

RIPOTI

Uchunguzi wa Haki za
Kibinadamu na
Utathmini wa Hatari
zikumbazo Hifadhi za
Jamii Nchini Kenya



Julai 2022



Taasisi ya Utafiti
na Sera Mbadala

Shukrani

Taasisi ya Utafiti na Mikakati Mbadala ya Sera

ACK Garden House, 6th Floor
1st Ngong Avenue
P.O. Box 7619-00100
Nairobi, Kenya
www.irpaconsulting.com

Watafiti wakuu na Waandishi

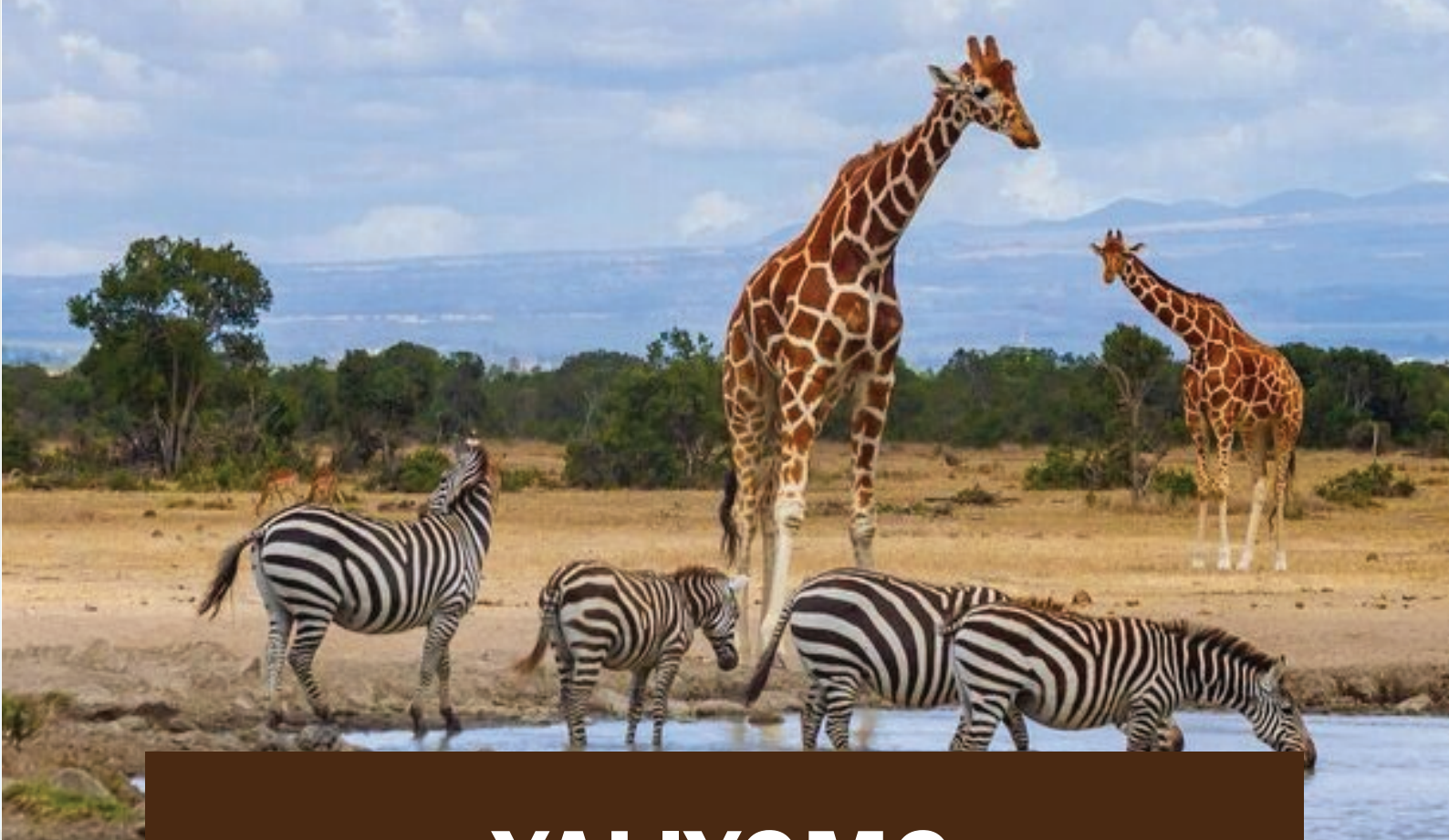
- Dr. Ken Nyaundi, Phd.
- Kevin M. Doyle
- Shalom M. Ndiku
- Faith Adu
- Samia Bwana

Wasaidizi wa Utafiti:

- David Silakan
- Amina Jillo
- Yoakim Kuraru
- Lucky Tubman

Ingawa utafiti huu uliidhinishwa na The Nature Conservancy, matokeo, uchambuzi, hitimisho na mapendekezo ni jukumu la pekee la IRPA na si lazima yaakisi maoni ya The Nature Conservancy, Kenya Wildlife Conservancies Association, au wahusika wengine.





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Vifupisho/Akronimu

ALOCA

Amboseli Land Owners Conservation Association

CIHR

Conservation Initiative on Human Rights

FGD

Focus Group Discussion

FPIC

Free, Prior and Informed Consent

GOK

Government of Kenya

HRIA

Human Rights Impact Assessment

HRRA

Human Rights Risk Assessment

IPLC

Indigenous Peoples and local communities

IRPA

Institute for Research and Policy Alternatives

KII

Key Informant Interviews

KWCA

Kenya Wildlife Conservancies Association

KWS

Kenya Wildlife Service

LC

Local Communities

NRT

Northern Rangelands Trust

SORALO

Southern Rangelands Association of Land Owners

TAHK

Utathmini wa Athari za Haki za Kibinadamu

THHK

Utathmini wa Hatari za Haki za Kibinadamu

TNC

The Nature Conservancy

UNDRIP

United Nations Declaration on the Rights of Indigenous Peoples

WCMA

Wildlife (Conservation and Management) Act

KANUSHO

Katika tukio la mgongano wa maana au tafsiri katika hili toleo la Kiswahili la ripoti, maandishi ndani ya toleo la Kiingereza la ripoti yatatumika.

Muhtasari

Uzuri wa mazingira ya nchi ya Kenya pamoja na mali asili zake ni utajiri mkubwa wa kitaifa usio na ulinganisho na unaozalisha faida chungu nzima za kijamii na kiuchumi nchini na katika jamii husika.

Hifadhi hizi ni hadithi mwafaka ya historia ya Hifadhi ya Kenya, na matumizi ya kufana ya ardhi katika jamii zinazotoa haki imarishi za asilimali ya utalii wa kimazingira na biashara nyinginezo za Hifadhi. Utafiti mbalimbali wa kimasomo unaonyesha kwamba baadhi ya Hifadhi za kijamii zimeweza kuzalisha matunda mazuri ya Hifadhi ya kijamii na kiuchumi. Kwa vile Hifadhi huunganisha watu pamoja kwa manufaa ya pamoja, huweza kujenga mshikamano na umoja unaochangia kupatikana kwa maadili na mapato ya pamoja. Huu ni uwiano mkubwa wakupeleza kati ya Hifadhi ya wanyama pori na kuheshimu haki za kibinadamu.

Ili kuweza kupata kanuni za pamoja nchini, Hifadhi zote zinapaswa kuimarisha haki za kimsingi za kibinadamu za wanajamii wake. Hata hivyo, madhara ya haki za kibinadamu na athari za kuanzishwa na kuwepo kwa Hifadhi katika jamii bado hazijajulikana kwa uwazi.

Utafiti huu unaangazia hatari za ulinzi, ukuzaji na uangalizi wa haki za kibinadamu katika muktadha wa Hifadhi za kijamii. Unalenga mtazamo wake katika kuanzishwa hali ya kukuza ufahamu mpana zaidi wa haki za kibinadamu; kujenga taratibu thabiti zitakazoweza wanajamii watambue, washughulikia na kufuatilia athari zozote mbaya, kadri zinavyojitokeza; na kuanzisha miundo/mbinu inayoweza kutumika, na wanajamii kujifanyia maamuzi yao.

Matokeo Muhimu

Hii ikiwa Utathmini wa Hatari za Haki za Kibinadamu (THHK) na wala sio Utathmini wa Athari za Haki za Kibinadamu (TAHK), matokeo yanaonyesha madhara makubwa ya uendeshaji wa shughuli na uanzishaji wa Hifadhi kwa lengo la kusisitiza sehemu zinazopaswa kuzingatiwa, huku tukizingatia athari chanya zilizopo na zinazoweza kuwafaidi wananchi wa taifa la Kenya, wanyama pori na mazingira kwa ujumla.

Usalama wa umiliki wa ardhi na haki za jamii za kutumia, kuimarisha na kuthibiti maeneo na rasilimali zao: Haki kadhaa za kimsingi zimo hatarini kutokana na hatari zinazotokana na umiliki wa ardhi. Haki hizi ni haki zinazotokana na Watu wa Kiasili na Jamii za Wenyeji (WKJW au IPLCs), wanawake, chumi za familia/maisha na manufaa yanayotokana na mifano ya Hifadhi zinazoambatana na ardhi. Hatari za ardhi na mazingira zinazoongezeka zinazidisha athari za haki za kijamii na kiuchumi, hasa kutokana na kutegemea ardhi na mazingira kupita kiasi, kwa mapato ya kijamii na kiuchumi ili kuyakimu maisha.

Hifadhi zenyewe pia zimo hatarini hasa pale ambapo umiliki wa ardhi si salama na hali ya matumizi ya rasilimali

zake haijashughulikiwa vilivyo. Hali hii inazidishwa na masuala matatu muhimu: (a) Ardhi ya jamii haijadhhibitiwa kikamilifu hivyo kuleta hali ya kutoeleweka ya mmiliki wake; (b) Ardhi ya kibinafsi inaweza kushughulikiwa bila matatizo jambo ambalo ni hatari na linaweza kuleta uwezekano wa kuvunjiliwa mbali; na (c) Kuanzisha Hifadhi katika ardhi ya jamii kumaaanisha kuwa uthibiti wa biashara hizi unabakia katika mikono ya serikali.

Usawa na Uhuru wa Wanawake wa Kutobaguliwa:

Utafiti huu uligundua uwiano usioweza kutenganishwa kati ya haki za wanawake na za kujumuishwa kijamii na kiuchumi ambazo zinatokana na majukumu ya maisha ya wanawake. Nyingi ya Hifadhi zimo katika jamii ambazo wanaume ndio viongozi na ilionekana kuwa jambo hili huathiri maamuzi yanayofanywa kuhusiana na usawa na uhuru wa kutobaguliwa kwa wanawake. Jambo moja zuri ni kwamba kulingana na Utathmini wa maamuzi katika Hifadhi zilizomo katika mashamba yanayomilikiwa na wanawake yalionekana kuwa ya kiwango cha juu. Hata hivyo, unyanyasaji wa kijinsia unaoripotiwa katika Hifadhi unatoa sifa mbaya, na juhudi zaidi zinapaswa kufanywa ili kuleta mazingira mwafaka ya kulinda kikamilifu haki za wanawake. Kushirikishwa na kuhusishwa kwa wanawake kikamilifu katika maamuzi ni muhimu hasa katika kushughulikia hatari zinazoambatana na haki za kijinsia.

Ukosefu wa usalama- haki za kuishi, mizozo kati ya binadamu na wanyama, ni tisho kubwa kwa usalama wa mtu na hata mali:

Ingawa tunafahamu kuwa mizozo ya binadamu na wanyama pamoja na tisho la uhai na mali havisababishwi na kuwepo kwa Hifadhi, malengo ya Hifadhi hizi yamo katika ari zao za kulinda mazingira wakiwemo wanyama. Kutokana na jinsi wanyama wanavyoweza kumdhuru mtu, kumuua au kumharibia mali yake na kumbadilishia mkondo wa maisha yake kabisa; na jinsi serikali inavyochukulia suala zima la kufidia gharama, ni muhimu mno jambo hili lishughulikiwe vilivyo. Kuna nafasi kubwa sana ya kushirikiana na jamii ili kupunguza hasara zilizopo hasa ikichukuliwa kuwa hatari kubwa zaidi inayozikumba Hifadhi ni kuishi pamoja kwa wanyama na binadamu.

Maamuzi ya Watu Asili na Jamii Wenyeji na haki ya kushiriki:

Uhusika wa watu asili na jamii wenyeji katika utatuzi wa mizozo, Kuafiki Kwanza bila Shuruti Baada ya Kupewa Taarifa (FPIC), kutoa maamuzi na uamuzi wa kibinafsi ni muhimu katika kupunguza hatari za haki za kibinadamu. Utafiti ulitambua kuwa miundo ya utawala iliyopo katika Hifadhi za jamii kwa sasa, iliyo rasmi au isiyokuwa rasmi, ina uwezo wa kuathiri vibaya kiwango cha maamuzi ya jamii, hivyo basi kuongeza mizozo.

Haki za IPLC zilikuwa katika hatari kubwa zaidi katika jamii tofauti na zile zilizochanganyikana, kwa mfano, Hifadhi ambazo maeneo yake yalivuka mpaka wa kaunti moja na kuingia nyingine na kuwa na makundi tofauti ya watu wanaoishi humo, ama jamii mbili zilizokuwa zikipigana zamani huweza kuzifanya jamii hizi zijunge

pamoja na kumaliza mizozo kupitia kuanzishwa kwa Hifadhi. Pia, hali za kubaguana ziliripotiwa kutokea kati ya makundi madogo ya watu pale ambapo makundi/kabila kubwa zilionekana kufaidika zaidi na kuthibiti Hifadhi. Watu waliomamlakani au baadhi ya wanajamii hutumia mbinu za vitisho kupunguza haki za makundi ya kijamii hasa makundi madogo na kuyapunguzia uwezo wa kufanya maamuzi ya kibinafsi. Vitisho huathiri haki za matumizi, kufikia maeneo yao ama hata kunufaika kutokana na mapato ya maeneo yao. Mwishowe, hali hii huathiri uwezo wa kujiongoza wenyewe na hivyo kuharisha miundo ya tamaduni na hali zao za maisha.

Faida zinazotokana na Hifadhi: Miundo iliyopo ya

Mapendekezo

Ili kuimarisha utambuzi wa kiwango cha juu cha masuala na hatari zinazoambatana na haki za kibinadamu, kutengeneza utaratibu unaoziwezesha jamii kuendelea kujitambua, kushughulikia na kufuatilia ukiukaji wowote wa haki za kibinadamu na athari zake, na kujenga miundo inayoweza kutumiwa, tunapendekeza yafuatayo:

a. Serikali ya Kitaifa na zile za kaunti, Hifadhi na mamlaka nyingine za udhibiti ziwe na: Uwezo wa kuharakisha utoaji wa vyeti vya mashamba kwa haraka kupitia Tume ya Kitaifa ya Ardhi ili kuhakikisha usalama wa kumiliki ardhi ya kijamii; Kuhakikisha kuna mazingira bora yanayoweza ukuaji wa Hifadhi za kijamii kupitia kuoainisha ukinzano uliopo wa sera na sheria zinazoongoza uratibu na usimamizi wa rasilimali za serikali zinazosimamiwa na mawakala wake; Uimarishaji wa utendakazi wa wadau, na wanaosimamia haki waweze kuwa na vikao vya mara kwa mara vya ukaguzi wa haki za kibinadamu vinavyoshirikisha wadau wote; na, Kutambua, kuchunguza na kudumisha utamaduni au njia mbadala za utaratibu wa kutatua mizozo hasa ile inayohusiana na usimamizi wa mali asili.

b. Sekta ya kibinafsi inaweza kuchukua jukumu muhimu la kuimarisha utenda kazi wa jamii mbalimbali wa kusimamia Hifadhi zao kupitia: Kuwa waangalifu wanaposhughulikia maombi ya FPIC na ujumuishi kabla ya kutoa fedha za ruzuku za kuanzisha Hifadhi mpya au kusaidia zile zilizopo; Kusisitiza kuwepo kwa utafiti msingi kabla ya kuanzishwa kwa Hifadhi ili kukuza haki za jamii za FPIC na kukubaliwa na wenyeji; na, Kusaidia kuandika kumbotabaka za masomo (training modules) ambazo zinaweza kutumika katika Hifadhi kujenga utendakazi wa usimamizi na uimarishaji wa mashirika yao, shughuli, hati za sera na mikakati ya kijamii, kiuchumi na kimazingira.

c. Hifadhi za kijamii zaweza kuweka kipaumbele mikakati tofauti inayoweza kuleta faida kubwa kwa wanajamii pamoja na ulinzi wa maadili ya viumbe hai yanayojumuisha: Kubuni na kutekeleza mikakati inayolenga kuimarisha na kujumuisha ushiriki wa jamii katika mipango ya Hifadhi ili kudhibiti haki zao za kushiriki katika kujifanyia maamuzi; Kutambua na kupunguza

Hifadhi, hasa ile inayohusisha watu wenye mamlaka ama watu wasio na uwazi na ambao hujigawia sehemu kubwa za ardhi za jamii zao ni tishio kubwa sana katika mgawo wa faida wa Hifadhi za jamii. Nyingi ya Hifadhi zinazomilikiwa na watu wasiojulikana zilionekana kukosa uwazi wa jinsi zinavyopata fedha zake na jinsi mgawo wa faida inayopatikana inavyofikia jamii. Ingawa ilidhaniwa kuwa nyingi ya fikra na maoni ya wanajamii waliohusishwa katika utafiti yalikuwa ya hatari, baadhi ya fikra hizi, hasa za ufsadi zilionekana kuwa za msingi. Katika Hifadhi zote, mpya na zilizoimarika, baadhi ya wadau walilalamikia hali ya kutokuwa na uwazi wa jinsi Hifadhi hizo zinavyozalisha faida zao za kifedha.

vikwazo vinavyozuia ushiriki wa pamoja, kuongeza uwakilishi wa wanawake katika halmashauri/bodi na kuwa na miundo ya maisha inayoweza kujisimamia inayowapa uwezo wanawake kiuchumi; na ushiriki-ano wa makundi madogo ya watu pamoja na wanajamii wa kuweka mikakati ya kitamaduni ya kutatua mizozo, kusambaza habari kuhusu mikakati hiyo na kuhakikisha kwamba kanuni zilizowekwa zinafuatwa kikamilifu ili kuwaridhisha waliokosewa.

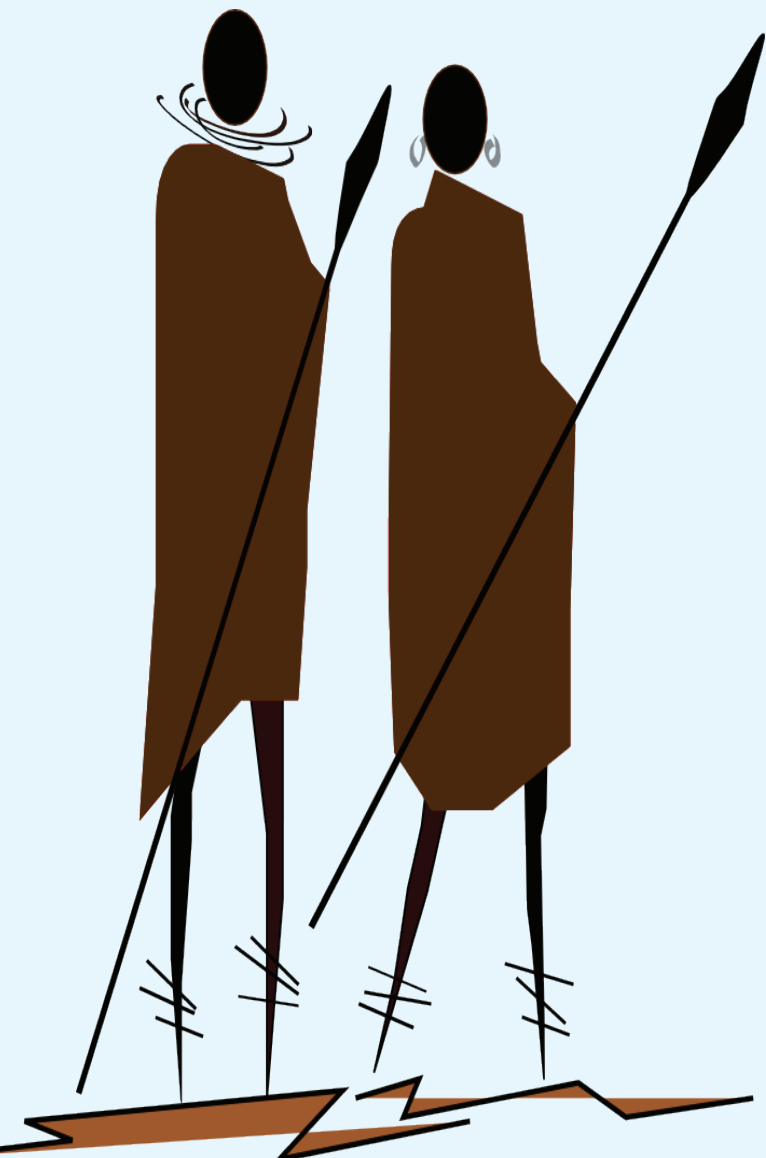
Kutokana na mitazamo hii, ripoti inatoa hitimisho zifuatazo:

- Utambuzi mpana wa masuala na hatari zinazohusiana na haki za kibinadamu: Kiwango cha ufahamu kati ya watu asili na wenyeji na askari mwigu kili-kuwa cha chini sana wakati wa kukusanya takwimu. Hakukuwa na maingiliano yenye mtazamo wa haki za kibinadamu kati ta wadau wengi na wamiliki haki. Shughuli hii ilikuwa ya mafunzo makubwa kwao na walionyesha hamu kubwa ya kutaka kuelewa haki hizo na jinsi zinavyohusiana na kazi zao za kila siku.
- Mikakati ya jamii ya kuendelea kutambua, kushughulikia na kufuatilia ukiukaji wowote wa haki za kibinadamu na athari zinazoweza kutokea: Utafiti huu haukupata ushahidi wa kutosha wa mikakati iliyowekwa ya kufuatilia athari za haki za kibinadamu ambazo zinaweza kutambua mitindo, misururu na suluhisho ya kushughulikia ukiukaji wa haki za kibinadamu.
- Miundo ambayo jamii inaweza kutumia kuendelea maamuzi yao kibinafsi: Kwa kiasi fulani, kuna miundo kadhaa ambayo jamii zinaweza kutumia kukuza maamuzi yao ya kibinafsi, iwe ni serikali za kaunti, Wizara ya Ardhi, Tume ya Ardhi ya Kitaifa, Tume ya Haki za Kibinadamu ya Kenya na Tume ya Kitaifa ya Haki za Kibinadamu. Pia, miungano ya kimaeneo ya Hifadhi za wanyama na KWCA zinapaswa kuwa wazi katika majukumu yao ili kuhakikisha kuwa jamii ambazo ama tayari ni washiriki katika Hifadhi fulani au wametambuliwa kushiriki katika Hifadhi mpya, wanapewa nafasi na uwezo wa kujiamulia.



Utangulizi

Sura ya Kwanza



Mnamo Agosti 2021, Taasisi ya Utafiti & Sera Badilishi (IPRA) ilipewa mkataba na Shirika la Nature Conservancy (TNC) kufanya utafiti huru wa Uchunguzi wa Haki za Kibinadamu na Utathmini wa Hatari za Hifadhi za Jamii nchini Kenya ili kutambua uwezekano au kuwepo kwa masuala ya haki za kibinadamu, hatari na nafasi zilizopo kuhusiana na kuanzishwa pamoja na shughuli za Hifadhi za jamii nchini Kenya.

Matokeo, uchambuzi na mapendekezo katika ripoti hii yanatokana na udurusu wa masomo/ripoti na kutembelea maeneo yaliyochaguliwa kwa ajili ya kazi hiyo na sampuli za kiholela za jamii zilizochaguliwa katika maeneo yote muhimu, na mifumo ya ikolojia ya Kenya, ambayo ilijumuisha uchunguzi na mazungumzo na wafanyakazi wa Hifadhi, wanajamii wanachama wa Hifadhi, na wadau wengine; matokeo yakijikita katika muundo wa Hifadhi za kijamii Kenya.

Maoni yaliyomo katika ripoti hii ni ya waandishi, na yanatokana na mahojiano na mazungumzo na wanajamii katika Hifadhi na hayawakilishi kamwe maoni ya Shirika la Nature Conservancy.

Muhtasari wa Utafiti

Kusudi la Utafiti: Utafiti huu wa HRRRA una misingi yake katika mambo matano muhimu:

1. Karibu asilimia 65 ya wanyama pori wa Kenya wanaishi nje ya maeneo yaliyotengwa na serikali na kwamba Hifadhi za jamii (na zile za kibinafsi na za makundi) zinatoa Hifadhi muhimu na mshikamano kwa wanyama wakubwa ambao ndio kielelezi cha viumbe hai na pia kima cha maisha ya jamii nyingi kwa jumla;
2. Kutokana na kujitolea kwa serikali ya Kenya katika Mkataba wa Viumbe hai, sheria ya kimataifa ya Hifadhi wa tofauti za kibaolojia, matumizi ya kujikimu kimaisha na vipengele vyake, na ugawaji sawa wa faida zinazotokana na matumizi mazuri ya rasilimali za kimaumbile, utafiti huu umenuiwa kutoa mafunzo na mapendekezo yanayoniwa kusaidia Hifadhi za jamii zilizopo na zile zitakazoanzishwa baadaye, kwa njia inayoambatana na ubora na kanuni za haki za kibinadamu. Jambo hili limejikita katika ari ya “30 x 30” ya Kenya na kujitolea kwake kutimiza matakwa ya Mkataba¹ unaohitaji nchi kutoa nyongeza ya asilimia 9 chini ya ulinzi- sehemu kubwa kati yake ikitarajiwa kutekelezwa kupitia muundo wa kijamii;
3. Nature Conservancy imesaidia muungano wa Hifadhi za jamii nchini Kenya toka mwaka wa 2007 kupitia usaidizi wa moja kwa moja na kupitia umoja wa mashirika ya Hifadhi, na kuanzisha Muungano wa Hifadhi za Wanyama wa Kenya (KWCA), kushiriki katika sera na kuongoza uratibu kati ya Hifadhi;
4. TNC imejitolea kusaidia haki za kibinadamu za wenyeji (IP), na jamii² (LC) kwa jumla, usaidizi huo ukijumuisha kuwafundisha kuhusu kanuni anzilishi za kujifanyia maamuzi, na sheria za kimataifa

zinazotoa maelezo na kulinda haki hizo kama zile za Azimio la Umoja wa Mataifa za Haki za Wenyeji, na;

5. Hivi majuzi kumekuwa na tashwishi kutoka kwa makundi fulani ya watu ambazo zimekuwa zikiripotiwa katika vyombo vya habari na katika ripoti mbalimbali zinazohusiana na ukiukaji wa haki za kibinadamu katika Hifadhi na zikijumuisha jinsi Hifadhi hizo zinavyofanya kazi nchini Kenya.

Utafiti huu unapania kutathmini jinsi ambavyo haki za kibinadamu zinazingatiwa katika sampuli fulani za baadhi ya Hifadhi za jamii zilizochaguliwa nchini Kenya na kutathmini hatari zinazoambatana na ukiukaji wa haki hizo ili kuanzisha mjadala/mazungumzo ya haki za kibinadamu na kanuni za wenyeji za kujifanyia maamuzi ambayo yanapaswa kuzingatiwa yakilinganishwa na utenda kazi uliopo wa Hifadhi za jamii na uwezekano wa kuimarisha/kukuza muundo uliopo wa Hifadhi za jamii nchini Kenya.

Utafiti huu si mkubwa sana wa kuhitaji sampuli kubwa na kima cha utafiti wa hali nzima ya utenda kazi wa Hifadhi, unaojumuisha ukusanyaji wa takwimu za majaribio na ile ya kiasi. Tazama sehemu ya Mbinu za Utafiti kwa maelezo zaidi ya kwa nini mfumo wa HRRRA ulipendekezwa.

Lengo la Utafiti

Lengo la utafiti huu ni kuangalia hatari za ulinzi na uimarishaji wa haki za kibinadamu zilizopo, katika muktadha wa Hifadhi za jamii, na ikiwa vipengele vifuatavyo vya haki za kibinadamu vinapatikana:

- a. kunaufahamu wa hali ya juu wa masuala ya haki za kibinadamu na hatari zake;
- b. kunavigezo madhubuti, mikakati wazi

¹ Campaign for Nature (11 Jan 2021) Nchi 50 zimejitolea kikweli kuhifadhi takriban 30% za ardhi na bahari za Ulimwengu kufikia 2030. Taarifa ya High Ambition Coalition for Nature and People. Inapatikana kwa <https://www.campaignfornature.org/50-countries-announce-bold-commitment-to-protect-at-least-30-of-the-worlds-land-and-ocean-by-2030>

iliyowekwa ya jamii kuweza kutambua, kushughulikia na kufuatilia ukiukaji wowote wa haki za kibinadamu na athari zinazoweza kutokea; na c. ikiwa kuna miundo iliyowekwa inayoweza kutumiwa na jamii kukuza uwezo wao wa kujifanyia maamuzi.

Fasiri ya “Hifadhi ya Jamii”

Tulipata Hifadhi 239 nchini zilizoanzishwa kupitia ushirikiano kati ya serikali, mashirika ya kimaendeleo, makapuni ya utalii wa kibinafsi na jamii, wamiliki wa ardhi wa kibinafsi na makundi. Muundo wa Hifadhi wa Kenya ulianza kukua miaka ya 1980 na kutambulika kama njia moja ya kutumia ardhi chini ya Kifungu cha Sheria cha Usimamizi wa Hifadhi wa Wanyama (2013). Hivi leo Hifadhi zimekuwa sehemu muhimu ya mikakati ya Hifadhi nchini na njia mbadala ya matumizi ya ardhi kwa jamii, hali inayotoa haki imarishi za ardhi na rasilimali na mapato yanayotokana na utalii wa mazingira na biashara nyingine za Hifadhi. Zaidi ya hekta milioni saba (7) ya ardhi yote nchini (kilometa 580,367) imo katika Hifadhi (ikiwa ni karibu asilimia 12) ikilinganishwa na karibu hekta 4,642,900 ambazo zimelindwa kama mbuga za wanyama (asilimia 8).

