



Access to Remedy for Communities Affected by Conservancies in Isiolo

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Established in Brussels in 1992, **Avocats Sans Frontières (ASF)** is an international NGO specialising in defending human rights and access to justice. Our principal mission is to assist people, particularly those in a vulnerable situation, to become emancipated by demanding and asserting their rights.

FIDH is a global federation of nearly 200 organisations in more than 115 countries working together to protect, support and raise the voices of human rights defenders and victims through investigation, prosecution and advocacy.

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List of acronyms

FPIC	Free, Prior and Informed Consent
IPOA	Independent Police Oversight Authority
KNCHR	Kenya National Commission on Human Rights
KWS	Kenya Wildlife Service
NGAO	National Government Administrative Officers
NGEC	National Gender and Equality Commission
NGO	Non-Governmental Organisations
NKRCP	Northern Kenya Rangelands Carbon Project
NPS	National Police Service
NRT	Northern Rangeland Trust
OB	Police Occurrence Book
SLAPP	Strategic Litigation Against Public Participation
UNEP	United Nations Environment Programme
UNGPs	United Nations Guiding Principles on Business and Human Rights

List of cases

Amina Hussein Kulo v Republic eKLR [2023]
Amy Kagendo v Prime Bank eKLR [2013]
Benjamin Vs Safaricom PLC and 2 others [2018]
Okech vs CocaCola Beverages Kenya [2023]
Osman and 164 others v Northern Rangelands Trust and 8 others, eKLR [2025] (*Osman & others case*).
Scoline Ojung’a vs Nairobi Womens Hospital[2023]
William Musembi & 13 others v Moi Education Centre & 3 others eKLR [2011]

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Executive summary

The Northern Rangeland Trust (NRT) is the umbrella organization representing community conservancies in parts of Kenya. Community members in Isiolo County, who are predominantly pastoralists, have raised concerns about restrictions to their grazing land, violence, intimidation, violence and killings by security agents linked to the operations of the conservancies. In addition, human rights defenders supporting the communities to claim their rights against the conservancies and state agencies have been harassed, intimidated and subjected to SLAPP suits. They further claim that their efforts to claim remedy from state based judicial and non-judicial organs, as well as the management of the conservancies have largely been unsuccessful due to procedural and practical barriers.

The lack of credible access to remedy pathways for the local community persists despite guarantees under both local and international human rights standards and norms, which call on states and non-state actors to ensure that victims of human rights abuses have access to effective and credible remedies. For example, the United Nations Guiding Principles on Business and Human Rights restates the duty of states to protect human rights and ensure that victims have access to remedies. It also restates the responsibility of non-states actors to respect human rights and take measures to ensure that they do not place unreasonable barriers to those seeking remedy.

This study assesses the effectiveness of the remedies available to individuals and communities aggrieved by the operations of conservancies in Isiolo County, including NRT due to its predominant role in overseeing and managing conservancies. It analyses their consistency with human rights standards and makes recommendations for measures to improve their accessibility and effectiveness. It relies on literature review and a field study conducted in Isiolo County with local communities, local leaders, government officials at both the county and the national levels, as well as members of the board of the community conservancies.

The study report is presented as follows: Section 1 provides background information, including an overview of community conservancies in Isiolo County, their relationship with the Northern Rangeland Trust (NRT), the human rights concerns associated with conservancy operations, and the legal basis for the right to access remedy. Section 2 outlines the study’s methodology, including desk research, fieldwork, and the validation process. Section 3 details the findings and triangulates them with existing literature. The Section 4 of analyses the findings against the UNGDPs and Kenya’s constitutional framework and also provides a highlight of ideal referral pathways to access to remedy. Section 5 concludes the report by making recommendations for different actors including, government agencies, donors, financiers and investors as well as local communities.

The major findings of the study are that community members negatively impacted by the operations of the conservancies do not have access to effective remedies mainly due to procedural and practical barriers. The conflict between the local community and the conservancies is rooted in the inequality brought by failure to register community land, which denies the local community agency over their land. The local community therefore recommends, on a priority basis, support in registering community land under the Community Lands Act, including proper sensitization to ensure equitable sharing of benefits with the local communities.

In addition, the study recommends that: the community should be sensitized on the available judicial and non-judicial mechanisms; conservancies conduct human rights due diligence ideally before and during their operations; as well as establishing effective operational-level grievance mechanisms. Finally, state organs and conservancies should commit to stop threats and intimidation of local human rights defenders.

1. Introduction

1. Isiolo and the community conservancies

Isiolo county is one of the 47 counties in Kenya, with an area of over 25,000 square kilometers. It is largely arid and semi-arid, occasionally experiencing prolonged drought. It is one of the counties inhabited by indigenous communities predominantly the Borana and Rendile, Turkana, Samburu, which have been marginalized in terms of access to social amenities and infrastructure such as schools, health facilities and infrastructure. Local communities practice pastoralism as the predominantly way of livelihood. The ethnic groups living in Isiolo are traditionally patriarchal with men, mostly the elderly making decisions in the traditional setting which largely binds the other members of the community. Land is owned communally, which is consistent with the local communities' nomadic pastoralism lifestyle. Most of this land is not registered under the Community Land Act, which makes the local county government the default custodian of the land. Consequently, entities interested in the land, including business enterprises, are by law required to engage the county governments.

Over the last two decades, community conservancies-locally-managed areas aimed at conserving wildlife and natural resources while supporting community development— have been established in many traditionally-marginalized counties in Kenya, including in Isiolo. The Northern Rangelands Trust (NRT), a private entity, has emerged as an umbrella organization for these conservancies, with a current membership of 45 community conservancies across areas inhabited by indigenous communities to 'improve their livelihood'.² It claims to transform people's lives, secure peace and

conserve natural resources. It says that it has improved professionalism of the community wildlife management through employment of community wildlife scouts who are taken through mandatory pre-recruitment vetting and continuous training.³

In addition, NRT runs a carbon project called the Northern Kenya Rangelands Carbon Project which describes itself as a the 'world's largest soil carbon removal project'. It spans 1.9 million hectares and 'seeks to improve grazing for pastoralists and generate additional revenue for 14 community conservancies'.⁴ According to NRT this project is estimated to generate hundreds of millions of dollars for the local communities.⁵ NRT brokers relationships between the conservancies and investors in tourist lodges and carbon trading. These include government donors. NRT claims that it ensures that the conservancies are independent in their decision making and that its board is accountable to the communities.

NRT enjoys the support from government officials locally as well as diplomatic missions. During a recent 20 years anniversary attended by senior government officials from the ministries of tourism and environment, as well as representatives of the European Union, ambassadors as well as the United States Development Agency for International Development and several ambassadors of European countries. Denmark Ambassador pledged USD 6.99 million towards NRT's 'nature-based' solutions over five years. During the celebrations, the NRT board chair stated that the organization was celebrating a journey that had helped 'communities...[take charge of] their lives and development initiatives'.⁶

Although community conservancies in Isiolo are formally structured as community-based initiatives, the governance model adopted by the Northern Rangelands Trust (NRT) resembles that of private corporate entities more than traditional NGOs. NRT explicitly promotes an "entrepreneurial model of development" and

has garnered significant financial support from international donors. However, NRT does not publish annual financial statements, making it impossible to externally verify its funding sources and allocation. Additionally, its role in managing and facilitating high-value carbon credit projects raises concerns about financial transparency and accountability to the communities it claims to serve.

Despite frequently using terms like "community-driven," "participatory," and "local empowerment," multiple reports indicate that conservancies have largely been established by external actors, with local pastoralist communities playing a minimal role in determining the terms of engagement. NRT maintains a corporate-style governance structure, oversees investment relationships, and retains control over land governance, revenue flows, and the strategic direction of 45 conservancies. These characteristics effectively position NRT as a private economic actor.

Looking at NRT's structure, ownership, and activity, it appears that NRT engages in typical business activities' and take a business-oriented approach to serve its social purposes. The United Nations Guiding Principles on Business and Human (UNGPs), recalling that "The responsibility [...] to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure", provide then an interesting framework for evaluating NRT's responsibilities in relation to human rights⁷.

See figure 3 in 3.2 on the NRT's Isiolo community conservancies

2. Human rights abuses

Communities living within NRT-supported conservancies have consistently raised concerns that the conservancy model undermines their land rights, livelihoods, and cultural practices. These concerns have been documented by NGOs, reflected in a successful lawsuit filed by residents of Merti sub-county, and corroborated by the findings of this field study⁸.

The alleged human rights abuses associated with the conservancy operations include:

- Violence leading to loss of life;
- Failure to meaningfully involve local community

members and leaders in decision making regarding their land;

- Discrimination of women, youth, children and persons living with disabilities in decision making;
- Lack of access to information;
- Restriction of access to grazing lands compromising livelihoods;
- Desecration of cultural sites such as graves;
- Threats and intimidation of human rights defenders;
- Labour-related abuses such as salary below the living wage and lack of social protection;
- Lack of transparency and accountability on funds from carbon trading.

According to these reports, the local communities' efforts to seek justice from either the relevant state organs or the management of the conservancies are usually unsuccessful due to procedural barriers. This has led them to organize public protests to attract national and international attention to their plight. In some cases, those who organize protests have had criminal cases instituted against them, which they view as an attempt to frustrate their advocacy efforts.

In response, NRT denies these allegations. It relies on a field study by an independent expert that claims there is no link of the human rights abuses revealed by the Oakland Institute report to its operations.⁹ It has responded to claims on dispossessing the community of its grazing land by stating that the decision of the conservancies to join the NRT umbrella is made by their leaders without any coercion or inducement.

During the current field study the NRT representative stated that NRT has a comprehensive system in place at all levels of the conservancy governance structure. Communities have access to grievance mechanisms at each level. If community members are unwilling to trust the existing grievance structures, NRT offers alternative channels including a Whistleblower Hotline, which is independently managed by an external consultant, allowing communities to report issues related to NRT's management or the board members. Furthermore, NRT hosts radio programs where communities can interact with the organization's Secretariat and air any grievances. NRT also maintains active social media channels for feedback and complaints.¹⁰ NRT further includes a diagrammatic presentation of the existing grievance redress mechanism in its Human Rights Policy.¹¹

1. The Act was enacted to provide for the recognition, protection, and registration of community land rights in Kenya. Community Land Act, No. 27 of 2016. Available at: <http://kenyalaw.org/8181/exist/rest/db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/C/Community%20Land%20Act%20-%20No.%2027%20of%202016/docs/CommunityLandAct27of2016.pdf>

2. Northern Rangelands Trust, <https://www.nrt-kenya.org/> (accessed 4th April 2025). For additional info on NRT constitution and historical development please to check : Oakland Institute, 'Stealth Game: "Community" Conservancies Devastate Land & Livelihoods in Northern Kenya' November 2021,p.13 <https://www.oaklandinstitute.org/stealth-game-community-conservancies-devastate-northern-kenya> (accessed 11th June 2025); Survival International, 'Blood Carbon: How a Carbon Offset Scheme Makes Millions from Indigenous Land in Northern Kenya', p.8 March 2023(accessed 11th June from <https://www.survivalinternational.org/articles/carbon-offset-scheme-makes-millions-from-indigenous-land-northern-kenya>)

3. Osman and 164 others v Northern Rangelands Trust and 8 others, eKLR [2025] (*Osman & others case*).

4. Northern Kenya Rangelands Carbon Project, <https://www.northernkenyacomunitycarbon.org/> (accessed 18 April 2025).

5. As above.

6. Northern Rangelands Trust, <https://www.nrt-kenya.org/> (accessed 4th April 2025).

7. UN Guiding Principles on Business and Human Rights, https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinessshr_en.pdf (accessed 4th April 2025). To note also that the OECD Secretariat has recommended taking a 'flexible interpretation of the notion of enterprise'. On this basis, the Swiss National Contact Point (NCP) for the OECD Guidelines has applied them to FIFA, World-Wide Fund for Nature (WWF), or the Roundtable for Sustainable Palm Oil.

