



BEYOND CONFLICT: COMMUNITY-DRIVEN PATHWAYS FOR A JUST AND SUSTAINABLE YALA SWAMP

GLOBAL **ADVOCACY TEAM**



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This community-led development plan is part of a groundbreaking series created by the Community Initiative Action Group Kenya and people of Yala Swamp in partnership with the Global Advocacy Team initiative, convened by the International Accountability Project.

This initiative unites inspiring community organizers from around the world to conduct community-led research, engaging 945 people across 7 countries. Through co-designed and shared learning, this three-year journey has resulted in a series of transformative community-led development plans focused on locally rooted, globally connected solutions.

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Table of Contents

Introduction	1
Our History, Cultures, and Identities	3
What Do We Mean by Development?	4
Our Right to Development	4
Our Community Principles of Practice	6
Our Community's Development Priorities	7
Key Challenges We Face and Prioritized Issues That Need To Be Addressed	7
Our Development Vision	8
What Will Help Us Realize Our Development Priorities?	9
The Strategic Objectives of #TheCommunityOwnsYalaSwamp Campaign	10
Participation of the Community in Designing and Implementing the Development Planning	12
Our Roles and Participation in Creating Our Community-led Development Plan	12
Process of Consultation and Providing Continuous Consent in Our Community	12
What We Are Asking	13

Introduction

Yala Swamp lies in Siaya County, Kenya: Siaya County is one of the devolved units established under the Constitution of Kenya, 2010. Devolution aimed to shift significant power and resources to local levels, empowering communities and fostering more local decision making by sharing national resources equitably across Kenya's 47 counties and the national government.

Within Siaya County, there are six sub-counties and thirty wards. The county headquarters is located in Siaya Town and the individual, sub-county headquarters are located in Yala, Bondo, Aram, Ukwala and Ugunja. The county is predominantly inhabited by the Luo Community, with minority communities such as Luhya and Basuba, commonly found in the border areas. Emerging communities, such as the Maasai, Somalis, and Kisii, among others, immigrated to the county after devolution, due to increased industrialisation and trade within the rural counties as a result of the additional resources that were channelled to them. The majority of the residents are Christians, with a minority who practice Islam or other African traditional denominations.



Fredrick Okumu, Chairman Yala Swamp (Alego) pointing towards the farmland once cherished by the community, now occupied by the foreign company, Lake Agro Farms Limited. The community now fighting to reclaim it back with a view of restoring their heritage (Photo by Tom Weerachat/IAP)

The main economic activity is agriculture, including crop and livestock production, which is supplemented by fishing. Crop and livestock production in the area are largely subsistence, with a key focus on maize, beans, cassava, finger millet, sweet potatoes, bananas, tomatoes, sorghum, cattle, sheep, goats and chicken. Other economic activities include micro, small and medium enterprises (SMEs) such as grocery and retail stores, boda boda (motorcycle taxi), and Jua Kali (meaning "fierce sun" in Swahili, and referring to the many outdoor workshops where artisans craft furniture, metalwork, auto parts, and handicrafts.)



A woman villager is tending her farm (Photo by Tom Weerachat/IAP)

Our History, Cultures, and Identities

The Luo Community is found within Nyanza Province, in the western part of Kenya. It covers 5,979 kilometers. It is an administrative entity that encompasses what is commonly known as 'Luo-Nyanza' and includes the following counties: Kisumu, Siaya, Homa-bay and Migori. Since independence, this segment of the community has been benignly neglected and politically ostracized by the powers that be for its radical political stance. In addition, due to its different climate and culture, the people have borne the brunt of erratic weather conditions.



Yala Swamp villagers attending a community meeting (Photo by Tom Weerachat/IAP)

The Luo culture is rich and diverse, including traditional homesteads, family and gender relations, spiritual practices, agriculture, foodways, and social customs. They form one of several groups of Indigenous people who speak the Luo language, and fall under the designation of River Lake Nilotes. The community are largely fishermen, farmers and hunters, and some are dedicated to making pottery.

Traditionally, Luo people used to remove the six lower teeth as a cultural practice. In addition, women were not allowed to build their own homes. Therefore, it was the man's responsibility to build a homestead and the huts within it, and polygamy was encouraged.

The Luo Community also practiced wife inheritance, in which a widow becomes the legal wife of her deceased husband's brother or cousin. Wife Inheritance had good intentions and functional value, as the custom protected and catered for the welfare of the widowed and orphaned members of the Luo Community. Regardless, wife inheritance is not widely practiced today.

What Do We Mean by Development?

Our Right to Development

Development is all about the people and in most cases it's synonymous with property ownership and promotion of people's rights. The definition of property is controversial, however – how it might be measured and who comprises the poor are fiercely contested. Central to the debate is whether poverty is basically about material needs or whether it is about a more inclusive set of needs that allow well-being.