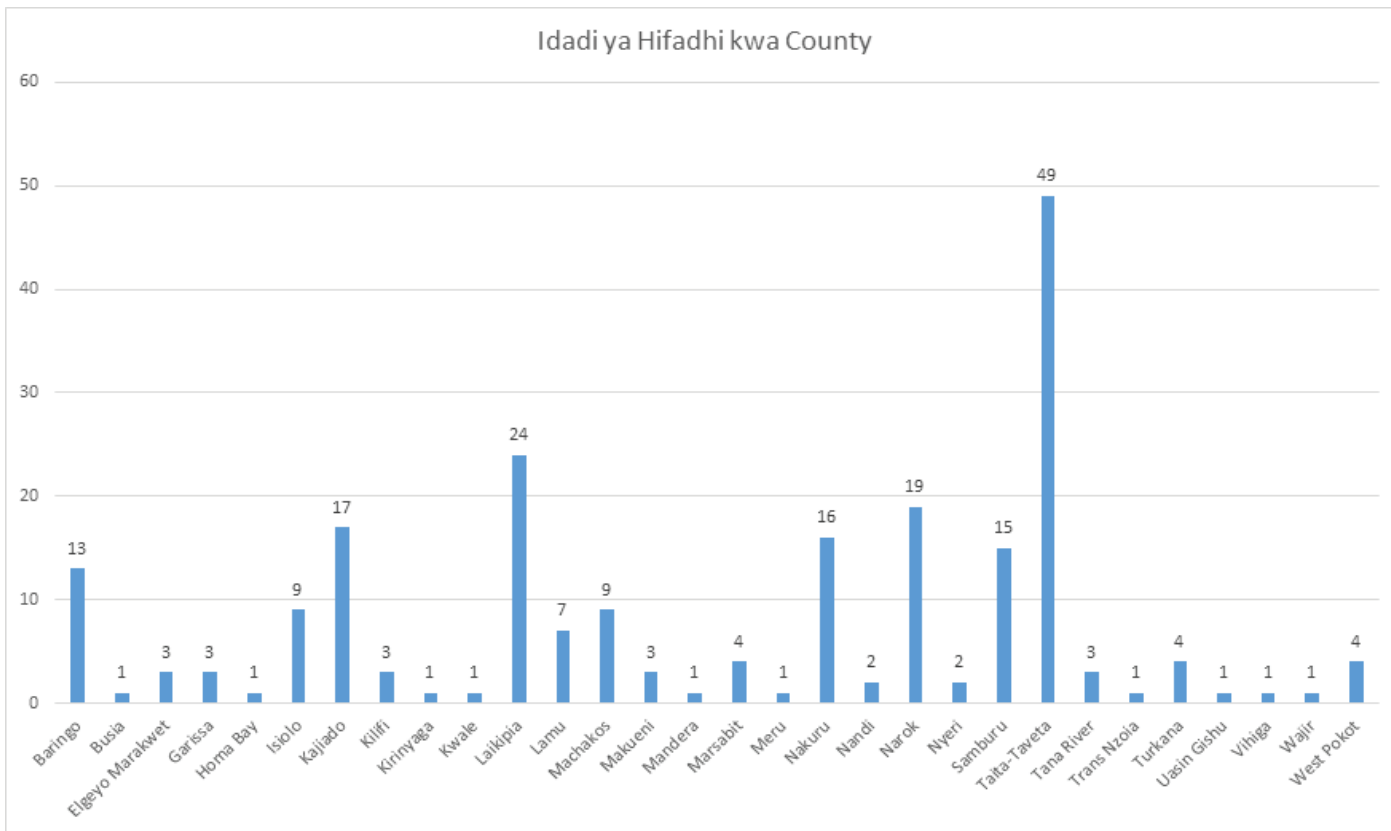
Kifungu cha sheria cha Usimamizi wa Hifadhi wa Wanyama 2013 (KWCA) inatambua Hifadhi za wanyama kama njia moja ya matumizi ya ardhi inayotambulika kisheria na inafasiri Hifadhi kama: Sehemu ya shamba iliyotengwa na mtu binafsi, kampuni,

kundi ama wamiliki jamii kwa ajili ya Hifadhi ya wanyama’.

Katika kujiandaa kwetu kuchagua Hifadhi kumi (10) kwa ajili ya utafiti huu tulipata habari kutoka kwa KWCA na baadhi ya miungano ya pamoja ya Hifadhi nchini ili kuhakikisha kuwa tuna orodha ya Hifadhi zote nchini zikijumuisha:

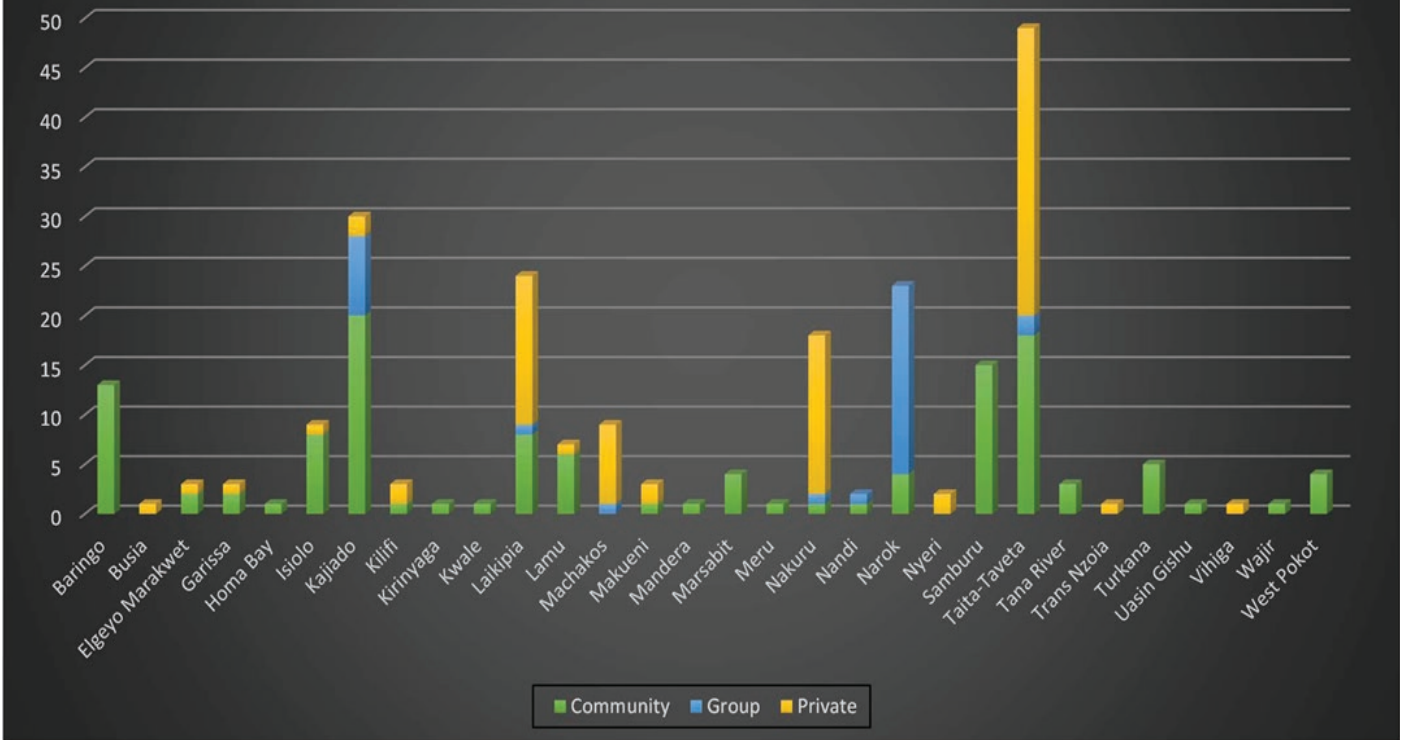
- Amboseli Ecosystems Trust
- Amboseli Land Owners Conservation Association (ALOCA)
- Athi Kapiti Wildlife Conservancies Association
- Baringo County Conservancies Association
- Laikipia Conservancies Association
- Maasai Mara Wildlife Conservancies Association
- Northeastern Conservancies Association
- Northern Rangelands Trust (NRT)
- Northern Rangelands Trust Coast
- Rift Lakes Conservancies Association
- Southern Rangelands Association of Land Owners (SORALO)
- Taita Taveta Wildlife Conservancies Association
- Western Wildlife Conservancies Association

Kupitia njia hii, tuliorodhesha Hifadhi (za aina zote) katika kaunti 28 kati ya zile 47 za Kenya (asilimia 58). Baada ya kuzigawanya, tuliona kuwa Hifadhi za jamii zinapatikana katika kaunti 25.



² TNC hutoa faida ya ulinzi ya kinga kama inavyohitajika na sheria kwa wananchi na kwa Wanajamii asilia. Mtazamo wa TNC na kwa lengo la utafiti huu, IPLC hususisha jamii ambayo ni kiungo cha Hifadhi nchini Kenya.

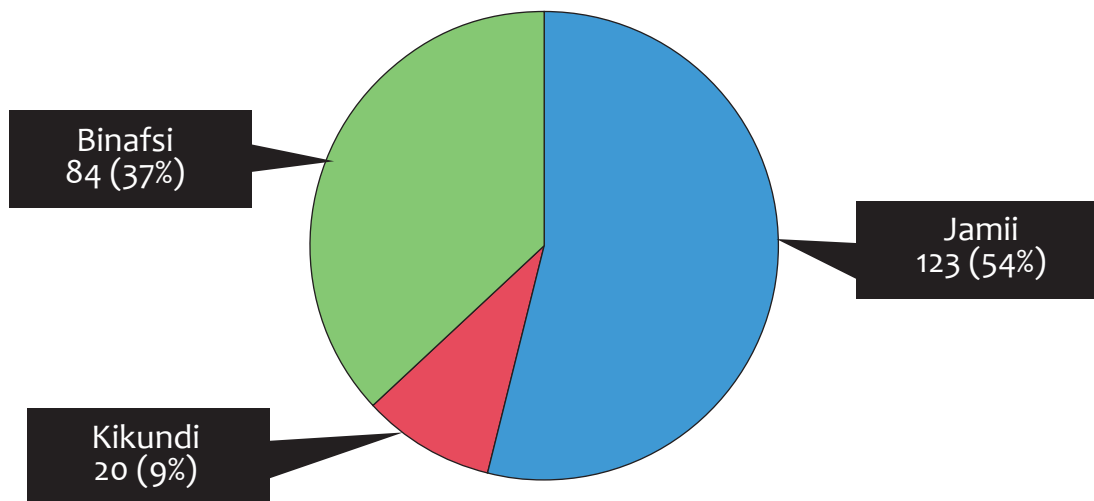
Uainishaji wa Hifadhi kwa Kaunti



Kabla ya kuchagua Hifadhi za kutafiti kiholela, tuliainisha kila Hifadhi katika moja ya ainishi tatu za Hifadhi ambazo ni Jamii, Binafsi ama Kundi. Kufanya hivi hakukuwa rahisi kama tulivyotarajia, kwani habari muhimu kuhusu baadhi ya Hifadhi hazikuwepo kutusaidia kujua ni ipi kati ya ainishi hizi tatu zinafaaa katika kila Hifadhi.

Tuligundua pia kuwa kuna Hifadhi chache ambazo zimeainishwa kimbadala kama vile Eneo Lililopangiwa Kilimo, ama Hifadhi Inayosimamiwa na Watu Mbalimbali, ama kama Muungano wa Msitu wa Jamii, hii ya mwisho japo ni kama hizo nyingine ina tofauti kubwa chini ya Kifungu cha Sheria ya Usimamizi wa Hifadhi za Misitu, 2016. Ili kutekeleza kazi hii, tuliamua kuainisha Eneo Lililopangiwa Kilimo

Uainishaji kwa Hifadhi nchini Kenya



na kuliweka chini ya Hifadhi za Kibinafsi, Hifadhi Inayosimamiwa na Watu Mbalimbali na Miungano ya Misitu ya Jamii kama Hifadhi za Jamii.

Katika zoezi hili, tulikubaliana kuwa fasiri ya Hifadhi ya jamii kawaida inatokana na umiliki na haijajikita sana katika fasiri kamili ya Hifadhi ya jamii kulingana na Jarida la KWCA “Establishing a Wildlife Conservancy in Kenya – A guide for private landowners and communities,” ambayo inafasiri Hifadhi ya jamii kama “Hifadhi iliyoanzishwa na jamii katika ardhi ya jamii.”

Ukweli ni kwamba, tuligundua kuwa kuna Hifadhi chache sana, ikiwa ziko, zilizoanzishwa katika ardhi ya jamii inayotambulika, kwani ni jamii chache sana nchini zilizo na vyeti vya ardhi ya jamii. Pili, ingawa Katiba ya Kenya inatambua umiliki wa ardhi za kitamaduni, utambuzi rasmi wa ardhi ya jamii iliyoandikishwa rasmi bado haujakomaa. Mara nyingine, jamii za kitamaduni, kwa mfano zile za Pwani ya Kenya, hazitambuliwi kama ardhi ya jamii kwa sababu ardhi hiyo kisheria inatambulika kama Ardhi ya Umma (Mbeleni ikitambulika kama ardhi ya serikali) licha ya kuwa kuna jamii zinazoishi humo na kwamba kuna mipangilio ya kitamaduni inayoongoza matumizi yake.

Ili kukidhi malengo ya utafiti huu, tuliamua kutafuta fasiri mpya ya Hifadhi za jamii kama ifuatavyo:

“

Hifadhi ya jamii ni Hifadhi ambayo inamilikiwa na jamii, au ni ardhi iliyokodishwa kutoka kwa wanajamii, ama ina wanajamii kadhaa ambao ni wanachama, ama inamakubaliano ya kugawana faida na jamii.

Udurusu: Hifadhi za Jamii na Haki za Kibinadamu Kenya

Inakubalika pakubwa kwamba sasa Hifadhi ni sehemu kubwa ya hadithi ya Kenya na ni moja ya njia mwafaka za matumizi mazuri ya ardhi katika jamii, huku ikiimarisha haki za rasilimali ya utalii wa mazingira na biashara nyingine za Hifadhi. Ingawa kuna baadhi ya tafiti na ripoti zinazoonyesha kuwa Hifadhi za jamii zimeleta faida chungu nzima za kiuchumu kwa jamii, madhara na athari za haki za kibinadamu zinazotokana na kuwepo kwa Hifadhi zimefichika. Ulinzi na kukuza haki za kibinadamu katika muktadha wa Hifadhi za jamii una uwezo mkubwa wa kuleta ufahamu wa masuala ya haki za kibinadamu na hatari zake; kuweka mikakati thabiti ambayo jamii inaweza kuitumia kushughulikia na kufuatilia madhara mabaya ya haki za kibinadamu jinsi yanavyotokea; na kujitokeza na miundo ambayo jamii zinaweza kutumia kujifanyia maamuzi.

Ili kutekeleza hatua yetu ya kwanza ya shughuli hii, IRPA ilifanya udurusu wa kina ili kutathmini fikra za kisayansi ya kijamii na uchambuzi kuhusu masuala ya haki za kibinadamu, na hatari na nafasi zilizofungamana na muundo wa Hifadhi za jamii. Tuliangalia miundo ya kitaifa iliyopo, sheria, sera na ripoti nyingi pamoja na tafiti zingine kuhusu Hifadhi za jamii, pamoja na kanuni na miongozo mingine ya kimataifa kuhusu haki za watu asili na wenyeji. Udurusu huu wa kiwango cha juu ulisaidia kutengeneza vigezo

na mwongozo muhimu wakutuongoza katika kazi ya nyanjani.

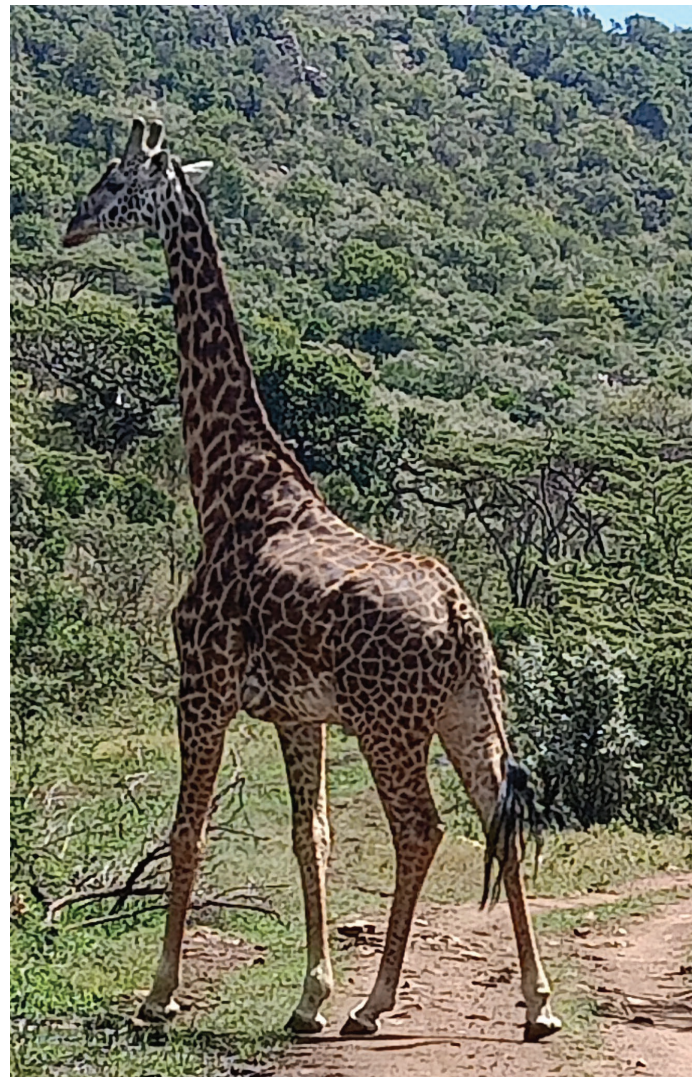
Udurusu wetu ulijikita katika maandiko³ ya yaliyopo kuhusu Hifadhi za jamii na haki za kibinadamu, hasa yale yanayoambatana na sheria, sera, kanuni na ubora kuhusiana na maamuzi ya kibinafsi, FPIC, haki za wakazi na wanajamii, haki zinazohusiana na mali asili na zile zinazoambatana na madhara ya haki za kibinadamu. Ni wazi kwamba kuna athari kadhaa za haki za kibinadamu ambazo zimesababishwa na kuanzishwa kwa Hifadhi za jamii.



³Udurusu wa kina wa maandiko ulifanywa utafiti huu tu ulipoanza na mteja kufahamishwa kama mojawapo wa kazi hii.



ama mashirika ya Hifadhi ya kimaeneo yakibadilika na kuwa ya kibiashara na kuanza kujishughulisha kisiasa, kijamii na kiuchumi, si kwa kaunti zao tu bali kitaifa pia. Kutokana na hili, hatari za kisiasa na vipengele vya haki za kijamii na kiuchumi kama miambatano ya haki ya elimu ambapo shule zinajengwa katika Hifadhi, ama haki ya afya ambapo vituo vya afya vinajengwa katika Hifadhi ili kutoa matibabu kwa wanajamii- yanajitokeza na kuongeza madhara ambayo utafiti wetu utatathmini. Mfano mzuri kutokana na udurusu wetu ni kwamba, Hifadhi za kijamii zinazotekeleza usawa wa kijinsia na kutowabagua wanawake, madhara ya haki za kibinadamu yamepungua kwa kiwango kikubwa. Kwa hivyo, kuna haja ya kutilia maanani vipengele vyote vya madhara ya haki za kibinadamu kwani ni muhimu katika kuhakikisha utafiti huu unafikia malengo yake iwezavyo.



Maandiko tuliyodurusu yanaonyesha kwamba, mbali na haki za kimazingira na kijamii, zile za kiraia, kisiasa, kijamii na kiuchumi ndani na karibu ya Hifadhi hizo, zinaweza kuathirika vizuri na katika mtazamo wa madhara, kuwa na athari mbaya.

Hatari zilizojitokeza mara kwa mara kutokana na udurusu zilikuwa vitisho vilivyohusiana na wanajamii kutoshiriki ipasavyo, migogoro na vifo katika Hifadhi, unyakuzi wa ardhi na athari nyingine za haki ya umiliki wa ardhi, usawa katika ugavi wa faida na serikali kutowatambua wenyeji, jambo lililoonekana kukandamiza ulinzi wao na uwezo wa kupata haki kikamilifu - kama jamii ndogo.

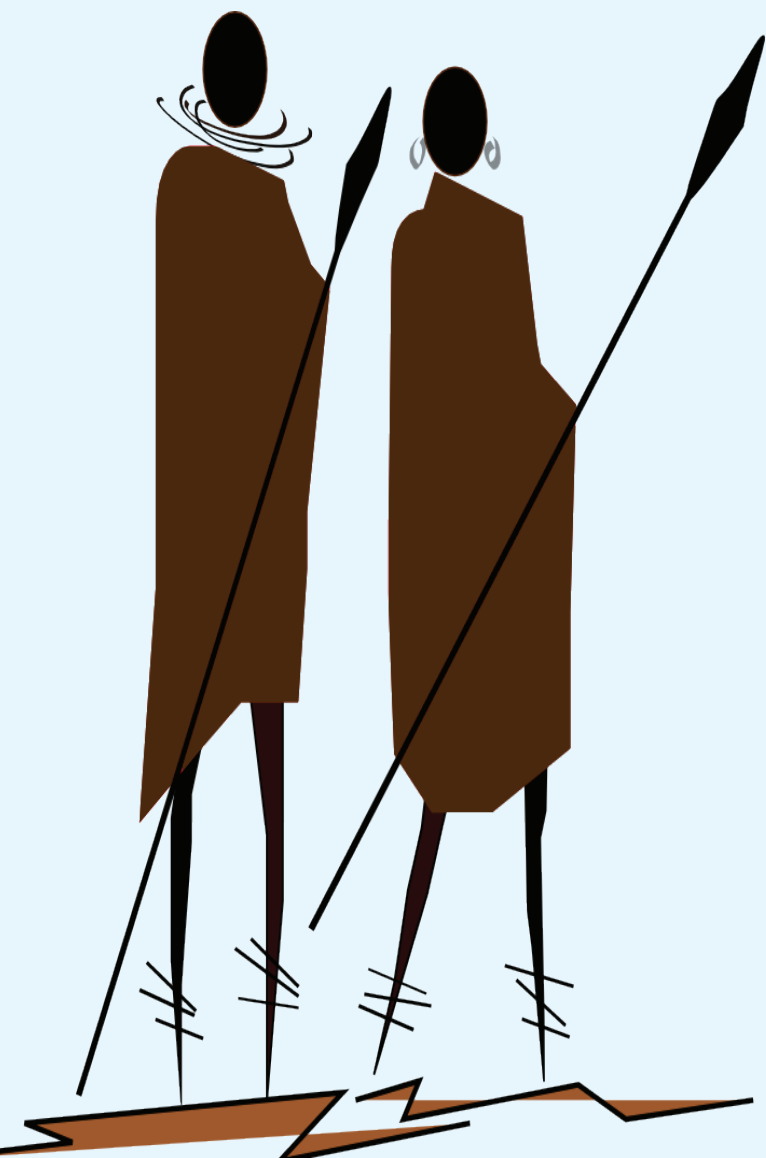
Aidha, ni wazi kwamba, kwa muda sasa mawazo ya awali ya kuanzisha Hifadhi kwa ajili ya Hifadhi wa wanyama yameshuhudia baadhi ya Hifadhi hizo

³Udurusu wa kina wa maandiko ulifanywa mwanzoni mwa utafiti huu na mteja kufahamishwa kama mojawapo wa kazi hii.



Mbinu za Utafiti

Sura ya Pili



Katika kutengeneza mbinu za utafiti huu IRPA iliongozwa na malengo yaliyowekwa na TNC ambayo yalikuwa ni:

- (a) kukusanya fikra zilizopo za sayansi ya jamii na uchambuzi wa masuala ya haki za kibinadamu, madhara na nafasi zinazoambatana na muundo wa Hifadhi za jamii;
- (b) kukusanya takwimu mpya na maoni kutoka kwa jamii kwa njia ya uwazi, na;
- (c) kuanza mazungumzo yanayohusiana na kile tunachojua kuhusu masuala muhimu ya haki za kibinadamu, madhara na nafasi zinazoambatana na Hifadhi za jamii kutokana na takwimu na uchambuzi uliopo.

Mbinu kwa ujumla zinajumuisha vipengele vifuatavyo:

- Ripoti anzilishi
- Udurusu wa awali wa maandishi yaliyopo kuhusiana na suala hili pamoja na kanuni zinazoweza kufuatwa.
- Kutayarisha orodha pana iliyogawanywa kulingana na jinsi Hifadhi zilivyo Kenya
- Kuchagua Hifadhi 10 za utafiti kutumia mtindo wa nusu kiholela
- Kutayarisha vigezo
- Kutoa mafunzo kwa wasaidizi wa utafiti
- Utathmini wa jaribio ya Hifadhi mbili
- Ripoti ya kwanza ya yaliyojitokeza
- Kusahihisha/ Kuimarisha vigezo
- Utathmini wa Hifadhi 8 zilizobakia
- Uchambuzi na ripoti rasimu
- Kuwakilisha matokeo kwa wenye haki
- Ripoti ya mwisho

Tukiwa na ufahamu kuwa TNC ni mwanachama wa Mpango wa Hifadhi wa Haki za Kibinadamu (CIHR) tuliambia kuunganisha kanuni za CIHR kuhusiana na haki za kibinadamu, kukuza haki za kibinadamu katika mipango ya Hifadhi, kulinda wanayongele na kuhimiza usimamizi mwema wakati wote wa utafiti kwa kuwa tunatambua kuwa “nilazima tujukumike ipasavyo ili kulinda athari ya kazi yetu,” kulingana na mamlaka ya CIHR. Katika kazi hii pia tuliiongozwa na Human Rights Guide for working with Indigenous Peoples and Local Communities ya TNC (Mwongozo wa Haki za Kibinadamu wa Kufanyakazi na wenyeji na wanajamii), kuhakikisha kuwa vipengele vya uhuru, kufanya maamuzi na kujiamulia vinaheshimiwa, kuimarishwa na kulindwa⁴.

Kanuni hizi na ubora vilitiliwa maanani sana na IRPA katika wakati wote wa kufanya utafiti huu, iki-jumuisha masuala ya mikutano ya pamoja na mahojiano, kuweka kumbukumbu na nyaraka za mahojiano, kazi za nyanjani, kupata maoni ya wanajamii,

kuandika mkururo mzima wakufanya maamuzi, na kuhakikisha kwamba kuna maingiliano mwafaka kati yetu na miundo ya kitaasisi tuliyowakilisha. Shirika la IRPA litaendelea kuheshimu makundi tofauti ya watu yanayoishi katika Hifadhi hizo, tuki-heshimu maoni na kutilia maanani matakwa yote, na kuhakikisha kwamba muktadha huo na hali vinajumuishwa katika ukusanyaji wa takwimu na uchambuzi.

Uteuzi wa Hifadhi

Kulingana na hadidu za rejea za awali zilizo-hitajika na pendekezo kutoka kwa mteja, Utathmini wa Kuangalia Haki za kibinadamu na Hatari/Madhara ilipaswa utathmini wa Hifadhi kumi (10) za kijamii zenye sifa zifuatazo:

- 1) Hifadhi Tano (5) ya zile za kufanyiwa uchunguzi ni lazima ziwe Hifadhi zilizoanzishwa kabla ya Mwongozo wa Hifadhi za Wanyama Mwitwa wa KWCA wa mwaka wa 2015 kuanza kutumika na zile nyingine tano (5) baada ya Mwongozo kuanza kutumika.
- 2) Angalau moja ya Hifadhi 10 zilizo-chaguliwa iwe katika Kaunti ya Isiolo ambako suala la mizozo ni suala la kawaida.

Shirika la IRPA lilipendekeza mwongozo wa uchunguzi wa Hifadhi ufanyiwe mabadiliko ili kujumuisha mchanganyiko na upana wa masuala yakuzingatiwa katika utafiti, yakijumuisha:

- 1) Uchaguzi uwakilishe maeneo yote nchini na ujumuishe mifumo ya ikolojia ambako Hifadhi za jamii zinapatikana, ikijumuisha angalau Hifadhi moja katika Kaunti ya Isiolo ambako suala la mizozo ni suala la kawaida;
- 2) Hali mbalimbali za maisha ya watu wanaoishi katika Hifadhi za kijamii wakiwemo wafugaji, wakazi wa msituni, wakulima, na kadhalika.

Njia ya kuchagua Hifadhi tano zilizoanzishwa kabla ya Mwongozo wa Hifadhi za Wanyama Mwitwa wa KWCA (ulichapishwa mwaka wa 2015) na hizo 5 nyingine baada ya Mwongozo kuanza kutumiwa ulisimamiswa ili kutoa nafasi kwa mwelekeo unao-hakikisha mchanganyiko wa kimaeneo na mifumo ya ikolojia.

Baada ya kukubaliana na mteja, IRPA iliendelea na hatua zifuatazo:

Hatua 1:

A) Kutengeneza Hifadhidata ya Hifadhi zote za Kenya kutumia Google Sheets/ Microsoft Excel kama ifuatavyo:

⁴ Soma zaidi kuhusu Mwongozo wa TNC hapa, rejelea: <https://www.tnchumanrightsguide.org>

- Mwaka wa kuanzishwa
- Kaunti
- Aina ya Hifadhi (Jamii, Binafsi, Kundi)
- Eneo (Maeneo ya juu/Kaskazini ya malisho, Tsavo-Amboseli, Masai Mara, Pwani ya Kaskazini, maeneo mengine)
- Maeneo ya njia za Kukimu Maisha (Ufugaji, Kuishi katika Misitu, Kilimo, nyingine).

B) Kuchambua Hifadhi takwimu ya Hifadhi katika maeneo 10 “pools” ambako moja ya Hifadhi itachaguliwa kiholela.