8. Oakland Institute, 'Stealth Game: "Community" Conservancies Devastate Land & Livelihoods in Northern Kenya' November 2021, <https://www.oaklandinstitute.org/stealth-game-community-conservancies-devastate-northern-kenya> (accessed 9th April 2025); Survival International, 'Blood Carbon: How a Carbon Offset Scheme Makes Millions from Indigenous Land in Northern Kenya', March 2023(accessed 9th April from <https://www.survivalinternational.org/articles/carbon-offset-scheme-makes-millions-from-indigenous-land-northern-kenya>) ; and *Osman & others case*.

9. NRT relied on a report by Dr. Kanyinke Sena, engaged by NRT in a report titled "Due Diligence Reports Concerning the Report 'Stealth Game' Published by Oakland Institute". See also para 54 of the *Osman & others case*.

10. In-depth interview with a representative of the community conservancies management, NRT, conducted between 20th March and 4th April 2025 in Nanyuki.

11. Northern Rangelands Trust, Resources, Human Rights, Human Rights Policy, accessed from: <https://www.nrt-kenya.org/human-rights> (2 May 2025).

Victims of ongoing or potential human rights abuses are entitled to an effective remedy. This study focuses on access to remedy pathways available to individuals and communities with grievances against conservancies and assesses whether those remedies are consistent with international human rights standards.

Below is an overview of the primacy of access to remedy under domestic and international human rights law. This will be the framework of analysis on the extent to which access to remedy pathways available to communities impacted the operations of community conservancies are effective.

3. Access to remedy and Relevant Frameworks

The right of access to effective remedy by individuals whose human rights have been violated entails the ability to seek redress through both judicial and non-judicial mechanisms. This right is enshrined in various international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. In the specific context of Indigenous Peoples, the UN Declaration on the Rights of Indigenous Peoples affirms their right to prompt, fair, and just procedures for the resolution of grievances with both states and third parties¹². At the regional level, the African human rights system similarly affirms Indigenous communities' right to effective remedies¹³.

The UNGPs unanimously endorsed by the Human Rights Council in 2011 are also relevant. They recall the obligations and responsibilities of states and enterprises to respect human rights and to provide appropriate and effective remedies when breached and they also develop standards and practices to achieve results for affected communities and individuals.

Pillar 1 reaffirms the international human rights position of the state as the primary duty bearer in protecting individuals within their territory from human rights abuses by third parties, including by business enterprises. This entails legislation and taking "appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication".¹⁴

Pillar 2 restates the responsibility of businesses to respect human rights. This is by not "infringing on

the human rights of others and...[addressing] adverse human rights impacts with which they are involved". To meet this responsibility, businesses are expected to: a) have a human rights policy as a commitment to respecting human rights; b) have a human rights due diligence to identify, prevent mitigate and detailing how they address their human rights abuses; and c) put in place a process to remediate adverse human rights impacts caused or contributed to by their operations.

Pillar 3 calls on both states and businesses to ensure

"..., through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy."

This is through both state based and non-state based grievance mechanism. In relation to judicial remedies, states should reduce legal and practical barriers that may impede access to effective remedy. These barriers including failure to give groups like indigenous communities the same level of legal protection as the wider population, deterrent cost of litigation, high cost of legal representation of poor claimants, and failure to give adequate resources to state prosecutors and other officials in the public justice system.

Non state based grievance mechanisms include those administered by the businesses themselves, multi-stakeholder associations as well as industry associations. They are helpful as they speed access and remediation, as well as reduced cost of resolving grievances. They are tailored to ideally tailored to provide context-based solutions for groups such as workers, suppliers or local communities depending on the nature of the company's operations.

The UNGPs Principle 31 sets up 8 effectiveness criteria such mechanisms must meet to be effective. These are: legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning and based on engagement and dialogue.

In Kenya institutions that fall into the Pillar 3 category include:

- State based judicial: Judicial authorities that adjudicate criminal, civil and human rights cases. Specialized courts such as the Human Rights Division of the High Court, the Environment and the Land Court, and the Employment and Labour Relations Court. Decisions from these courts are

subject to appeal at the Court of Appeal, and in some cases at the Supreme Court. Several cases have been decided against both states and businesses enterprises for the violation of human rights by businesses.¹⁵

- State based quasi-judicial: This includes constitutional commissions established under Article 59 of the Constitution. There are three commissions:
 - Commission on Administration of Justice
 - Kenya National Commission on Human Rights
 - National Gender and Equality Commission

Other state-based mechanisms include: the National Land Commission, the National Environmental Management Authority, the Kenya Wildlife Service. For instance, Section 3 of the Environmental Management and Co-ordination Act which provides that a person may apply to the Environment and Land Court for redress for any denial, violation, infringement of or threat to the person's right to a clean and healthy environment on the person's own behalf or on behalf of a group of persons or in the public interest.

There is also the National Government Administrative Officers (NGAO) actors including the Country Commissioner, Assistant Country Commissioners, Chiefs and Assistant Chief.

It is noteworthy that the Kenya Constitution imposes human rights obligations on companies. Article 20 (1) of the Bill of Rights states that "the Bill of Rights applies to all and binds all State organs and persons." The Constitution also defines a person as "a company, association or other body of persons whether incorporated or unincorporated".

The Kenyan courts have upheld this position including in the Kagendo vs Prime Bank. The Court stated:

"... that constitutional rights could not be enforced against private entities and stated that "the jurisprudence that has emerged from this Court is that the Constitution now contemplates both vertical and horizontal application of the Bill of Rights".¹⁶

A similar reasoning was used in the William Musembi & 13 others v Moi Education Centre & 3 others decision, where a private education company was found to have violated constitutional rights.¹⁷

This study assesses the practicality of the effectiveness of the remedies contemplated in the above legal framework for individuals and communities aggrieved by the operations of conservancies in Isiolo. It analyses their consistency with human rights standards and makes recommendations for measures to improve their effectiveness. The study relies on literature review and a field study with local commu-

nities, local leaders, government officials at both the county and the national levels, as well as NRT.

The subsequent sections present the methodology of the study, findings, analysis of the findings and the overall recommendations.

The following are the study objectives:

1. To map the existing remedy mechanisms for communities and victims of human rights abuses committed by conservancies in Isiolo County;
2. To assess the extent to which the redress mechanisms accessible to and guarantee effective remedies to the communities and individuals;
3. To identify the gaps that exist in the establishment and functioning of these mechanisms, and in adherence to the established norms on business and human rights, particularly the UN Guiding Principles on Business and Human Rights; and
4. To make actionable recommendations to enhance access to remedy for communities and individuals of human rights abuses and sustainable co-existence between the communities and conservancies.

Given NRT's scope of influence and its business-like operations, the application of the UNGPs as an evaluative framework is both relevant and necessary. As a de facto private actor involved in land governance, NRT must adhere to the responsibility to respect human rights and ensure that communities have access to meaningful and effective remedies when grievances arise.

This study therefore relies on the UNGPs, in addition to Kenya's constitutional and statutory obligations, as a normative benchmark to assess whether existing remedy mechanisms in Isiolo County are consistent with established standards of human rights and corporate accountability.



¹². UN Declaration on the Rights of Indigenous Peoples, art. 40, UN General Assembly A/RES/ 61/295, <https://www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples> (accessed 7th April 2025).

¹³. African Commission on Human Rights v Republic of Kenya, Application No. 006/2012, (Judgment Merits) African Court on Human and Peoples' Rights, <https://www.african-court.org/cpmt/storage/app/uploads/public/5f5/5fe/9a9/5f55fe9a96676974302132.pdf> (accessed 3rd April 2025); Centre for Minority Rights Development Kenya and Minority Rights Group International (on behalf of the Endorois Community) Communication no. 276/2003, Merits Decision, African Commission on Human and Peoples' Rights, <https://achpr.au.int/en/decisions-communications/centre-minority-rights-development-kenya-and-minority-rights-group-27603> (accessed 3rd April 2025).

¹⁴. As above, Pillar 1.

¹⁵. Benjamin Vs Safaricom PLC and 2 others [2018]; William Musembi vs Moi Education Centre [2011]; Scoline Ojung'a vs Nairobi Womens Hospital [2023] ; Okech vs CocaCola Beverages Kenya [2023]

¹⁶. Amy Kagendo v Prime Bank eKLR [2013] para 23.

¹⁷. eKLR [2014].

2. Methodology of the study

The study employed a qualitative research design, content analysis and document review to achieve the objectives. The qualitative research incorporated nine (9) focus group discussions and seventeen (17) sets of in-depth interviews as well as informal conversations with community members. The focus group discussions, in-depth interviews and informal conversations were conducted between 20th March and 3rd April, 2025 in Isiolo, Laikipia and Nairobi Counties.