All human beings have a responsibility for development, individually and collectively. We believe that development should take into account full respect for people's human rights and fundamental freedoms, as well as their duties to the community. Only this way can development ensure the free and complete fulfillment of the human being. Therefore, people should promote and protect an appropriate political, social and economic order for development.

The human right to development also implies the full realization of the right of people to self-determination, which is enshrined in both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The two covenants also recognize that all peoples may, for their own ends, exercise sovereignty over all their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. [1]

In addition, the right to the highest attainable standard of health has been documented in several treaties and declarations and under Kenyan law. This includes article 12 of the ICESCR and article 16 of the African Charter on Human and People's Rights, as well as the Constitution of Kenya, under article 43(d), which also speaks of the right to clean and safe water in adequate quantities. [2]



Yala Community meeting (Photo by Chris Owalla/CIAG-K)

[1] ICCPR, art. 1; ICESCR, art. 1.

[2] ICESCR, art. 12; ACPHR, art. 16; Constitution of Kenya (2010), art. 43.

As explained by the U.N. Economic and Social Council (ECOSOC), the state has to fulfill its obligations with the maximum of its available resources. The state has to ensure the satisfaction of, at the very least, minimum essential levels of the right to health. This means that, amongst other obligations, it should ensure access to minimum essential food which is nutritionally adequate and safe, ensure freedom from hunger to everyone, ensure access to basic shelter, housing and sanitation, and an adequate supply of safe and potable water and provide immunization against the major infectious diseases that occur in the community. [3]

Our Community Principles of Practice

Traditional Luo culture, like many others, historically included practices that restricted women's roles and opportunities. These included limitations on property ownership, such as the inability to build houses, and practices like wife inheritance.

However, Luo society has undergone significant evolution, driven by factors such as education, economic changes, and the advocacy of women's rights movements. Today, while some traditional practices persist, there's a growing recognition of women's equal rights and their vital contributions to the community. This shift reflects a broader global movement towards gender equality and is increasingly enshrined in Kenyan law. This evolution is not complete, and challenges remain, but it provides a crucial context for understanding the current landscape of women's rights and the ongoing struggle to dismantle remaining discriminatory practices and empower women fully. Our community principles, list below, reflect this evolution:

-  **Rights-based development**
-  **Inclusion**
-  **Gender equity**
-  **Do no harm**

[3] ECOSOC, general comment 3; ECOSOC, general comment 14, par. 43-44.

Our Community's Development Priorities

Key Challenges We Face and Prioritized Issues That Need To Be Addressed

Some challenges we face are:

- Managing community expectations regarding the potential monetary benefits of their plan;
- Some elements of division within the community, including clan politics;
- Possibility of threats of violence or political harassment and attacks by paid agents of investors or by duty bearers – especially chiefs, police, and county government officials; and
- Low level of women's participation in community development and planning.



Villagers attending a community meeting (Photo by Chris Owalla/CIAG-K)

In addition to key challenges, the community is facing the following problems:

Historical Disadvantage: The region has experienced a long history of underinvestment and limited access to resources, contributing to persistent poverty and inequality. Development plans must acknowledge and actively address these historical disadvantages.

Resource Management: Access to and management of natural resources, particularly land and water, are critical. Sustainable agricultural practices, responsible land use planning, and mitigating the impacts of climate change are crucial for long-term development. Competition for resources can also be a source of conflict, requiring proactive peacebuilding initiatives.

Youth Unemployment: A large and growing youth population faces limited economic opportunities, leading to frustration and potential social unrest. Development plans must prioritize youth employment through skills training, entrepreneurship programs, and attracting investment to the region.

Infrastructure Deficits: Inadequate infrastructure, including roads, energy, and communication networks, hinders economic growth and limits access to essential services. Investments in infrastructure are vital for connecting communities, facilitating trade, and improving quality of life.

Our Development Vision

Our vision is to secure community livelihoods and promote climate justice in Yala Swamp.

What Will Help Us Realize Our Development Priorities?

Overall, the plan will require empowered stakeholders who adapt and implement economic transition strategies that take into consideration the current and future political and environmental risks associated with the development of Yala Swamp. We will pursue our vision through a campaign that we will call #TheCommunityOwnsYalaSwamp.

The goal of #TheCommunityOwnsYalaSwamp campaign is to push back the National Land Commission's approval of an investment that will use the entire swamp for sugarcane production for a period of 66 years. If this investment moves forward, it will be to the detriment of the inhabitants of Yala Swamp.

Instead of the sugarcane investment, the community wants its Yala Swamp Land Use Plan recognised because it provides a good framework for management and use of the swamp for all the stakeholders. The Yala Swamp Land Use Plan offers a significantly better approach than turning the swamp over to sugar production for several key reasons:

① Biodiversity Conservation

The plan prioritizes the protection of the Yala Swamp's unique biodiversity, including threatened species like the Sitatunga antelope and numerous bird species. It aims to restore and protect the papyrus and freshwater biodiversity, which are crucial for the swamp's ecological health. Sugar production, on the other hand, would involve large-scale drainage and conversion of the swamp, leading to irreversible habitat loss and species extinction.