No.	Njia ya Kuchagua
#1	Hifadhi ya jamii katika Kaunti ya Isiolo iliyochaguliwa kiholela
#2	Hifadhi moja ya kijamii iliyo katika kaunti ya Laikipia, Marsabit au Samburu iliyochaguliwa kiholela
#3	Hifadhi ya jamii kutoka maeneo ya Masai Mara iliyochaguliwa kiholela
#4	Hifadhi ya jamii iliyo na jamii inayoishi msituni iliyochaguliwa kiholela
#5	Hifadhi ya jamii kutoka maeneo ya Amboseli iliyochaguliwa kiholela
#6	Hifadhi ya jamii kutoka maeneo ya Tsavo iliyochaguliwa kiholela
#7	Hifadhi ya jamii kutoka maeneo yenye sifa oevu/za baharini iliyochaguliwa kiholela
#8	Hifadhi ya jamii kutoka maeneo ya kusini mwa Bonde la Ufa/ Athi Kapiti iliyochaguliwa kiholela
#9	Hifadhi ya jamii kutoka maeneo ya Magharibi mwa Kenya/Baringo iliyochaguliwa kiholela
#10	Hifadhi ya jamii kutoka maeneo ya Pwani iliyochaguliwa kiholela

C) Kuhakikisha mteja na KWCA wameangalia na kukubali Hifadhitakwimu na uoanishaji, na kurekebisha makossa yoyote kabla ya uchaguzi kufanywa. Hifadhi ya mwisho iliyokubaliwa na uoanishaji wake inaweza kupatikana katika Kiambatisho 1.

Hatua 2:

Kuchagua kiholela Hifadhi kumi (10) kwa kutumia chombo cha KuToolsTH Plug-in katika Microsoft Excel.

Tulipotumia KuToolsTH katika kila moja ya makundi, Hifadhi moja ilichaguliwa kutoka kwa kila moja ya maeneo na mfumo wa ikolojia.

Hatua 3:

Tukiendelea kutumia kanuni za FPIC tuliomba kupewa ruhusa ya uwazi kutoka kwa Hifadhi za jamii kwenye maandishi kabla ya kuanza kufanya utafiti katika kila moja ya Hifadhi. KWCA ulituma maelezo ya jumla ya utafiti yakijumuisha malengo ya utafiti huu kwa kila mwanachama. Baada ya kuchagua Hifadhi hizo 10, KWCA walituma barua kwa kila moja ya Miungano ya Kimaeneo ya Hifadhi ili kuwajulisha kwamba aidha moja ama (zaidi) ya moja ya Hifadhi zao zimechaguliwa kufanyiwa utafiti, na kuwaomba/kuwahimiza washiriki kikamilifu.

Baada ya hapo, IRPA ilianzisha mawasiliano ya barua pepe na simu kwa kila moja ya Hifadhi iliyochaguliwa ili kujadiliana kuhusu mbinu ya utafiti, malengo na majukumu ya Hifadhi, kipengee cha usiri, na muda uliopangiwa utafiti. Barua ya ridhaa ilitengenezwa na kupelekwa viongozi wa kila Hifadhi ili watie sahihi kuhusu kuridhia kwao. (Angalia kiambatisho 2)

Hakuna hata Hifadhi moja kati ya zile zilizoachaguliwa iliyokataa kushiriki utafiti, ingawa walikuwa wamehakikishiwa kwamba wangepata hawangepadhibiwa kwa njia yoyote ile bali Hifadhi nyingine ingepewa nafasi hiyo kupitia njia chaguzi iliyokubalika. Hata hivyo, wakati wakutekeleza shughuli hio, ilitulazimu kubadilisha Hifadhi mbili kati ya kumi zilizoachaguliwa kutokana na changamoto zilizojitokeza. Moja ya changamoto ni kwamba, tulitembelea Hifadhi moja ambapo hapo awali ilitambulika kama Hifadhi ya jamii lakini tulipowasili tulijulikwa kuwa wanajamii walikuwa wamefanya uamuzi wa kuanzisha malengo ya kujiendeleza kiuchumi ambayo hayakujumuisha malengo yoyote ya Hifadhi na wanajaribu kutafuta msaada wa kifedha ili waanzishe mradi wa chuo kikuu na miradi husika mingine. Kutokana na hili, tulichagua Hifadhi nyingine kutokana na zile zilizokuwa kwenye kundi (eneo na mfumo wa ikolojia) na kutumia vigezo vyetu katika kuthibitisha ikiwa Hifadhi hiyo ilitaka kushiriki katika utafiti.

Katika changamoto ya pili, tukiwa tunajianada kutembelea Hifadhi iliyochaguliwa, meneja wa Hifadhi alituarifu kuwa kulikuwa na matatizo ya kiusalama eneo hilo yanayohusiana na wizi wa ng’ombe. Iliamuliwa kuwa safari ivunjiliwe mbali kwa sababu za kiusalama za wasaidizi wa utafiti wa nyanjani. Kwa hivyo, ilitubidi tuchague Hifadhi nyingine kutoka kwa kundi na tukapata Hifadhi nyingine ambayo tuliitembelea wakati uliopangwa.

Maandalizi ya Zana

Udurusu wa Makala na Uwekaji Viwango ulipomalizika na kukidhi kanuni za kazi kama ilivyokubalika kulingana na jinsi uchaguzi ulivyopaswa kufanyika, IRPA iliandaa zana/vigezo vya kufanyia Utathmini wa hiyo vilivyojumisha vya kiasi na vya ubora. Hatua ya kwanza ilikuwa kutengeneza orodha ya mkusanyiko wa haki ambazo zingepimwa pamoja na mkusanyiko wa viashirio kwa kila haki iliyochaguliwa. Haki hizi na viashirio vilitambuliwa na kupunguzwa kupitia udurusu uliokuwa umeshafanyika katika Udurusu wa Makala na Uwekaji Viwango kwa kusoma Makala chungu nzima yanayohusiana na Utathmini wa haki za kibinadamu.

Haki 31 na viashirio 168 (angalia kiambatisho 3)

zilichaguliwa kati ya mkusanyiko mkubwa wa haki na viashirio kulingana na uhusika na matumizi yake kwenye utafiti. Haki zilipangwa katika maeneo sita (6):

1. Utendakazi wa Hifadhi
2. Haki za jumla za Kibinadamu
3. Haki za Rasilimali za Kimazingira na Mali Asili
4. Haki za Ardhi na Makao
5. Haki za Wafanyakazi (Wafanyakazi na Wamilikihaki/Wenye haki)
6. Haki za Kujikimu Kimaisha

Tulipomaliza kutayarisha haki na viashirio na kuziungumzia na mteja, IRPA ilianza kutayarisha zana/vigezo vinne (4) vya kimsingi kama inavyoelezwa hapa chini:

1	<p><i>Hojaji Mwongozo na Dodoso la Watoa Taarifa Muhimu</i></p> <p>Zana hii ilikuwa na mkusanyiko wa maswali ya kuwauliza watoa taarifa muhimu waliochaguliwa kati ya wanajamii katika jamii zilizokuwa katika mkururo wa utafiti- maswali ambayo yalijikita katika haki na viashirio vilivyozungumziwa. Zana ilijumuisha mahali ambapo aliyehoji angeweke majibu ya aliyetoa taarifa muhimu pamoja na kuandika takwimu ya jumla ya usimamizi/uongozi, ni wapi na lini mahojiano yalifanyika, jina la aliyehoji, na jinsia na umri wa aliyetoa taarifa muhimu. (Angalia kiambatisho 4).</p>
2	<p><i>Mwongozo wa Majadiliano ya Kikundi na Mwongozo Hojaji</i></p> <p>Zana hii lilitumika kama mwongozo wa mazungumzo katika vikundi vilivyoalikiwa kutoka kwa Hifadhi zilizofanyiwa utafiti ili kupata taarifa kuhusiana na haki na viashirio vilivyotajwa kutokana na majibu ya waliokuwa kwenye makundi, yakijumuisha yale majibu yaliyokinzana. Zana ilijumuisha nafasi ya aliyehoji kuandika majibu ya wana makundi, na ya kujaza taarifa za jumla za kiusimamizi kuhusiana na ni wapi na lini mahojiano yalifanyika, jina la aliyehoji, idadi ya waliokuwa kwenye kundi, na vipengele vingine vya kuwatambua kama vile (wanawake, vijana, wazee, mgambo ama watu mchanganyiko katika jamii) (Angalia kiambatisho 5)</p>
3	<p><i>Hojaji ya Kusimamia Utafiti na Mahojiano</i></p> <p>Zana ya kusimamia utafiti ama jinsi utafiti utakavyofanyika ilitengenezwa ili kutoa uwezo wa kupata taarifa za kimsingi kuhusu ni lini Hifadhi ilianzishwa, kusajiliwa, muundo wake wa uongozi, malengo makuu, ushirika wake, jinsi inavyoajiri wafanya kazi ikijumuisha meneja wa Hifadhi, mwanachama wa halmashauri/bodi, ama wakati mwingine, zaidi ya mtu mmoja katika muundo wa uongozi kwa jumla. (Angalia kiambatisho 6).</p>
4	<p><i>Orodha ya Ukaguzi wa Viashirio vya Uchunguzi na Zana za Uchunguzi</i></p> <p>Zana ya Uchunguzi ilitoa mwelekeo wa kurekodi shughuli/vitendo vilivyoko, matokeo yalivyojitokeza hata bila kuzungumza na watu binafsi ama makundi ya watu. Iliteka taarifa maalum za Hifadhi ikijumuisha kile kilichoonekana, eneo kilipotendeka kitendo katika Hifadhi, ikiwa kitendo hutendeka mara kwa mara au la na haki inavyoathirika kitendo kinapotendeka. (Angalia kiambatisho cha 7)</p>

Kwa zana zote nne, IRPA ilikuwa na itifaki zilizolinda utambuzi wa taarifa zozote za mtu binafsi, makundi, ama Hifadhi na usiri wa takwimu zetu kwa TNC. Zana zote nne zilijumuisha viwango viwili vya kupima madhara kwa kila kiainisho, kwa kila haki. Viwango vya upimaji vimechukuliwa moja kwa moja kutoka **NomoGaia Human Rights Assessment; A Practitioner's Guide**⁵ utathmini na ikiwa utenda kazi fulani unaweza kukiuka haki za kibinadamu kupitia njia mbili:

- 1) Uwezekano wa matokeo ya ukiukaji wa haki fulani ya kibinadamu na;
- 2) Athari ya matokeo hayo.

Uwezekano unapimwa kulingana na kima (aina, kiwango na ubora) wa ushahidi unaoonyesha madhara au hatari inayoenda kutokea. Uwezekano hupimwa kupitia kima cha viwango vitano viki-jumuisha uhakika hadi kiwango cha kutokuwa na uwezekano- kulingana na jwedwali lifutalo:

Haiwezekani	<ul style="list-style-type: none"> Hakuna ishara ya masuala yanayohusiana na haki fulani ya kibinadamu yaliyoandikiwa nchini na katika kazi zote za Hifadhi
Haina uhakika	<ul style="list-style-type: none"> Madhara yanaweza kutokea. Kuna madhara yanayoweza kulinganishwa ambayo yametokea nchini au kimaeneo
Inaweze-kana	<ul style="list-style-type: none"> Pia, hali zinazoweza kufanya madhara yafanyike zipo katika baadhi ya maeneo kunako fanyika shughuli na/ama Kuna motisha ya kutosha katika jamii inayoweza kuifanya ifiche madhara/hatari kwa ajili ya kutaka kunufaika kutokana na madhara hayo
Uwezekano ni wa kiwango kikubwa	<ul style="list-style-type: none"> Aidha, kuna ripoti za kuaminika kuwa hatari/ madhara yaliyotambuliwa tayari yamo na/ama Kampuni haina vigezo vya kutambua/ama kuzuia hatari/madhara/ama Uchunguzi wa moja kwa moja unaashiria kwamba sera na taratibu zilizopo hazifuatwi.
Hakika	<ul style="list-style-type: none"> Utathmini wa wanaoshuhudia athari za haki za kibinadamu moja kwa moja. Ushahidi wa moja kwa moja uliothibitishwa unatolewa, na watafiti halali waripoti kuhusu athari hiyo ya haki ya kibinadamu

Athari ya tokeo kisha huandikwa kulingana na mkazo wake (uzito wa athari kwa kila washikilia/ mwenye haki ikijumuisha namna ya kumaliza athari hiyo) na kiwango (idadi ya washikilia haki na kiwango cha ushirikiano wa shirika).



⁵<http://nomogaia.org/wp-content/uploads/2019/11/Practitioners-Guide-to-HRRA.pdf>

Athari ina viwango vitano, vinavyoanzi mno, hadi kiasi na hatari zaidi inayonyweshwa na rangi kama katika jedwali lifuatalo:

Vigezo	<ul style="list-style-type: none"> • Kundi la wamiliki haki haliwezi kulaumiwa kwa ajili ya athari kwa kuwa athari hutofautiana kutokana na ukaribu ama kwa ajili ya wageni wanaohamia mahali, kwani uhamiaji hufanya makadirio ya idadi ya watu iwe ngumu
Kiwango cha kati	<ul style="list-style-type: none"> • Kundi linaloonyesha dalili za kuwa hatarini linatambuliwa.
Kiwango cha juu	<ul style="list-style-type: none"> • Pia, kwa kiwango kikubwa, kundi la wamiliki haki lililotambuliwa linaweza kuonyesha madhara/hatari waziwazi na athari zake kutokana na sifa na hali zilizopo
Kiwango cha juu zaidi	<ul style="list-style-type: none"> • Kuna uhakikia kwamba kuna hatari/madhara mabaya (na kwamba hakuna hali nyingine mbaya zaidi inayoweza kutokea zaidi ya hii). • Kuwepo na hali nyingine zilizo na uwezo wa kuathiri hatari/madhara yaliyopo na ambayo tayari yanachanganuliwa
Kupita Kiasi	<ul style="list-style-type: none"> • Hatari/Madhara yakiachwa yafanyike, athari zake hazitaweza kubadilishwa

Mbona Kuwe na Utathmini wa Haki za Kibinadamu?

Waandishi waliongozwa na maagizo ya awali ya mteja yaliyotuhitaji kuona viwango mbalimbali vya haki za kibinadamu na hatari/madhara zilizopo katika kazi za Hifadhi, yaliyoamusha ari yetu ya kutaka kufanya Utathmini wa Madhara ya Haki za Kibinadamu (HRRRA) tofauti na ule mgumu zaidi na usioweza kupimika wa Utathmini wa Athari za Haki za Kibinadamu (HRIA). Kwanza utafiti kamili wa Madhara ya Haki za Kibinadamu (HRRRA) unahitaji kima kikubwa cha kazi na unahitaji ukusanyaji wa takwimu za awali ili kulinganisha dhidi ya matokeo ya athari za haki za kibinadamu kakika Hifadhi. Pili, kujumuishwa kwa madhara na uchunguzi unaohusiana na haki hutoa nafasi ya kushirikishwa kwa wadau mbalimbali wanaohusika na Hifadhi ya jamii na kuwapa nafasi ya kutoa maoni kuhusu madhara na hatari wanazoziona.

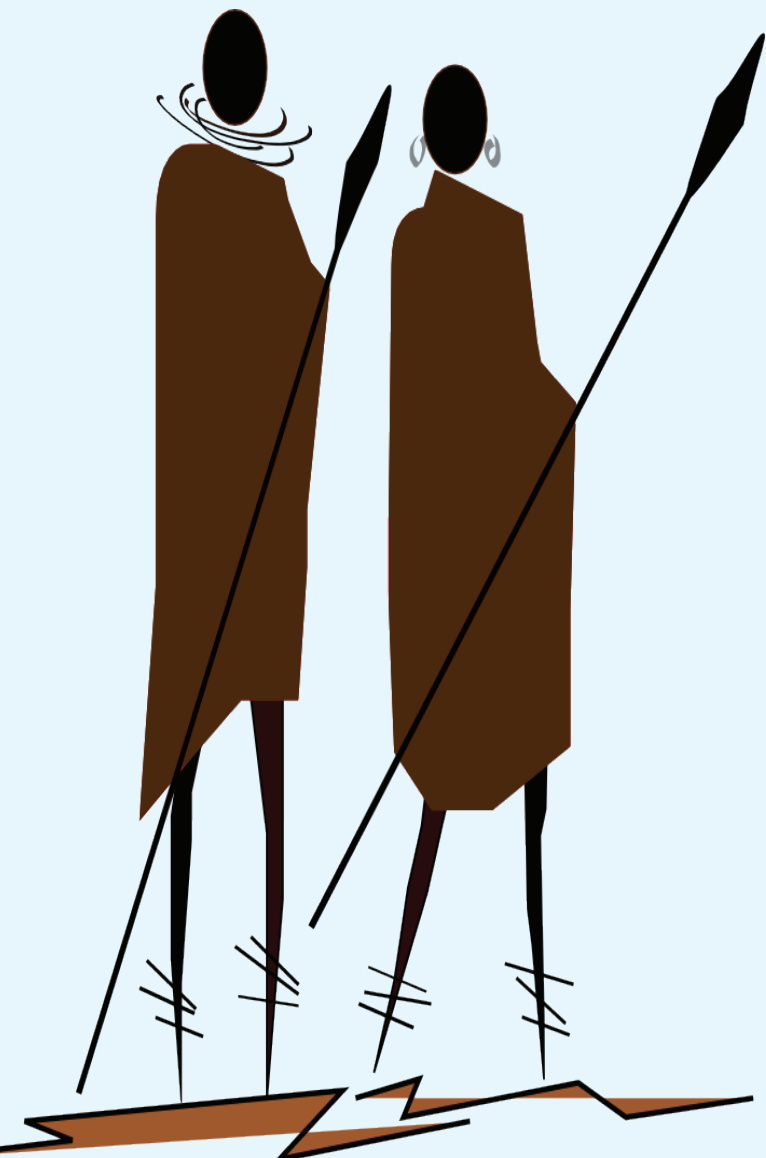
Pia tunafikiria kuwa kujikita katika hatari/madhara yanayoweza kutokea (na wala sio athari)

kunatoa nafasi kubwa zaidi ya kufahamisha TNC na wadau wengine wa Hifadhi kuhusu mipango ya baadaye na mikakati ya usaidizi unaohitajika katika kazi za Hifadhi za jamii. Pale ambapo utathmini wa Madhara ya Haki za Kibinadamu unapaswa kutafuta mada za mikakati ya usaidizi wa baadaye, Utathmini wa Athari za Haki za Kibinadamu umejikita katika udhabiti wa athari zinazohusiana na haki za kibinadamu.

Kwa mfano, ijapokuwa kuna tofauti kubwa kati ya matokeo ya utafiti kwa jumla kama itakavyoonekana hapa chini, mwelekeo wetu umejikita katika hatari/madhara na wala si katika matokeo ya mara kwa mara yaliyojitokeza. Kipaumbele kitawekwa pale ambapo kuna madhara, au ukiukaji wa haki unaonekana kutokea mara kwa mara kupita kiasi, na kuleta hali ya wasiwasi katika Hifadhi. Mwisho, ni matumaini yetu kwamba matokeo ya utathmini wa mada hii yatakayojitokeza yataasisimua ari ya kufuatiliwa ili kupatikane njia ya kuzishughulikia-utathmini huu usiwe wa mwisho kuhusu mada hii.

Ukusanyaji wa Takwimu

Sura ya Tatu



Tathmini za Nyanjani

IRPA iliandaa watafiti wa kimsingi wanne, msaidizi wa utafiti mmoja mweledi wa masuala ya haki za kibinadamu na Hifadhi, na wasaidizi wa nyanjani watatu ambao wote walikuwa na tajriba za utafiti wa nyanjani waliotumwa kwenda kufanya utathmini wa nyanjani. Zana zilizokuwa zimetayarishwa na watafiti wenyewe pamoja na wasaidizi wao zili-
jadiliwa na kundi zima kabla ya kutumika nyanjani ili kuhakikisha kwamba zinafahamika, na kusaidia kuelewa mkururo mzima wa ukusanyaji wa taarifa na takwimu.

Baada ya kundi lote kufanya utafiti katika Hifadhi ya kwanza, waligawanywa katika makundi madogo ya watu 3 hadi 4 na wakatakiwa watembelee kila Hifadhi zilizobakia kuanzia Oktoba mosi (2021) hadi Januari 14, 2022. Matembezi katika kila Hifadhi yalichukua siku 3 hadi 4 huku kila kundi likihoji watoa taarifa muhimu mara kadhaa na kufanya mazungumzo ya makundi kadha wa kadha ambapo watu 3 au zaidi walishirikishwa katika kila kundi katika kila Hifadhi ya jamii, huku itifaki zote za kuzuia na kuthibiti Covid-19 zikitiliwa maanani.

Ili kupata maoni mbalimbali, na fikra na tajriba tofauti, makundi ya wanajamii mbalimbali yalihu-
sishwa huku juhudi ya kimaksudi zikifanywa kuhakikisha kwamba wanawake, vijana, wazee wa vijiji na makundi yaliyoanzishwa kukidhi mahitaji ya hali ya maisha ya Hifadhi (mfano wafugaji, wakulima, wavuvi) yanashirikishwa. Muda haukukuruhusu kutembelea kila jamii inayoishi jirani na kila Hifadhi.

Idadi ya hojaji za watoa taarifa muhimu 90 na majadiliano ya makundi 85 yalitekelezwa katika Hifadhi zote kumi, majadiliano ya makundi yakiwa na idadi ya jumla ya washiriki 523 (ikiwa ni wastani wa washiriki 52.3 kwa kila Hifadhi). Makundi ya majadiliano yalijumuisha watu mchanganyiko kutoka kwa jamii moja na makundi yaliyokuwa na wanawake, vijana, wazee, mgambo (askari msitu), wachungaji na wavuvi. Kila jadiliano la kikundi katika kila Hifadhi lilishirikisha wazee wa vijiji na wanawake.

IRPA ilitegemea mameneja wa kila Hifadhi (na wafanyakazi wao) kusaidia kuleta pamoja makundi ya watu, lakini tulihakikisha kwamba kila kundi liliweza kuwa na uhuru wa kuzungumza bila ushawishi wa wafanyakazi wa Hifadhi wakati wa majadiliano ya kikundi. Tulipohisi kuwa watu ama makundi fulani yalifundishwa mambo ya kuzungumza, na wafanyakazi wa Hifadhi kuonekana kutoa maelezo yaliyoakisi mambo mazuri pekee, tulijitahidi kuyavunja makundi hayo ama kubadilisha mwelekeo wa maswali ili kupata majibu ya kweli ya maswali yetu. Kabla ya mahojiano ama majadiliano kuanza, watafiti wa IRPA walizungumzia kwa uwazi lengo la utafiti na kusesitiza kuwepo kwanjia ya Hifadhi usiri wa mazungumzo yote yatakayozungumzwa ili kuziba mianya yote yautambuzi wa watu binafsi, makundi ama Hifadhi. Pia, tuliwakumbusha washiriki wote katika mahojiano na majadiliano kuwa lengo la utafiti lilikuwa kuelewa tajriba zilizomo katika Hifadhi, wala si kuhukumu, kupandisha daraja, ama kukosoa utendakazi wa Hifadhi binafsi, na kwamba tulitaka watupatie maoni halali.





Aidha, katika kila mahojiano/majadiliano, watafiti wa IRPA walizungumzia kanuni muhimu za utafiti ya: FPIC ili kuhakikisha kwamba walioshiriki walikuwa na ufahamu wa kutosha wa masharti ya maswali tuliyouliza wakati wa mahojiano, kuhusiana na haki zao za kutoshiriki katika utafiti wetu na zile zilizo- huasiana na kuanzishwa na utendakazi wa Hifadhi.

kukusanya takwimu katika Hifadhi na kuichanganua, IRPA, ilitembelea tena Hifadhi zote kumi kuwasilisha matokeo yote ya utafiti na kuzungumzia matokeo maalumu ya kila Hifadhi.

Takwimu iliyokusanywa ilianguziwa kila siku na mabadiliko ya mipango ya nyanjani kurekebishwa kila jioni ili kuhakikisha usawa wa maeneo ya makazi, wanawake, vijana, wazee na makundi mengine katika mahojiano na mazungumzo katika kila Hifadhi. Ili kudhibiti uwazi baada ya kumaliza

Kwa jumla, vikao hivi vilipokelewa vyema katika kila Hifadhi kwa kuwa vilileta faraja kwamba kila Hifadhi ilikuwa na changamoto zake, na kuwa na makubaliano ya maeneo ya udhaifu yaliyohitaji kurekebishwa. Zoezi hili lilithibitisha kuwa matokeo yetu yote yaliakisi uwazi na kwamba mukururo mzima wa zoezi ulitoa mafunzo ya kuwawezesha wanajamii kuelewa haki zao.



Je, Kuafiki Kwanza bila Shuruti Baada ya Kupewa Taarifa Kamili (FPIC) ni nini?

(NINI MARIDHIANO BILA MALIPO, KABLA NA TAARIFA INAYOELEWEKA (FPIC))?
Kulingana na Shirika la Chakula na Kilimo la Umoja wa Mataifa (FAO) katika ‘Free Prior and Informed Consent Manual for Project Practitioners’ kipengele cha ‘bure’ kinamaanisha “kutoa kibali bila kushurutishwa, vitisho ama ghiliba.”

Pia, kipengele cha ‘kabla’ kina maana ya “Pata ridhaa unayotafutaa mapema kabla ya shughuli kukubalika kufanyika; katika hatua za mwanzo wa kuanzisha jambo au mpango wa uwekezaji na wala sio wakati tu wa haja itokeapo ndipo uanze kuomba kibali kutoka kwa wanajamii.”

Mwisho, kipengele cha “inayoeleweka” kinamaanisha “maamuzi ya kila aina ya shughuli na taarifa zinazoweza kutolewa kabla ya kutafuta kibali, na kama njia moja ya mkururuwa kutafuta kibali.”

Sehemu ya ‘Kibali’ inamaanisha maamuzi ya pamoja yanayofanywa na Wamiliki haki yalifoafikiwa kupitia njia zao za kimila/kitamaduni.” Katika muktadha wa utafiti huu, kibali kutoka kwa wenyeji nilazima kitafutwe, kitolewe na kidhibitiwe kulingana na njia rasmi au zisizo rasmi za kisiasa na kiuongozi za kila Hifadhi, kila wakati. Vilevile, watu asili na jamii wenyeji wanapaswa kushirikiana na viongozi waliowachagua huku wakihakikisha kuna ushiriki wa vijana, wanawake, wazee, na watu wanaoishi na ulemavu iwezekanavyo. Kibali kinaweza kutolewa au kisitolewe, ama kitolewe na masharti.

Mbinu za Hifadhi zilizojitokeza

Wakati wa mkururo wa kuchagua Hifadhi, tuli-gundua kwamba kuna modeli mbalimbali za Hifadhi nchini Kenya, kiasi kwamba si vyema kuziainisha tu kama Hifadhi za Jamii, Binafsi au za Kundi. Modeli tulizokumbana nazo katika wakati wa utafiti wetu ziko katika hali nne zifuatazo:

1. Uanzilishi- ni nani aliyeanzisha Hifadhi hiyo?
2. Usajili – Je, Hifadhi imesajiliwa kama shirika la aina gani?
3. Umiliki wa Ardhi- Umiliki wa ardhi ya Hifadhi ni wa aina gani?/ni nani anayemiliki ardhi ya Hifadhi?
4. Usimamizi/Utawala- Miundo ya usimamizi iliyo-chaguliwa ili kuongoza utendakazi wa Hifadhi ikoje?

Kuhusu suala la uanzilishi, kuna idadi ya modeli mbalimbali tulizokumbana nazo ingawa si rahisi kupata mwanzilishi mmoja kwani nyingi ya Hifadhi zimeanzishwa na ushirika wa watu kadhaa wenye lengo moja. Kipengee muhimu cha modeli tulizo-ona kinahusu umiliki wa ardhi ya Hifadhi. Tulipatana na aina zote tatu za umiliki wa ardhi zinazotambu-liwa na katiba ya Kenya na sheria ya Ardhi (Ardhi ya Umma, Ardhi ya Kibinafsi na Ardhi ya Jamii), pamoja na ardhi ya kitamaduni ambayo haijafanyiwa maamuzi. Kama ilivyotajwa mapema katika ripoti hii hatukukutana na Hifadhi yoyote ambayo kufikia sasa imepata hati miliki ya Ardhi ya Jamii. Mwisho, tofauti kubwa zilizoonekana zinahusiana na muundo wa usi-mamizi wa Hifadhi. Katika chati ifuatayo hapa chini, tumeonyesha na kalamu modeli na vipengee tulivyo-kumbana navyo katika Hifadhi kumi tulizozuru.

Origination		Registration		Land Ownership		Governance	
✓	Inasimamiwa na jamii	✓	Shirika la kijamii	✓	Ardhi ya jamii	✓	Halmashauri ya wakurugenzi
✓	Shamba kubwa la kundi hapo awali	✓	Itibari/Udhamini	✓	• Rasmi (na cheti miliki cha ardhi)	✓	Bodi ya udhamini
✓	Inapata usaidizi kutoka Serikali ya kaunti	✓	Kampuni ya kibinafsi	✓	• Imekodishwa jutoka kwa wanajamii	✓	• Wakurugenzi waliochaguliwa
✓	Inapata usaidizi kutoka Serikali kuu	✓	Muongano	✓	• Kimila (Haijafanyiwa uamuzi)	✓	• Wakurugenzi walioteuliwa
✓	Ari ya Hifadhi ya kimataifa			✓	Ardhi ya Kibinafsi	✓	• Jamii inawakilishwa
✓	Watu Binafsi			✓	• Usimamizi wa wanajamii	✓	• Wanajamii wajawakilishwa
✓	• Wamiliki mashamba			✓	• Inamilikiwa na wadhamini	✓	• Ina Wadau
✓	• Isiyokuwa na wamiliki wa shamba			✓	• Inamilikiwa na watu binafsi	✓	• Wanajamii ndio wadau
					Ardhi ya umma		

Masharti ya utafiti wetu hayakuturuhusu kugawa takwimu tulizokusanya kutoka kwa Hifadhi kumi kul-ingana na modeli tulizokumbana nazo ijapokuwa lingekuwa jambo la busara kulinganisha jinsi haki za kibinadamu zilivyo katika modeli za Hifadhi hizi ili kuona ikiwa kuna tofauti.