1. Diagrammatic presentation of the study methodology

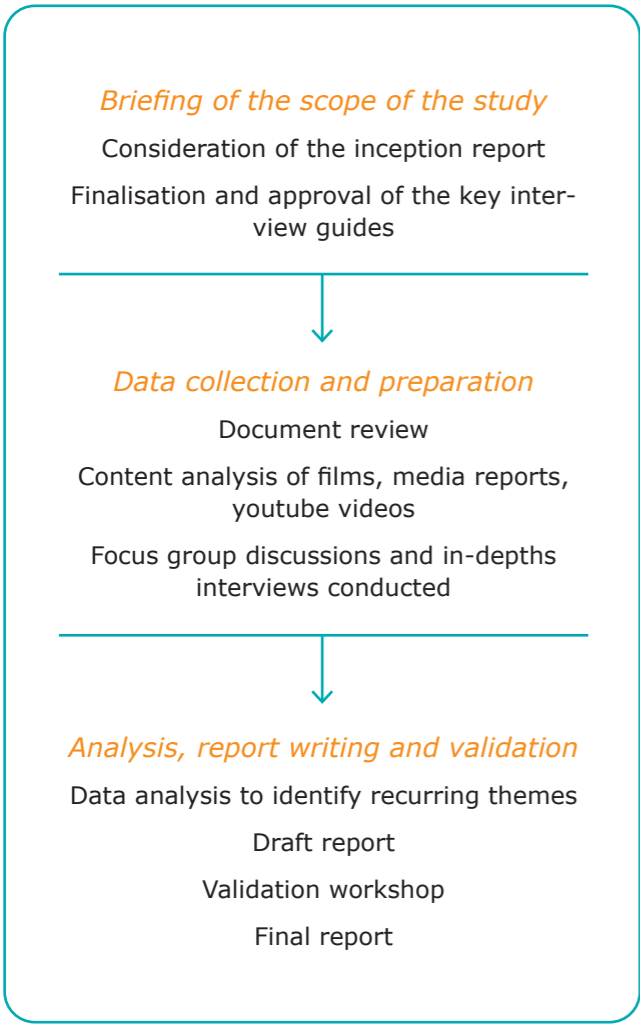


Figure 1 : Study methodology

2. Document review and content analysis

The documents for review were identified based on the terms of reference of the study. Therefore, documents relating to nature conservancies in Isiolo County, including legislation and bills from the Isiolo County Government, court cases on the Isiolo community conservancies, NGO reports, media reports and Isiolo County Government documents were analyzed for specific information on Isiolo County and the community conservancies. At a general level, the study analysed Kenya’s legal framework such as the Constitution of Kenya and the Community Land Act to determine, first the constitutional framework for access to remedies in Kenya and, with specific reference to the Isiolo community their community land rights.

The documents that formed part of the review included: Kenya Truth and Justice Reconciliation Report; Isiolo County Strategic Plan; Isiolo County Community Conservancies Bill; Community Land Act; UN Guiding Principles on Business and Human Rights and the attendant Guidelines; Constitution of Kenya, 2010; NGO Reports, such as Human Rights Watch, Survival International, Oakland Institute; Kenya National Commission on Human Rights Reports; and the pleadings and judgment of the case against the Isiolo community conservancies.

The study also analyzed content from films relation to community conservancies in Kenya. The aim was to obtain secondary accounts on the nature conservancies from Northern Kenya, including Isiolo, human rights abuses and the existing grievance mechanisms. To this end, the study reviewed the film Battle for Laikipia; and the following four (4) videos: 'How big-tech offsets are threatening Kenya'; 'Reflecting on NRT’s 20 years of community conservancy'; Why petitioners won case against NRT over legality of the

Chari and Cherab ward conservancies'; and 'Residents of Isiolo threaten to seek legal redress over proposal to expand wildlife conservancies'.

The findings of these reviews are inbuilt in the introduction, findings and analysis sections of the study.

3. Field work

1. Geographical scope

The study was restricted to access to remedies for natural resource governance in Isiolo County. In this regard, the geographical scope covered to community conservancies in Isiolo Central, Isiolo South and Isiolo North. These community conservancies include: Leparua, Tassia, Westgate, Biliqo Bulesa and Kinna ward conservancies.

2. Identification of the study participants

The study participants were identified through the Isiolo community interlocutors who helped put together focus groups consisting of community elders, women members of community based organizations, Isiolo professionals, human rights defenders and victims. The interlocutors also assisted in identifying individuals for in-depth interviews who had first-hand knowledge of the community conservancies, some having been employed in the conservancies.

In addition, officials of state based remedy mechanisms were identified based on the relevance of their work to the objectives of the study. Officials from the National Government Administration, Isiolo Court-user’s committee, Kenya National Commission of Human Rights, Commission on Administrative Justice and National Gender and Equality Commission were interviewed. In addition, members of NGOs working on human rights issues in Isiolo County and petitioners in the 2021 Environment and Lands Court case against the community conservancies were also interviewed. A representative from the community conservancies umbrella management body, NRT was also interviewed.

3. Focus group discussions procedure

The field study conducted nine (9) focus group discussions with 52 participants. Each focus group discussion had approximately 4-8 participants. The facilitators of the focus group discussions explained to the participants the purpose of the study, measures to ensure their confidentiality and the expected short-term and long-term outcomes of the study. In addition, the facilitators also ensured that the venues of the focus group discussions were safe and that the participants understood the purpose of the study and were willing to be involved. The focus group discussions were conducted in venues in determined by the participants. During the focus group discussions, the participants could either respond in English, Kiswahili or local languages. A local translator was engaged to assist with translation.

FGD type		Number of persons in FGD	Number of FGDs	Total number of persons
1.	Isiolo professionals	7	1	7
2.	Men (Leparua community conservancy)	4	1	4
3.	Community Elders in Westgate/Tassia community conservancies	4	1	4
4.	Women (Biliqo community conservancy)	4	1	4
5.	Men (Biliqo community conservancy)	6	1	6
6.	Community elders (Biliqo community conservancy)	6	1	6
7.	Men (Kinna community conservancy)	6	1	6
8.	Community elders (Kinna ward)	6	1	6
9.	Women (Kinna community conservancy)	9	1	9
TOTAL			9	52

Table 1 : Focus group discussions participation

4. In-depth interview sets

A total of seventeen (17) sets of in-depth interview were conducted. The interviewers explained to the interviewees the purpose of the study, measures to ensure their confidentiality and the expected short and long-term outcomes of the study. The interviewees responded in English, Kiswahili and local languages. A local translator was engaged for translation purposes. The interviewees were met at venues of their choice.

For the victims of the human rights grievances, the interviewers offered legal advice and also referred them to the quasi-judicial institutions for follow-up of their cases with the relevant government agencies, and in one instance to the World Bank office of the compliance inspector.

In-depth interview type		Number of interviews
1.	Elected leaders	1
2.	Human rights defenders	4
3.	Victims of human rights abuses	4
4.	Community conservancy board management	1
5.	National Government Administrative officers	1
6.	Former community conservancy board members	2
7.	Quasi-judicial state remedy mechanisms	1
8.	Court-users committee	2
9.	Indigenous communities opinion leader	1
TOTAL		17

Table 2 : In-depth interview participation

5. Challenges

A number of challenges were experienced during the field work. These include:

- Physical access to the conservancies with reference to distance. While the interviewers were able to access most of the conservancies that were to be sampled in the study, this meant long commute on rough terrain for up to 8 hours.
- The study was conducted during the Ramadan period, hence the facilitators and interviewers had to strictly observe religious and cultural sensitivities. This meant that access to the participants was limited and could not extend beyond certain hours and was conservative in approach to allow for observance of religious rites;
- Part of the field work was conducted during the onset of the rainy seasons which affected some of the focus group discussions as the men participants of the some of the focus group

- discussions migrated with their animals (gone to fora) and had to be substituted; and
- Security concerns which prevented the facilitators and interviewers from venturing into some regions in Isiolo County.

4. Validation of the study findings

The study findings were validated through telephone discussions both in groups and individually, taking into account gender considerations. The discussion lasted between 20 to 30 minutes (on average 25 minutes). The first group discussions involved: representatives from the Isiolo County Assembly; human

rights defenders; and community interlocutors. The second group discussions involved women from a women community based organization.

During the telephone discussions, the participants were taken through the study findings and the recommendations. The participants were agreeable to the recommendations and emphasized the following points:

- Community land registration – that there is need for community sensitization on the registration procedure and funding for the registration process. In addition, the need for peer to peer learning

from the other communities that have successfully registered their community land;

- Sensitization of the community on the remedy mechanisms, how to access the mechanisms and the referral agencies;
- Legislation on the community conservancies to anchor natural resource governance in a legal framework; and
- Gendered sensitization to take into account the unique needs of women.



3. Findings

1. Introduction

This section presents the findings from the analysis of the field study, and triangulates the findings from data sources in existing literature. The section begins with a brief background based on community narratives on NRT, the umbrella body for all the 45 community conservancies in Isiolo County. The section then provides a diagrammatic presentation of the remedy mechanisms ideally available for human rights abuses in natural resource governance in Isiolo County and finally, presents the findings on the effectiveness of the remedy mechanisms.

The findings on the effectiveness of the remedy mechanisms are presented in three (3) parts that capture the overarching goal of the study as follows:

- **Part 1** focuses on the general community views on and perceptions of the existing of remedy mechanisms for human rights abuses in natural resource governance;
- **Part 2** presents community and individual reflections and descriptions of the barriers to accessing the remedy mechanisms; and
- **Part 3** presents the community and individual reflections of recommendations to improve access to and effectiveness of remedy mechanisms.

2. NRT and the Isiolo community conservancies

As stated earlier, NRT is the umbrella management body for all community conservancies in Isiolo County. According to community members, the NRT has since 2003 established forty-five (45) community conservancies within Isiolo County. A number of the community conservancies were established prior to the enactment of the Community Lands Act, which means that these conservancies are operating outside the current legal framework.

According to the NRT representative interviewed in the field study, NRT is an umbrella organization, whose membership is on voluntary basis. On esta-

blishment of the conservancies, NRT receives applications for creation of the conservancies from the community through the community's Council of Elders. The Council of Elders holds the final decision on whether to reject or approve establishment of a conservancy. NRT's role is only conducting background checks and making recommendations to the Council of Elders.¹⁸

In relation to the remedy mechanisms, there are internal grievance mechanisms, which is supplemented by Whistle Blower Hotline run by an independent consultant. The Whistle Blower Hotline should cater for community members who are unwilling to use the ordinary internal grievance mechanisms.¹⁹ NRT however has never made public any records of complaints resolved through its internal mechanisms.

Below is a diagrammatic presentation of NRT's governance model.



Figure 2 : NRT's governance model for the Isiolo Community Conservancies

Source: NRT website <https://www.nrt-kenya.org/member-conservancies-1>

On the contrary, community members described NRT's model of operation of the community conservancies as follows:²⁰

- Sponsoring friendly community members and using them to register a community conservancy;
- NRT influenced elections for boards of the community conservancies in which 'friendly and agreeable' community members are elected for two terms of 3 years each;
- Failure to provide board members with information and decision-making powers on the affairs of the conservancies; and
- Principally, NRT significantly controls the community conservancies.

Below are excerpts from two former community conservancies board members:

On the role of the community conservancies board members in the overall management:

« Board members are mainly locals without much knowledge. They cannot question NRT. There is no transparency with the board members. For instance, the budgets were presented in power-point, which we were just asked to approve, without understanding the numbers. »

« NRT is not comfortable with clever people who speak for the community. I was abducted and tortured for protecting the interests of the community. I was also removed from the board. »

On community conservancies internal access to remedy mechanisms:

« There are many cases of human rights abuses which NRT has not resolved. Especially labour related complaints of people who were unfairly dismissed. For instance, for the rangers who are killed, their families are never compensated. »

« ...I am not aware of any grievance redress mechanism at NRT. As board members we were told that any complaints should be filed with the Kenya Wildlife Conservancies Association. »

The field study established that NRT's operational model is anchored on three strategies:

1. Forging instrumental alliances with the influential state agencies, in order to appropriate community land and resources;
2. Benefiting from Isiolo communities' low levels of knowledge, their indigence and inter and intra-communal conflicts to gain access to the community lands and resources; and

3. Engagement through select corporate social responsibility initiatives, such as education and humanitarian intervention, while not respecting the rights of the community and depriving them of their cultural livelihoods.

