

ABSTRACT

Topic: Translation of global climate change discourses to the local policies, and the resilience of pastoralism

By

Alphonse Agola Mollo

Abstract

This paper focused on the need to document the impacts of the global climate discourses at the grassroots levels. In addition, the translation of the discourses insofar as the land rights protection and adaptation of the pastoralists is concern was lacking. The translation and the implementation of the discourses or their relevance to pastoralists land rights and adaptation strategies was discoursed. It was established that the participation of the pastoral communities in the global carbon market and the GCF readiness framework is not explicit as civil societies are yet to take up the initiative. The space for the civil society engagement in Kenya and globally is growing. This is manifested through the two law critical in supporting pastoralists' adaptation strategies: The climate change act 2016 and the Community Land Act 2016. Focus on the part of the CSOs should enable enactment of county specific climate change regulation in Samburu which can support the GCF readiness and getting the communities to be part of the adaptation conversations. The Intended Nationally Determined Contributions should also include the pastoralists.

Introduction

Global discourses on climate change set the tone for global climate regimes. The interplay between local adaptation mechanisms and the global debates are mediated through global and local non state actors on one hand and the governments through bilateral and multilateral agreements on the other hand. The institutional spaces created within these debates and adaptation strategies provide room for the inclusion and participation of the marginalized communities in line with the universal human rights declaration.

This paper interrogated the extent to which global discourses and local policy frameworks allowed inclusion and participation of pastoralists in climate change adaptation strategies targeting such communities. With the global goals of promoting adaptive capacity and enhancing resilience, this paper contributed to a better understanding of the implications of the debates and discourses on land related adaptation strategies employed by Samburu pastoralists in Kenya. The paper concluded by discussing how best to include pastoralists' voices in the global climate debates within the Green Climate Fund readiness projects.

Key words: Discourses, Policy interplay, Actor-Network theory, Adaptation, Resilience, Land

Background

The spirit of Paris agreement through the “bottom up” approach (UNFCCC, 2015), articles 7(2, 5 and 8), reinforce the UN human rights people-centeredness approach to development. With the current discourse at the global level focusing on the inclusion of the indigenous communities and their adaptation strategies in the CoP processes, little is document on the effects of such discourses at the grassroots levels. Additionally, the translation of the actual discourses may be lacking insofar as pasture land is fast converting to urban centers. Communal lands are being replaced by support system for the urban metropolis.

Whilst the global discourses is focused on protecting the lands of the indigenous communities, this may not reflect on local practices which promotes adaptation for pastoralists. The alternative option as offered by Methmann (2010) looks at discourses of a way of reinterpretation of norms from the global climate regimes. This may not suffice since interpretation of these norms for the case of the Green Climate Funds (GCF) a vehicle for investment for the multinationals and private sectors thus marginalizes the pastoral communities. On this basis then, this paper focus on this overall question:

How are discourses by civil societies (both global and local) shaping policies on resilience of pastoralists? This is with the view of digging deep onto: Why is pastoralism under a threat?

Justification

The voices of indigenous communities in climate discourses focusing on land rights and adaptation has received increasing attention during the last decades (UNFCCC, 2015). Article 7 of the Paris agreement calls for participation and inclusion in adaptation, and protection of the rights of the indigenous communities. Indigenous communities are centre-piece of adaptation as they have demonstrated resilience to the adverse impacts of climate change. Additionally, indigenous people are the custodians of vital resources such as forests and rangelands even though their rights to these climate resources receives insufficient attention. Even though the Paris Agreement is not specific about the voice of the indigenous people, it veered off the precedence set by the Kyoto protocol on indigenous people; they were not even at the peripheral discussion of the top-down Kyoto protocol to the United Nations Convention on Climate Change (United Nations, 1998).

When discussing indigenous people in the world, Pastoralists are part of the group of indigenous people. Pastoralists are people depend livestock for their livelihood. Pastoralist are classified as marginalized in Kenya (Christoplos et al., 2014; Rutten, 1992; RoK, 2010). Pastoralists face threats of unsecured access to their land (Rutten, 1992; Mwangi, 2015), a form of marginalization. Pastoralists’ land rights should form part of the advocacy by CSOs, as the societies are a voice of the marginalized (Christoplos et al., 2014). According to McGahey et al (2014), pastoralists safeguard natural capital, land, across a quarter of the total land surface.

In Africa and globally, there is increasing recognition of pastoralism as an effective form of livelihood in the rangelands (McGahey et al, 2014, Nassef, Anderson, & Hesse, 2009).

