30	40750.00
3	3	339980.30	44670.00
4	4	337015.50	54120.00
5	5	335255.10	55220.00
6	6	329807.00	54980.00
7	7	319517.80	55210.00
8	8	310000.00	65600.00
9	9	299647.20	73150.00
10	10	280352.40	72630.00
11	11	277836.80	72230.00
12	12	276164.60	72490.00
13	13	270654.30	72180.00
14	14	264444.40	66340.00
15	15	261555.10	66960.00
16	16	258650.20	71570.00
17	17	232875.10	79530.00
18	18	224815.30	77950.00
19	19	217289.50	84850.00
20	20	210000.20	92440.00
21	21	209821.60	94320.00
22	22	203319.30	94270.00
23	23	201710.20	92220.00

GIS Data - Microsoft Excel

Pt. No	X	Y	Z	Description
61	333050	62110	965	Kashura Market
62	410753	61783	728	Kilamawe Chief's Office
63	410891	61344	732	Medina Plaza
64	410302	61013	735	Kilamawe Dispensary
65	410456	61005	738	Blkg 1
66	410499	61999	738	Blkg 2
67	410510	61002	739	Blkg 3
68	410509	61006	735	Blkg 4
69	410494	61034	737	Maternity Wing 1
70	410494	61040	738	Maternity Wing 2
71	410480	61034	738	Maternity Wing 3
72	410482	61029	738	Maternity Wing 4
73	410570	61039	735	Dispensary Gate

Appendix VI: LAPSET Features and Economic Activity Images

a) Isiolo – Marsabit – Moyale (A2) Road (along the LAPSET Route)



A photo showing a section of the planned LAPSET route from Isiolo through Ngaremara to Moyale. It would be widened to a 500-metre width to accommodate a pipeline and other facilities (if the route will not change to Merti direction)

b) Road A2, junction to M'taiboto (E810) near Archers Post



A section of Road A2 from where a 5-kilometre wild animal migration crossing corridor would be set

- c) **View of Mission MC Secondary School on Ngaremara–Archers A2 Road, at Kambi Garba area, on the outskirts of Isiolo Town**



The school in the background above, is on the planned LAPSET Corridor route towards Kipsing Gap

- d) **A section of Kambi Garba on the original LAPSET route towards Kipsing Gap**



Some of the people who were displaced from Isiolo Airport settled in this area in Kambi Garba, in anticipation of compensation should the LAPSET follow the original route towards the planned Resort City at the Kipsing Gap

- e) **Goats and sheep, the main economic activity of the inhabitants of Isiolo County**



Most herders here keep large herds of goats and sheep as seen in the background, near Kulamawe Shopping Centre

f) A settlement on the LAPSSET Route along Gabera-Chapu-Kashuru-Kulamawe Road



A section through which the projects would pass should the LAPSSET original route (Kulamawe-Isiolo-Kipsing Gap route) be retained

g) Semi-permanent settlement structures along the LAPSSET Route in Kulamawe Shopping Centre



Households near Kulamawe dispensary, on the LAPSSET route, should the route not shift to Kinna-Merti Sub-counties

h) A herd of camels going to the water point near Kashuru

Note: Camels are highly valued animals for sale, meat, milk and dowry among the pastoralist communities



i) Ewaso Nyiro River



A High Grand Falls Dam planned to be built on the upper stream of this river to supply domestic and industrial water and electricity to the Resort City at Kipsing Gap. It would also provide water for irrigation. However, pastoralists downstream claim that the dam would deny them water for their animals. This mega dam could be a recipe for serious inter-clan conflict

j) Sand harvesting along the Ewaso Nyiro River bed



Heaps of sand extracted from the river bed for construction in different towns in Isiolo County and beyond. Across the river is the Archers Post Shopping Centre, one of the fastest growing tourist centres due to the presence of British and American army training camps nearby.

k) Camels grazing near Kulamawe Shopping Centre



Camel keeping is a common economic activity. Herders take a lot of pride in keeping this animal. The LAPSSET Corridor projects may affect grazing areas used by camels.

l) A shopping centre along the LAPSSET Corridor at Gabera Shopping Centre



Most shopping centres along the main LAPSSET route would be demolished to pave way for the implementation of infrastructural projects



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