In regard to forging instrumental alliances with influential state agencies, community members stated that NRT uses the local administrative structures to regularize the community conservancies. In view of the fact that the conservancies preceded the establishment of the County Government and the enactment of the Community Land Act, NRT has been working through the Isiolo County Government to regularize its operations on community land.

For instance, an interview familiar with the operations of the Isiolo County Assembly observed:

« NRT has financial muscle. It has lobbied the County Assembly to come up with a favourable Community Conservancies Bill to legalise its operations.

Community members stated the following in relation to NRT's use of the NGAO's apparatus to silence and harass persons who questioned the operations of the community conservancies:

« Our area chief was vocal against NRT activities here. He was summoned by the Deputy County Commissioner and warned against speaking ill of NRT. He was threatened with dismissal. Since then he is very scared and not able to assist in resolving our complaints against NRT. »

In relation to NRT practice of capitalizing on the low levels of knowledge within the communities and using divide and rule tactics, members of the community interviewed in two different conservancies observed that the establishment of the conservancies had led to conflict among the communities.

Below is an excerpt from community members on the community conservancies and the increased community conflicts:

« NRT's 9/1 rangers are from the Samburu Community who are armed, and use their guns to raid and steal goats from the Borana Community. Before the establishment of the conservancies, the two communities raided against each other, but there were never guns that were used to kill and steal. »

18. In-depth interview with NRT representative, conducted between 20th March and 4th April 2025 in Isiolo.
19. As above.

20. Focus group discussions with men and in-depth interviews with former community conservancies board members, conducted between 20th March and April 4, 2025 in Isiolo.

Based on the above NRT’s operations model, the grievance redress mechanisms, including its internal grievance mechanism, are inaccessible to the community. This has resulted into lack of accountability for the human rights abuses occasioned by the community conservancies.

3. Existing remedy mechanisms in the County

In the specific context of Isiolo County, the study established that there exists state based judicial,

quasi-judicial and non-judicial remedy mechanisms as well as alternative justice or community traditional remedy mechanisms. In addition, in-depth interviews with a representative of the umbrella body that manages the Isiolo community conservancies, NRT, also established the existence of conservancy based remedy mechanisms.²¹ However, as will be discussed in the section, these remedy mechanisms have not resulted in tangible justice outcomes for victims of human rights abuses. See detailed discussion in section 1.3.

Below is a diagrammatic presentation of the existing remedy mechanisms for human rights abuses occurring in the context of natural resources governance in Isiolo County.

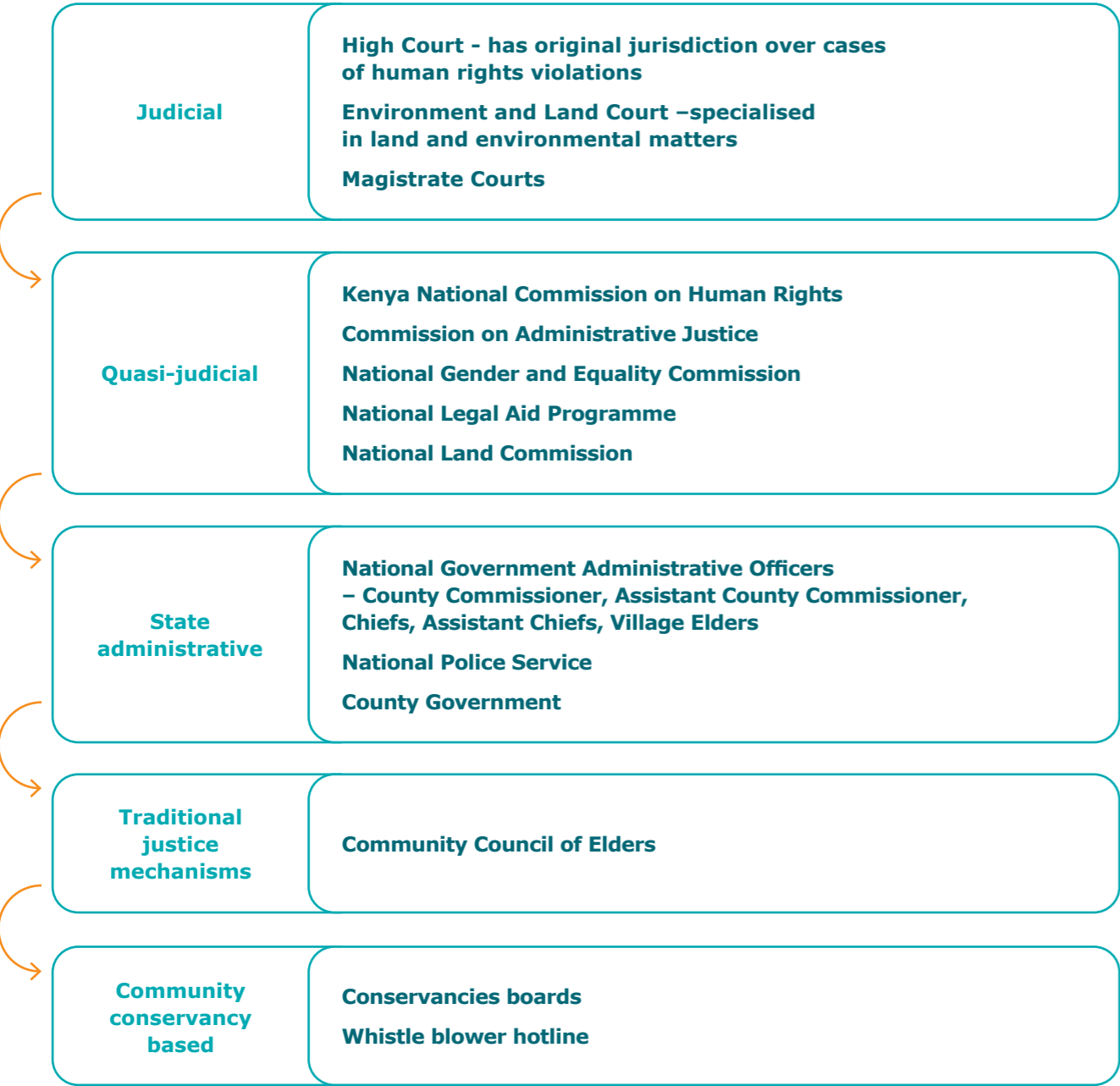


Figure 3 : Existing remedy mechanisms in Isiolo County

21. In-depth interview with a representative of NRT, conducted between 20th March-4th April 2025 in Nanyuki.

4. Community view and perceptions of the existing remedy mechanisms

In light of the existing remedy mechanisms discussed above, the study first sought to know the community views and perceptions of these mechanisms.

Key Findings:

- Lack of independence and impartiality of the existing remedy mechanisms
- Mistrust and unresponsiveness of existing remedy mechanisms
- Low levels of awareness among community members on the existing remedy mechanisms

1. Lack of independence and impartiality of the existing remedy mechanisms

Across the focus groups and individual discussions, most people were more familiar with the courts, police officers and local chiefs as remedy mechanisms for human rights abuses. At the time of the field study the Judiciary (courts) was the most popular remedy mechanism owing to the fact that the community had in January 2025 received a favourable judgment in the *Osman & others case* from the Isiolo Environment and Land Court. Notably, NRT in April 2025 lodged an appeal against this judgment.

For the local chiefs, their familiarity to the community can be attributed to the fact that the County is expansive, with rough terrain and hence, the chief who is historically in-charge of the lowest administrative unit, the sub-location, and which is ordinarily comprises a number of villages is the closest and most visible national government administrator. Similarly, for the police, especially given the volatile security situation in the County, police officers often conduct patrols and address reports of insecurity, thus are more visible and known to the community as a remedy mechanism.

However, the community and individuals expressed lack of independence and impartiality of the exist-

ing remedy mechanisms. The pointers of lack of independence and impartiality were: use of national government apparatus to intimidate and harass the communities whenever there are complaints or public protests of human rights abuses; instances of imposition of excessive bail/bond terms by the Judiciary; and open support for the conservancies without addressing the community complaints and concerns.

These assertions on the lack of independence and impartiality of the existing remedy mechanisms find support from other data sources. For instance, the community in its petition in the *Osman & others case* indicated that National Government administrators in Isiolo, and specifically the Deputy County Commissioner could not be trusted as an impartial arbiter, as the office had following complaints of human rights abuses by the community, expressed support for the conservancies and directed the local chiefs and assistant county commissioner to fully support the conservancies.²² In addition, previous independent field studies conducted in Isiolo County in relation to natural resource governance also document cases of use of government apparatus to harass and intimidate individual community members who complain about the conduct and operations of the community conservancies.²³ Further, one interviewee stated that certain national government officers and police often act in a biased manner and tend to use state apparatus to suppress or intimidate community members who raise concerns about conservancy operations.²⁴ In relation to the Judiciary, participants pointed to a past incidence which a Magistrate court allegedly acting at the behest of the community conservancies management imposed excessive and punitive bail terms for a victim of false charges.²⁵ The fact that these bail terms were revised by the High Court lends credence to the assertions by the participant.²⁶

Below are excerpts from participants of the field study:

In relation to April 2023 peaceful community protests and demonstrations against the establishment of a conservancy in one of the County wards without public participation, a participant in the in-depth interview stated:²⁷

« One woman protestor was arrested and charged with assaulting 7 police officers and stealing cement. She was locked up in the po-

22. Osman v NRT case, para 21.
23. Borana Council of Elders & Waaso Professional Forum, 'Fact-finding Report on the Northern Rangeland's Trust Operations in Community Conservancies in Isiolo County' April 2019, accessed from https://www.oaklandinstitute.org/sites/default/files/files-archive/pdfpreview/boran_council_of_elders_wasso_professional_forum_fact_finding_report_2019.pdf (March 18, 2025).
24. In-depth interview with a representative of the National Government, Ministry of Interior and National Government Coordination, conducted between 20th March and 4th April 2025 in Isiolo County.
25. In-depth interview with a human rights defender, conducted between 20th March and 4th April, 2025 in Isiolo County.
26. Amina Hussein Kulo v Republic eCLR [2023].
27. In-depth interview with a family member of a victim, conducted between 20th March and 4th April, 2025 in Isiolo County.

lice station together with her 3-year-old child. The mobile court imposed excessive bail terms of KES 1,500,000. The case was later thrown out for want of prosecution. »

With the reference to the downward revision of the bail/bond terms imposed against the human rights defender by the Magistrate Court, the High Court observed:²⁸

« ...that bail terms are usually set at KES 500,000 with one surety for accused persons facing murder charges, and thus the bail terms set by the trial court for the applicant who is facing a myriad of offences, were on the higher side, as to amount to denial of bail. »

In relation to August 2024 peaceful community protests against the establishment of a community conservancy in another ward, without proper community participation and consultations, women in a focus group discussion stated:²⁹

« Our children who took part in the demonstrations were later rounded up and accused of trespass over private property, arrested and charged. Many of them have remained in custody for up to six months, after which they were released. »

With reference to the state's administrative apparatus as an avenue for the community to access remedies in case of abuses:³⁰

« Our area chief was vocal against NRT activities. He was summoned by the Deputy County Commissioner and warned against speaking ill of NRT. He was threatened with dismissal. Since then he is very scared and not able to assist in resolving our complaints against NRT. »

2. Mistrust and unresponsiveness of the existing remedy mechanisms

Tied to lack of independence and impartiality of the existing remedy mechanisms, the field study also revealed low levels of confidence in the existing remedy mechanisms. From the focus group discussions and the individual interviews, the participants alluded to instances in which human rights abuses were reported to various police stations within the County and no action was taken. Some of the reported abuses are grave, such as murder and enforced disappearance, and almost 10 years later, no investigations or prosecutions have been commenced. In addition, the participants indicated that they were often directed to refer complaints on human rights abuses to the community conservancy boards, which are inaccessible and lack decisional independence and the technical capacity to resolve the complaints.