Following the tragedy of the commons theory (Hardin, 1968), pastoralism was easily judged as ineffective. Discourses on land favoured privatization and subdivision (African Union, 2013) which were not in support of pastoralists' adaptation strategies. However, the debates on land rights for the pastoralists led Kenya to developing a Community Land Act in 2016 (RoK, Community land Act, 2016). Additionally, the Kenya Climate Change Act (2016) in the global local climate change discourses, can further determine its relevance to the pastoralists' adaptation strategies. The Kenya Climate Change Act (2016) and the adaptation discourse aims at igniting debate on the future of pastoralists.

At the heart of the Kenya Climate change Act 2016 and the Community land Act 2016 was the active role of the civil society in driving policy discourses. Civil society movements form an integral part of the UNFCCC negotiations. The civil societies are recognized as non-state actors within the UNFCCC systems.

UNFCCC system incorporate a broad range of non-state actors including environmental NGOs, lobby groups, city networks, intergovernmental organizations, law firms, indigenous groups, youths organizations, faith based groups and oil companies (Bäckstrand et al., 2017). Intricacies and different interest that these non- state actors represent is enough ground to investigate their level of involvement in advancing land rights and adaptation strategies based on land rights for the pastoralists. The post-Copenhagen climate regime marked the gradually proximate interplay of the UNFCCC system and climate action for the no state actors (Hale, 2016, Bäckstrand et al., 2017).

Globally, civil society organizations are representatives of the vulnerable communities who are right-holders to natural resources, rangelands, forests and water resources (Christoplos et al., 2014; Pace, 2002, Gemmill & Bamidele-Izu, 2002). CSOs also play a critical in driving discourses at local, national and global arena. CSOs participation in the climate regimes is very important, the momentous event that marked the collapse of Copenhagen talks in 2009, brought new dimensions in the role of CSOs. Thus the CSOs as proposed in paper needed to be understood using the Actor network theory.

In Kenya, the role of civil society in driving the policy and regulatory framework cannot be ignored. Case in point is the Climate Change Act (2016) in Kenya. The civil society was a key in the enactment of the climate change law through initiating the process and actively and strategically lobbying for parliament to legislate the law (KCCWG 2010, Christoplos et al., 2014). The Climate law in Kenya, being a civil society driven process makes one believe that it responds to the needs of marginalized as CSOs are described as the voice of the marginalized.

Little was however documented on the impacts of the global climate discourses at the grassroots levels. In addition, the translation of the discourses insofar as the land rights protection and adaptation of the pastoralists is concern is lacking. There was the need to delve in research which aimed at answering the overall question on translation and the implementation of the discourses or their relevance to pastoralists land rights and adaptation strategies. Participation of the pastoral communities in the global carbon market and the GCF readiness framework is not explicit on the ways that pastoralists ought to be included in the funding for adaptation.

This paper thus proposed the discourse analysis on the resilience of pastoralists within the contextual threats of climate change while utilizing the Actor Network Theory. The role of land in promoting enhancing adaptation is further explored by this paper.

Theoretical framework

The Actor-Network Theory (ANT) or the sociology of translation forms overarching theory in this paper (Latour, 2005, Law, 1992, Callon, 1985). ANT concerns that to a greater degree human interactions are mediated through objects of one type or another (Law, 1992). Networks take part in social processes, shape it, and are important in social interactions. ANT states that order is as a result of heterogeneity. Sociology of translation or Actor-Network theory is an approach in power studies (Callon, 1984). An intricate web of interactions intertwining society and nature dictates the capability of specific actors to get other actors (Callon, 1984).

Translation concept accentuate the continuous displacements and transformation that take place in discourses: goals, interest, scripts and actors being displaced. The ramification of certainty in discourse bring actors in a relationships with each other in a lucid way. The end result is made possible through a variety of displacements and metamorphosis, negotiations and alterations that complemented them. In discourses pertaining the resilience of pastoralism, translation, which is the mechanism that shapes the social and natural world gradually cannot be ignored (Callon, 1984).Fifth moment to the translation theory called iterations or overlaps is needed to understand the change process (Callon, 1986; Andersen & Earley 2014) in the field of pastoralism in local and global understanding. The understanding the sociology of translation points to the opposing local narratives are as a result of the uncertainty in the background and misinterpretation (Eilenberg, 2015).

Methodology

This paper relied heavily on desktop review, with 4 key informant interview of civil society organizations and umbrella bodies working with pastoralists in Samburu County in Kenya. Thematic analysis was employed with emerging theses being analysed.