Vipengele vyengine vya kutilia maanani vinaju-muisha shughuli ya Hifadhi wa Hifadhi yenyewe, malengo ya baadaye ya kuanzishwa kwa Hifadhi, modeli yake ya kujisimamia na kujikimu kimaisha kwa sasa na kwa baadaye kwa wenyeji na jamii wanaoishi katika Hifadhi. Tulikumbana na yafuatayo katika Hifadhi kumi tulizotembelea.

Shughuli za Hifadhi	Malengo ya baada ya Hifadhi	Modeli ya kujisimamia	Kujitafutia riziki/Hali ya maisha
<ul style="list-style-type: none"> • Ukanda wa wanyama pori • Eneo la kusambaa wanyama • Eneo lililolindwa la kuhamishia wanyama • Umuhimu wa viumbe hai • Mwlekeo wa kulinda viumbe maalumu • Afya ya viumbe hai • Shughuli zinazohitaji maji 	<ul style="list-style-type: none"> • Amani katika jamii • Huduma kwa viumbe hai • Mapato yanayotokana na utalii • Urembeshaji • Hifadhi urithi wa kitamaduni • Modeli za kutoa mafunzo ya maadili ya Hifadhi • Juhudi za serikali za usimamizi wa pamoja • Utafiti • Mikopo ya Carbon 	<ul style="list-style-type: none"> • Kuweza kujisimamia • Kutegemea wahisani • Uwekezaji mbalimbai 	<ul style="list-style-type: none"> • Ufugaji wa kuhamahama • Uvuvi • Kilimo • Ufugaji wa wanyama katika maeneo yaliyotengwa • Uchimbaji madini • Biashara • Nyingine

Vikwazo na Changamoto Tulizopata

Tulikumbana na changamoto na vizuizi chungu nzima wakati wa kufanya utafiti huu, mambo ambayo yaliathiri uwezo wetu wakufanya kazi kama tulivyokuwa tumepanga hapo awali. Hata hivyo, licha ya pingamizi hizi, tunahakika kwamba matokeo na uchambuzi wetu hayakubadilishwa na vizuizi na changamoto hizo.

Changamoto kwenye Mbinu Tumizi

Muda mchache: Timu za nyanjani zilipewa siku tatu za kutekeleza mahojiano na watoa taarifa muhimu na majadiliano ya makundi na kuanza kulinganisha takwimu ya awali kutoka kwa mahojiano hayo. Hata hivyo, watu wengine waliopaswa kuhusishwa walipatikana tu nyakati maalumu. Ili kuhakikisha kuwa kila mtu anawakilishwa, majadiliano yaliyohusu wanawake yalipangiwa kufanyika masaa ya mchana baada ya kumaliza kazi zao za asubuhi na kabla ya kuanza kutekeleza za jioni. Jambo hili pia lilitilia maanani wachungaji.

Vikwazo kwa Waliotumwa Nyanjani

Kikwazo cha Lugha: Iltarajiwa kwamba mawasiliano yangetatiza kutokana na lugha mbalimbali zinazozungumzwa na wanajamii. Mahojaji yaliandikwa kwa lugha ya Kiingereza ingawa maswali huko nyanjani, yaliulizwa kwa lugha ya Kiswahili. Wakati wa kuajiri wasaidizi, tulihakikisha kwamba wanaelewa vilivyo angalau moja ya lugha zinazozungumzwa na jamii husika. Tulihakikisha kuwa pale ambapo Kiswahili au Kiingereza hakingetosheleza mahitaji, basi mmoja wa wasaidizi wa utafiti ange-tumika kutafsiri lugha ili kuwezesha ushiriki wa wahusika wote.



Changamoto za kupata takwimu: Mwanzoni, wasaidizi wa utafiti walipotembelea Hifadhi waligundua kwamba baadhi ya viongozi wa Hifadhi walikusanya watu maalumu katika jamii, kuwafunza na kuwataka washiriki mahojiano na majadiliano. Baada ya kutembelea Hifadhi mbili za kwanza, IRPA ilibadilisha namna ya kufanya kazi na washiriki wa utafiti. Ikawa kwamba, walipofika, walikutana kwanza na wasimamizi wa Hifadhi kama ilivyopangwa mwanzoni, kisha walichagua kiholela watu husika kutoka kwa jamii, tofauti na kupanga mikutano kabla ya kufika. Kwa mfano, katika Hifadhi nyingine, wanawake walioalikwa walipatikana kwenye mikutano ya pamoja (town halls) walikokusanyika kwa mikutano kadha wa kadha, ama wavuvi wakitoka mavuvini. Kiongozi wa Hifadhi aliwaunganisha watafiti na washiriki na kuwasihii washirikiane.

Hali ya Anga: Nyingi ya Hifadhi ni kubwa na watafiti walitaka kukutana na washiriki wakati walipopatikana, kama katika vijiji, malishoni au katika

sehemu za burudiko. Hii iliwapasa kusafiri mwendo mrefu, ambao, ukiongezea dhana kwamba muda ulikuwa tayari hautoshi, ilikuwa changamoto kubwa sana kwao. Wengine walikumbana na hali mbaya barabarani zikijumuisha mafuriko ya ghafla yaliy-owalazimu wasubiri maji yapungue. Walipofika, iliwabidi wajigawe ili waweze kuwa na mahojiano na majadiliano sambamba ili kutumia muda vizuri.

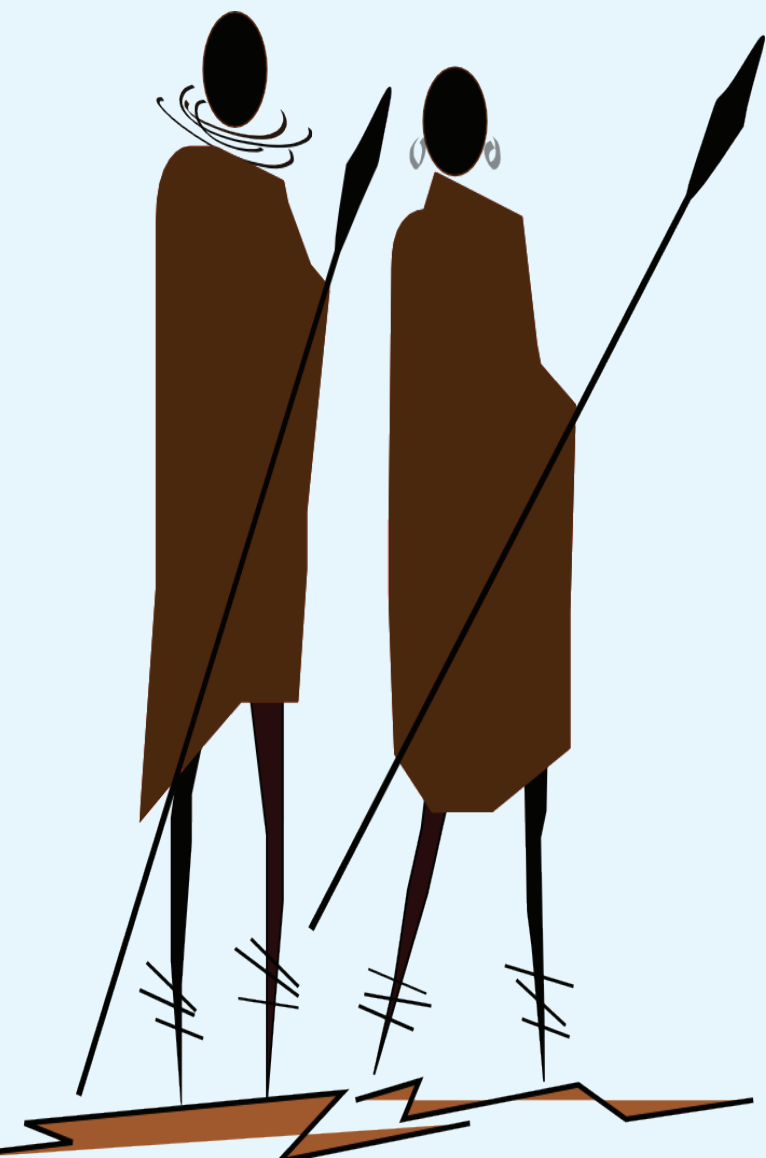
Motisha wa Hifadhi: Kwengineko ilionekana kwamba washiriki wengine walitaka kushiriki Hifadhi kutokana na faida za mara moja ama uwezekano wa faida za kifedha wala si kwa kupata ufahamu mzuri wa faida zisizoonekana kama vile mazingira safi na yenye afya, malengo ya Hifadhi wa Wanyama pori, au usimamizi wa mali asili. Hatari inayotokana na hili ni kwamba jamii inaonekana kukosa motisha ya kutosha wa kulinda wanyamapori na mazingira.





Matokeo

Sura ya Nne



Usuli na Muktaba

Matokeo yetu yamewasilishwa hapa chini kwa lengo na njia taarifu iwezekanavyo, kutegemea mbinu na vipengele vya ziada vilivyoangaziwa mapema katika ripoti hii. Nia ya maandishi hapa ni kutoa masimulizi ya takwimu iliyokusanywa, Utathmini na kuchambuliwa kwa madhumuni ya uchunguzi huu wa Hifadhi za jamii nchini Kenya. Ni muhimu kusema kuwa takwimu iliyopo hapa haina utathmini wa awali, na pale ambapo matokeo yanaonekana hasi, basi itambulike kwamba haijalinganishwa na taarifa zozote za awali, hasa inapohusishwa na suala la iwapo Hifadhi iliyoundwa inazidisha hatari zilizopo kupitia kuwepo kwake au kutokana na shughuli zake. Hali hii inapojidhihirisha sana, itakuwa ni dondoo la matokeo yetu.

Ni muhimu pia kugusia hapa kuwa HERRA nyingi si nakala za umma bali hubaki kuwa Hifadhi za mwelekezi aliyekodiwa kufanya utafiti huo pamoja na mteja wake. Hata hivyo, kutokana na uhitaji wa matokeo ya kazi hii kuwa ya umma, ili kuzua mjadala zaidi kuhusu mada hili pamoja na suala la kukosa muda wa kutosha, ni vyema kutaja kuwa matokeo ya kazi yetu yanaegemea athari zilizopo zakuanzishwa kwa Hifadhi na shughuli zake, wala haziegemei taswira kamili ya matokeo yanayojumuisha picha kamili ya uzuri⁶ uliopo.

Mfumo huu ni wa kuzingatiwa, hasa ikichukuliwa kwamba utathmini wa kijuujuu wa kima kifuatacho hapo chini, matokeo yangeweza kuoneka tofauti ama kutokamilika – mbali na hiyo, azma yetu ni juu ya suala la hatari na ukiukaji wa haki za Kibinadamu ambazo msomaji anapaswa azijue.

Kiini hasa cha kuchunguza matokeo mabaya yanayohatarisha katika uchunguzi ni katika ufanisi wa njia inayotumiwa; na hili ndilo lengo hasa na umuhimu wa shughuli hii. Kiini hiki hakimaanishi kuwa hakuna mazuri yeyote katika Hifadhi ya jamii kwenye taswira nzima ya Hifadhi ya wanyama pori. Badala yake, mfumo huu huangazia hatari kwa njia inayoweza kuongoza wanaohusika kutambua mambo yanayopaswa kupewa kipaumbele na yashughulikiwe bila vikwazo vyovyote wala kuyafanya yaonekane kana kwamba hayana uzito. Ripoti hii haijalenga kuelezea iwapo Hifadhi za jamii ni chanya au hasi nchini Kenya, inatumika tu kugusia mambo kadha yanayohusu haki za kibinadamu yanayohitaji kutiliwa maanani.

Suala la kufaulu kwa Hifadhi za Kijamii zimenakiliwa sana na sekta ya kibinafsi, jamii ya raia, na serikali, wote wakifurahia athari za juhudi zao sio tu kwa Hifadhi wanyama pori na mali asili, bali kuleta athari chanya katika kufaidi jamii. Ni matumaini yetu kwamba matokeo haya hayatakuwa kikwazo kwa malengo hayo, tukitilia maanani matini yake.

La ziada ni kuwa, huenda kukapatikana wazo limegusia na kusababisha kutokea kwa hatari au uvunjaji wa haki kadhaa (k.v za wanawake kunyimwa fursa ya kuingia msituni kupata kuni, jambo linaliweza kuathiri nyendo za maisha yao ya kila siku, haki za kijinsia, njia za kitamaduni za kiuchumi, iwapo wanatoka katika jamii asili, haki zao kama IPLC n.k), na hivyo uwezo wa kupitiliwa na baadhi ya haki na kuangazia zingine zaidi katika vitengo vingine.

Kadiri tuwezavyo, tumejitahidi kutotambulisha matokeo ili kuhakikisha kwamba utambulisho wa kila Hifadhi iliyochunguzwa unalindwa na pia kuhakikisha usiri wa haki za kila mtu na wasifu wa hatari unadumishwa. Tunakubali kwamba utambulisho wa watu binafsi, vikundi au wahifadhi unaweza kudhaniwa kulingana na maelezo yaliyo katika matokeo licha ya jitihada zetu za kuwaficha. Utathmini huu wa hatari kwa jumla ni wa kibinafsi na unazingatia hatari zifuatazo: Ndogo; iwezekanayo; iliyopo; Kuu; Kubwa, Kubwa Zaidi; na Hatari Iliyokithiri.

⁶ Ukweli wa mwelekeo huu unatoka katika Mwongozo wa Nomogaia, uk.10.



HATARI YA ATHARI	
Utathmini wa hatari inayoangalia mchanganyiko na uwezekano wa athari na kiwango cha athari	
Hatari Ndogo	Hakuna vielelezo vilivyoandikwa vya masuala yanayohusiana na haki fulani ya kibinadamu katika eneo, au hakuna wenye haki wanaoweza kutengwa kwa ajili ya kuathiriwa ⁷ .
Hatari Iwezekanayo	Hatari haina uhakika au kuna uwezekano wa kimantiki kwamba hatari inaweza kutokea kulingana na hali zilizopo.
Hatari Iliyopo	Hatari ipo lakini inaweza isiwe na athari kubwa katika jamii pana.
Hatari kuu	Kuna uwezekano wa hatari, na kiwango cha athari ni kati ya kati hadi juu
Hatari kubwa	Hatari ni zaidi ya kuu wa hatari, na kiwango cha athari ni kati ya juu sana na kali
Hatari kubwa zaidi	Kunaripoti za kuaminika au uchunguzi wa hatari ambayo ina kiwango cha juu sana cha athari
Hatari Iliyokithiri	Uchunguzi wa moja kwa moja au ushahidi unaoaminika na uliothibitishwa wa hatari zisizoweza kutenduliwa na kiwango kikubwa cha athari

Tafadhali kumbuka kuwa katika majedwali yaliyo hapa chini, safu wima ya takwimu inayohusishwa na Hifadhi imepangwa bila mpangilio katika kila kikundi lakini si ndani ya jedwali, na kwa hivyo, safu wima ya kwanza katika Jinsia inaweza isiwe safu wima ya kwanza vile vile katika haki za Ardhi. . Hii husaidia kuweka takwimu kama nasibu iwezekanavyo na kupunguza uwezekano wa makisio kufanywa na wasomaji, hasa wale wanaofahamu sana sekta ya Hifadhi.

Ambapo hatari ya Hifadhi inawezekana (Njano) au Chini (Kijivu), simulizi la hili halijatolewa katika matokeo au uchambuzi ulio hapa chini⁸. Ingawa kila haki ina utathmini wake katika kila moja ya Hifadhi kumi, haki ndogo ndogo aidha hazina utathmini wao kwa kila moja yao, au takwimu kutoka kwa Hifadhi fulani sio ya kuaminika, na kwa hivyo, seti ya takwimu inaweza kuwa na chini ya Hifadhi kumi zilizofanyiwa utathmini. Kwa mfano, Hifadhi fulani zinajumuisha karibu 100% ya wakazi wakiasili, na kwa sababu hiyo, utathmini wa haki mahususi za IPLC zilizo hatarini ndani ya Hifadhi si lazima. Mfano mwingine unatokana na mchakato wa kukusanya takwimu, ambapo utafiti wetu wa majaribio ulifanyika awali katika Hifadhi mbili, na zana ziliboreshwa na kuboreshwa, na hivyo kubadilisha pointi fulani za takwimu na seti ndogo.

Utafiti unalenga kuchanganua hatari za haki za kibinadamu katika uanzishwaji na utendakazi wa kila

Hifadhi. Hata hivyo, katika matokeo yetu, sehemu kubwa ya hatari za haki za kibinadamu inajidhihirisha katika utenda kazi, huku sehemu ndogo ikijitokeza wakati wa uanzishwaji wa Hifadhi. Ingawa mtu anaweza kudhani kuwa haya ni matokeo yaliyojikita katika kuyapa masuala ya utenda kazi kipaumbele, hali hiyo si kweli kwani zana zetu zilijaribu - kwa ukamilifu iwezekanavyo - kuchanganua hatari za haki za binadamu wakati wa kuanzishwa kwa Hifadhi. Kwa hiyo, ni pendekezo la maandishi kwamba katika kusoma matokeo haya, mkazo unapaswa kuwekwa kwenye hatari ndani ya uendeshaji/utendakazi. Ambapo hatari ilitokea wakati wa awamu ya uanzishwaji, tunaitaja wazi jinsi ilivyo.

Kipengele kingine ambacho maandishi wana-taka kukifahamisha msomaji ni uhusiano kati ya uanzishaji au uendeshaji wa Hifadhi na hatari zilizoinishwa hapa chini. Kuhusisha Hifadhi na hatari na ukiukaji wa haki za kibinadamu ni kazi ya kijasiri

⁷ Katika hali fulani chache sana, rangi ya kijivu inamaanisha kwamba hakukuwa na hakukuwa na takwimu ama takwimu haikukusanywa. Hata hivyo, wingi wa boksi za rangi ya kijivu unapaswa kumaanisha “hatari za kiwango cha chini”. Kwa kuwa mtazamo wa ripoti hii ni wa hatari za kiwango cha juu (ikilinganiswa na chini), takwimu hii haijawekwa wazi, lakini inaweza kupatikana kutoka kwa maandishi, ikihitajika.

⁸ Makundi haya si ya kamili na kuwepo au kutokuwepo kwa haki katika kundi hakumaainishi kuwa haki hiyo ni ya kundi hilo, juhudi zetu zilitokana na ari yetu ya kuwa na ufanisi na kutoa mtazamo unaojumuisha matokeo yote kiujumla.

na tunathamini ukweli kwamba kuwepo kwa Hifadhi kunaweza kuchangia moja kwa moja ukiukaji, au katika hali fulani kuzidisha au kupunguza hatari na ukiukaji uliopo tayari. Utathmini wetu unaangazia michango ya awali - ya moja kwa moja, huku pia iki-shughulikia jukumu ambalo Hifadhi hutekeleza au haitekelezi ambapo kuna hatari au matishio au ukiukaji wa haki za kibinadamu.

Kwa mfano, ni jambo lisilopingika kuwa kuwe na Hifadhi ama usiweko, migogoro kati ya binadamu na wanyamapori ina uwezekano wa kutokea pale ambapo watu na wanyama pori wanaishi pamoja katika eneo lililobainishwa. Sasa, ingawa Hifadhi inaweza isiwajibike moja kwa moja mtu anapopoteza maisha au mali ya kiuchumi inayotokana na wanyama pori, ambapo hatari hii na tishio kwa maisha na usalama wa watu huathiriwa pakubwa, kama ilivyohitimishwa katika utafiti huu, basi inakuwa ni hatari isiyoweza kupuuzwa.

Mfano mwingine unaweza kuwa wa mshiriki wa Hifadhi, ambaye ni sehemu ya jumuiya ya Hifadhi, akiuza ardhi yake ambayo ni sehemu ya Hifadhi, kwa biashara ya kilimo, ambayo inazuia njia za kuhama kwa wanyamapori na kuchimba kiasi kikubwa cha maji chini ya ardhi kwa ajili ya shughuli zake za kilimo. Hapa, Hifadhi haiwezi kuonekana kuwa na makosa, lakini hatari ya haki ya kibinadamu - kwa usalama wa umiliki na haki ya maji, angalau - inaathiriwa vibaya kutokana na uamuzi wa mmoja wa wanachama wake. Ugumu na na tofauti ndogo ndogo huonekana wakati mtu anapochambua matokeo yaliyopo hapo chini na ana ufahamu wa

kina wa kile takwimu mbichi ilifunua, kama waandishi wanavyofanya.

Kiini cha modeli ya Hifadhi ya jamii, kama ilivyofikiriwa hapo awali katika ripoti hii, ni kundi moja au makundi mengi ya jamii zinazoishi na mali asili na hivyo kufanya mifano/modeli hizo kuwa na vipengele mchanganyiko vinavyoweza kumwasilisha mtu/ kumweka mtu katika mazingira ya hatari za aina fulani za ukiukaji wa haki za kibinadamu. Kwa kuzingatia utofauti huu wa mifano, tunachopata ni kwamba kuchora mstari kuainisha Hifadhi kutoka kwa jamii ni jambo lisilowezezana kwani Hifadhi ina jukumu muhimu - wa hali nyingi - katika maisha ya wanajamii hawa. Kwa hiyo, hata pale ambapo haki au hatari fulani zilionekana kuwa hazihusiani na kuwepo kwa Hifadhi, muunganiko huu wa nguvu wa maisha ya kawaida ya kila siku ya jumuiya ndani na nje ya Hifadhi na hali ya Hifadhi hiyo ya kutaka kuifunika desturi hii, inathibitisha ugumu wa Hifadhi kujitoa katika mahusiano yake na jamii.

Kwa madhumuni ya kulinda faragha sio tu ya Hifadhi, lakini pia watu binafsi na vikundi vilivyo katika utathmini wakati wa zoezi hili, tumechagua kimakusudi kutoandika taarifa zozote za hatari zilizotolewa hapa chini.

Hata hivyo, kumbuka kuwa kila shtaka, dai au tokeo hapa chini linahusishwa moja kwa moja na takwimu iliyokusanywa wakati wa zoezi na inapobidi, inaweza kuungwa mkono na chanzo, ikihitajika, kulingana na ulinzi wa takwimu na maagizo ya usiri wa utafiti



Muhtasari wa Matokeo

Matokeo ya utafiti wetu yanaonyesha ukadiraji wa Hatari Kubwa kwa haki ya kuishi. Wajibu wa hili ni migogoro ya binadamu na wanyamapori na majeraha yanayotokana na wafanyakazi wa Hifadhi, wawindaji haramu au wavamizi. Hatari Kuu inahusishwa na tishio kwa usalama wa mtu na mali dhidi ya wanyamapori. Vitisho kwa usalama na ustawi wa wanajamii pamoja na hasara au uharibifu wa chakula hutawala. Wanyamapori wanaopotea au mifugo inayopata njia karibu na maeneo ya Hifadhi ni tatizo. Kwa wanyamapori, wanajamii wanaweza kuwaua kwa ajili ya nyama ilhali mifugo inayopotea njia inaweza kuwa lishe la wanyamapori.

Hatari ya Kiwango cha Chini na Hatari iliyopo inayohusisha wanawake ambao hukatazwa kutafuta kuni kwenye Hifadhi, ambazo ni kiungo muhimu cha kupikia, katika baadhi ya Hifadhi. Hii inazaa hali ya kutengwa kwa sababu maoni yao mara nyingi hayasikizwi wakati wakutengeneza sheria za Hifadhi. Hatari iliyopo na Hatari ya Kiwango cha juu inahusiana na nafasi ya wanawake katika nyadhifa za uongozi na kiwango cha kupokea malipo katika Hifadhi. Katika hili, wanawake na michango na yao haionekani. Katika baadhi ya jamii, ushiriki unaohusiana na masuala ya Hifadhi yana fanyika kutokana na kigezo cha umiliki wa ardhi, ijapokuwa wanawake wanakatazwa kumiliki ardhi. Hali kama hii inawakumba vijana ambao pia hawapaswi kumiliki ardhi na kwa hivyo kufungiwa nje ya miundo ya Hifadhi na faida zake.

Kwa kiasi kikubwa, kipimo kikubwa cha hatari za haki za kibinadamu kinashughulikia shughuli na

utenda kazi wa Hifadhi. Kwa ujumla, kuna dhana kwamba jamii hazijawakilishwa vyema katika vyombo vya maamuzi vinavyoendesha Hifadhi. Wakati wa kuanzishwa na katika shughuli zao, usimamizi wa Hifadhi huwa hautoi taarifa zinazohusiana na shughuli zao. Zaidi ya hayo, uanzishwaji wa Hifadhi haujaimarisha miundo ya utawala na usimamizi wa haki za ardhi za jamii. Vile vile, kuna wasiwasi juu ya ushirikishwaji wa wanawake na vijana katika shughuli za Hifadhi kwani wanaume wazee bado wanatawala katika kufanya maamuzi na kugawana faida. Tunaona kwamba utimilifu wa wazi wa Hifadhi haujaanzisha mabaraza ya kutatua mizozo, ingawa kuna utegemezi mdogo kwenye mbinu za jadi za kutatua migogoro ambazo zimetumiwa na vizazi vingi.

Kuna tegemeo kubwa katika mashirika rasmi ya kutatua mizozo, mahakama na taasisi za kitamaduni ambazo hucheleweshwa utatuzi wa migogoro hata iile midogo kabisa, hata, kubagua wanawake waziwazi, na hivyo kuchangia kustahimilisha uhasama au kuongezeka kwa ukiukwaji, kwa kawaida kati ya Hifadhi na jamii. Hatari hii Kubwa pia inaonekana katika Hifadhi zilizo katika ardhi ya jamii au ndani ya muunganisho wa hati miliki za ardhi za kibinafsi ambapo ushiriki wa jamii ni mdogo, ama kwa ukamilifu au kwa misingi ya jinsia.

Katika utafiti wetu tunatambua kuwa Hatari kubwa zaidi, inapatikana katika Hifadhi zilizo katika ardhi ya shirika la umma. Shirika la umma hutafuta usaidizi wa vyombo vya dola na kukataza watu wasiingie katika ardhi hiyo mara nyingi wakisaidiwa



na vyombo vya kisheria ambavyo huanzishwa bila ushiriki wa jamii. Pale ambapo shirika husema linafanya hivyo kwa wema wenyeji na jamii wanajihisi kukosewa na kukandamizwa. Hatari hii Kubwa pia inapatikana katika Hifadhi zilizoko katika ardhi ya jamii ama katika jumuiya za umiliki wa ardhi ya kibinafsi ambako ushiriki wa jamii ni wa kiwango cha chini kabisa, au kutokana na ubaguzi wa kijinsia.

Kuhama kutoka kwa umiliki wa ardhi wa jumuiya hadi kwa mtu binafsi, huvutia wawekezaji ambao hujigawia maeneo ya kibinafsi mara nyingi kwa maslahi yao ya kibinafsi ambayo wakati mwingi huhitilafiana na yale malengo ya Hifadhi, huonyesha hatari kubwa. Wawekezaji hawa wanahimiza uliberali mamboleo na, katika baadhi ya matukio, mielekeo ya ukoloni mamboleo, wakipuuza uendeleu wa mpangilio dhaifu wa mfumo ikolojia wa binadamu na wanyamapori; na hivyo kuleta hatari ya migogoro na vurugu zinazowezekana.

Mfano wa hili ulishuhudiwa karibu na Hifadhi moja ya jamii iliyozungukwa na uzio wa mashamba makubwa na Hifadhi za watu binafsi bila kuzingatia jumua za IPLC ambazo uchunguzi wetu ulishuhudia vizuizi vikubwa ya usafirishaji/ulishaji wa mifugo wa wanajamii, uwasilishaji wa hatari zisizohitajika kama vile kukata maeneo ya maji, na athari mbaya zaidi ya kijamii kwa IPLC hizi ambazo zinajaribu kutumia mazingira na mfumo wao wa ikolojia kama walivyofanya mababu zao.

Kutegemea mbinu zakulazimisha kupata uungwaji mkono wa jamii na wema unashindwa kutambua kwamba wakazi bado wanajihisi kuwa na haki za kutumia rasilimali zao, kufikia na kudhibiti ardhi. Inaonekana kuwa ukomboaji wa ardhi bado uko na changamoto haswa ikiwa wanaokomboa hawatiili maanani/heshimu mfumo ya uzalishaji riziki wa wenyeji ama kutotambua haki za watu katika Hifadhi kwa kuwanyima mapato yanayotarajiwa kutokana na makubaliano yaliyopo. Wenyeji hujihisi kama kwamba wanapokonywa mali yao na kuhamishwa, hasa ikiwa jambo hili linasababisha vizuizi katika hali za kujikimu kila siku za wenyeji, mifugo na wanyama pori.

Vifungu vya 42 na 69 vya Katiba ya Kenya vinatoa haki ya kufaidika na mchakato wa maendeleo ambao ni rafiki kwa mazingira na maliasili. Wahifadhi ambao wanatumia ardhi yao kinyume na viwango vilivyokubaliwa na jamii au kuzuia upatikanaji wa misitu kwa ajili ya kuvuna asali na mimea ya asili ya mitishamba wanakabiliwa na hatari kuu ya kuzuia manufaa ya mazingira. Ni muhimu kwamba Hifadhi zifuata mipango iliyokubaliwa na ushiriki kamili, huru na wa maana wa wanajamii, na yanapopita, wafanye upya kwa masharti mapya. Kuweka kanuni



za Hifadhi juu ya masuala ya jamii huleta Hatari Kuu ya kutokubaliana na migogoro. Haipaswi kusaulika kwamba mazingira yanapaswa kusaidia uwepo wa mwanadamu.

Tayari tumeona kuenea kwa Hatari Kubwa katika Hifadhi ambapo jumuiya za mitaa zinahisi kuachwa nje ya faida zinazopatikana kwa Hifadhi. Hii ni kweli kwa Hifadhi zinazotekeleza ubaguzi katika ajira au ugawaji wa huduma za umma zinazotokana na mapato ya Hifadhi. Utathmini wetu wa pekee wa Hatari iliyokithiri inahusu Hifadhi ambapo mgambo, ambaye alikuwa akiwafuata wavamizi kutoka jamii ya karibu, aliuawa kwa kupigwa risasi akiwa kazini.