These community assertions on the unresponsiveness of the existing remedy mechanisms are confirmed by previous field studies which document cases of uninvestigated killings and shootings and enforced disappearance and recommend investigations and accountability.³¹ On the accessibility of the community conservancy boards, existing reports indicate that one would require some form of authorization to be able to lodge a complaint.³²

Further, the participants' assertions on the mistrust were confirmed by a representative of NRT who stated that often the community does not trust the grievance mechanisms and are thus referred to the Whistleblower Hotline.³³ Unfortunately, the community and individuals expressed lack of confidence in the conservancy remedy mechanisms.

The field study documented the following excerpts from the participants:

With reference to the killing of a family member inside one of the community conservancies in 2015, the family of the victim stated:³⁴

« We reported the killing to the police station, the police recorded our statements and issued us with a police OB number. Up until now 10 years later, no action has been taken. The police tell us that nothing can be done. »

From a victim of alleged torture, inhuman and degrading treatment whose homestead was raided in April 2024 by armed police officers, he was blindfolded, his home searched and his son was threatened with a knife. Later, the victim was taken to a river where the police officers allegedly tried to drown him. The victim stated:³⁵

« I did not report the matter to the police, I knew the police are compromised and would not take action, but would instead refer me to the community conservancy boards which are also compromised. I also feared for my life after that encounter with the same police officers. »

From a family whose daughter and her child were allegedly shot to death in 2011:³⁶

« We first reported to the police station and were issued with a police OB number. Since, then despite followups no investigations have been done. We have raised the matter with elected leaders, they too have gone quiet as they support the community conservancies. The community conservancy boards are inaccessible. »

3. Low level of awareness of the existing remedy mechanisms

The field study revealed low level of awareness from the communities of the existing remedy mechanisms especially among women. Women in focus group discussions indicated that there was low level of awareness among women on where they can seek remedies for human rights abuses. For instance, most women were not aware of the quasi-judicial remedy mechanisms such as the Commission on Administrative Justice, the Kenya National Commission on Human Rights and the National Gender and Equality Commission, which as discussed above all have operative field presence in Isiolo County. The women were also not very well versed with the operations of the community conservancies, and thus not often aware of the human rights abuses that occur in this context, and the conservancies remedy mechanisms.

Below is an excerpt from a women focus group discussion:

One woman stated:³⁷

« We feel left out, we do not know what is happening. Most of the time we just see marked cars but are not aware of what is going on. In August 2024, we participated in public protests against establishment of the community conservancies but when our children were arrested we did not know where to turn to. »



28. Amina Hussein Kulo v Republic eKLR [2023].

29. Focus group discussion with women, conducted between 20th March and 4th April, 2025 in Isiolo County.

30. Focus group discussion with community members in one of the conservancies, conducted between 20th March and 4th April 2025 in Isiolo.

31. As above.

32. 'How Big Tech's Offsets are Threatening Kenyans' You tube videos, minutes 11 & 13, accessed from <https://www.youtube.com/watch?v=1Qkef6br108&t=398s&pp=y-gUEbnJOIA%3D%3D>.

33. In-depth interview with a representative of the community conservancies management, conducted between 20th March 2025 and 4th April 2025 in Nanyuki.

34. In-depth interview with family member of a victim, conducted between 20th March and 4th April 2025 in Isiolo County.

35. In-depth interview with a victim, conducted between 20th March and 4th April 2025 in Isiolo County.

36. In-depth interview with a family member of a victim, conducted between 20th March and 4th April 2025 in Isiolo County.

37. Focus group discussion with women, conducted between 20th March and 4th April 2025 in Isiolo County.

5. Community and individual reflections on and descriptions of the barriers to accessing the remedy mechanisms

This section focuses on the communities and individuals lived experiences on the challenges in accessing the existing remedy mechanisms in cases of human rights abuses.

Key Findings:

- Patriarchal nature of the community often creates barriers, particularly for women in accessing the remedy mechanisms
- Lack of information and knowledge on human rights and how to access remedies
- Intimidation and harassment of human rights defenders
- Ineptitude and inaction on the part of duty bearers

1. Patriarchal nature of the community

The communities that inhabit Isiolo County are indigenous peoples, who have retained their strong traditional institutions such as the Borana Council of Elders. As discussed above, the Councils of Elders comprises one of the non-state remedy mechanisms. While the Council of Elders do not address human rights abuses, according to NRT they are part of the conservancies grievance redress mechanisms and deal with recurring complaints such as those elections of members of the conservancy boards, representation and recruitment.³⁸

Importantly, the Council of Elders are community gatekeepers of power, thus facilitating resolution of community disputes, including human rights abuses through the relevant judicial and quasi-judicial remedy mechanisms. However, the role of women in the Council of Elders remains peripheral. This observation finds support in the *Osman & others case* in which the petitioners acknowledged that the community does not allow for joint forums of men and women in the community deliberations.³⁹ With the men as the community gatekeepers, it means that women views are often neglected.

Women victims indicated that while they can present their abuses to the Council of Elders for assistance in accessing justice, they have no much say in the deliberations of the Council of Elders in relation to how to facilitate access to justice. One woman whose family member was killed in 2015 stated that while Council of Elders was aware of the murder, she was unable to follow-up with the Council of Elders to know if they had forwarded her case to the relevant state-based remedy mechanisms.

The study also found that women are victims of certain human rights abuses that may not be familiar to men, hence the need to ensure that: women are directly able to access the remedy mechanisms; and the inclusion of women perspectives in remedy mechanisms. For example, women cited harassment, intimidation, and physical violence while collecting water and firewood and herding small animals around the community conservancies by the rangers, and emotional distress due to the breakdown of social ties within the family and clan.

In addition, the patriarchal nature of the community often results in poor involvement of women in the general affairs of the community. In the particular context of the community conservancies, this means that women often have little or no information on the establishment of the conservancies, their operations and governance. For instance, women in a focus group discussion stated that they had little information on the community conservancies and thus are not able to agitate for preservation of the community land, whose loss to the conservancies will affect them and their children. Further, the women stated that the lack of information, coupled with the lack of funds often prevented them from actively participating in the governance of the conservancies, for instance through election as conservancy board members. They provided an example in which a woman who vied for a conservancy board member position in January 2025 was defeated by her male competitors due to lack of campaign funding.

Below are excerpts from the field study:

A widow whose husband was allegedly shot dead in one of the community conservancies:⁴⁰

« My case was brought to the attention of the Elders. Women do not have much say in decision making. I therefore do not know what action has been taken and I have not been able to follow-up. »

A female family member of a victim who was shot dead in 2011 by rangers from one of the community conservancies:⁴¹

« The case involving the death of our family member is well known in the community and even to the Elders. However, the mother has not been able to follow-up on what action was taken by the Elders. »

Members of a women focus group discussion on the arrest of children following the August 2024 public protests against one of the community conservancies:⁴²

« When our children were arrested and locked up in the police station, we turned to the Elders but since we do not participate in their meetings, we did not know their deliberations and when the children would be released. »

2. Lack of information and knowledge on human rights, remedy and referral mechanisms:

As discussed earlier, most judicial and quasi-judicial remedy mechanisms, as well as traditional mechanisms have an operative and physical presence in Isiolo County. However, the field study revealed that the majority of the community is largely unaware of these mechanisms.

On the community conservancies level remedy mechanisms, across the focus group discussions, community members described the remedy mechanisms as: non-existent and impossible to access. On the other hand, the NRT alluded to the existence of conservancies’ operational level grievance mechanisms. From the interviews with individual victims and their families the recurring answer was that the conservancies have no grievance mechanisms and have never resolved any of the human rights abuses that their operations have caused.

Most of the victims interviewed were aware of the police, chiefs and NRT but were not aware of the quasi-judicial mechanisms, which would help them access remedies as these quasi-judicial bodies oversight government actors in regard to adherence to human rights.

Below is a comment from one of the victims of police abduction and torture in February 2024, when asked by the interviewer, whether he made a formal complaint to the remedy mechanisms:⁴³

« ...how do you report to the same people [police] who abducted and tortured you? »

3. Intimidation and harassment of human rights defenders

Given the low levels of literacy within the community and the expansive nature of Isiolo County, the presence of human rights defenders, such as paralegals, plays a major role in assisting the community to access remedies in cases of human rights abuses. The study established that while both judicial and quasi-judicial state based institutions have a presence in Isiolo County, cases of human rights abuses are rarely reported to them.

On the other hand, the study also established that human rights defenders such as community paralegals suffer intimidation and harassment whenever they take-up cases of human rights abuses against the community conservancies. In other instances, the human rights defenders are reluctant to claim accountability against NRT because of its perceived and real influence and power of retaliation . These assertions were confirmed by an interviewee who stated that the County security apparatus were often deployed to harass human rights defenders and community members who challenged the operations of the conservancies or raised cases of human rights abuses.⁴⁴

According to the human rights defenders, the harassment and intimidation by the County security apparatus is meant to ensure that the defenders cannot operate within Isiolo County. For instance, the County security apparatus have in the past initiated eviction of human rights defenders from their premises by threatening landlords who let out physical space to them.

Narrative of harassment and intimidation of human rights defenders

In 2023, we learnt of the proposed establishment of a community conservancy in one of the County Wards. Among other interventions, we mobilized the community which held peaceful and unarmed demonstrations against establishment of the proposed conservancy. The peaceful protests were infiltrated by the County security forces and rangers from the conservancies. The protests then became chaotic. The police quickly moved in and arrested one of the human rights defenders, a mother with her 3-year old child. The woman was charged with assaulting seven police officers and stealing cement.

38. In-depth interview with a representative of the community conservancies management, conducted between 20th March and 4th April 2025 in Nanyuki.

39. Osman v NRT case, para 21.

40. In-depth interview with woman whose family member was a killed, conducted between 20th March and 4th April 2025 in Isiolo County.