Literature review

The place of property right especially land and the governance of its natural resources is at the core of international and national policy making processes (Freudenberger & Miller, 2010). At the heart of international climate governance and negotiation processes are the non-state Actors. In climate diplomacy, the role of non-state actors cannot be ignore. Bäckstrand, Kuyper, Linnér & Lövbrand (2017), since the formation of UNFCCC, it became an authentic node for diversified non-state actors and social networks.

Under the global framework on climate change, local institutions and communities have a role to play in mitigation and adaptation strategies. Mitigation and adaptation measures may depend on the property regime especially for land. On the part of the vulnerable communities, especially pastoralists, the property regime common to them is communal

which is under threat due to climate change. Locher (2015) states that rural areas in developing countries have witnessed an increase in land demand by investors, a phenomenon she refers to as 'global land rush' coupled with climate change and the push for policy frame work that commodifies land.

It was important to interrogate the global response to climate change through the action of non-state actors on the ways in which they help secure land rights and adaptation strategies of the pastoralists. With the global goal of promoting adaptive capacity and enhancing resilience, it was of great importance to understand the implication of the action (or non-action) of the non-state on the adaptation strategies employed by pastoralists in Samburu County.

With the communal property regime facing lots of pressure, how were the voices of the local communities during the drafting of the international climate agreement on the need to safeguard the property rights captured? In terms of inclusion, are the local institutions playing a role in shaping the adaptation strategies in the county, country, region and globally? This paper thus sought to find the interplay of the global climate regime through look at the non-state actors and local institutions in regards to land rights and the adaptation strategies.

Policy interplay is defined as the process of interaction and influence that two or more policies effectiveness have on each other (Atela, Quinn, Minang & Houdet, 2015, Young 2002). Policy interplay is important in the governance of natural resources within the context of evolving social systems pegged on existing institutional arrangements (Atela et al., 2015). Policy interplay for the case of pastoralists' adaptation strategy then implies the multiple layers in the global climate regime focusing on: the intended Nationally Determined Contributions (INDCs), the national climate change law and the regulations set at the county level. Further the interplay then depend on other legal instruments such as Community Land Act, vital for communities in accessing financing e.g. the carbon trade.

The end result of institutional interplay can yield positive result i.e. beneficial as suggested by (Miles et al., 2002, Atela et al., 2015) or it can be detrimental where the institutional objective diverge (Urwin & Jordan, 2008, Atela et al., 2015). Within the context of land rights for the pastoralists, beneficial outcomes will include secure land tenure which supports climate change adaptation strategies by the pastoralist.

Climate change discourses are shaped by the different level of interaction. The interaction maybe both vertical and horizontal (Atela et al., 2015, Locher 2015). To understand the different adaptation strategies and land right protection for communities in Samburu County, the vertical policy interaction between the global non-state actors and the local institutions interactions

The devastating impacts of climate change coupled with worsening environmental conditions such as land degradation have increased and lack of water are a threat to agricultural activities (Rauch, 2014, Locher, 2015). Pastoralist and agro-pastoralist in the marginal areas are pushed to cope with reduced income thus the need to adapt to climate change through diverse livelihood strategies (Locher, 2015).

For communities in Samburu, securing their land rights through group title deeds and incorporating aspects of diverse livelihoods such as tourism under community ranches, livestock take off programs and securing both wildlife and livestock migration corridors is key in enhancing their survival.

Pastoralism is a production system that promotes banking of large tracks of land. McGahey et al (2014) point to the benefit of pastoralism including promoting soil fertility, important to soil, water, carbon regulation, pest and disease control, conservation of biodiversity and fire management system. In the mitigation of climate change, grazing land spread on five billion hectares of land and sequestering about 200-500kg of carbon per hectare annually. This is potential for the carbon market when civil society take the right steps in providing positional papers and in negotiating for the resilience of the practice.

Pastoralism plays a significant role in East Africa through the supply of meat, milk and livestock products for consumption in Eastern Africa (Nassef, Anderson, & Hesse, 2009). Additionally, national parks and conservation area fall within the ASALs. In Kenya for instance, 92% of conservation areas exist in pastoral areas (Nassef, et al, 2009). Despite the huge role played by pastoralism and the ASALs, the input or investments in these regions is meagre. Proper investments in these lands has been seen in the cases of Argentina, Israel and Mexico to yield better outcome in terms of human wellbeing and development outcome (Nassef, et al, 2009).

According to the African Union (2013), pastoralism is the main and cost effective economic activity within the rangelands though there is the need to have in place policies that go an extra mile beyond production of livestock, and livestock value chain. African Union (2013) calls for the need to develop policies on pastoral land hence safeguarding access of the rangeland for pastoralism.