Hatari kuu kiasi pia zilipatikana katika baadhi ya mafunzo duni ya mgambo ambayo yaliwaweka hatarini kutokana na kuwa na vifaa duni na kutofahamu kazi kunawaweka mgambo na wanajamii katika hatari kubwa. Katika baadhi ya hali zilizopo, baadhi ya wafanyakazi ni watu wa kujitolea wasio-kuwa na haki za uajiri. Kwengineko, wafanyakazi wanakumbwa na hali duni za uajiri na mishahara duni. Katika hali zingine jamii ndogo haziwakilishwi katika uajiri.

Maelezo ya matokeo haya yametolewa katika sehemu ifuatayo.

Matokeo Yakilinganishwa na Operesheni na Uanzilishi wa Hifadhi

Hapo chini, tumeunganisha haki katika makundi nane, ambayo ni yale yanayohusiana zaidi na (a) ushiriki; (b) usawa na kutobagua; (c) ardhi na mazingira; (d) usalama; (e) uchumi wa jamii na riziki; (f) kazi; pamoja na uchunguzi mpana wa haki fulani muhimu ambazo zinaathiri kipekee makundi mawili maalum, yaani (g) wanawake/jinsia; na (h) watu wa kiasili na jamii za wenyeji (IPLCs)

A. USHIRIKI

Ushiriki										
Haki	Hifadhi									
Haki ya kupata taarifa na ufahamu juu ya taratibu za haki na haki za utatuzi wa migogoro	Yellow	Red	Yellow	Orange	Orange	Orange	Orange	Orange	Orange	Yellow
Haki ya kupata taratibu za haki na haki za utatuzi wa migogoro	Orange	Orange	Grey	Orange	Orange	Grey	Yellow	Yellow	Yellow	Yellow
Haki ya kupata kibali bila malipo na kabla ya taarifa	Yellow	Orange	Orange	Orange	Orange	Grey	Yellow	Yellow	Yellow	Orange
Haki ya kupata habari	Yellow	Orange	Yellow	Orange	Orange	Orange	Yellow	Yellow	Yellow	Yellow
Uwajibikaji - ukosefu wa uwazi na ufsadi	Orange	Orange	Yellow	Yellow	Orange	Grey	Yellow	Grey	Grey	Yellow
Haki kwa jamii kushiriki katika kufanya maamuzi	Yellow	Orange	Orange	Yellow	Yellow	Yellow	Yellow	Yellow	Orange	Yellow
Haki ya kudumisha na kuendeleza mifumo au taasisi zao za kisiasa, kiuchumi na kijamii.	Yellow	Orange	Grey	Yellow	Grey	Grey	Grey	Grey	Grey	Grey
Haki ya kujiamulia	Yellow	Orange	Yellow	Grey	Grey	Yellow	Yellow	Grey	Grey	Grey

Haki ya kupata taarifa, ufahamu na upatikanaji wa taratibu za utatuzi wa migogoro inayo Hatari Kuu kutokana na Hifadhi nyingi kutokuwa na sera za kushughulikia migogoro inayojitokeza ndani yake. Ingawa baadhi ya Hifadhi zinadai kuwa na sera za utatuzi wa migogoro, utafiti huu umebainisha kuwa sivyo ilivyo kwani wanajamii, na katika baadhi ya matukio, wafanyakazi, wametegemea mbinu mbadala (yaani, serikali, taasisi za kimila/desturi au za kidini) ambazo katika idadi ya baadhi ya matukio yanashindwa kuangazia haki za watu wa kiasili na jamii za wenyeji, au kuwatenga wanawake. Kwa mfano, katika baadhi ya Hifadhi ambapo mbinu za kukabiliana na masuala ya utamaduni kama vile baraza la wazee zilitumika kutatua migogoro, wanawake hawakuwakilishwa kwenye baraza. Katika baadhi ya matukio, baraza lingepuuza suala linalozua migogoro wakati mhusika ni mwanamke anayetafuta suluhu.

Hifadhi moja ilitaja uundaji wa Kamati za Migogoro zilizokuwepo, lakini ziliishia kuvunjwa kwa sababu ya kutofanya kazi. Ukadiriaji wa pekee wa Hatari Kubwa Zaidi unatokana na sehemu ya wanajamii kuharibu kwa kiasi kikubwa mali ya Hifadhi kutokana na maandamano ndani na nje ya Hifadhi, ambayo haikuwa na taratibu za kutatua migogoro, jambo ambalo lilisababisha serikali kuingilia kati kushughulikia suala hilo.

Mfano unaostahili kutajwa unahusisha mwanamke aliyeripoti tukio la madai ya kutelekezwa kwa mtoto na mgambo ambaye alishirikiana naye kwa ukaribu na hakuonyesha nia ya kutimiza wajibu wake wa mzazi. Alitufahamisha kuwa licha ya Hifadhi kuahidi kuchukua hatua za kurekebisha hali hiyo, haya hayakutekelezwa hata kwa taarifa za mara kwa mara za kutoka kwa chifu wa eneo hilo.

Zaidi ya hayo, waanzilishi wa hapo awali wa Hifadhi hizi, hasa wamiliki wa ardhi wakubwa wasio waasili na wenyeji, wanaathiri taratibu isivyostahili. Hii ni pamoja na kuzifanya taratibu za malalamiko kuwa ngumu chapwa, hali inayofanya uongozi wa wenyeji wa shirika la Hifadhi ya jamii kunapoteza imani kabisa katika usawa wa michakato hii na kuziona kuwa hazifikiki. Mfano wa ushawishi huu usiofaa unahusisha mwanachama mwanzilishi wa Hifadhi na kiongozi wa muda mrefu, mkulima wa kizungu, ambaye inaonekana alikuwa akishawishi michakato ya utatuzi wa migogoro hadi kufikia hatua ya jamii kupoteza imani yoyote katika ufanisi wa mifumo ya kutoa malalamiko. Bodi hiyo pia inataja kuwa haina imani na wafugaji wanaozunguka eneo la Hifadhi na jambo hilo limeingia hadi kwa jamii, ambao wanaogopa kuwakabili wafugaji hawa pindi migogoro inapotokea.

Mahali pengine, Hatari Kubwa hutokea pale ambapo mjumbe wa bodi ndani ya Hifadhi anajifanya afisa wa serikali na kubeba majukumu ya kutatua migogoro kisha anashindwa kufikia uamuzi. Baada ya kushindwa kutatua migogoro hiyo na kutowaridhisha wanajamii, anashindwa pia kupelekea wajumbe wengine wa bodi masuala haya kwa sababu ya ushawishi alionao. Kwa sababu ya ushawishi wake, na vile vile kutoweza kupeleka malalamishi kwa afisa wa serikali ambaye ndiye huyo huyo, wanajamii wanakosa kumwamini na kupoteza imani kabisa kwa mkakati mzima wa utatuzi wa migogoro hidhani.

Kigezo kikubwa cha hatari kuwepo na hatari kuu zinahusisha uwajibikaji, ukosefu wa uwazi juu ya masuala ya manufaa ya kifedha na matumizi ya rasilimali za kifedha, na hivyo kustahili atathmini wa kuwepo kwa Hatari kuu, huku Hifadhi zikikosa sera za kushughulikia masuala yanayohusiana na rushwa. Hili linachochea na matokeo mbalimbali, ikiwa ni pamoja na taasisi mwamvuli ya Hifadhi inayodhaniwa na jamii kama isiyo kweli na kwamba inakula njama na/au kuiba rasilimali za kifedha. Mtazamo wetu wenyewe wa kukosekana kwa usawa wa kijinsia, kikabila na kiukoo katika ugawaji wa faida za kifedha, na, madai ya utumiaji wa vitisho vinavyotolewa wakati miokopo ya Hifadhi imechelewa kulipa, ni ushahidi tosha wa ukosefu wa usawa wa watu asili na jamii wenyeji. Kwa ujumla, jamii zilihusishwa wakati wa kuanzisha Hifadhi nyingi kwa njia inayoakisi FPIC. Wakati wote wa uanzilishi wa Hifadhi nyingi, ingawa maneno hayo yanaweza kuwa hayakuwa yameanza kutumika au kujulikana, viwango mbalimbali vya mabadiliko vya kanuni vilizingatiwa. Hatari za haki za kibinadamu zinazogusa FPIC zinaonekana zaidi wakati wa awamu wa uendeshaji wa Hifadhi. Hifadhi nyingi hazina sera au wafanyikazi walio na mafunzo juu ya FPIC na kuna ushahidi kwamba hawana uwezo wa kutekeleza shughuli kikamilifu kwa njia inayoheshimu kanuni hii. Hatari Kubwa kwa FPIC katika mbili ya Hifadhi za watu binafsi hutokea pale ambapo watu asili na wenyeji wanaoishi katika jamii tofauti za makundi makubwa ya watu, hawahusishwi katika uanzilishi wa Hifadhi na kukosa ufahamu wa shughuli zake ikilinganishwa na jumuiya nyingine za jamii zinazoshi ndani ya Hifadhi hiyo. Mito mikali kutoka kwa baadhi ya wakilishi katika Hifadhi nyingine zinaeleza kwamba kutokana na ukiukwaji wa haki hii unaofanywa na wasimamizi wa Hifadhi, Hifadhi hiyo inapaswa kuvunjwa.

Haki ya kujiamulia, ambayo ni msingi wa idadi ya haki zilizofanyiwa utathmini sawa, hasa katika nguzo hizi za ushiriki, inawasilisha ukadiriaji wa Hatari Kubwa katika Hifadhi moja. Tunaona hali ya

kutowezezana kwa jumuiya kujitawala, huku tama-duni na riziki za wenyeji zikiwa hatarini.

Kwa mfano, wakati wa uanzilishi wa Hifadhi hiyo, wenyeji ambao wengi wao ni wafugaji, waliambiwa kwamba eneo la karibu la malisho litawekwa uzio. Walijadiliana kuhusu njia mbadala ambazo zingeweza kutumika kufikia maeneo haya ya malisho, lakini haya hayakuzingatiwa na waanzilishi wa Hifadhi. Uamuzi ulifanywa wa kuweka idadi ndogo ya sehemu za kuingia katika eneo la malisho, na hivyo kuwapunguzia urahisi wa kazi yao kama wafugaji. Kundi hili hili la wenyeji limezuiwa kujitawala na kuchukua nafasi muhimu ndani ya miundo ya Hifadhi. Mahali pengine, ukadiriaji wa Hatari iliyopo hutokea pale ambapo shirika lisilokuwa la Kiserikali linatumika kama wakala hadi jamii ya eneo lile, na ambalo lilihusika wakati wa kuanzishwa kwa Hifadhi linakuwa chini ya shirika hilo na kusababisha udhibiti mdogo wa masuala yake ya Hifadhi. Tunaona kwamba wengi wa wanajamii wanashiriki katika kufanya maamuzi katika Hifadhi. Hatari Kuu kwa haki hii inatambuliwa pale ambapo mbinu ya utawala wa juu - kwenda chini iliyowekwa na usimamizi wa Hifadhi moja ililazimishiwa wanachama. Katika tukio hili moja, mjumbe wa bodi anachukuliwa na waandishi/waanzilishaji, baadhi ya wanajamii na wafanyakazi wachache wa Hifadhi, kusimamia na kulazimisha maoni yake, mtazamo wake na ubinafsi katika karibu kila kipengele cha shughuli za utendakazi wa Hifadhi, ikiwa ni pamoja na masuala yanayoonekana kuwa madogo mno kwake, kwa maoni yetu ya kitaalam.

Ukadiriaji unaowasilishwa kwa Hatari Iliyopo na Hatari Kubwa hutokea pale ambapo kuna ushiriki mdogo wa jamii/jumuiya au ukosefu wa njia za kufikia bodi zinazodhibiti masuala ya Hifadhi (yaani, kupitia Mikutano Mikuu ya Mwaka pekee - AGMs - ambapo mikutano huharakishwa, au kufanyika kwa lugha isiyoeleweka kwa urahisi, n.k.), pamoja na kuwatenga wanawake wasiwe na uwezo wa kufanya maamuzi.

Hatari Kuu inayozuia upatikanaji wa taarifa kwa baadhi ya wanajamii ndani ya Hifadhi moja na ambayo inahusishwa na ile ya ukosefu wa kufanya maamuzi, hutokea pale ambapo washiriki wanasema kwamba hawapati taarifa za kutosha, na hubaki gizani kuhusu shughuli na utendakazi wa Hifadhi. Mfano wa ukosefu huu wa uwazi unadhihirika katika maeneo kadhaa ya Hifadhi ambapo wanajamii waliohojiwa wanataja kuwa bodi haiwapi taarifa zozote kuhusu shughuli zake. Hata pale ambapo madai ya haja yakupata taarifa hizo yanafanywa kupitia maandamano nje ya ofisi za Hifadhi, hakuna taarifa za kutosha zinazotolewa

B. USAWA NA KUTOBAGUA

Usawa na Kutobagua										
Haki	Hifadhi									
Haki ya usawa na uhuru wa kutobaguliwa	Orange	Orange	Grey	Orange	Orange	Brown	Grey	Grey	Brown	Orange
Haki ya usawa ya vijana na uhuru wa kutobaguliwa	Grey	Yellow	Grey	Yellow	Yellow	Yellow	Grey	Grey	Brown	Grey
Uhuru wa dhamiri, dini na imani	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Haki ya kutowekewa masharti yoyote ya kibaguzi ya kazi	Grey	Yellow	Grey	Yellow	Yellow	Yellow	Grey	Grey	Brown	Grey

Kundi hili, linapochunguzwa kando ya wenyeji na haki za wanawake, lakini kwa upana ndani ya jumuiya/jamii dhidi ya sifa nyingine zinazolindwa, linatoa matokeo mchanganyiko. Hata hivyo, matukio ya ukosefu wa usawa na ubaguzi katika Hifadhi pana ya jamii yapo kwa viwango tofauti.

Hatari Kuu na Hatari Kubwa zinazojitokeza kupitia upendeleo ulioenea ndani ya Hifadhi na usimamizi wao, ambapo kazi na fursa (yaani, manufaa kwa jamii, n.k.) mara nyingi huhifadhiwa na kutunukiwa wanajamii kutoka familia moja au ukoo. Timu yetu ya utafiti pia ilikumbwa na malalamishi ya wanajamii wengi katika Hifadhi hizi wakisema

kuwa wanabaguliwa kwa misingi hiyo hiyo ya kutoruhusiwa kushiriki uendeshaji wa Hifadhi, huku bodi ikiwa na udhibiti mkubwa, na wanawake kutengwa.

Hatari Zilizopo zipo katika maeneo ya Hifadhi ambapo walinzi walikuwa na hisia kwamba kuli-kuwa na ubaguzi dhidi yao kutoka kwa wafanyakazi waandamizi ambao hawawashirikishi katika maamuzi ambayo yanawaweka walinzi katika hatari kubwa wakati wanafanya kazi zao. Hatari zilizopo pia zinawakilisha viwango vidogo vya upendeleo, na mazoea ya mambo yaliyopitwa na wakati katika Hifadhi, hasa katika usambazaji wa fursa za mafunzo.

C. ARDHI NA MAZINGIRA

Ardhi na Mazingira										
Haki	Hifadhi									
Haki ya mazingira safi na yenye afya	Orange	Orange	Orange	Orange	Grey	Grey	Orange	Grey	Brown	Grey
Haki ya maji	White	Orange	Yellow	Yellow	Orange	Orange	Orange	Grey	Grey	White
Haki ya kutumia, kuendeleza na kudhibiti ardhi, maeneo na rasilimali wanazomiliki	Orange	Brown	Orange	Brown	Brown	Grey	Yellow	Grey	Grey	White
Haki ya kutoondolewa kwa nguvu kutoka kwa makazi, ardhi au wilaya zao	Grey	Red	Grey	Grey	Grey	Orange	White	Grey	Grey	White
Haki ya usalama wa umiliki wa ardhi	Yellow	Red	Brown	Brown	Orange	Brown	Orange	Yellow	Yellow	Yellow
Haki ya kurekebisha, kwa njia ambayo inaweza kujumuisha urejeshaji na fidia kwa kutumia FPIC (inayohusiana na ardhi)	White	Brown	Grey	Grey	Grey	Grey	Grey	Orange	Orange	Grey

Hatari Kubwa Zaidi inayohusiana na ardhi na mazingira kwa Hifadhi za jamii inajitokeza kwa njia ya ukiukwaji na vitisho vinasabishwa na ukosefu wa usalama wa umiliki wa ardhi. Hatari Kubwa Zaidi inajitokeza katika Hifadhi moja ambayo eneo lake linamilikiwa kisheria na shirika la umma, licha ya kwamba jamii pia linatumia ardhi hiyo. Katika eneo la Hifadhi, ardhi ya jamii haitambuliwi huku mauzo ya ardhi ya kibiashara yakitokea mara kwa mara na kuathiri juhudi za Hifadhi na ustawi wa wafugaji. Zaidi ya hayo, wafugaji na wakulima wamenunua au kurithi ardhi kupitia mipango ya kikoloni, maeneo makubwa ya ardhi yaliyo karibu na Hifadhi ambayo yanazuia ufikiaji wa wamiliki wa jadi na watumiaji wa ardhi hiyo na rasilimali zake, hasa kwa mifugo yao.

Hatari Kubwa hutambuliwa pale ambapo katika Hifadhi moja, kuna migogoro inayohusiana na mpaka kati ya wajumbe wa zamani wa bodi na viongozi wa sasa wa Hifadhi juu ya ardhi hiyo, na kuna kesi inayoendelea mahakamani juu ya suala hilo. Zaidi ya hayo, ushahidi wa uvamizi wa ardhi inayozunguka kinamasi na kusababisha kinamasi hicho kutoweka, husababisha mkanganyiko zaidi kuhusu ardhi ya Hifadhi na kutishia uadilifu wa mazingira. Ukadiriaji sawa pia unaonekana ambapo sehemu kubwa ya wanajamii katika Hifadhi wana Barua za Ugawaji, ambazo hazitoi usalama wa kutosha juu ya ardhi ya Hifadhi. Hatari Kuu zilizofikiwa katika utathmini wa haki hii maalum zilifichua Hifadhi zilizo hatarini kuhusiana na umiliki wao wa ardhi. Hili linatokana na sababu mbalimbali, ikiwa ni pamoja na wanachama wengi kuuza sehemu zao za ardhi kwa watu binafsi wasio wa asili ya maeneo hayo.

Pia kuna madai ya unyakuzi wa ardhi unaofanywa na wasomi, serikali ya kaunti na wanajeshi. Wasiwasi wa haki ya kutumia, kuendeleza na kudhibiti ardhi, udhibiti wa maeneo na rasilimali ambazo jumuiya/jamii zinamiliki ndani na nje ya Hifadhi pia zinaleta hatari⁹ za kutosha.

Hatari Kubwa ya Hifadhi iliyopo inachanganuliwa kutokana na matokeo ya watu asili na jamii kushindwa kufikia msitu uleule uliorejelewa hapo juu kutokana na hali yake yakudhibitiwa sana. Kutokana na jinsi jamii ilivyojigawa na udhibiti wa serikali katika jamii, athari zinazoletwa na hali za maisha yao (ufugaji) husababisha migogoro inayotokana na matumizi mabaya ya rasilimali hizi.

Hatari Kuu hutambuliwa pale wenye nyumba za kulala wageni ndani ya Hifadhi wanashindwa kuheshimu na kufidia matumizi ya maliasili ya jumuiya za wenyeji. Haya yanashuhudiwa kupitia watu hao kujipatia ardhi kubwa kwa ajili ya mifugo yao ya farasi ambayo jamii inawatuhumu kula malisho

mengi kuliko mifugo ya kawaida, hata malisho ya maeneo ya msingi yaliyoainishwa na wawakilishi wa jamii wanaohusika na usimamizi wa malisho.

Kwingineko ukadiriaji wa hatari hujitokeza kutokana na matukio ya vikwazo vilivyowekeka maeneo ya misitu na ya uvuvi katika Hifadhi na mahoteli kutimiza makubaliano yaliyoingwa na jamii - hasa malipo ya matumizi ya maliasili na ardhi.

Kuwepo kwa hatari kunaweza kuchanganuliwa kwa njia mbalimbali zinazoonyesha uwezekano wa vitisho vinavyotishia haki lakini kwa athari ndogo. Njia hizi ni pamoja na utekelezaji hafifu wa kanuni za uvuvi zilizokubaliwa na wahifadhi na wanajamii ambao huathiri vibaya watu wa kipato cha chini, zaidi uvuvi. Kwingineko, wakodishaji wa ardhi ambao baadhi ya wanajamii wanadhani si watu wazuri, wanatuhumiwa kwa madai ya kushawishi uongozi wa Hifadhi kuhushia mikataba ya ukodishaji kwa masharti yasiyofaa, ambapo makundi makubwa ya ngamia wao yanapunguza upatikanaji wa maji kwa wanyamapori kutokana na biashara hii. Vitisho vingine ni pamoja na shughuli mbalimbali zisizo za Hifadhi ambazo zinaingilia vibaya mfumo wa ikolojia katika Hifadhi, ikiwa ni pamoja na kusafisha ardhi kwa ajili ya makazi ya watu na kilimo, shughuli za uchimbaji madini, pamoja na ulipuaji wa miamba. Hizi shughuli pia zinatishia haki za mazingira, ambazo zimechunguzwa kwa undani zaidi hapa chini.

Haki ya mazingira safi na yenye afya inalindwa kwa kiasi kikubwa katika Hifadhi zote. Hata hivyo, Hatari Kuu inatambulika katika Hifadhi moja ambapo kulisha kwa wanyama pori na ufugaji mwingi kunatishia malisho ambayo jamii inayatumia, hivyo kuhitaji udhibiti. Mzee mmoja katika jamii anawafahamisha waandishi kwamba walikuwa wametumia ratiba na mipango ya asili ya malisho hapo awali, lakini kutokana na ongezeko la idadi ya watu kwa miongo kadhaa, shinikizo na mahitaji ya malisho yameibuka, na hivyo kuathiri vibaya mazingira. Sababu nyingine ya hatari ni sera za pamoja za Hifadhi za ‘Hifadhi asilia yote’ ambayo inalinda kwa bahati mbaya aina (spishi) ngeni vamizi, *Prosopis juliflora*, ambayo imeathiri vibaya mazingira: kusababisha ukavu wa ardhi, kupunguza nyasi na kuathiri ustawi wa mifugo¹⁰. Hakuna ufuatiliaji wa masuala ya mazingira ili kuelewa mwelekeo wa usimamizi wa mazingira na mipango ya kukabiliana na Hifadhi, na hivyo kuongeza hatari hii. Mahali pengine, haki ya maji inatishiwa na inastahili ukadiriaji wa Hatari Iliyopo ambapo shughuli za kilimo cha kibiashara ndani ya Hifadhi kulikouza ardhi husababisha uchimbaji wa visima. Hii inasababisha uharibifu wa vyanzo vya maji vilivyopo ndani na karibu na Hifadhi kwa madhara ya wanyamapori, mifugo na watu

⁹ Kumbuka kwamba Utathmini huu unafaa kutathminiwa kuhusu wenyeji (IPLC) na pia hungetaka kufanya Utathmini wa IPLC pekee katika sehemu ya IPLC.

¹⁰ Kutokana na ufahamu wetu, hakuna matumizi ya kijamii yanayojulikana ya mti huu na wala hakuna faida zake zilizozungumziwa wakati wa Utathmini.

D. USALAMA

Usalama										
Haki	Hifadhi									
Haki ya kuishi	Orange	Red	Red	Yellow	Red	Red	White	Yellow	Yellow	Yellow
Haki ya usalama wa mtu na mali dhidi ya migogoro ya wanyamapori	Yellow	Yellow	Orange	Orange	Orange	Orange	Yellow	Orange	Yellow	Yellow
Haki ya usalama wa mtu na mali dhidi ya binadamu na binadamu	Grey	Orange	Orange	Orange	Red	Grey	Grey	Grey	Grey	Grey
Haki ya kufurahia kiwango cha juu zaidi kinachoweza kufikiwa cha afya ya kimwili na kiakili	Yellow	Yellow	Grey	Grey	Yellow	Grey	Grey	Grey	Grey	Grey
Haki ya afya na usalama unaofaa kwa wafanyikazi na waajiriwa	Orange	Yellow	Black	Yellow	Yellow	Orange	Grey	Yellow	Orange	Yellow

Hatari Iliyokithiri ya utathmini huu katika Hifadhi inawasilishwa na haki ya afya na usalama unaofaa kwa wafanyakazi na waajiriwa inahusika. Mgambo mmoja aliuawa kwa kupigwa risasi akiwa kazini kukabiliana na uvamizi wa majambazi kutoka jamii jirani.

Mchanganyiko wa Hatari Kuu na Hatari Kubwa hujitokeza haswa kwa walinzi wa Hifadhi. Wanajikuta katika hali mbaya kutokana na ukosefu wa uwezo na kutokuwa na silaha¹¹ pamoja na matumizi mabaya ya vifaa vinavyosababisha majeraha. Kwa mfano, mlinzi mmoja alipoteza idadi fulani ya vidole alipokuwa akijaribu kumrushia ndovu mweko wa radi.

Zaidi ya hayo, hali duni ya usafi wa mazingira na vituo vya afya kwa wafanyakazi, pamoja na matukio ya majeraha kutokana na mashambulizi ya wanyamapori yanaunga mkono matokeo yetu ya utathmini wa Hifadhi hizi kama zilizo na Hatari Kuu.

Hatari Iliyopo inatambulika katika matukio ambapo walinzi hulazimika kutembea umbali mrefu katika Hifadhi ili kufikia ngome yao huku wakabiliwa na mashambulizi ya mahasimu na hatari za mashambulizi kutoka kwa wanajamii wanaohusisha wanyamapori wanaovamia mashamba yao na walinzi. Wahifadhi wenye maafisa wa uhakiki (watumishi waliopewa jukumu la kutathmini na kuchanganua kiwango cha hasara kufuatia mashambulizi ya wanyamapori kwenye Hifadhi), hukumbwa na vitisho na wakati fulani, vurugu, kutoka kwa wanajamii wanaopinga matokeo ya tathmini yao hasa kukataa au kupuzilizia mbali madai ya wanakijiji.

Haki ya kuishi imeathirika katika Hifadhi karibu zote, na ukadiriaji wa Hatari Kubwa kutokana na matukio mengi ya kupoteza maisha katika Hifadhi kupitia migogoro ya binadamu na wanyamapori

pamoja na uvamizi kutoka kwa jamii jirani. Kutokana na wingi wa idadi ya majibu yalitoa takwimu inayohusianana ukiukaji na vitisho kwa haki hii, migogoro ya binadamu na wanyamapori ilikuwa mojawapo ya matokeo yaliyoenea zaidi katika Hifadhi tisa kati ya 10 zilizochaguliwa. Kuhusu suala la haki hii na nyinginezo katika kipengele hiki, ni muhimu kutambua kwamba kupotea kwa maisha hakuwezi kuhusishwa moja kwa moja na kuwepo kwa Hifadhi, ikizingatiwa kuwa hata bila ya Hifadhi, wanyamapori bado waliweza kushambulia bidadamu na kusababisha vifo. Hata hivyo, kwa kuzingatia hali ya juu ya haki hii, na malengo ya wahifadhi kuboresha maisha ya binadamu na wanyamapori, utathmini wa haki hii ni muhimu na inaweza kuzidishwa na/au kushughulikiwa kupitia kuwepo kwa Hifadhi. Kwa hakika, Hifadhi zote zilizofanyiwa utafiti zinashughulikia utekezaji wa teknolojia mbalimbali ili kuzuia uwezekano wa mashambulizi ya wanyamapori. Katika maeneo mengi ya Hifadhi, utathmini pia unabainisha mitazamo fulani inayohusishwa sana na hisia za pamoja kuhusu Hifadhi ambazo zilichangiwa na athari za wanyamapori kwa maisha, hali za uchumi wa watu - kwa mfano katika baadhi ya Hifadhi, wanakijiji wanahusisha mauaji yanayotokana na ndovu na kuwepo kwa Hifadhi na kuhoji thamani ya Hifadhi hizi ikiwa zinachangia kupotea kwa maisha ya wanaadamu. Kwingine, wanajamii wengine licha ya vifo vinavyohusiana na wanyama, hupata thamani katika modeli ya Hifadhi inayoshughulikia hatari hii na kuwa na imani kwamba Hifadhi itaweza kupunguza kupotea kwa maisha kunakosababishwa na mashambulizi ya wanyama pori.

Upotevu huu wa maisha unaathiri wenye haki tofauti, wakiwemo wanajamii binafsi (kupitia mauaji yanayohusiana na wanyamapori) na mfanyakazi wa Hifadhi ambaye alipigwa risasi na wavamizi. Vitisho

¹¹ Askari mwitu wasiokuwa na silaha wanazidisha visa vya ukosefu wa usalama kwa kuwa vifaa vyao vya ulinzi huwalinda wao na wanajamii kutoka kwa wanyama pori wanaozunguka. Bila shaka hili lingekuwa tatizo kama askari hawa wangetumia vifaa vyao vibaya na kuwaleteta madhara watu binafsi kutokana na vifaa vyao. Matokeo haya yanafaa kuhusishwa na kudizi kwa hatari iliyozungumziwa awali pamoja ni njia kuishughulikia kama askari hawa wangukuwa na vifaa.

kwa maisha ambavyo havisababishi kupotea kwa maisha lakini vinaathiri haki hii pia vinajumuisha vitisho vya kuuawa kutoka kwa wakulima wa kibiasara walio karibu dhidi ya mfanyakazi wa Hifadhi ambavyo vilivyaleta usikivu wa vyombo vya habari kwa madai ya unyakuzi wa ardhi. Ukadiriaji wa Hatari Kuu huchangiwa zaidi na vitisho kwa maisha vina vyoweza kutekelezwa kikweli, pale ambapo hakuna hasara ya maisha iliyotokea. Hii imeunganishwa na haki zingine zinazohusiana na usalama mahali pengine katika sehemu hii, na wasomaji wanapaswa kuzizingatia kwa ujumla. Ukadiriaji wa Hatari Iliyopo kwa haki hii hutokea kutokana na kiwango cha chini cha tishio linaloletwa kwa maisha, ikijumuisha migogoro inayohusiana na wanyamapori, kiwango cha chini cha ujambazi (yaani, si uvamizi kamili wa jumuiya jirani zilizojihami kwa silaha za kisasa), au migogoro ya ardhi ambayo inazidi kuwa vurugu inayoweza kusababisha watu kupoteza maisha.