41. In-depth interview with a mother whose daughter and her child were killed, conducted between 20th March and 4th April 2025.

42. Focus group discussion of women, conducted between 20th March and 4th April 2025 in Isiolo County.

43. In-depth interview with a victim, conducted between 20th March and 4th April 2025 in Isiolo.

44. In-depth interview with a public officer, conducted between 20th March and 4th April 2025 in Isiolo County.

During her court appearance, the Magistrate Court imposed punitive bail terms of KES 1,500,000. This punitive bond was later reviewed downwards by the High Court. Eventually, the case was thrown out for want of prosecution.

The other human rights defenders continued to receive threats to their lives and to experience harassment and intimidation from the County security apparatus. Seven (7) of the human rights defenders temporarily relocated from Isiolo County as a result of the continued threats and harassment.

4. Ineptitude and inaction on the part of the duty bearers

Across all focus group discussions and in-depth interviews, the field study participants took issue with ineptitude and inaction by the duty bearers when cases of human rights abuses were reported to them. Such ineptitude hindered access to remedies for the community and individuals, leaving them with numerous unresolved cases and limited options in seeking justice. Some of the participants linked the ineptitude and inaction to bias of some duty bearers against the community while favoring the community conservancies.⁴⁵

The two women victims that the field study interacted with narrated that after the murders of their family members, they immediately reported to the relevant police stations, recorded statements and were issued with police Occurrence Book (OB) numbers. However, to date, more than ten years later, no investigations or prosecutions have been commenced in the cases despite follow-up by family members, the Council of Elders, elected leaders and human rights defenders.

In other cases, a Court users committee member indicated that the police often direct victims of human rights abuses to report to the community conservancy boards. While this may appear reasonable, it amounts to the state abrogating its duty to protect its citizens from human rights abuses by third parties. Further, many of the human rights abuses constitute crimes, such as killings, physical assault, kidnapping and abduction, which means that effective remedies would include perpetrator accountability through prosecutions. The power to investigate and prosecute vests in the police and prosecution services in Kenya, and cannot be exercised by community conservancy boards.

The lack of remedy for victims of abductions, torture and extra-judicial killings is attributable to the police officers' inaction. This also explains why the Judiciary is unaware of these cases as the case would have to be investigated by the police and charges proffered against the suspected police officers and rangers of the community conservancies.

Further, the petitioners in the *Osman & others case* alluded to the ineptitude and inaction by particular state agencies in seeking resolution of the registration of the community land by the National Lands Commission. According to the petitioners, in May 2021, they petitioned the National Land Commission to assist in resolving the community land registration stalemate, but have never received any response to date.⁴⁶

Similarly, the *Osman & others case* also revealed the ineptitude and inaction on the part of the Kenya Wildlife Services (KWS) which is charged with regulation of public, private and community wildlife conservancies in Kenya. In a bold admission of the KWS ineptitude and inaction, its Chief Licensing Officer testified that KWS had never received any application for the establishment of community conservancies in Isiolo County. This is notwithstanding the fact that some of the community conservancies in Isiolo have been operational for more than fifteen years.⁴⁷ KWS was in effect admitting that as far as relates to the Isiolo community conservancies, it has abdicated to carry out its mandate for more than fifteen years.

Below are excerpts from the field study on government ineptitude and inaction reports of human rights abuses:

One member of the Court users committee stated:⁴⁸

« **None of these cases of human rights abuses have come before the courts. The only case is the case recently decided by the Environment and Land Court. Remember the police have to initiate the charges for the Judiciary to take action.** »

The other member of the Court users committee stated:⁴⁹

« **Some of these cases are reported to the police, but the police are reluctant to investigate the conservancies. They normally tell the complaints 'hawa watu wameleta maendeleo endeni mkasikizane' (NRT has initiated many development projects, go and settle the complaint with NRT).** »

6. Community and individual reflections on recommendations to enhance access to and effectiveness of remedy mechanisms

This Part represents the community and individuals' reflections on recommendations to enhance access to and the effectiveness of existing remedy mechanisms. In the focus group discussions and in-depth interviews, participants were asked to describe how the existing remedy mechanisms can be made more accessible and effective.

Below is an analysis of the findings.

Key Findings:

- Community land registration to address the power imbalance between the community and the conservancies and grant the conservancies the social license to operate on their lands
- Decisional independence for the community conservancies boards and periodic sharing of information on complaints received and their resolution
- Anchor the governance of community conservancies in legislation which expressly commits them to observe human rights and establish conservancy grievance redress mechanisms
- Community sensitization and information sharing on the existing remedies, mode of accessing them, including referral systems
- Capacitate women to have agency in the governance of the community conservancies

1. Community land registration

The over-arching recommendation was community land registration. According to the participants, lack of community land registration is the structural problem that gives rise to all the human rights abuses, including the retaliatory harassment of and abuse of power against the human rights defenders who try to seek remedies for the abuses.

Drawing analogy from the fair trial doctrine of 'equality of arms' the participants argued that the only way to ensure that they can effectively engage and negotiate with the community conservancies was

through registration of the community land in their names.

According to them, lack of registration of the community land rendered them powerless and unable to effectively assert their rights against the community conservancies. With the registration of the land in the community's name, the community would be clear of the quantum of rights that they hold, hence be in a position to demand equal terms of engagement with the community conservancies, which would include full information on establishment of conservancies, the benefits that would accrue to the community, clear complaint/grievance resolution mechanisms and modes of continuous community engagement.

In addition, the participants opined that with the registration of the community land, the community would take a lead role in the natural resource governance in Isiolo County, including the conservancies, secure their livelihoods and be able to sustainably apply the indigenous resource management systems. This recommendation of the field study participant is further buttressed by a representative of National Government Administrative Officers (NGAO) who opined that to improve access to and effectiveness of the grievance redress mechanisms, the most important step would be to involve the community more in the governance of the natural resources.⁵⁰ This can only be realized if the structural problem of community land ownership is resolved through registration.

2. Decisional independence of the community conservancy boards in resolution of grievances

The participants described the NRT boards in relation to their grievance resolution role as: impossible to access; and compromised.

With reference to impossibility of access, all the victims in the field study indicated that they were unaware of how to access the conservancy boards, notwithstanding that when they reported their cases to the police, the police directed them to the boards. Existing literature indicated that one required prior authorization to report their complaint to the conservancies boards. In addition, former board members interviewed were categorical that the boards had no role to resolve complaints from the community or the conservancy employees.

Pressed on the fact that the persons in the conservancies boards were fellow community members, hence should be accessible and willing to take up the community grievances, the participants indicated that the management of the community conservancies influenced the elections thus ensuring that only 'certain

^{45.} Focus group discussion with men, conducted between 20th March and 4th April 2025 in Isiolo County; focus group discussions with Isiolo professionals, conducted between 20th March and 4th April 2025 in Isiolo County; focus group discussion with women, conducted between 20th March and 4th April 2025 in Isiolo County.

^{46.} *Osman & others case*, para 25.

^{47.} As above, paras 60-61.

^{48.} In-depth interview with a member of the Isiolo Court users committee, conducted between 20th March and 4th April 2025 in Isiolo.

^{49.} In-depth interview with a member of the Isiolo Court users committee, conducted between 20th March and 4th April 2025 in Isiolo.

^{50.} In-depth interview with a public officer, conducted between 20th March and 4th April 2025 in Isiolo.

agreeable’ people were elected to the boards. Given this scenario, it was highly unlikely that the board members would be impartial and independent to take any action supportive of the community and/or any action against the community conservancies. This finding is at odds with the NRT organizational structure which places communities at the top of the inverted triangle of the conservancies management⁵¹, creating the impression that the communities have overall control in the governance of the conservancies.

The participants thus recommended surrendering to the members of the community overall control and governance of the community conservancies, including the resolution of grievances that arise between the community and the conservancies. Importantly, the conservancies boards should include community elders and women and vest them with complete autonomy in the handling of these grievances. The conservancies boards should have multiple, simple and well publicized methods of receiving complaints and should on a quarterly basis issue public reports of the complaints received and their resolution.

3. Anchor the community conservancies in legislation and expressly commit them to observe human rights and to establish conservancy grievance redress mechanisms

As alluded to in 3.2, the Isiolo County Assembly in 2021 developed the Isiolo Community Conservancies Bill. However according an interviewee familiar with the Isiolo County Assembly, the Bill was withdrawn as it was viewed as an avenue to legalize community conservancies’ operations outside the constitutional dictates on community land, and it did not factor in the interests of the community.⁵² According to the interviewee, a new Bill has been drafted though it is yet to be tabled before the Assembly.⁵³

A perusal of the withdrawn Bill indicates that while the Bill provides for the objectives and purposes of the proposed legislation as ‘to promote good governance in the management of county reserves and community conservancies’, it makes no express mention on protection of human rights or redressing human rights abuses arising from the operations of the community conservancies.⁵⁴ Given Kenya’s constitutional framework on horizontal application of human rights, non-state entities such as these community conservancies are bound by the Bill of Rights. It is therefore a constitutional imperative that they put in place functional and effective mechanisms to prevent human rights abuses and violations and to redress such abuses and violations once they occur.

4. Community sensitization and information sharing on the remedy mechanisms

The field study revealed a significant gap between the existing remedy mechanisms and the community’s knowledge of their existence and modes of access. As earlier discussed, there exists both state and non-state based remedy mechanisms in Isiolo County. In addition, the state based quasi-judicial remedy mechanisms have operational field presence in the County. Further, the community conservancies management indicated existence of operational level grievance mechanisms, including a whistle blower hotline. However, the community expressed little knowledge of the existence of the conservancies remedy mechanisms and unawareness of the quasi-judicial mechanisms.

To address this knowledge gap the participants recommended community sensitization on the available remedy mechanisms through public barazas, radio programmes and publication of the complaints received and their resolution. In addition, the community should be sensitized on the referral pathways to access remedies, so that for instance if the state duty bearers fail to act on abuses of human rights, the community can approach the quasi-judicial institutions for resolution. The participants also recommended that given the expansive nature of the County and the low literacy level, it was important to support paralegal networks which serve as the closest link between the community and existing remedy mechanisms. In addition, the participation recommended translation of information of remedy mechanisms to the local languages.

5. Capacitate women to have agency in the governance of the community conservancies

The focus groups and interview narratives alluded to the patriarchal nature of the society which often excludes women from general decision making in the community, and specifically from the governance of the community conservancies. The women focus group discussions expressed lack of knowledge in the establishment and operations of the community conservancies, yet women as the anchors of their families stood to incur the greatest loss if the land was taken away, as the destruction of cultural livelihoods would leave them unable to feed their families.

The participants therefore recommended supporting separate women forums to create awareness on the community conservancies and the remedy

mechanisms and capacitating women to elect their own representatives in the community conservancies’ boards.