Despite pastoralism being recognised in the contemporary world, it has faced historical and systematic hurdles. Africa Union (2013) revisits the colonial legacies as part of the systematic approach that belittled pastoralism. In Kenya for instance, the perception that colonialist had against pastoralism included the system being viewed as inefficient with low productivity and a contributor to environmental degradation. This led to sedentary life being enforced on the pastoralists. Furthermore the right to access of land was also denied while the colonialists used the rangelands for ranching (African Union, 2013).

With new roads and heavy infrastructural projects that are opening up the “virgin” land that were once occupied by pastoralist in Kenya through the northern corridor roads, and the prospect and exploitation of oil in parts of Northern parts of the country, the future of pastoralism seem bleak. Losing pastoralism to external pressure exacerbated by climate change would amount to great losses both in terms of material culture, biodiversity and livelihood streams. This paper thus looked at mechanisms that the global civil society use to protect the land rights and adaptation strategies of the pastoralists. Further the paper looked at ways in which the pastoral land resource is integrated on the COP process provided for by UNFCCC. With the external pressure facing pastoralism, there is the need to develop stronger land governance system that safeguard the communal land tenure system (African Union, 2013). These can be realized through bringing to the global world’s attention importance of pastoralism through advocacy and involvement in the UNFCCC processes.

The Paris agreement opened up the gates to the non-state actors to a more robust role by combining their roles in joint processes such as transnational mitigation in addition to local, and transnational adaptation strategies and in assessing the national action (Bäckstrand et al., 2017). The engagement of both the non-state and state actors in the contemporary global climate collaboration is referred to as “hybrid multilateralism” by Bäckstrand et al., (2017). The inclusion of non-state actors goes beyond the observer roles to incorporate their works in the monitoring together with implementation of NDCs (Bäckstrand et al., 2017).

The concept hybrid multilateralism imply the deepened and progressively active interplay between multilateral and global climate action with UNFCCC being the secretariat (Hale, 2016). Hybrid multilateralism has its origin from the 2009 Copenhagen summit and its institutionalization at the 2015 Paris meeting (Bäckstrand et al., 2017). The infamous Euro-centered, top-down climate governance during the Kyoto negotiations was replaced by the inclusive bottom up approach during the Paris conference (Bodansky, 2012, Bäckstrand et al., 2017).

The Paris agreement charted the course for the multiple non state and sub state climate actions and interactions (Bäckstrand et al., 2017). It is within these spaces that the active role of the global non-state actors and the local actors in advancing land rights and adaptation strategies of the local communities in Samburu County was expected.

Findings

The discourse on climate change and pastoralists land right for adaptation is a major undertaking of civil society in Samburu County in Kenya. This is evident from the two laws legislated in Kenya: Climate change Act 2016 and the Community Land Act 2016.

The discourse by civil society has enabled some of the communities that with community title deeds under group ranches to access financing from carbon trade. Additionally, the communities are benefiting from streams of income by running community tourism lodges thus earning income to help reduce vulnerability to climate change.

With the community land secured in greater parts of Samburu east for pastoralists adaptation through mobility and setting areas to do controlled grazing, wildlife conservation and rehabilitation of the degraded landscape, the debate on the Community Land Act 2016 shift in between the need for individual title deed and community land for the greater good. The secured land rights has also enabled the community to access financing from the carbon market.

With the Climate change Act 2016 providing the framework for the county to domesticate Climate law, the civil society will still need to empower the community and the local leadership to agitate for climate specific law. This is to ensure that the county benefits from the Climate funds at the national government and other development partners facility such as G.C.F. There is no specific climate change law at the local level. Additionally, climate change is yet to be addressed explicitly as a problem exacerbating vulnerabilities among the pastoralists in Samburu County.

The discourse on climate change is yet to move beyond emergency response to drought.

The discourse on land has gained momentum with the community land act as more civil society actors are working with other local players in agitating for the land right of the pastoralists. The documents of direct participation of the CSOs in readiness program for the GCF yet adaptation is a component that the indigenous communities play a great role.

Conclusion

Globally, civil society organizations are representatives of the vulnerable communities who are right-holders to natural resources, rangelands, forests and water. CSOs are critical in driving discourses at local, national and global arena. In Case of pastoralists' adaptation strategies, the discourse by CSOs led to enactment of two bills that support the adaptation strategies of the local pastoralist: The climate change act 2016 and the community land act 2016. Focus on the part of the CSOs is to create more robust linkages with the national and the county government in Samburu to provide a climate specific law that can support the GCF readiness and getting the communities to be part of the adaptation conversations. The INDCs should keenly lean on the pastoralists' adaptation strategies that rely on land banking as meeting the target of carbon emission will also depend on the degree of vegetation cover in these fragile ecosystems.

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