Hatari kuu inayoendelea kwa haki ya usalama

wa watu na mali kutokana na tishio la wanyamapori inapatikana katika nusu ya idadi ya Hifadhi tulizotembelea. Baadhi ya vipengele vya hatari ni pamoja na wanyama pori kushambulia wakusanyaji kuni, kushindwa kukabiliana na hatari zinazohusishwa na haki hii, yaani, Hifadhi hazina uzio wa nyaya za umeme au umeme wa kawaida, kuzuia wanyama wa porini wasiingie na walinzi wao hawakuwa na silaha, uharibifu wa chakula na wanyamapori, na hata wanyama wa porini kuwa tishio kwa aina nyingine za mali zikiwemo shule, matangi ya maji ya jamii, uzio wa umeme¹² tangi na mabomba ya maji. Kuna pia hatari nyingine kwa haki hiyo, ila hii inasababishwa na tishio kutoka kwa wanadamu inayojidhihirisha kama Hatari Kubwa ambapo uvamizi wa mara kwa mara kutoka kwa jamii jirani hutokea mara kwa mara. Hatari Kuu pia hutokea pale wanajamii wanapopinga na kuwashambulia kwa nguvu walinzi, na uvamizi unaofanywa na jamii jirani bado husababisha uharibifu wa mali kwa kiwango fulani (yaani, wizi wa mifugo) na ustawi wa binadamu.

E. UCHUMI WA JAMII NA RIZIKI

Uchumi wa Jamii na Riziki									
Haki	Hifadhi								
Haki ya kudumisha na kuendeleza mifumo au taasisi zao za kisiasa, kiuchumi na kijamii	Yellow	Orange	Grey	Yellow	Grey	Grey	Grey	Grey	Grey
Haki ya kupata chakula cha kutosha	Yellow	Grey	Yellow	Orange	Yellow	Yellow	Yellow	Grey	Yellow
Haki ya kupata elimu	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Haki ya maisha na maendeleo endelevu	Grey	Yellow	Yellow	Yellow	Yellow	Grey	Yellow	Grey	Yellow
Haki ya njia zao za jadi za kujikimu	Grey	Orange	Grey	Yellow	Yellow	Grey	Yellow	Yellow	Grey
Haki ya faida inayopatikana kutoka kwa Hifadhi	Yellow	Orange	Orange	Orange	Yellow	Orange	Orange	Yellow	Yellow

Haki ya manufaa inayopatikana kutokana na Hifadhi iko hatarini zaidi katika kundi hili, huku daraja la Hatari Kubwa likiibuka pale ambapo jamii hutambua kuwa manufaa ya Hifadhi hayawafikii kama wanachama. Hatari hii inaongezeka zaidi kukiwa na watu wenye mamlaka katika uongozi wa Hifadhi au vyama vya Hifadhi vina udhibiti wa kupita kiasi wa manufaa yoyote yanayopatikana kutoka kwa Hifadhi, kulingana na wasimamizi wa Hifadhi. Katika Hifadhi moja ambapo wenyeji ni sehemu ya jumuiya ya Hifadhi ambayo inajumuisha watu wengi zaidi wasio waasili au wenyeji, jamii wenyeji huhisi wanakosewa kutokana na kutofikiwa na faida za Hifadhi, kwa njia ya ada za lango na mipango ya utalii wa mazingira, zinazoonekana kufaidi pakubwa watu

wasio wenyeji. Imejidhihirisha pia katika baadhi ya Hifadhi ambako sehemu za jamii huhisi kubaguliwa, ikitaja upendeleo katika usambazaji wa fursa za ajira na hasa nafasi za mikopo midogo midogo.

Hatari Kuu hutokea pale jamii zinapoeleza wasiwasi wake kuhusu kiasi ambacho huluki inayosimamia shughuli za Hifadhi hupokea na ni kiasi gani huja kwa wanachama wake kwa ujumla. Shirika hili husimamia kila kipengele cha shughuli za Hifadhi, kuanzia kulipa mishahara ya wafanyakazi hadi kuendesha mpango wa mikopo ya kifedha kwa wanajamii. Kwingineko, baadhi ya wanajamii wanafichua kuwa sio vijiji vyote vilivyo na mipango ya wazi ya kugawana faida kutokana na mapato

¹² Mfano huu unaweza kuwa unaathari mara mbili ambapo unazizuia jamii zinazojaribu kuingia Hifadhi, ila kwa upande mwingine mzuri, inazuia mizozo ya binadamu na wanyama pori.

yanayoletwa na watalii wanaotembelea Hifadhi, huku fursa za ajira zikielekezwa kwa baadhi ya vijiji na kuwaacha wengine. Hatari Iliyopo inatambuliwa katika Hifadhi mpya zaidi ambayo ni changa na iliyoko katika mfumo wa kipekee wa ikolojia, ambapo wanachama wake bado hawajaelewa kika-milifu manufaa ya Hifadhi hiyo na kutaja kwamba hakuna chochote kilichotolewa kwa njia ya manufaa.

Hatari Iliyopo kwa haki ya maisha na maendeleo endelevu inatambuliwa ambapo tishio linaloletwa na spishi ngeni vamizi, yaani, *Prosopis juliflora* ambayo ni mbaya, na pale ambapo tabia za malisho kupita kiasi yanayotokana na kuongezeka kwa idadi ya watu husababisha athari mbaya kwa mazingira.

Zaidi ya hayo, baadhi ya Hifadhi, kupitia kuwepo kwao, zimepungua uwezo wa kujipatia riziki kutokana na kupunguza shughuli zinazoweza kufanyika humo (yaani, kuzuia nafasi za kufikia maeneo ya uvuvi, mikoko, n.k.) na hii inasababisha kuchangan-yikiwa miongoni mwa wanajamii ambao hawaoni kuwa ina manufaa. Haki ya njia za jadi za kujikimu ilipewa alama ya Hatari Kubwa ambapo uanzilishi na uendeshaji wa Hifadhi umeathiri maisha ya wafugaji. Hii inaweza kuwa ni kutokana na vizuizi vya kufikia maeneo vya malisho, kutotambuliwa kwa njia za jadi za watu asili na wenyeji, na ushiriki mdogo wa wenyeji katika uendeshaji/utendakazi wa Hifadhi, hivyo kuathiri njia za kujikimu za kundi hizi dogo.

Haki ya kupata chakula cha kutosha ina Hatari Iliyopo au Hatari Iwezekanayo, hasa kutokana na mazao na mashamba ya baadhi ya wanajamii kuwa katika tishio la uvamizi wa mara kwa mara wa wanyama pori, hasa ndovu na pundamilia na kuathiri shughuli zao. Kwa mfano, hata pale ambapo uana-chama wa shirika moja la Hifadhi umezungusha uzio wa ekari mbili kwa ajili ya kulima nje ya Hifadhi karibu na eneo la mjini, wanyamapori wanaozurura bado wanapata njia ya kufika kwenye mashamba haya na na kuharibu mazao. Mfano mwingine unaostahili ukadiriaji huu hutokea katika maeneo ya Hifadhi ambapo usimamizi endelevu wa uvuvi unatekelezwa, kwani vitendo kama hivyo vina athari nyingi za muda mfupi kwa haki hii, vikijumuisha kupungua kwa upatikanaji wa samaki kila siku au kupungua kwa shughuli za uvuvi wa samaki katika maeneo fulani ambako uvuvi mara nyingi hutekelezwa (yaani, kwa kuruhusu uvuvi wa siku fulani fulani pekee). Kwingineko, kuteuliwa/kutengwa kwa baadhi ya maeneo kwa ajili ya wanyamapori na Hifadhi kunabadilisha njia za malisho wanazotumia wafugaji, na baadhi yao hupeleka mifugo karibu na mashamba na hivyo kusababisha uharibifu wa mazao. Wahifadhi wamepunguza baadhi ya athari mbaya hapo juu kwa kuweka mifereji ya maji kwa ajili ya wanyama wa kufugwa ili kupunguza mwingiliano wao na wanyamapori na kuwaweka wanyamapori nje ya mashamba, kwa kuweka uzio wa umeme, na kupitia utoaji wa maji ya bomba kwa jamii zinazofanya kilimo.

F. KAZI

Kazi										
Haki	Hifadhi									
Haki sawa ya kuajiriwa na mikataba ya utendakazi	Yellow	Grey	Yellow	Orange	Orange	Orange	Orange	Grey	Orange	Grey
Marufuku ya utumwa, kutumikia bure na kazi ya kulazimishwa	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Haki ya faragha	Yellow	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Yellow
Haki ya mazingira mazuri ya kazi	Yellow	Grey	Grey	Yellow	Orange	Orange	Grey	Grey	Grey	Grey
Haki za vijana kwa mazingira mazuri ya kazi	Grey	Grey	Grey	Grey	Grey	Grey	Yellow	Grey	Grey	Grey
Haki dhidi ya unyonyaji wa kiuchumi kwa vijana wenye umri mdogo	Grey	Grey	Grey	Grey	Grey	Grey	Orange	Grey	Grey	Grey

Hatari Kuu kwa haki ya mikataba ya kuajiriwa na utendakazi inatambuliwa katika Hifadhi ambapo wengi wa wafanyakazi wake ni wa kujitolea, hali ambayo ni hatari kwa uendeleo wa Hifadhi na kuweka wajibu mkubwa kwa wanajamii wasio na mikataba. Hatari Kuu kwa haki ya unyonyaji wa kiuchumi kwa vijana wa umri mdogo inatambuliwa katika Hifadhi ambapo watoto wanaonekana wakiuza chakula kwenye eneo la uvuvi la Hifadhi

na hakuna kitu kinachoonyesha kuwa Hifadhi umejaribu kukomesha aina hii ya ajira ya watoto. Hatari Iliyopo inatokana na idadi kubwa ya Hifadhi kuwa na upendeleo wa kindugu, uwakilishi mdogo wa wachache, mikataba ya muda, kuajiri watu wasio wenyeji, uajiri usio wa haki ambapo baadhi ya wajumbe wa bodi huona kwamba kazi zinatolewa kwa wanajamii kutoka sehemu fulani tu za eneo, na Hifadhi hauwajulishi wafanyakazi wakati masharti ya ajira

yanabadilishwa. Haki ya hali nzuri ya kazi inakabiliwa na Hatari Iliyopo ambapo wafanyakazi wanaojulikana kama maofisa wa uthibitishaji, pamoja na walinzi, wanataja hatari wakati wa kushirikiana na wanajamii, mashambulizi ya wanyamapori,

na kukabiliwa na migogoro na vurugu wakati wa kuwakilishwa kwa migogoro au madai. Kwingineko, mfanyakazi wa kike ni mwathirika wa unyanyasaji wa kijinsia na hatimaye anafukuzwa kazi kwa kuripoti tukio hili.

G. JINSIA

Jinsia	Hifadhi									
Haki	Hifadhi									
Haki za wanawake kuhusika katika kufanya maamuzi	Orange	Orange	Grey	Grey	Orange	Orange	Grey	Orange	Yellow	Orange
Haki ya wanawake na watu asili na wenyeji ya kupata chakula cha kutosha ¹³	Orange	Orange	Grey	Yellow	Orange	Grey	Orange	Orange	Grey	Orange
Haki ya usawa ya wanawake na uhuru wa kutobaguliwa	Orange	Orange	Grey	Yellow	Yellow	Orange	Grey	Yellow	Grey	Orange
Haki ya wanawake na wasichana ya kupata usalama wa mtu na mali ¹⁴	Orange	Orange	Grey	Yellow	Orange	Grey	Grey	Grey	Grey	Yellow
Haki ya wanawake ya kutumia, kuendeleza na kudhibiti ardhi, maeneo na rasilimali wanazomiliki	Grey	Orange	Grey	Yellow	Yellow	Grey	Grey	Red	Grey	Yellow
Haki ya wanawake kupata riziki na maendeleo endelevu	Yellow	Yellow	Grey	Yellow	Orange	Grey	Grey	Grey	Yellow	Yellow
Haki ya wanawake kwa njia zao za jadi za kujikimu	Yellow	Yellow	Yellow	Yellow	Orange	Grey	Grey	Yellow	Grey	Yellow
Haki ya wanawake ya kutowekewa masharti yoyote ya kibaguzi ya kazi	Yellow	Yellow	Grey	Orange	Yellow	Grey	Grey	Yellow	Grey	Grey
Haki ya wanawake ya usalama wa umiliki wa ardhi	Red	Red	Grey	Orange	Grey	Orange	Yellow	Yellow	Grey	Grey

Kwa kuzingatia kwamba utafiti wa awali umebaini kuwa kuna tofauti ya uzoefu kati ya wanawake na wanaume katika na karibu na maeneo ya Hifadhi, matokeo yetu yanaweka tofauti za kijinsia. Kwa kufanya hivyo, tunapaswa kukumbuka tofauti za usawa wa kijinsia ambazo zimepatikana katika maandiko/utafiti hadi sasa. Hii ni pamoja na upatikanaji ardhi na udhibiti wa rasilimali, upatikanaji wa fursa za kiuchumi kutokana na tofauti za majukumu na wajibu, msingi wa ujuzi, na ushiriki wa umma katika kufanya maamuzi, uzoefu wa unyanyasaji wa kijinsia, mienendo ya ajira, kanuni za tabia, ubaguzi, miongoni mwa mambo mengine. Kwa hivyo, tunachunguza hasa vigezo hivi ili kuchunguza kama vinalingana na utafiti wa awali, na pia kujaribu kubainisha ikiwa kuna matokeo yoyote mapya. Kwa kufanya hivyo, tulilenga kuhakikisha kwamba mbinu inayoiingiliana na utamaduni kwa usawa wa kijinsia inazingatiwa, kuheshimu haki ya kibinadamu bila kuweka upendeleo au matarajio kwa njia ya kikoloni.

Katika haki zote zilizo hapo juu, wanawake walionyesha uwezekano mkubwa na/au athari ya hatari kuliko wanaume katika viashirio vingi wakati wa

mahojiano. Hatari ambazo zinariptiwa kuathiriwa zaidi na wanawake kuliko wanaume ni haki ya wanawake ya usawa na uhuru dhidi ya ubaguzi, haki ya kufanya maamuzi, na haki ya chakula cha kutosha. Haki ya kufanya maamuzi ndiyo hatari inayotajwa zaidi hasa inayowakabili wanawake katika maeneo mengi ya Hifadhi, wakati hatari nyingine hutofautiana katika maeneo mbalimbali ya Hifadhi.

Hatari kubwa kwa haki ya wanawake kushiriki katika kufanya maamuzi inadhihirishwa ambapo inaonekana kwamba hawajajumuishwa katika uongozi wa Hifadhi (yaani, kama wajumbe wa bodi), pamoja na wafanyakazi wakuu. Hatari hii inazidishwa pale ambapo mifumo ya Hifadhi inahusishwa na umiliki wa ardhi, ambao mara nyingi ni wa mfumo dume huku wanaume wakiwa wamiliki na kuwatenga wanawake; ambao mwisho wao hawawezi kumiliki ardhi katika Hifadhi. Hatari Kuu inatambulika katika mashirika ya Hifadhi ambayo yana uwakilishi wa wanawake kwenye bodi, ingawa wanasalia kuwa wachache na wasio na wasioshiriki, hasa kwa kutohudhuria mikutano.

¹³ Haki hii ya makundi haya mawili yaliyotengwa ilichanganuliwa kwa pamoja (wanawake na IPLC) ili kutambua vipengele vya hatari visivyokuwa vya kawaida kwa wadau hawa- hakuna haki nyingine iliyo tathminiwa kwa makundi mawili ila kwa haki hii tu.

¹⁴ Kutokana na hali ya haki hii kwa wanawake wa umri wowote, Utathmini ulifanywa kwa hali za wanawake na wasichana.

MATOKEO

Hatari Kubwa inayoathiri usawa wa haki za wanawake na kutobaguliwa dhidi yao inatokana na wanawake kuripoti ubaguzi, haswa katika nyadhifa za uongozi na kutoshirikishwa kwao katika utenda kazi wa Hifadhi. Zaidi ya hayo, wanawake wanahisi woga kupinga maamuzi yoyote au matokeo ya mifumo ya utatuzi wa migogoro na Hifadhi, na hivyo kuwabagua. Mifano mingine ya ubaguzi inatokea pale ambapo wanawake ambao hawajaolewa ni wamiliki wa ardhi na wanachama wa Hifadhi kwa nafasi zao wenyewe, lakini hawawezi kuwapa watoto wao fursa za kazi za wanaume katika jamii kwa sababu ya hali yao ya ndoa. Hatari Kuu inajidhihirisha pale ambapo katika Hifadhi moja, wanawake wana-teuliwa kwenye bodi ya wadhamini kama njia ya kuwazawadi, lakini ushiriki wao halisi ukiwa mdogo.

Hatari kuu hupatikana wakati wa utathmini wa haki ya usalama wa watu na mali hasa wanawake, katika Hifadhi ambazo zina matukio ya unyanyasaji wa kijinsia. Kwa mfano, mfanyakazi mkuu wa kiume alimpiga mwanamke aliye chini yake na kumwachisha kazi baada ya kukataa ombi lake¹⁵. Zaidi ya hayo, mgambo wa kiume aliripotiwa kumtakia mapenzi mgambo wa kike kiasi cha kumshambulia kingono na alipomripoti, alifukuzwa kazi. Hatari iliyoko inatambulika katika mbili ya Hifadhi zilizohusika kwa matukio sawa ambapo walinzi wa kiume wanadaiwa kufanya uhalifu wa kingono dhidi ya wanawake. Katika tukio moja, ubakaji wa kisheria hutokea wakati haki za msichana mdogo zilikiukwa na hatimaye kulazimishwa kuolewa na mgambo. Katika hatua nyingine timu ilijulishwa kwamba mgambo alimpa ujuzito mwanamke, kisha akakataa kuchukua nafasi katika maisha yake, hata

baada ya jitihada za chifu kuingilia kati na kuishia kumtelekeza. Zaidi ya hayo, mwanamke alirudi kwa chifu kuomba aingilie kati zaidi, lakini akamfukuza na kumdhihakiki hadharani mbele ya viongozi wengine wa jamii.

Hatari Kuu inatambuliwa katika Hifadhi ambapo kuingia kwa wanawake Hifadhini kutafuta kuni kunadhibitiwa. Wanawake katika Hifadhi hii wanaruhusiwa tu kuingia kwenye Hifadhi asubuhi siku tatu za juma ili kuokota kiasi kidogo tu cha kuni.

Hatari Kubwa Zaidi inajitokeza katika Hifadhi mbili kuhusiana na haki ya usalama wa wanawake kumiliki ardhi. Katika Hifadhi hizo, inaonekana kwamba baadhi ya sehemu za ardhi zimeuzwa kwa watu wengine na wamiliki wa ardhi wanaume, na kusababisha athari mbaya kwa wake na watoto wao.

Hifadhi moja iliyo na Hatari Kuu kwa haki ya maisha na maendeleo endelevu ina wanawake walioripoti kwamba ujuzi wao wa kiufundi unatumia vibaya. Katika kesi hiyo, mwenye nyumba ya mapumziko anatuhumiwa kwa kupunguza, kulipa kidogo, na kuiga bidhaa zao isivyo haki kwa kuchukua picha za vitu walivyotengeneza wao na kukodisha vibarua kwa bei nafuu kutengeneza bidhaa sawa, licha ya makubaliano na wanawake kutofanya hivi. Hatari iliyopo inajidhihirisha katika Hifadhi ambazo wanawake wanajiendeleza kwa ufundi na kukuza vitalu vya miti. Hata hivyo, wamekatishwa tamaa na masharti ya makubaliano na shirika lisilo la faida la nje ambalo linaweka kikomo uuzaji wa bidhaa zao zilizosokotwa na miche ya miti kwa shirika hili lisilo la faida kutokana na kifungu cha upekee (exclusivity)

H. WATU WA KIASILI NA JAMII ZA WENYEJI (IPLCs)

Watu wa Kiasili na Jamii za Wenyeji (IPLCs)										
Haki	Hifadhi									
Haki ya watu wa kiasili na jamii za wenyeji ya kushiriki katika kufanya maamuzi/kujiamulia	Yellow	Red	Grey	Yellow	Grey	Grey	Grey	Grey	Grey	Grey
Haki ya watu wa kiasili na jamii za wenyeji ya usawa na uhuru dhidi ya ubaguzi	Grey	Red	Grey	Grey	Orange	Grey	Grey	Grey	Grey	Grey
Haki ya watu wa kiasili na jamii za wenyeji ya kufurahia kiwango cha juu zaidi kinachoweza kufikiwa cha afya ya kimwili na kiakili	Grey	Yellow	Grey	Grey	Orange	Grey	Grey	Grey	Grey	Grey
Haki ya watu wa kiasili na jamii za wenyeji ya uhuru wa dhamiri, dini na imani	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Haki ya watu wa kiasili na jamii za wenyeji ya maarifa ya jadi na usemi wa kitamaduni	Yellow	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Haki ya watu wa kiasili na jamii za wenyeji ya kutumia, kuendeleza na kudhibiti ardhi, maeneo na rasilimali wanazomiliki	Yellow	Orange	Grey	Orange	Yellow	Grey	Grey	Grey	Grey	Grey
Haki ya watu wa kiasili na jamii za wenyeji ya kutoondolewa kwa nguvu kutoka kwa makazi, ardhi au maeneo yao bila FPIC.	Grey	Red	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey

¹⁵ Tambua kuwa maneno jeruhi na matakwa ni tofauti. Hapa tunamaanisha kuwa kukosa kutimiza tendo la kujamii kwa hivyo kusababisha unyanyasaji kingono.

clause), na hivyo kuwazuia kuuza vitu vyao katika masoko mengine.

Hatari Kuu pia ulipatikana na tathmini kuhusu haki ya wanawake kuwa na njia za jadi za kujikimu katika Hifadhi moja ambapo wanaposafirisha bidhaa zao za hadi hotelini ili kuziua, wanakuwa katika hatari ya kushambuliwa na wanyamapori. Hatari iliyopo katika mfumo wa ubaguzi wa kimuundo inadhihirika pale ambapo matangazo ya kazi huweka sifa ya chini zaidi inayohitajika kuwa cheti cha shule ya upili, ambayo kwa kawaida ni wanaume pekee wanaifikia kiwango hiki cha elimu katika sehemu hizi za Kenya, na kusababisha ubaguzi dhidi ya wanawake kutokana na viwango vyao vya chini vya kusoma na kuandika na kuwanyima fursa za ajira.

Uainishaji sawa wa haki za watu wa kiasili na jamii wenyeji umefanywa kama ule ulioangaziwa hapo juu kwa wanawake, ingawa sio kwa aina moja ya haki, na matokeo yameainishwa kwa kiwango kikubwa hapa chini. Hatari inayohusiana na haki za watu wa kiasili kushiriki katika kufanya maamuzi imedhamiriwa kuwa katika Hatari Kubwa Zaidi katika Hifadhi moja inayotokea kutokana na wenyeji kuwa na ushiriki mdogo sana wa kufanya maamuzi. Hili linadhihirishwa na kukosekana kwao ndani ya mifumo ya uongozi na utawala wa Hifadhi, pamoja na utendaji kazi wake, huku mchango wao katika uanzilishi wa Hifadhi ukiwa mdogo mno, na maoni yao kwa kiasi kikubwa kutozingatiwa.

Haki ya chakula cha kutosha kwa watu wa kiasili na jamii wenyeji, kama ilivyoainishwa pamoja katika jedwali linalowalenga wanawake, inapanda hadi kwenye Hatari Kuu kutokana na jamii ya watu wachache waliotengwa ndani ya jumuiya ya wenyeji katika Hifadhi hiyo kuachana kabisa na ufugaji nyuki kutokana na vikwazo vya Hifadhi na kutokuwa na uwezo wa kukaa katika milima ambayo sasa pia imetengewa Hifadhi. Mbinu hii inaathiri usambazaji wao wa asali kwa matumizi na makazi yao milimani

ambapo utamaduni huu ulikuwapo kwa muda mrefu. Ukadiriaji wa Hatari Iliyopo unatokea kama matokeo ya malisho ambayo yamezuiliwa kwa ukweli kama huo uliotajwa katika ripoti hii ambapo mbuzi wana-zuiwa kuingia msitu wa umma na vikwazo vya kuku-sanya kuni zinazohitajika kupikia vinatekelezwa.

Haki za usawa na kutobaguliwa zinatoa mfano mmoja wa ukadiriaji wa Hatari Kubwa Zaidi kwa Hifadhi moja kwa ajili ya wenyeji kukabiliwa na ubaguzi wa wazi katika Hifadhi hiyo na jamii kubwa zaidi za wenyeji. Hapa, uanzilishi wa Hifadhi haukutulia maanani nyenzo za utafutaji riziki wa watu wa kiasili na wenyeji, ambao wengi wao ni wafugaji, na kushindwa kuchukua michango yao kuzingatia mtindo wao wa maisha katika muundo wa Hifadhi. Wenyeji pia wanabaguliwa waziwazi kwa kutoshirikishwa katika shughuli za utendakazi wa Hifadhi, kwa hakika, mwakilishi pekee wa watu asili (wa kundi hilo maalum la watu) alifukuzwa kutoka kwa bodi na kamwe hakubadilishwa. Hatari Iliyopo iliyotambuliwa ni matokeo ya kikundi kidogo cha wanajamii wa watu wa kiasili wanaokabiliwa na ubaguzi kutoka kwa kundi kubwa wenyeji kwa kiwango kidogo kuliko hatari kubwa zilizo changanuliwa, kupitia upendeleo wa kindugu, fursa ndogo za ajira na kutojumuishwa katika shughuli za Hifadhi.

Hifadhi moja iliyo na ukadiriaji wa Hatari Kubwa Zaidi ya haki ya kutoondolewa kwa lazima kutoka kwa maeneo yao, hasa watu asili na wenyeji wanaoishi ndani ya Hifadhi hiyo, imetambuliwa. Haki hizi za wenyeji juu ya ardhi hazizingatiwi kamwe, huku vyanzo vya kuaminika na wawakilishi wao wakithibitisha kwamba Hifadhi haziheshimu haki zao za kimila za umiliki wa ardhi. Miongo kadhaa kabla ya Hifadhi, jumuiya ya wenyeji ilitumia rasilmali hii kwa uhuru, lakini kutokana na kuongezeka kwa ukataji miti kwa watu binafsi, serikali ilichukua udhibiti wa ardhi na kuilinda, ikidhibiti kwa ukamilifu utumiaji wa ardhi hiyo kwa wanajamii wanaoishi karibu na wanaitegemea.



Uchambuzi wa Matokeo

A. MADA MTAMBUKA

Mwelekeo wetu katika kuandia uchambuzi wetu unatokana na utambuzi wa mwandishi wa vipengele muhimu ambavyo vikiangaliwa dhidi ya haki zilizo-zungumziwa hapo juu, vinasaidia kutambua mada kadhaa mtambuka. Kadri tulivyoanza kuchambua matokeo, vipengele hivi vilionekana kuathiri na kuleta mtindo fulani katika matokeo. Hivi ni:

1. Mwaka wa kuanzishwa/kusajiliwa kwa Hifadhi;
2. Aina ya umiliki wa ardhi kunakopatikana Hifadhi (umma, binafsi na/au jamii);
3. Iwapo Hifadhi ya jamii (kama mlipa kodi) inakodisha sehemu ndogondogo kwa wanaotaka kukodisha (kama wapangakodi);
4. Aina ya mipaka ya Hifadhi, ikiwa ni ya kiserikali au kimila;
5. Aina za njia za kutafuta riziki katika Hifadhi (kama wafugaji wa kuhamahama, wakulima, wavuvi na kadhalika);
6. Ikiwa watu wa kiasili na jamii wenyeji ni wengi ama la;
7. Ikiwa jamii inayoishi katika Hifadhi ni tofauti (zaidi ya jamii moja) au la;
8. Ikiwa kuna mtu mwingine mwenye mamlaka anayehusika kwa kiwango kikubwa (kama NRT; Big Life, n.k) na,
9. Ikiwa watu bado wanashiriki tamaduni zao au la.

Kila moja ya vipengele hivi vilijumuishwa katika seti ya takwimu na kuonyesha hali ya kurudiarudia ya vikundi vya haki vilivyotambuliwa katika sehemu za mwanzo, na kutoa mitindo, mada na maoni kadri seti za takwimu na Hifadhi zilipoanza kuingiliana. Ni mahusiano haya kati ya ya vipengele na haki vina-nyojenga mada ya uchambuzi zifuatazo.

1. Umiliki wa ardhi na hali ni kipengele cha msingi wa athari na ushawishi wa haki mbalimbali na hatari katika Hifadhi

Hifadhi za jamii zilizoko kwenye ardhi ya serikali zinaweza mkubwa wa ukiukaji wa haki za kibinadamu zinazohusiana na ushiriki, usawa na uhuru wa kutobaguliwa. Tulifikia maamuzi haya kutokana na vita vilivyopo kati ya Hifadhi na mamlaka ya serikali kuhusu umiliki wa ardhi na aina ya mamlaka haya. Jambo hili linajitokeza katika mienendo ya mamlaka ya watu mbalimbali yanayoleta mkanganyiko wa kutojua ni nani anafanya nini katika Hifadhi. Jamii katika Hifadhi zilionekana kufikiri kuwa mamlaka ya serikali iliyomiliki ardhi ilikuwa ni kama ile ya usimamizi wa Hifadhi.

Pale ambapo Hifadhi ipo kwenye ardhi ya umma tunashuhudia wanajamii wakiingia na kuanza kuishi katika ardhi hiyo na kuwa chini ya mamlaka ya ardhi

ya umma wakivumilia ukali wa Hifadhi wa misitu na uongozi/usimamizi, mambo ambayo huwa-sababishia madhara. Wanakosa mamlaka katika Hifadhi. Mamlaka yanayohusiana na umiliki wa ardhi yanaanza kujitokeza hasa kutokana na ukweli kwamba hawakushirikishwa kamwe wakati wa kuanzishwa kwa Hifadhi na FPIC, pia utafiti unaonyesha kuwa ilikuwa ya kiwango cha chini sana, kutokana na takwimu ya wanajamii. Utata uliopo wa umiliki wa ardhi ya Hifadhi ya aina hii, unatoa mamlaka ya kutosha ya matumizi ya ardhi, na kihistoria, ndani ya Hifadhi, watu wachache wasio wakiasili na wenyeji, na walengwa wa ukoloni, wanakuwa na mamlaka kwani ardhi zao zinatambulika kupitia hati rasmi za mashamba ambapo zile za haki za wenyeji ambazo umiliki wake unalindwa chini ya sheria za kitamaduni, hazitambuliki.