7. Conclusion

From the above, the study findings reveal that while the operations of the community conservancies have led to a number of human rights abuses, the operational model of the conservancies has rendered most of the avenues for accessing remedies for the community ineffective, mainly through:

- Failing to establish functional and accessible community conservancies grievance redress mechanisms; and
- Using the state non-judicial based mechanisms to create an environment of fear within the community thus blocking any referral pathways, including intimidation of human rights defenders.

The major finding is thus:

Despite the numerous human rights abuses resulting from the operations of the community conservancies, the remedy mechanisms are inaccessible and ineffective; and consequently, the conservancies have lost an opportunity to obtain the social license to operate in the County.

Of the tens of cases of human rights abuses that the study reviewed from document and content analysis and documented from the field participants, some dating as far back as 15 years ago, it is only in one case, that the community has been able to access the remedy mechanisms and secure justice. This is the *Osman & others case*, which was filed in the Environment and Land Court in Isiolo in 2021 and judgment delivered in January 2025. As noted earlier, NRT has filed an appeal, which the Court of Appeal in Nyeri has certified as urgent.

On the social license to operate, the findings of the study establish community land registration as an underlying structural issue that must be resolved to afford the community power over the land and the freedom to confer the conservancies the legal right and social license to operate in the community’s ancestral lands. This point on the conservancies lack of a legal right to operate was aptly captured in the High Court’s judgment in the above *Osman & others case*.



51. See Northern Rangelands Trust, <https://www.nrt-kenya.org/> (accessed 4th April 2025).

52. In-depth interview with a staff member of the Isiolo County Assembly, conducted between 20th March and 4th April 2025 in Isiolo.

53. As above.

54. Isiolo County Community Conservancies Bill, 2021, clause 3.

4. Analysis of the findings

1. Introduction

In this section the report distills key insights from the findings in the previous section to address the gaps that exist in the remedy mechanisms, and in adherence to the established norms on business and human rights, particularly the UNGPs.

As discussed in previous section, the major finding is that:

Despite the numerous human rights abuses resulting from the operations of the community conservancies, the remedy mechanisms are inaccessible and ineffective; and consequently, the conservancies have lost an opportunity to obtain the social license to operate in the County.

The study revealed that the main causes of ineffectiveness and inaccessibility of the remedy mechanisms are:

1. Lack of independence and impartiality of the state based, community mechanisms and the conservancies level mechanisms;
2. Ineptitude and inaction mainly in relation to state based remedy mechanisms and the conservancy level boards; and
3. Low levels of community awareness of their rights and the remedy mechanisms.

2. Assessment of the findings

1. The UNGPs

From the foregoing, an assessment of the findings against Pillar 1 of the UNGPs reveals that, while the state has put in place a human rights protection framework through the state based judicial and quasi-judicial remedy mechanisms, it has failed to prevent, investigate and redress the human rights abuses. This has largely been attributed to the lack of independence and impartiality of the state actors in the County and ineptitude and inaction by state agencies such as the police, National Land Commission and KWS.

Pillar II of the UNGPs require businesses to respect human rights by avoiding any infringement of human rights and provide redress for human rights abuses occurring as a result of their business activities. This is through development of a human rights policy, conducting human rights due diligence to identify,

assess, avoid and mitigate human rights abuses in their operations and remediating abuses.

While NRT has a human rights policy, which includes a grievance redress mechanism, the findings in the previous section reveal gaps in regard to NRT discharging its Pillar II responsibilities. According to the community, the community conservancies have resulted in numerous human rights abuses, including extra-judicial killings, enforced disappearances, torture, inhuman and degrading treatment, loss of property, maiming, desecration of cultural sites, such as graves, and loss of livelihoods and cultural traditions. Tragically, the cases of human rights abuses by the conservancies that have been documented, community and individual victims have not received any remedy. As pointed out, the only community remedy so far is the recently decided *Osman & others case*.

This means that NRT despite policy commitments in their human rights policy, there is no public record of a human due diligence and of remedy for any of the tens of cases of human rights abuses.

Pillar III deals with access to remedy and requires on the one hand states to put in place judicial, legislative and administrative measures to ensure that once human rights abuses occur, the victims can access remedies. At an operational level, states are required to reduce the legal, practical and procedural barriers to access to remedies. As demonstrated in the findings section, the impartiality and ineptitude of public officers has created barriers for the community and individual victims of human rights abuses in accessing remedies. In addition, the interviewers observed hardship in accessing the state based mechanisms. For instance, it took the interviewers more than three (3) hours to access one of the conservancies. In the event that NRT appeals against the judgment in the *Osman & others case*, the appeal will be heard in Nyeri County, which is 6 hours drive from the conservancy in issue.

On the other hand, Pillar III requires the establishment of company level grievance resolution mechanisms, which are speedy and direct avenues for resolving human rights abuses. The UNGPs lay out a criterion for assessing the effectiveness of such company level grievance mechanisms. The findings of this study revealed that the community conservancy boards, which serve as the grievance resolution mechanisms, are both inaccessible and ineffective. For these boards to be effective and move from paper commitments to mechanisms that can have tangible justice outcomes in line with the Constitution of Kenya, on horizontal application of human rights they must adhere to the following criteria:

1. Legitimacy

The grievance mechanism must be trusted by the community and individual stakeholders whose complaints they purport to resolve. The mechanism must also be independent and competent to address the human rights abuses occasioned by the operations of the business. The findings of this study established that there is mistrust between the community and the conservancy boards. According to the community, the boards are impartial and have no decisional independence, rather they are under the control of the management of the community conservancies, NRT. Further, the members elected to serve in these boards lack community support as they are seen as handpicked individuals who are agreeable to the management of the conservancy boards.

In line with NRT's organizational inverted pyramid, which places the community at the top in the management of the conservancies, this community power must be extended to and reflected in the conservancy boards in their grievance redress roles — including the meaningful participation of women and other underrepresented groups. The boards should have decisional independence and competence in resolving human rights grievances.

2. Accessibility

The grievance mechanisms should have multiple channels through which victims of human rights abuses can lodge their complaints. The channels should be easy for the victims and allow them to lodge complaints in multiple languages, including their local languages. According to some of the participants of the field study, their narratives on accessing the conservancy boards to lodge a complaint referred to requirement of prior authorization and 'impossibility' of lodging complaints.

In relation to accessibility, access to the conservancy boards needs to be contextualized to the particular circumstances of the Isiolo communities. First, the modes of access should ensure proximity thus requiring simplified channels such as telephone and use of text messages. Second, the modes of access should address the low literacy levels within the community thus allow for use of local languages. Third, the modes of access should be sensitive to cultural traditions and take in account vulnerable groups such as women and youth. While NRT has put in place a whistle blower hotline, its current design poses significant barriers to effective access. The latter is unknown to and out of reach for most members of the community. The hotline is only accessible online, whereas effective grievance mechanisms should provide multiple, context-appropriate access pathways. In Isiolo, internet connectivity is highly limited, especially in remote areas, and access is further constrained by language barriers and low literacy levels. For the mechanism to

be truly accessible and functional, alternative access routes are needed. These could include the placement of secure complaint boxes at community hubs—such as religious institutions, the homes of local leaders, or ward offices—and interactive radio programs on local stations where community members can safely share concerns. Additionally, for individuals with internet access, a dedicated and confidential email contact to an external auditor would enhance credibility and trust in the mechanism.

3. Predictable and transparent

Predictability means that the grievance mechanism should have clear and well known procedures, timelines and clarity on the procedures and possible types of outcomes. Predictability also requires that the complaints received and their resolution status is periodically published. From the field study findings, the community is unaware of the conservancy board grievance resolution mechanisms, their procedures, roles and types of outcomes. On the converse, no complaint against community conservancies has been resolved in their years of operation, some dating back to more than eighteen years.

Tied to predictability, is the requirement for transparency— that parties to the grievances should be informed of the resolution process and provided with sufficient information on the status. The essence of this is to build confidence in the mechanism and manage the expectations of the parties.

The community conservancies therefore need to publicize their grievance resolution mechanisms, the processes and procedures, including channels for lodging complaints, the timelines for complaints resolution and the types of outcomes the community can expect. In addition, the conservancy boards should provide periodic updates on the status of the complaints received and their levels of resolution.

4. Equitable

Equitable grievance resolution mechanisms guarantee victims of human rights abuses fair, informed and respectful engagement. In this context of Isiolo, it would be a cultural sensitive processes that take into account gender-sensitivities. From the field study, women indicated that they are often left out and are not aware of the remedy mechanisms.

5. Source of continuous learning and dialogue and engagement

The source of continuous learning criterion requires that there must be a feedback loop in the grievance resolution mechanism which would enable the company/business flag out recurring complaints and identify the structural/systemic issues that lead to these complaints. Eventually, this should lead to improvement of the company's compliance with human rights

standards. Closely related to continuous learning, the grievance resolution mechanism should act as a source of dialogue and engagement between the community and the business in that the community members, who are the users should have opportunity to give feedback on its accessibility and effectiveness.

2. UNEP Core Human Rights Principles for Private Conservation Organizations and Funders, 2024

Based on the findings of human rights abuses and the NRT operations model, the UNEP principles are important in that they contextualize the application of existing human rights standards to private conservancies. Essentially, the principles require private conservancies to respect human rights, take into account the rights of indigenous communities, conduct human rights due diligence, prevent human rights abuses, provide remedies for human rights abuses and report on human rights.

3. Constitution of Kenya, 2010

The Kenya Constitution, 2010 sets out a framework for governance, including application for the Bill of Rights. In respect to governance, it requires that all persons adhere to these values and principles of governance whenever they make or implement public policy decisions.⁵⁵ These values include human rights, protection of the marginalized, social justice, inclusiveness and public participation.

Importantly, the Bill of Rights also expressly provides for horizontal application, binding all persons, including private entities, such as NRT, to respect human rights.⁵⁶ This therefore creates legal obligations for business not to violate human rights in the course of their operations. These rights include right to property, right to life, access to information, right to culture, right to a clean and health environment and freedom from violence.

3. Conclusion

With reference to the above analysis, the study concludes that victims of human rights abuses do not have access to effective remedy mechanisms both state based and non-state based. For state based mechanisms, physical access, ineptitude and inaction by public agencies, lack decisional independence and the lack of awareness of their existence by the rights holders demonstrate that the state has not met its obligation under Pillar 3 of the UNGPs.

The community conservancies’ (NRT) grievance mechanisms fall short of the UNGPs standards and the UNEP principles. The human rights policy is unknown to the duty bearers, there is no evidence of any human rights due diligence, and if such exists it has not paid any attention to special groups such as women, indigenous persons, children and persons with disabilities or even the impact of its operations to the communities’ livelihoods. Finally, there is no public record of any remediation process for the numerous cases of human rights abuses linked to NRT operation.

Based on Kenya’s Constitutional framework, NRT should be accountable for the human rights abuses occasioned by its operations in Isiolo County and should set up a clear, accessible, functional and public grievance redress mechanisms.