② Sustainable Development

The plan recognizes the need for socio-economic development but emphasizes a "balanced pathway" that integrates development with environmental protection. It aims to support local livelihoods while preserving the swamp's ecological integrity. Sugar production would prioritize short-term economic gains at the expense of long-term sustainability and the well-being of local communities.

3 Community Involvement

The plan emphasizes inter-institutional coordination among stakeholders, including local communities. It seeks to define risks to biodiversity and integrate biodiversity into the broader county development agenda. Sugar production, conversely, would likely be driven by external interests, with minimal consideration for the needs and rights of local communities who depend on the swamp for their livelihoods.

4 Long-Term Economic Benefits

While sugar production might offer some immediate economic benefits, the Yala Swamp, when managed sustainably, can provide diverse and long-term economic opportunities, including agriculture, tourism, and fisheries. The Sh25 billion investment in sugar production (equivalent to approximately USD \$44 million) suggests that donors recognize the long-term economic potential of a sustainably managed swamp. Destroying the swamp for sugar production would eliminate these diverse economic opportunities.

5 Ecosystem Services

The Yala Swamp provides vital ecosystem services, such as water purification, flood control, and climate regulation. These services are essential for the health and well-being of both local communities and the wider region. Converting the swamp to sugar production would destroy these valuable ecosystem services, potentially leading to increased pollution, flooding, and other environmental problems.

6 Addressing Existing Challenges

The community's plan acknowledges the existing challenges facing the swamp, including population pressure, resource overexploitation, pollution, and habitat degradation. It aims to address these challenges through coordinated efforts and sustainable management practices. Sugar production would exacerbate these problems and introduce new ones, such as increased agrochemical use and water pollution

The Strategic Objectives of #TheCommunityOwnsYalaSwamp Campaign

The following strategic objectives will contribute significantly to the realization of the vision and mission of the #TheCommunityOwnsYalaSwamp campaign.

1. To effectively sensitize, mobilize and organize the stakeholders who have an interest in Yala Swamp as land owners, farmers, users, fisherfolk and/or Indigenous inhabitants and who face eviction, loss of benefits or loss of the wetland altogether to investment or adverse climate impacts – with the goal that they drive the campaign agenda;
2. To support public interest litigation and other legal strategies such as mediation, or other alternative justice systems to draw attention to and halt land confiscation in Yala Swamp by Lake Agro Company, politicians and other state actors;
3. To develop and maintain an effective publicity and communication strategy to enhance the visibility and attractiveness of #TheCommunityOwnsYalaSwamp campaign; and
4. To mobilize sufficient financial and human resources to implement our campaign strategies.



A community meeting to defend against evictions by Lake Agro from farming in Yala Swamp, addressed by the area chief. (Photo by Yala Swamp Community)

Participation of the Community in Designing and Implementing the Development Planning

Our Roles and Participation in Creating Our Community-led Development Plan

The plan for Yala Swamp must be community-led and community-driven, and be inclusive in that it addresses the needs of all of Yala Swamp's diverse stakeholders. With regard to marginalized groups in particular, we shall take the following steps:

- Promote active participation of women, youth, people with disabilities, and farmers by considering the practical barriers to their participation and taking steps to ensure all are able to contribute; and
- Highlight, recognize and validate their experiences.



A community gathering to oppose evictions from their farmland by Lake Agro in Yala Swamp. (Photo by Yala Swamp Community)

Process of Consultation and Providing Continuous Consent in Our Community

We are engaging the community members throughout the process through:

- Mobilizing the community members and holding meetings with them;
- Jointly establishing a team that will implement the campaign and community development plan and the frameworks for monitoring and evaluation;
- Conducting data collection and validation of the findings with the community members;
- Engaging the community members throughout the process through access to information in a timely manner in the right format.

What We Are Asking

1

We call on the National Land Commission to cancel the 66-year lease granted to Lake Agro Company and revert the Yala Swamp land to the Community of Yala Swamp by 2027.

2

We call on the Governor of Siaya County to, by 2025, initiate a process of registering Yala Swamp land to the Community of Yala Swamp, as per the requirements of the Community Land Act.

3

We call on members of CSOs to, by December 2025, support Friends of Yala Swamp to file public interest litigation in court to stop Lake Agro Company from taking over community land from the residents of Yala Swamp.

4

We call on the Siaya County Assembly to endorse the Yala Swamp Land Use Plan by the end of 2023. Members of the county assembly should also commit to securing a budget to support the implementation of the plan in 2027.

Co-Designed Solutions for and by the Yala Swamp, Kenya

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