Kwengineko, kutomalizika kwa mfumo wa udhibiti wa usimamizi wa ardhi ya jamii kunasababisha hatari, ambayo imegeuka nafasi ya kunufaisha washiriki wa serikali wasiokuwa na maadili kama jeshi ama serikali za kaunti kugawanya ardhi yenye Hifadhi, na kuziweka mali muhimu za Hifadhi hatari. Hii ni hatari kubwa sana ambayo Hifadhi nyingi, hasa zile zilizo katika maeneo ya kaskazini zinaweza kuathirika ikiwa wenye mamlaka na wasio waaminifu watataka kunyakua na kumiliki mashamba haya yanayofikiwa kuwa huru kwa kila mtu.

Umiliki wa ardhi ya Hifadhi ni wa umuhimu mkubwa na kuwekeza katika uratibu katika mtazamo wa sera na vitendo kunaweza kusaidia kutatua matatizo, hatari na ukiukaji uliopo na ule unaoweza kutokea. Pia, kama ilivyoelezwa hapo awali, ardhi ndiyo mali muhimu ya Hifadhi, kwa hivyo hatari na ukiukaji juu yake huathiri shughuli zote zinazohusiana na ardhi na kuleta athari za kijamii na kiuchumi, kijinsia, watu wa kiasili na wenyeji, ushiriki, usawa na kadhalika. Kushughulikia athari hizi ni muhimu ikiwa tunataka kuwe na mabadiliko na kumaliza hatari hizi na ukiukaji.

Hali ya kinyume ilishuhudiwa wakati wa utathmini wa Hifadhi zilizoanzisha kutokana na mchanganyiko wa wamiliki wa ardhi ya kibinafsi mbalimbali zilizo na hati miliki. Hapa, Hifadhi zinazomilikiwa na watu wa aina hii zina kiwango cha chini cha hatari na ukiukaji unaohusiana na ushiriki. Maoni yetu ni kwamba, hawa wana mafanikio kwa sababu kila mmoja wao anahisa ya maana katika Hifadhi na utenda kazi wake. Pia tuligundua kwamba pale ambapo idadi kubwa ya wanajamii wanahusika katika uanzilishi wa Hifadhi, ushiriki na hatari zinazohusiana na usawa unaozungumziwa hapa ni ya kiwango cha chini na athari chache pia. Mwakilishi wa jamii alishiriki katika utendakazi wa Hifadhi na alikuwa na jukumu la kuendesha Hifadhi.



Migogoro inayohusiano na ardhi pia ina hatari zinazopaswa kuchanganuliwa. Kati ya sampuli kumi za Hifadhi tulizoshughulikia, Hifadhi tatu, kusini mwa Kenya zinatumiya modeli /njia ya kuwaleta pamoja watu binafsi wanaomiliki mashamba nakuwafanya wanachama wa Hifadhi. Hatari kubwa hapa inatokea wakati wa kuuza ardhi ambapo mnunuzi anayepatikana hana haja na shughuli za Hifadhi. Hili husababisha migogoro ya ndani kati ya wamiliki wa Hifadhi na kuhatarisha hadhi ya Hifadhi kama shirika. Moja ya mauzo ya namna hii ilianguziwa sana katika vyombo vya habari pale ambapo moja ya kampuni ya kibiashara ilinunua ardhi kutoka kwa mwanachama na Hifadhi na washiriki wengine wa jamii wakampeleka mnunuzi kwa Mahakama ya Kimazingira ya Taifa, iliyounga mkono jamii. Mnunuzi alikata rufaa kuhusu uamuzi huu na kufikia wakati wa utathmini wa huu, jamii ilikuwa bado inangojea uamuzi kutoka kwa Mahakama ya Rufaa. Uoga tuliouzungumzia sasa uko wazi: Ikiwa mahakama itaunga mkono wakulima wa kibiashara kwa kusema kuwa ardhi ya Hifadhi inaweza kuingiwa na kugawanyika watu binafsi, huu utakuwa msukumo ama motisha kwa wanajamii wengine kuuza ardhi yao kwa watu wa nje, na kwa kufanya hivyo, kuchangia kumalizika kwa Hifadhi.

Mbali na mizozo iliyotokea ikijumuisha vitisho kwa maisha ya Mwenyekiti wa Bodi ya Hifadhi, tunashikilia kwamba, vitendo kama hivyo vinaweza kubadilisha modeli ya umiliki wa ardhi ya wanachama wa Hifadhi katika eneo la Kusini mwa Kenya ambako modeli hiyo imekuwa na mafanikio si haba. Baadhi ya mashirika ya ufadhili na ya watu binafsi hukodi ardhi kutoka kwa wanajamii ili kuilinda, lakini kunauwezekano wakupata mnunuzi na kuuza. Hatari hii inapaswa kushughulikiwa haraka ipasavyo, kwa sababu katika kila moja ya Hifadhi ambapo modeli hii inatumika, mauzo ya ardhi yalifanyika na kusababisha

wanunuzi wa nje ambao hawaungi mkono shughuli za Hifadhi kujiunga na jamii na kuleta hatari kwa malengo ya Hifadhi. Jambo lingine lililojitokeza ni shughuli za kibiashara za kukodisha ardhi ya kujenga mahoteli, hasa zile zilizofanywa kati ya Hifadhi na wageni hazikuheshimiwa na waliokodi.

Ingawa kuna mikataba ya maelewano yanayohusiana na matumizi ya ardhi na maliasili yaliyokubaliwa na wawekezaji, kulikuwa na malalamishi ya jumla ambapo jamii fulani ilipinga makubaliano. Mwisho, Hifadhi ambapo wenyeji ni wachache pia zilidhihirisha hatari kubwa za ukiukaji wa haki za mashamba na mazingira. Kwa sasa ongezeko la hatari kwa haki za ardhi na mazingira zinahusika na hatari na kiwango cha juu cha hatari ya haki za kijamii na kiuchumi, hasa kutokana na kutegemea ardhi na mazingira, mapato ya kijamii, kiuchumi na utaftaji wa riziki za kujikimu kimaisha.

Uchambuzi wetu umegundua kwamba, pale ambapo ardhi ya Hifadhi imekodishwa na watu wasiohusika na Hifadhi/wageni ambao wanalipa kodi ya kila mwaka kwa Hifadhi kwa njia ya pesa, kiwango cha hatari ya mapato ya kijamii na kiuchumi ni cha chini, hata ingawa hali hii inakuwa na hatari kubwa kwa haki nyingine kama ilivyozungumziwa hapo juu. Tunaamini kuwa hii inaweza kusababishwa na hali kwamba mapato haya ya kila mwaka yanatabirika na kutarajiwa na wanajamii, kwa hivyo, ni rahisi kuyapangia na kuyagawa. Hifadhi zenye mipangilio thabiti ya kifedha na wafanyakazi wenye uwezo wa kiutenda kazi, wamedhihirisha kuwa wanajamii wamefaidikia kutokana na kukodi huku ambapo pesa wanazopata kila mwaka zime-wapa motisha wakutotaka kuuza ardhi.



2. Utovu wa usalama na vitisho kwa maisha na mali za jamii katika Hifadhi hizi bila shaka ndiyo hatari inayoenea zaidi kutokana na kuhusishwa mara kwa mara kwa vitisho hivi kwa wanyamapori na jamii za nje

Mwenendo wa kawaida uliopo ni kwamba katika jamii ambazo hali zao za maisha ni ufugaji, ripoti za juu zaidi za hatari kubwa kwa haki zinazohusiana na usalama, haswa usalama wa watu na mali, na ambazo zimeenea, zinatokana na migogoro kati ya binadamu na mwenzake. Uhusiano kati ya hali ya maisha ya watu na haki za usalama ni jambo lililopo na lisiloshangaza, kwamba ni kutokana na vitisho vya jamii jirani. Hatari za migogoro midogo zaidi zimetajwa katika jamii ambazo zinamchanganyiko wa nyenzo za kutafuta riziki, ambapo maisha yao ni tofauti na yanajumuisha ufugaji na kilimo.

Mwenendo mwingine unaohusiana na usalama unaojitokeza katika Hifadhi za jamii ambapo watu wa kiasili na jamii wenyeji ni wachache. Hii ni hatari kubwa kwa haki zinazohusiana na usalama. Hatimaye, mwenendo mwingine unaojitokeza ni uwiano kati ya ongezeko la hatari kwa haki za usalama na hatari zilizopo za haki ya ardhi, haki za mazingira na haki za wenyeji. Mwambatano huu unaweza kuwa ni kutokana na migogoro au masuala ya usalama yanayohusiana na ardhi au maliasili.

Ulipwaji fidia kwa ajili ya kupoteza maisha au kupata majeraha makubwa yanayosababishwa na mashambulizi ya wanyamapori ni changamoto kubwa kwa wanajamii katika nyingi ya Hifadhi. Jukumu hili lililopewa Shirika la Huduma ya Wanyamapori ya Kenya (KWS)¹⁶ linaonekana kukabiliwa na misimamo tofauti ya kisera (yaani,

afisa mmoja wa KWS alitaja kuwa jeraha kutoka kwa wanyama fulani, nyoka kwa mfano, halilipiwi fidia, ila kwengineko, takwimu nyingine ilionyesha vinginevyo), na hii huleta mkanganyiko miongoni mwa wanajamii. Fidua huchukua hadi miaka saba kumfikia mwanajamii, na kutokana na ucheleweshaji huu wa fidua baada ya mashambulizi ya wanyamapori, inadhaniwa kwamba kuna hisia za kutopenda au kupinga Hifadhi katika baadhi ya watu fulani katika jamii.

Katika nyingi za Hifadhi, Utathmini pia unabainisha mitazamo fulani inayohusishwa sana na fikra za pamoja za watu kuhusu Hifadhi zinazohusishwa na athari za wanyamapori kwa maisha, na nyenzo za maisha za kutafuta riziki - kwa mfano katika baadhi ya Hifadhi, wanajamii wanahusisha mauaji ya ndovu na kuwepo kwa Hifadhi, na kuhoji thamani za Hifadhi ikiwa maisha ya mwanadamu itapotea. Kwengineko, wanajamii wengine, licha ya vifo vinavyohusiana na wanyamapori, hupata thamani katika modeli (mtindo) wa Hifadhi unaoshughulikia hatari hii na wanaimani kuwa Hifadhi zitaweza kupunguza vifo hivyo. Hivyo, ni muhimu kushughulikia mchanganyiko wa hisia hizi ili kuhakikisha malengo ya Hifadhi yanajikita katika Hifadhi na maslahi bora ya jamii.

Tunatambua kwamba hii ni moja ya hatari ambayo haiwezi kuhusishwa moja kwa moja na kuwepo kwa Hifadhi, na ukweli huu lazima uthaminiwe. Hata hivyo, uzito wa suala zima na kutokea kwa mara kwa mara kwa hatari hii katika Hifadhi tisa kati ya 10, na dhana kwamba Hifadhi zinatetea Hifadhi wa wanyamapori, ambao wanajamii wanahusishwa na ukosefu wa usalama, ni kweli kwamba katika kuchanganua Hifadhi hizi, mtu hawezi kuficha masuala haya.

3. Watu wa Kiasili na jamii wenyeji wana dhana ya ushawishi wa ukoloni mamboleo kutoka kwa wasomi au washirika wachache kwa njia ya watu binafsi au mashirika yaliyo na nguvu fulani ya kisiasa, kijamii na/au kiuchumi juu ya Hifadhi na malengo yake

Tulipata pia mtazamo unaotegemea rangi ama chuki dhidi ya baadhi ya wafugaji, wawekezaji na hata waanzilishi wa Hifadhi ambao mara nyingi ni wazungu au watu wanaodhibitiwa zaidi na watu weupe, kwa mtazamo wa kukodi. Mtazamo huu hautokani na ubaguzi wa wazi au wa kikandamizaji, ingawa wanajamii fulani waliwaona kuwa walaghai wanaotumia vibaya nafasi zao za upendeleo kupitia udhibiti au ushawishi wa Hifadhi kwa madhara ya watu wa kiasili na jamii wenyeji.

Katika idadi kadhaa ya Hifadhi zilizotembelewa, chuki imeongezeka kati ya wahifadhi na wazungu waliowamiliki wa mahoteli ambazo zinadaiwa hazilipi kodi zinazohitajika kwa kutumia ardhi ya Hifadhi. Hali hii ndiyo inayopitiwa na vikundi vingi vya wachache wasio na mamlaka. Katika maeneo mengine nchini, mfungamano mdogo wa wazungu wenye ushawishi, licha ya wengi wa wafanyakazi wake kuwa wenyeji, lilichukuliwa kuwa sababu ya wingi wa makosa katika Hifadhi. Wanajamii katika Hifadhi nyingine walionekana kutilia mkazo mwanzilishi wa kizungu na kuhusisha hali yao ya kutokuwa na uwezo wa kujiendeleza kama Hifadhi na mbinu zake za kutumia nguvu wakati wa kuanzisha Hifadhi, na uongozi wake, huku wengine wakimtuhumu kwa kuendesha Hifadhi kama ufalme wake binafsi.

Mojawapo ya mienendo ya kuvutia zaidi tunayotambua na ambayo huathiri haki za watu asili na jamii wenyeji inahusiana na athari ya wahusika waku-fichika ambao kwa kawaida wana udhibiti mkubwa wa masuala ya Hifadhi. Tunatambua aina mbalimbali za wahusika hao wenye ushawishi, kwa kawaida katika mfumo wa shirika mwamvuli la Hifadhi au shirika la kitaifa lisilokuwa la kiserikali la Hifadhi ambalo, kwa maoni yetu, limesimamia Hifadhi na kuendesha shughuli zake. Moja ya ishara ya hali hii ambayo tulishuhudia mara moja ni jinsi baadhi ya wanajamii walivyowataja wafanyakazi wa Hifadhi. Badala ya kuwaita waajiriwa, waliwapachika jina kuwa ni wafanyakazi wa shirika lingine, kutokana na “kumezwa” kwa Hifadhi hio na shirika ambalo limejikita katika jamii. Matokeo ya haya yanaonyesha kuwa Hifadhi za jamii zinazosimamiwa na mashuhuri waliojitenga huangazia hatari kubwa na ukiukaji wa haki. Kwa kulinganisha, Hifadhi tulitafiti ambazo hazikuwa na washirika wa aina hii, zilionyesha hatari ndogo zinazohusiana na haki za watu wakiasili na jamii wenyeji. Huu ni mtindo unaofaa kuangaziwa na ikiwezekana, kuangaliwa zaidi katika siku zijazo ili kushughulikia athari hizi za mashirika ya aina hii.

Muongano mwingine unaojidhihirisha unahusisha wahifadhi ambao wamepokea ukadiriaji unaoweka haki za wenyeji katika hatari kubwa, ambayo pia inalingana na hatari kubwa ya usawa na ubaguzi katika jumuiya/jamii kwa ujumla. Hii inapatikana hasa ambapo jamii ni za asili tofauti na zenye muundo tofauti, yaani, katika hali ambapo wahifadhi huvuka mipaka ya kaunti na vikundi mbalimbali vinaiishi, au jumuiya mbili zinazozozana kukubaliana kumaliza mizozo kupitia uundaji wa Hifadhi. Ubaguzi zaidi pia hutokea miongoni mwa vikundi vidogo vya watu wa kiasili, ambapo kundi kubwa zaidi limenufaika na linadhibiti Hifadhi, hali ambayo ina athiri kikundi kidogo.

¹⁶ Jukumu hili ni la kisheria hata pale ambapo wanyama wamo katika Hifadhi ya kijamii

4. Mifumo ya umiliki wa ardhi ya Hifadhi inaonekana kuwa na athari kwa haki za wanawake na wa wa Kiasili na jamii wenyaji katika kufanya maamuzi na ushiriki.

Uchambuzi wetu unagundua kuwa Hifadhi ambazo umiliki wa ardhi ni wa kibinafsi unaleta hatari kubwa ya ukiukaji wa haki za wanawake. Hii inatokana na ukweli kwamba katika jamii nyingi tulizozichanganua, ambapo hati miliki ya kibinafsi imeenea katika mfumo wa umiliki wa Hifadhi, wanawake hawana haki ya umiliki wa ardhi. Hatari hii inaongezeka pale ambapo kufanya maamuzi kuna-husishwa na umiliki wa ardhi, na wamiliki wa ardhi pekee ndio wanaoweza kushawishi mwelekeo wa shughuli za Hifadhi na kwa hivyo, moja kwa moja, kuwatenga wanawake. Katika Hifadhi moja ambapo idadi kubwa ya wanawake wanamiliki ardhi na hivyo kuhusika katika kufanya maamuzi, kulikuwa na hatari na athari ndogo pia kwa kulinganisha na ukiukaji wa mara kwa mara wa haki mahususi tulizochanganua hususan kwa wanawake.

Mada nyingine mtambuka, inayohusiana na jinsia na ardhi, ni kwamba Hifadhi za jamii katika ardhi za jumuiya/jamii (kinyume na Hifadhi za jamii katika ardhi ya umma au binafsi) zina hatari ndogo ya ukiukwaji dhidi ya wanawake katika viashiria vingi. Hili lilikuwa jambo la kushangaza, ikizingatiwa kwamba udurusu wetu na uchunguzi ndani ya baadhi ya Hifadhi zilizo katika ardhi za jamii zilionekana kutowakilisha vya kutosha haki za wanawake, lakini takwimu zilionekana kupinga jambo hili. Huenda ikawa ni kitu cha kuchunguzwa zaidi katika tafiti zijazo.

Haki za wenyeji pia huathiriwa kwa hila kulingana na aina za ardhi ambazo Hifadhi imekalia. Hifadhi zilizoko kwenye ardhi ya serikali zinaonyesha hatari kubwa ya ukiukaji wa haki za kibinadamu kwa watu asili na jamii wenyeji kuliko zile zilizo juu ya ardhi ya kibinafsi au ya jamii. Hapa, serikali inamiliki ardhi na tangu kuanzishwa kwa Hifadhi hiyo, inaendesha na kusimamia shughuli za utendakazi katika ardhi ya umma huku kuna mkataba wa makubaliano yalitolewa kwa Hifadhi kutoa huduma za utalii wa iko- lojia. Kutokana na hali hiyo, watu asili na wenyeji wanaoishi kwenye ardhi wako chini ya sheria na kanuni za mamlaka inayodhibiti ardhi inayomilikiwa ambayo inazuia upatikanaji wa malisho ya wanyama kama vile mbuzi na jamii kubwa ya mifugo wanaomilikiwa na wenyeji na wanayotegemea kwa maisha yao ya kila siku. Hatari kubwa zaidi zinazohusiana na haki za wenyeji, ingawa kwa kiwango kidogo kuliko ile iliyochanganuliwa katika ardhi ya umma, hupatikana katika baadhi ya Hifadhi zilizo katika ardhi ya jamii. La kuvutia ni kwamba, Hifadhi ambazo ziko kwenye ardhi ya kibinafsi ambapo wamiliki wa hati miliki waliungana kama wanachama wa Hifadhi zao, ziliwasilisha hatari ndogo zaidi kwa ukiukaji wa haki za watu asili na wenyeji.

5. Kutofautiana kwa makabila kulisababisha ongezeko la vitendo vya ubaguzi vinavyotokana na Jumuiya za Maeneo ndani ya Hifadhi, hasa dhidi ya Wenyeji

Kama itarajiwavyo, pale ambapo Hifadhi zinaa jamii wenyeji wachache wa jamii za asili tofauti, hatari kubwa ya kushirikishwa katika jitihada za usimamizi wa Hifadhi huwa za kiwango cha chini zaidi. Jamii wenyeji ambazo mara nyingi hujulikana kama jamii kuu za Kenya au zinazowakilishwa na watu wachache wenye uwezo na ushawishi katika Hifadhi, zina ushawishi mkubwa zaidi dhidi ya watu wa asili. Hii inaathiri Watu wa Asili na haki zao za kutumia, kupata na kufaidika kutoka kwa ardhi na rasilimali zake. Badala ya kujiendeleza kama watu wa jamii, walio wachache hushuhudia kuzorota kwao kutokana na ushiriki mdogo katika Hifadhi. Kwa mfano, katika baadhi ya ardhi za kihistoria za Watu wa Asili, jamii zimechukua na kuendesha sehemu hizi za Hifadhi, bila kuwahusisha watu wa asili. Polepole lakini kwa hakika, haki ya watu wa asili ya kujiamulia inaathiriwa vibaya. Kwa hivyo, kunauwezekano kwamba hivi karibuni Watu wa Asili hawataweza kujitawala ikiwa Hifadhi zitaendelea kusimamiwa kama zilivyo.

Utathmini wetu pia unatuhitaji kutafakari na kukiri kwamba kuna ubaguzi wa kimuundo ndani ya muktadha wa kijamii wa Kenya, ambapo rangi, kabila, utabaka na hata ushawishi huenea katika jamii na kushikilia kama vimelea vishikiliavyo, mwingiliano wa kijamii wa Hifadhi pia. Hii inajitokeza kama ukosefu wa usawa ambapo wenyeji au vikundi vidogo vya makundi, hasa wanawake, na kwa kiwango fulani, vijana, wanakabiliwa na desturi za kibaguzi ambazo aidha Hifadhi inazikuza, au hawazizungumzii ama kuweka vizuizi dhidi ya desturi hizo.

6. Makosa ya kujamiiana na uhalifu hupatikana katika baadhi ya Hifadhi, na katika hali fulani, huhusishwa na wafanyakazi au kuendelezwa kutokana na Hifadhi kutoshughulikia masuala hayo

Matukio ya ubakaji, unyanyasaji wa kijinsia, na kunyimwa fursa au huduma pia hutokea katika baadhi ya Hifadhi, ama miongoni mwa wafanyakazi, au pale ambapo wafanyakazi wanatuhumiwa kutenda uhalifu wa kijinsia dhidi ya wanajamii. Hali hii ya ukiukaji hutokea katika takriban thuluthi moja ya Hifadhi zilizofanyiwa utathmini. Inatekelezwa na walenzi, wafanyakazi wa kiume, na katika hali fulani kutoshughulikiwa na Hifadhi au viongozi wa eneo inaporipotiwa, na hivyo kukuza mazingira ambapo utovu wa nidhamu kama huo unavumiliwa au kukubalika kwa dhahiri. Wengi wa askari misitu (Mgambo) ni wanaume katika ya Hifadhi zote, wanawake wakiwa wachache sana. Isipokuwa Hifadhi ziweke hatua za kutosha kushughulikia dhuluma za ngono, ukiukwaji huu wa haki utaendelea.

Pia tunashuku kuwa kuna uwezekano wa kuwa na visa zaidi vya ukiukaji wa ngono ambavyo hatukuelezwa. Uhalali wetu wa tuhuma hii unatokana na asili ya kibinafsi ya kosa hilo na uwezekano wa wanawake wanaojitokeza na kuzungumzia makosa kama hayo kufanyiwa madhara kama njia ya kulipiza kisasi. Kulipiza kisasi huku kunatia wasiwasi zaidi ikizingatiwa kwamba kuna matukio ambapo mfanyikazi mkuu wa Hifadhi, na walinzi - ambao mara nyingi wana silaha na wanachukuliwa kuwa wenye nguvu - walishtakiwa kufanya uhalifu wa ngono. Matokeo ni kwamba, kuna hofu kati ya waathiriwa ambao hawawezi kuzungumzia masaibu yao kwa sababu hawajui mwitikio wa mfanyakazi mtuhumiwa au mgambo utakuwaje. Zaidi ya hayo, wahasiriwa wanaogopa aibu ambayo tukio kama hilo linaweza kuleta, hasa katika jamii za kitamaduni na ndani ya jamii ambapo unyanyapaa kuhusiana na masuala ya ngono bado upo licha ya mtu kuwa mwathirika.

7. Miundo ya utawala kama ilivyo sasa ndani ya Hifadhi za jamii, iwe rasmi au isiyo rasmi, inaweza kuathiri vibaya kiwango cha maamuzi ya jamii na kuongezeka kwa migogoro

Katika Hifadhi kuliko na pande mbili za miundo ya utawala (yaani, mamlaka ya serikali inayotumia udhibiti mkubwa ndani ya Hifadhi pamoja

na usimamizi wa shirika la kibiashara), wanajamii walidhani kwamba Hifadhi au mamlaka ya serikali ingechukua jukumu juu ya baadhi ya kipengele usimamizi wa Hifadhi suala, ambalo mara nyingi hugusa jamii moja kwa moja, mara nyingine, vibaya. Walakini, hili haifanyiki - au hata haliwezi kutokea. Kwa mfano, jukumu la kuiweka jamii ya wahifadhi salama na kuiruhusu kufikia maliasili za Hifadhi linaweza kuwekwa kwa wasimamizi, lakini kwa mujibu wa sheria ufikiaji unakubaliwa tu na mamlaka ya serikali, ingawa wanajamii hawalijui hili. Ukali wa serikali pia unaweza kusababisha migogoro ya juu zaidi ambapo FPIC inakiukwa, kwa mfano, na kusababisha ulipizaji kisasi na kuhatarisha/ kutishia mpango mzima, kama tulivyoshuhudia katika hali fulani na hatimaye kuhusishwa na Hifadhi yenyewe. Zaidi ya hayo, hata pale ambapo taratibu za utawala wa kitamaduni au kimila zilikuwepo, tuligundua kwamba hizi zina mwelekeo wa kukiuka taratibu za serikali za utawala, na mara nyingi huwa na ubaguzi dhidi ya wanawake, watu asili na wenyeji, na vijana.

8. Hifadhi zilizo na hatari kubwa zinazohusiana na haki za wanawake pia zina hatari kubwa za haki za kijamii na kiuchumi na ushiriki.

Hifadhi ambapo haki za wanawake zilikiukwa na kuwasilisha hatari kubwa pia zilikuwa na kiwango cha juu cha hatari na ukiukwaji wa haki za kijamii na kiuchumi na ushiriki wa jamii pana. Hii inaweza



kuwa inatokana na moja, wingi wa majukumu ya kijamii na kiuchumi yanayohusiana na maisha yanayowakabili wanawake ndani ya Hifadhi za jamii, na mbili, ushiriki mdogo wa wanawake katika masuala ya ushiriki wa haki, hasa katika kufanya maamuzi, na vilevile, haki ya usawa na uhuru wa kutobaguliwa. Kuhusu utatuzi wa migogoro, kwa mfano - tuligundua kwamba hata njia za kitamaduni za kukabiliana na migogoro ambazo zilikuwa zikitumiwa na jamii, bado zingewatenga kabisa wanawake kushiriki na hata kutumia mbinu dume za kutatua migogoro, kama ilivyotajwa hapo juu katika mada mtambuka iliyotangulia.

B. UTAMBULISHO WA SUALA LA KIPAUMBELE

Ripoti hii inawasilisha matokeo na uchambuzi mbalimbali unaotokana na HERRA yetu katika Hifadhi za jamii nchini Kenya. Hata hivyo, ili kuhakikisha kwamba wale wanaohitajika kuchukua hatua dhidi ya hatari na ukiukaji ulioainishwa katika ripoti hii wanafanya hivyo kwa njia inayobainisha mambo makuu matano uingiliaji kati wa haki zinazohitaji kupewa kipaumbele, tumetoa orodha hapa chini kwa utaratibu wa kipaumbele:

1. Usalama wa umiliki wa ardhi na haki ya jamii kutumia, kuendeleza na kudhibiti maeneo na rasilimali

Kutokana na uchambuzi wetu, mada moja mtambuka ambayo inaonekana kuathiri idadi ya haki muhimu ni ile ya ardhi. Inagusa Watu Asili na Jamii Wenyeji, wanawake na inaathiri haki za kijamii na kiuchumi na nyendo za maisha, huku manufaa yanayotokana na modeli ya Hifadhi pia yanahusishwa na ardhi. Zaidi ya hayo ni kwamba kuwepo kwa Hifadhi au “umoja” wao uko hatarini iwapo usalama wa umiliki wa ardhi na namna wanavyotumia rasilimali zao hautashughulikiwa hivi karibuni; kuwepo kwa Hifadhi kunawekwa hatarini.

Suala hili ni kipaumbele cha dharura na lazima lishughulikiwe haraka iwezekanavyo (ndani ya miezi mitatu hadi sita ijayo), ingawa linahitaji mtazamo wa muda mrefu kutokana na matatizo magumu ya kushughulikia masuala ya ardhi nchini Kenya.

2. Usawa wa wanawake na uhuru wa kutobaguliwa

Mengi zaidi lazima yafanywe ili kuhusisha wanawake katika Hifadhi za jamii. Kuna haja kubwa ya kutambua njia ambazo ushiriki wao unaweza kurasimishwa na kuwapa sauti. Wengi wa wahifadhi hukaa ndani ya jamii zilizo na historia ya mfumo dume na kwa hivyo, Hifadhi unaonyesha mpangilio huu wa mfumo dume, wakati katika hali zingine, huwachukulia wanawake kama kikundi kisicho cha muhimu au kinachotarajiwa kutii tu masuala ya Hifadhi hizi za jamii. Kwa

mfano, mifano chanya ambapo wanawake wanaweza kumiliki ardhi huwawezesha kuinua uwezo wao wa kufanya maamuzi ndani ya Hifadhi na kuleta athari nzuri za kujenga uzoefu wao ndani ya Hifadhi za jamii. Pia, ingawa si mwingi, uhalifu wa kijinsia unaoripotiwa haujidhihirishi vizuri na juhudi lazima zifanywe ili kuunda mazingira ambapo haki za wanawake zinaheshimiwa katika suala hili. Hata hivyo, kama mwanzo - ushiriki na ushirikishaji wa maana wa wanawake katika kufanya maamuzi ni muhimu, kama njia moja ya kuanza kupiga hatua kuelekea kupunguza hatari zinazohusiana na haki za kijinsia.

Suala hili ni suala la kipaumbele na la dharura na lazima lishughulikiwe haraka iwezekanavyo (ndani ya miezi sita hadi kumi na miwili ijayo), kwa kuchukua mbinu ya kimfumo zaidi na kubainisha jinsi ya kuleta athari za muda mrefu ndani ya Hifadhi kwa wanawake, kwa njia ifaayo na uwekezaji unaotambulika na unaozingatia uzoefu wa wanawake ndani ya Hifadhi na unaoakisi viwango vinavyokubalika kimuktadha.