4. Ideal referral pathways

As established in this report, the Isiolo community is largely unaware of the existing grievance mechanisms for human rights abuses and the referral mechanisms. Based on the remedy mechanisms available in Isiolo County as discussed in section 3.3 and figure 3, the ideal referral pathways for the community are diagrammatically presented below.

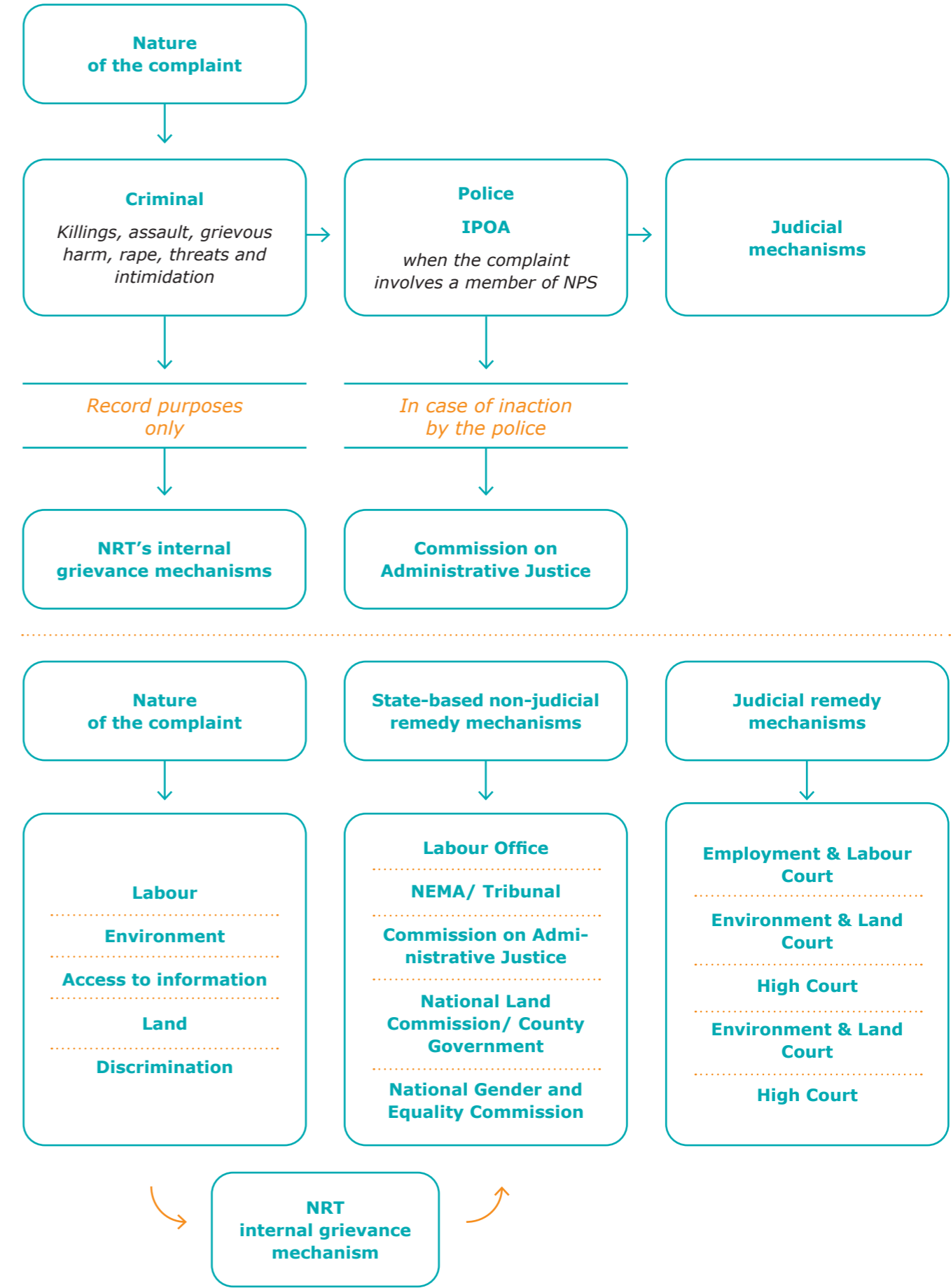


Figure 4 : Ideal referral pathways

55. Constitution, 2010, art. 10 (1) (c).
56. Constitution, 2010, art. 20 (1).

5. Conclusion and recommendations

1. Introduction

This section summarizes the report by making recommendations on how to improve access and effectiveness of remedy mechanisms in natural resource governance in Isiolo County.

From the above analysis, it is clear that the current access to remedy pathways are ineffective to address grievances raised by the local communities against the community conservancies. As stated by a local community human rights defender, the local community is not against the establishment of the conservancies but the current model that exposes them to human rights abuses.

She said the community:

« **Want conservancies and other land use activities to happen in a structured manner, where community rights are not violated, have registered their lands, are consulted and are on the negotiation table from the onset of these activities.**⁵⁷ »

2. Recommendations

Drawing from the observed gaps, we recommend the following measures by different actors to enhance access to remedy:

1. Isiolo County Assembly

1. Commence land registration under the Community Land Act to safeguard local communities' interest respecting their ethnicity, culture and lifestyle;
2. Enact a legal framework for community conservancies that includes explicit obligations to respect human rights, protect human rights defenders, and guarantee meaningful participation of affected communities—particularly Indigenous Peoples—in all decision-making processes.
3. Establish a legal obligation for conservancy operators to regularly disclose information on

project impacts, grievance mechanisms, and community benefit-sharing.

4. Mandating the community conservancies to establish grievance redress mechanisms in proposed Isiolo Community Conservancies Bill

2. Community conservancies (NRT)

1. Conduct a human rights impact assessment to identify, assess and remediate past human rights abuses arising from the operations of the conservancies. The assessment should pay special attention to the needs of indigenous communities, including factoring the way certain group members such as women, human rights defenders and the youth are disproportionately adversely impacted by its operations;
2. Formally adopt and integrate the UN Guiding Principles on Business and Human Rights (UNGPs) across all policies, internal governance structures, and operational procedures.
3. Establish independent, accessible, and transparent operational-level grievance mechanisms, designed according to the eight effectiveness criteria under UNGP Principle 31 (legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of learning, and based on dialogue).
4. Publicly report on complaints received, resolved, and pending on a quarterly basis
5. Ensure full implementation of the principle of Free, Prior and Informed Consent (FPIC) with respect to Indigenous communities before initiating or expanding conservation or carbon-related projects.
6. Publish data on carbon credit revenues and disclose how funds are used and distributed to community beneficiaries.
7. Commit to the non-retaliation and protection of human rights defenders who raise concerns or lodge complaints, including Strategic Litigation Against Public Participation (SLAPP) suits

3. Government agencies

1. Sensitize the local community on the existing state based access to remedy mechanisms;
2. Improve the effectiveness of the regulatory agencies and quasi-judicial remedy mechanisms
3. Provide mandatory training in human rights due diligence and remedy mechanisms for all government agencies involved in land governance, conservation, and climate finance oversight.
4. Ensure impartial, timely, and transparent investigations into alleged human rights abuses linked to community conservancies and associated carbon credit projects.
5. Collaborate across jurisdictions—including with international partners—to ensure access to effective remedies for affected communities, as per UN recommendation A/HRC/53/24/Add.4, para. 74(d).
6. Improve physical access to courts for indigenous communities, including the reach of mobile courts, factoring their nomadic lifestyle;
7. Strengthen the regulatory oversight of conservancy operations, including requiring periodic impact assessments that include human rights and gender analysis.
8. Publicly acknowledge the duty to protect vulnerable groups and human rights defenders, and promote zero tolerance for intimidation or reprisals against communities or civil society.

4. Local community and civil society organizations

1. Engage NRT to consider a comprehensive community driven human rights impact assessment;
2. Support the capacity building of communities, especially women, pastoralists, and Indigenous groups, to understand and use remedy mechanisms, including through local radio, community barazas, paralegal networks, and translated materials.
3. Facilitate community monitoring and evaluation of conservancy and carbon credit projects.
4. Develop and support community-led forums for women and marginalised groups to express concerns and influence conservancy governance structures.
5. Establish or strengthen local human rights defender networks, ensuring legal protection, psychosocial support, and access to emergency response mechanisms.
6. Increase awareness of and recourse to existing state based mechanisms.
7. Engage with DFI-backed projects to demand

transparency, equal benefit-sharing, and the protection of land rights through collective negotiation platforms.

5. Financiers, investors and carbon credit buying companies

Given the central role of international donors, development finance institutions (DFIs), and private actors in funding as well as purchasing carbon credits from conservancies in Isiolo, they must take active responsibility for preventing and addressing human rights abuses associated with these projects.

In line with the UN Human Rights Council's guidance on a "just transition to a green and zero-carbon economy" (A/78/155), financiers and carbon credit buyers must ensure that the shift to climate-positive investments is not made at the expense of Indigenous Peoples' rights, land access, or livelihoods. The principle of "just transition" requires meaningful participation of affected communities—particularly Indigenous Peoples—in decisions regarding land use, natural resource governance, and carbon offset projects. It also calls for recognizing that the communities adversely affected may not be the ones who benefit, which must be addressed through fair governance and remedy mechanisms⁵⁸.

Furthermore, as recommended by the UN Working Group on Business and Human Rights in its report on Development Finance Institutions and Human Rights (A/HRC/53/24/Add.4), DFIs and donors must align their operations and funding conditions with the UN Guiding Principles on Business and Human Rights (UNGPs). This includes ensuring accountability for human rights impacts throughout the project lifecycle and requiring robust due diligence and remedy mechanisms from their implementing partners.

Specific recommendations:

1. Mandate conservancies to conduct comprehensive human rights due diligence including in relation to carbon offset projects, and to publish those assessments. This will ensure that they do not fund projects that contribute to human rights harm;
2. Further to the above, demand remediation for past human rights harm associated with the conservancies.
3. Support the establishment and operationalization of accessible and independent grievance redress mechanisms at the conservancy level that comply with UNGPs' effectiveness criteria (legitimacy, accessibility, transparency, rights-compatibility, etc.).
4. Make project information and carbon trading data

57. In-depth interview with a community human rights defender, conducted between 20th March and 4th April 2025 in Isiolo.

58. United Nations Human Rights Council, Development finance institutions and human rights: Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, A/HRC/53/24/Add.4, 12 June 2023. Available at: <https://docs.un.org/en/A/HRC/53/24/Add.4>

publicly available, including community benefit-sharing arrangements and revenue flows, in accessible formats and local languages.

5. Condition funding on free, prior and informed consent (FPIC) from Indigenous communities, in both the establishment and continued operation of conservancies.
6. Establish a remedy fund to provide redress for adverse human rights impacts directly or indirectly caused by financed projects.
7. Use financial and contractual leverage to promote and enforce respect for human rights by implementing partners and project developers.
8. Publicly commit to the protection of human rights defenders, and monitor for reprisals against those who raise grievances related to conservancy operations.
9. Facilitate capacity-building for communities and support access to legal assistance and independent monitoring.



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