3. Ukosefu wa usalama - yaani haki ya kuishi, migogoro ya binadamu na wanyamapori, migogoro ya binadamu na binadamu, na vitisho kwa usalama wa mtu na mali

Ni busara kurudia kusema jambo hili: Migogoro ya binadamu na wanyamapori, pamoja na vitisho vingine kwa maisha na mali kutoka kwa jamii jirani hazihusiki moja kwa moja na Hifadhi. Kama Hifadhi hizi zisingekuwepo, migogoro uleule ungeendelea kuwepo, labda kwa viwango tofauti. Hata hivyo, kinachofanya suala hili liwe muhimu kutokana na utathmini huu na hivyo kupewa kipaumbele cha juu, licha ya kufunikwa na masuala ya ardhi na haki za wanawake, ni ukweli rahisi ambao Hifadhi hizi zina lengo la kuhifadhi na kulinda asili, ambayo ni pamoja na baadhi ya wanyamapori wanaovamia. Kupuuza ukweli huu na kuweka kando hatari ya mizozo kati ya binadamu na wanyamapori, pamoja na aina nyinginezo za migogoro inayotokana na jamii jirani itakuwa ni ongezeko la hatari ndani na za kujiletea, hata pale ambapo hatari hiyo haihusiani na Hifadhi. Inasababisha kupoteza maisha, majeraha makubwa ya kubadilisha maisha, na hata uharibifu mkubwa wa mali - haiwezi kupuuzwa ikiwa mtindo wa Hifadhi utastawi. Hifadhi moja haswa ilikuwa na muundo wa kushangaza wa kutathmini uharibifu kutoka kwa wanyamapori na fidia kwa wanajamii ambao unafaa kuchanganuliwa na kuigwa mahali pengine. Zaidi ya hayo, kutomakinika kwa KWS katika masuala ya fidia, pamoja na ucheleweshaji mkubwa wa ulipaji wa majeraha au wa kupoteza maisha kutokana na wanyamapori ni kipengee kikubwa cha kutoridhisha katika Hifadhi za jamii - ambayo ni fursa ya kuingilia kati.

Suala hili ni la kipaumbele, ingawa si la dharura sana, na linapaswa kushughulikiwa kwa kufanyia majaribio mtindo wa kulishughulikia katika idadi ndogo ya Hifadhi kabla ya kusambazwa kote nchini. Ratiba ya matukio ya miezi 12 hadi 24 inaweza kuwa ya busara ili kujaribu muundo wa kuishughulikia na kuirekebisha.

4. Haki za Watu Asili na Jamii wenyeji, hasa kuhusu kufanya maamuzi, hata wakiwa wachache

Watu asili na wenyeji wanakabiliwa na changamoto za kipekee, kama ilivyoonyeshwa hapo juu, haswa katika Hifadhi za jamii zilizo na muundo tofauti. Hata hivyo, hata katika Hifadhi nyingine ambapo ulinganifu wa wenyeji upo, baadhi ya vikundi vidogo bado vinakabiliwa na ubaguzi. Mojawapo ya ukiukwaji mkubwa zaidi unaohusu haki za watu asili na wenyaji ni miundo na mazingira mbalimbali ya Hifadhi ambayo yanaruhusiwa kuimarika na kusababisha kushindwa kwao kushiriki kikamilifu katika kufanya maamuzi. Pia wanakabiliwa na matakwa ya watu binafsi na mashirika yenye ushawishi kutoka nje ambayo yanapuuza au kutumia wenyeji kushinikiza ajenda yao ya uhifadhi. Hivyo basi, haki za wenyeji na uwezo wao wa kujitawala kikamilifu unazuiwa. Zaidi ya hayo, tofauti kati ya watu asili na jamii wenyeji lazima ithaminiwe, hasa wakati wa kuchanganua suala hili la kipaumbele, ikizingatiwa kwamba watu asili ambao nyenzo za maisha yao yanahusiana zaidi na tamaduni zao na utu wao kama jamii, hawawekwi katika mstari wa mbele ifikapo masuala ya Hifadhi ya jamii. Uchunguzi kamili na thabiti wa ukiukaji huu wa hatari na haki unauwezekano mkubwa wa kufichua vitu vidogovidogo vya msingi, mienendo na mada ambazo ni kubwa zaidi ya matokeo ya utafiti huu, na hivyo inastahili mbinu ya kipekee kuingilia kati.

Suala hili pia ni la kipaumbele, lakini la dharura kiasi, na linapaswa kushughulikiwa kwa heshima na usikivu mkubwa kutokana na jinsi watu asili na wenyeji wanavyofafanuliwa sio tu katika mukadha wa Kenya, bali kwa upana ndani ya Afrika. Kuchambua hasa watu asili na jamii wenyeji ni nini ndani ya Hifadhi ya Kenya itakuwa muhimu, na kupata uungwaji mkono na wao wenyewe, hasa kufuatia ushirikiano tofauti na watu asili pamoja na wenyeji, kunaweza kufanya mchakato mzima kuwa wa maana zaidi. Muda unaowezekeka wa kubainisha hapa ni miezi 12 hadi 24.

5. Haki ya faida inayopatikana kutoka kwa Hifadhi

Mitindo iliyopo ya Hifadhi, hasa zile zilizo na wahusika wengine wenye ushawishi mkubwa au wasio na uwazi ambao wametenganisha sehemu kubwa za jamii zao, ni tishio kwa vipengele vya ugavi wa manufaa ya Hifadhi za jamii. Katika sehemu nyingi za Hifadhi hizi za vyama hivi, kulikuwa na hisia za kutoridhishwa na ukosefu wa uwazi juu ya

jinsi Hifadhi inavyotumiwa kuzalisha fedha na jinsi mafanikio haya yanavyofikia jamii halisi. Hatari hii kwa kiasi kikubwa ilihusishwa na mitazamo ya wana-jamii waliohojiwa, lakini pamoja na hayo, matukio ya rushwa yalitajwa kuwa yanatoa sifa mbaya kwa walengwa wa Hifadhi hizo. Zaidi ya hayo, katika Hifadhi mpya na zilozimarishwa vyema, baadhi ya washikadau walilalamika kuwa hakuna njia maalum kuhusu jinsi Hifadhi unavyoweza kuwaletia manufaa yanayoonekana na hata ya kifedha.

Kati ya vipaumbele vitano, hiki ndicho cha chini na cha dharura zaidi (wakati ikiwa, kwa maoni yetu, kipaumbele na cha dharura ya juu ikilinganishwa na orodha pana ya haki na hatari zilizochanganuliwa), lakini licha ya hii, kinaweza kuweka mwelekeo wa Hifadhi wa sasa hatarini ikiwa hakijachambuliwa kupitia kwa mtazamo wa riziki na hata wa kijamii na kiuchumi. Kushughulikia hili ndani ya miezi 24 hadi 26 kunaweza kufaa zaidi, haswa ikiwa rasilimali na wakati zaidi utawekwa kwa masuala manne yaliyo hapo juu kabla ya hili.

C. UCHAMBUZI WA PENGO

Tukiangalia nyuma na kukagua takwimu, tulitambua vizuizi fulani, matokeo yasiyotarajiwa au maeneo mengine kwa ajili ya uchunguzi na ushirikiano zaidi. Zaidi ya hayo, sehemu hii inapaswa kusomwa pamoja na sehemu ya 'Mapungufu na Changamoto' mapema katika ripoti hii, kwa kuwa vipengele hivyo pia vilichangia pakubwa katika vizuizi fulani ambazo utafiti ulipitia. Mapungufu yetu ni pamoja na (bila mpangilio maalum):

- **FPIC:** Tunashangazwa na takwimu ya FPIC, ambayo inaonyesha kwa upana idadi ya matukio ya hatari kubwa katika seti nzima ya takwimu. Ni muhimu kukumbuka kwamba mtazamo wa kitaifa wa kukaribia uanzishaji na uendeshaji wa Hifadhi zilizofanyiwa utathmini unaweza kuchangia hili, kutokana na kuzingatia zaidi masuala ya FPIC yamekuwa katika Hifadhi za 'kaskazini'. Tunagundua kwamba wakati wa uanzilishi wa Hifadhi, FPIC ilikuwa bado katika kiwango kinachoendelea na kuchukuliwa na waanzilishi au jumuiya mbalimbali kwa viwango tofauti - bila shaka si kwa viwango vinavyotarajiwa- lakini hata hivyo kwa kiasi fulani. Zaidi ya hayo, viwango vya chini kabisa kama vile Mikutano Mikuu ya Mwisho Mwaka, vinaakisiwa katika Hifadhi nyingi, kwa mfano - ushawishi wa mifumo ya sasa ya biashara iliyopangwa nchini Kenya, ambayo Hifadhi unaonekana kuwa chini yake. Kwa hiyo, maswali kuhusu FPIC yanayohitaji kushughulikiwa kuhusu uanzishwaji wa Hifadhi za jamii yanapaswa kuwa kama: FPIC ilitimizwa kikamilifu; watu asili na wenyeji walipewa taarifa zote zinazohitajika kufanya maamuzi sahihi; habari ilieleweka na wenyeji katika lugha na istilahi; wenyeji walilazimishwa kufanya uamuzi; na, wenyeji walijua

wanaweza kukataa wazo hilo au kulisimamisha hadi majadiliano zaidi yafanyike.

Tuligundua kwamba katika baadhi ya matukio, maamuzi ya watu asili na wenyeji yaliathiriwa na uwezekano wa mgao wa kugawana faida kupitia utalii au shughuli nyingine za kuzalisha mapato, kuongeza safu ya usalama wa umiliki wa ardhi, na mbinu wazi zaidi za fidia kutokana na hasara na migogoro ya binadamu na wanyamapori. Hatukupata ushahidi wowote kwamba ndivyo hali ilivyo, ingawa kwa nadharia, Hifadhi inaweza kuwa na mawasiliano ya moja kwa moja na Shirika la Wanyama wa Pori au na mashirika ya kimataifa ya Hifadhi ambayo yanasimamia mipango ya fidia ya migogoro ya binadamu na wanyamapori. Utafiti unaweza kuchanganua jambo hili zaidi na kutofautisha kiwango cha FPIC iliyofanywa wakati wa kuanzishwa na katika shughuli zote za Hifadhi - na hii inaweza kuwa marudio ya mchakato huu baadaye. Utathmini zaidi wa jambo hili unaweza pia kujaribu kuchora picha ya jinsi FPIC inavyoonekana ndani ya Hifadhi hadi sasa na kutambua vipengele vyake muhimu, hasa kutokana na jinsi inavyoingia katika sehemu kubwa ya shughuli na kanuni za Hifadhi wa jamii.

- **Utathmini wa kina wa Watu Asili na Wenyeji:** Sheria moja ya kufanya utathmini wa haki zinazohusiana na watu asili na wenyeji, ni kwamba Hifadhi nyingi tulizochanganua zimeorodheshwa kama Hatari ya Chini. Sababu kuu ya hili ni kwamba katika kesi kama hizo, kundi moja la watu asili na wenyeji linajumuisha Hifadhi wote na kwa hivyo, ubaguzi dhidi yao ni mdogo. Hata hivyo, daraja hili linaweza kuficha hatari zilizopo katika Hifadhi ambapo zaidi ya jamii moja huishi na/au kutawala, kinyume na, jamii za watu asili ambazo ni wanachama wa Hifadhi moja, kama ilivyoangaziwa katika aya hapo juu. Zaidi ya hayo, pia haiwajali wasomi wa kundi la watu asili na wenyeji ambao wana ushawishi juu ya jamii na kuathiri mwelekeo wa Hifadhi kwa njia mbaya, na mara nyingi, yenye madhara. Ushiriki mdogo wa jamii, hata pale ambapo ni wasomi wa wenyeji wote, wanaoongoza shughuli za Hifadhi au hata uanzishwaji, kunaweza kusababishwa ustawi wa ulaji rushwa ndani ya Hifadhi na hivyo, hatukuweza kuishughulikia vizuri katika Utathmini wetu.
- **Vikundi vidogo:** watu asili na wenyeji mara nyingi huunganishwa pamoja, lakini hii ni ya kudhania tu ikizingatiwa kuwa jamii wenyeji wanaweza kuwa na udhibiti katika nafasi sawa wanazoshiriki na watu asili. Pia, watu asili katika hali zingine wanaweza kuwa na vikundi vidogo watu asili wengine ndani, na kubagua kikundi hiki kidogo. Litakuwa jambo la kufaa kuchunguza jambo hili kwani utafiti ulibainisha kuwa uchunguzi wa kina wa masuala yanayokabili watu asili na jamii wenyeji hufanya utafiti kuwa mgumu zaidi na kukosa kufikia mwisho fulani. Utafiti haukuchanganua ukweli

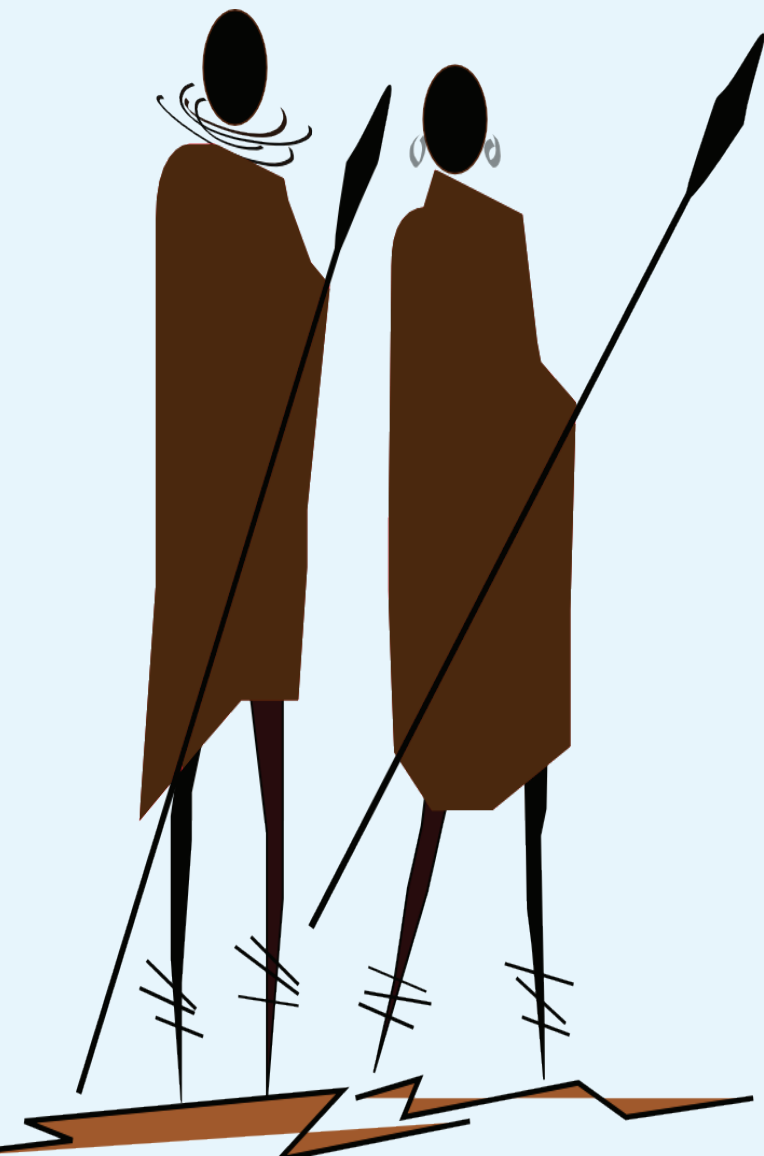
kwamba watu asili kama watu wana haki zaidi, wanabeba utambulisho unaoweza kutoweka, na hivyo kuhitaji kupewa ulinzi maalum. Ili kupata hisia bora zaidi za athari za Hifadhi kuhusu watu asili, hasa juu ya kujitawala kwao, uhuru wao, ulinzi wa utamaduni wao, n.k., itakuwa vyema kufanya utafiti ambao utachunguza hili kwa njia iliyowalenga zaidi.

- **Miundo ya Hifadhi:** Tunatambua kwamba hakuna Hifadhi mbili zinazofanana - huku kila moja ikiwa na njia tofauti za maisha, mifumo ya umiliki wa ardhi, vyombo vya kisheria, n.k. Labda katika siku zijazo, au katika tafiti zinazozingatia hili, wasifu wa Hifadhi wa KWCA unaweza kuchunguzwa ili kutambua vipengele vinavyounda. Hifadhi nchini Kenya na ikiwezekana kuutathmini zile zinazowasilisha miundo ambayo haijashughulikiwa katika utafiti huu.
- **Takwimu ya Msingi:** Kimsingi, ingekuwa vyema kuwa na takwimu za msingi kuhusu hali ya haki za kibinadamu kabla ya utafiti ili kuchunguza mienendo. Ingawa tuliona kuwa baadhi ya wahifadhi walijibu kwa kusema kwamba sasa wanafahamu zaidi haki za kibinadamu na wamechukua hatua kupunguza hatari kati ya wakati wa ukusanyaji wa takwimu na ule wa ushiriki wa matokeo. Labda awamu inayofuata ya utafiti, au baada ya kipindi cha miaka mitatu hadi mitano, utafiti huo unaweza kurudiwa tena ili kung'amua ikiwa kuna mabadiliko au la, kwa mtazamo wa muda mrefu zaidi.
- **Mwongozo wa KWCA:** Mwongozo wa KWCA wa kuanzisha Hifadhi ni nyenzo iliyofahamisha utafiti, lakini kutokana na maswali yetu ya jumla juu ya matumizi yake, ni Hifadhi moja tu iliyotaja kuutumia na kuutegemea Mwongozo huo kwa kazi zao ipasavyo. Labda uchunguzi wa wazi zaidi kuhusu matumizi na utegemezi wake wakati wa kuanzisha Hifadhi unaweza kuwa wa thamani.
- **HRIA na/au Utathmini wa Athari za Kiuchumi ya Migogoro ya Wanadamu na Wanyamapori:** Migogoro ya binadamu na wanyamapori imekithiri ndani na karibu ya Hifadhi. Ukiukaji wa haki na hatari zinazohusiana na hii ilikuwa moja, na ya mbaya zaidi, na inastahili utathmini wa huru wa Athari za Haki za Kibinadamu ndani ya Hifadhi za jamii. Athari za kiuchumi za hasara hizi (yaani, kupoteza maisha kwa wafadhili au kushindwa kufidia) zinaweza pia kufanyiwa utathmini na kutumiwa kama kigezo cha kisera ili kushirikisha serikali au wafadhili/washiriki wanaovutiwa na mwingiliano wa binadamu na wanyamapori.
- **Watetezi wa haki za binadamu:** Inaweza kuwa na manufaa kupata watetezi wa haki za binadamu na mazoea mazuri ndani ya Hifadhi na kuunga mkono juhudi hizo, kuimarisha ulinzi wa haki za binadamu katika jamii zilizoathiriwa na Hifadhi.



Hitimisho

Sura ya tano



Hifadhi nchini Kenya zimekusudiwa kuwa utaratibu wa usimamizi wa Hifadhi wa wanyamapori na watu asili na wenyeji katika maeneo ambayo watu na wanyamapori wanaishi. Ili kufikia viwango vya kawaida na vinavyokubalika, Hifadhi lazima zilinde na kuimarisha haki za kimsingi za kibinadamu za wakazi katika jamii, pamoja na wafanyakazi wao. Inatarajiwa kwamba mashirika ya Hifadhi huanzisha taasisi za utawala wa ndani ambazo nazo hubuni na kuzalisha sera na mipango inayozingatia viwango vya haki za kibinadamu. Sera zinapaswa kushughulikia uhusiano uliopo kati ya maeneo ya ardhi ya wanyamapori na ya jamii jirani za kilimo au ufugaji, usalama wa umiliki wa ardhi, Hifadhi wa viumbe hai na wajibu wa maendeleo endelevu. Ni lazima ifahamike kuwa mafanikio haya yatapungua pakubwa ikiwa hayatafuata sheria za haki za kibinadamu.

Ripoti hiyo iliona kuwa usalama katika Hifadhi eneo muhimu linapaswa kuzingatiwa. Hatari kubwa zaidi na kubwa kiasi zinazohusishwa na haki ya kuishi na haki ya usalama wa mtu na mali dhidi ya wanyamapori/binadamu zinazobainishwa katika Hifadhi nyingi zinahitaji uingiliaji kati wa haraka. Ikumbukwe kuwa kuna uhusiano mkubwa kati ya njia za kupata riziki na haki za usalama. Hii inatokana, kwa kiasi kikubwa, na vitisho vinavyoletwa na jamii jirani. Kama ilivyo-elezwa, uhusiano wa upotezaji wa maisha na kuwepo kwa Hifadhi sio wazi, kwani upotezaji wa maisha umesajiliwa katika mazingira kama hayo hata kabla ya kuanzishwa kwa Hifadhi. Hifadhi hata hivyo zinauwezo mkubwa wa kuzidisha visa vya upotezaji wa maisha au kuvipunguza kabisa kwa kuweka mbinu dhidi ya matishio ya maisha na mali. Katika hali zote mbili, kuna fursa kubwa ya kushirikiana na jamii ili kupunguza majeraha, kupoteza maisha na uharibifu wa mali, tukitilia maanani kwamba hatari kubwa kwa Hifadhi ni kuishi pamoja kwa binadamu na wanyamapori. Zaidi ya hayo, mikakati hii pia ingelinda haki zinazohusiana na kazi, ardhi na uchumi wa kijamii.

Ilibainika kuwa kuna athari mbaya kwa haki za ardhi na mazingira, haswa usalama wa umiliki wa ardhi na haki ya kutumia, kuendeleza na kudhibiti maeneo na rasilimali. Ni dhahiri kwamba hatari kubwa zaidi ya ukiukaji wa haki za mazingira na ardhi ipo katika Hifadhi ambapo watu asili na wenyeji ni wachache. Matokeo pia yanaashiria hatari kubwa ambapo Hifadhi ziko kwenye ardhi ya jamii au ndani ya muunganisho wa hati miliki. Hatari hapa ni kwamba wawekezaji mara nyingi hulinda masilahi yao ambayo yanauwezo wa kukinzana na yale ya Hifadhi. Tishio kubwa kwa usalama wa umiliki wa ardhi ni ukosefu wa hati miliki ya ardhi ya jamii, ambayo inaweka wazi ardhi ya jamii kunakoleta uvamizi na unyakuzi. Hatimaye, hatari zinazoongezeka kwa haki za ardhi na mazingira zinawiana moja kwa moja na ongezeko la hatari za haki za kijamii na kiuchumi, kutokana na utegemezi wa ardhi na mazingira kwa manufaa ya kijamii, kiuchumi na kimaisha.

Kushiriki kupitia usuluhishi wa migogoro, FPIC, uwajibikaji, kufanya maamuzi na kujiamulia ni alama kuu ya kupunguza hatari za ukiukaji wa haki za kibinadamu katika Hifadhi. Ukiukaji wa haki za wanajamii, hasa haki za watu asili na za FPIC na kujitawala hutokea wakati watu wenye mamlaka na watu wengine wanaanza kutumia mbinu za vitisho. Kwa hivyo, uwezo wao wa kujitawala unazuiwa, na hivyo kuhatarisha utamaduni na maisha yao. Hifadhi ambazo ziliwasilisha hatari ndogo zaidi kwa ukiukaji wa ushiriki ni zile zilizokuwa na wanachama wanaomiliki ardhi, jambo linaloashiria kwamba umiliki unahakikisha ushiriki wao wa kiwango cha juu katika shughuli za Hifadhi. Kutokuwepo kwa uwazi katika masuala ya manufaa ya kifedha na matumizi ya rasilimali za fedha, kunaashiria hatari ya ukiukwaji wa haki ya uwajibikaji.

Kimsingi, kizingiti cha FPIC lazima kifuatake mfumo fulani wa uanzishaji wa Hifadhi zozote mpya za jumuiya/jamii. Hapa, ni muhimu kukumbuka kwamba “ridhaa/Idhini” ndiyo kiwango chenye umuhimu mkubwa. Mara nyingi ridhaa huchukuliwa kuwa mashauriano. Idhini na mashauriano yana maana tofauti, na ingawa mashauriano ni sehemu muhimu ya mchakato wa FPIC na yanapaswa kuwa thabiti vya kutosha, ridhaa ni kipengele muhimu katika kuzingatia iwapo jumuiya/jamii imetoa rufusa yake ya wazi kuhusu jambo fulani kutokea au makubaliano ya kufanya jambo fulani, kama vile kuanzisha Hifadhi ya jamii.

Utafiti wetu una maoni kwamba viwango kamili vya FPIC havikuzingatiwa kikamilifu katika hali nyingi katika uanzishwaji wa Hifadhi, ingawa hili lilitokana na ukosefu wa uwezo ufahamu wa FPIC kwa upande wa watetezi wa Hifadhi, na sio nia mbaya iliyodhamiriwa kupora haki za jamii. Pamoja na hayo, kuna juhudi zinazoonyesha matumizi tofauti ya kiwango katika sehemu mbalimbani.

Kama tulivyoona, wanawake wanashuhudia viwango vya juu vya athari ikilinganishwa na wanaume katika Hifadhi. Haki yao ya kushiriki katika kufanya maamuzi mara nyingi huwa na mipaka kutokana na sababu mbalimbali kama vile kutowakilishwa kwenye bodi, au pale umiliki wa ardhi unahusishwa na kufanya maamuzi na hawana hatimiliki. Kinyume chake, kwa kulinganisha, hatari ndogo ilionekana katika matukio ambapo idadi kubwa ya wanawake wanamiliki ardhi na hivyo walihusika katika kufanya maamuzi.

Kulingana na idadi ya ripoti za unyanyasaji wa kijinsia au mashambulio - kati ya wafanyikazi au wafanyikazi dhidi ya jamii, tunahitimisha ripoti hii kwamba unyanyasaji wa kijinsia unasalia kuwa hatari iliyopo katika maeneo ya Hifadhi. Kuna uwezekano wa kesi zaidi ambazo hazikutwa kwetu kwa kuzingatia hali ya faragha ya ukiukaji. Haki zinazohusiana na kijinsia pia zinahusishwa kwa njia isiyoweza kutenganishwa na haki za kijamii/kiuchumi na ushiriki, haswa haki za kufanya maamuzi na usawa na uhuru wa kutobaguliwa. Kutokana na haya, baadhi ya vipengele kama vile njia za utatuzi wa migogoro zinazokubalika kitamaduni ziligunduliwa kuwa hazikuwa na majibu kwa wanawake, baadhi kutokana na asili yao ya mfumo dume.

Mwisho kabisa, tulizingatia mienendo inayoathiri haki za watu asili na wenyeji. Kwa mfano, umiliki wa ardhi wa Hifadhi iwe serikali, binafsi au jumuiya/jamii huamua kiwango cha ukiukaji wa haki zao za kibinadamu. Hifadhi zilizoko kwenye ardhi ya serikali zinaonyesha kiwango kikubwa cha hatari ya uvamizi wa haki za kibinadamu, kwa watu asili kuliko zile za ardhi ya kibinafsi au ya jamii. Kwengineko, kuwa na washirika wa wahusika wengine wa Hifadhi wenye udhibiti mkubwa juu ya masuala ya Hifadhi kuliripoti kukabiliwa na hatari kubwa zaidi wa uingiliaji mbaya wa haki za kibinadamu, tofauti na Hifadhi zisizojumuisha watu hao. Zaidi ya hayo, katika jamii zenye mchanganyiko wa watu, haki za watu asili zilikuwa hatarini zaidi, kukiwa na hatari kubwa katika usawa na ubaguzi katika jamii kwa ujumla.

Takwimu iliyokusanywa inaonyesha kuwepo kwa hatari za ukiukaji wa haki za kibinadamu katika Hifadhi za jamii. Ripoti hii inaangazia zile ambazo tulikumbana nazo kati ya sampuli ndogo ya Hifadhi zilizopo. Athari za ukiukaji huu kwenye modeli ya Hifadhi za jamii zinahitaji uchunguzi zaidi. Inaonekana kwamba, hatimaye, ikiwa Hifadhi za jamii zitakuwa na nafasi ya kudumu katika malengo ya Hifadhi wa wanyamapori nchini, wale wote wanaohusika katika upangaji, uanzishaji na uendeshaji wa shughuli za kila siku za Hifadhi lazima wazidi kufahamu na kuheshimu. haki za kibinadamu za IPLC.

Tukumbuke kwamba lengo kuu la utafiti huu lilikuwa kuchunguza hatari kwa ulinzi na maendeleo ya haki za binadamu katika muktadha wa Hifadhi za jamii. Ili kutusaidia kufanya hitimisho la mwisho, tunaongozwa na maswali matatu muhimu kuhusu uwepo wa vipengele vinavyozingatia haki zifuatazo:

- (a) Je, kuna ufahamu mpana wa masuala ya haki za binadamu na hatari?
- (b) Je, kuna njia madhubuti zinazoweza kufikiwa kwa jamii zenyewe kuendelea kutambua, kushughulikia, na kufuatilia athari zozote mbaya za haki za binadamu zinazoweza kujitokeza?
- (c) Je, kuna miundo ambayo kwayo jumuiya inaweza kuendeleza kujitawala kwao?

Uelewa mpana wa masuala ya haki za binadamu na hatari

Kwa swali la kama kuna ufahamu mpana wa masuala ya haki za kibinadamu na hatari, tunapaswa kujibu, kimsingi, HAPANA.

Tunaelewa ya kwamba katika kila moja ya Hifadhi kumi tulizotembelea, zoezi lenyewe la Mahojiano na Majadiliano lilikuwa ni mchakato wa kielimu kwa wengi wa wenye haki na wadau wengine ambao tulishirikiana nao. Wenyeji wengi na walinzi wa Hifadhi hawakuwahi kuangalia Hifadhi zao kupitia mtazamo wa haki za binadamu, na kulikuwa na shauku kubwa ya kuzielewa haki hizo zaidi kwani zilihusiana na shughuli za kila siku zinazowaathiri wahusika. Hii ilisitiza kwetu kwamba kuna kazi nyingi ya kufanywa katika suala la kuongeza ufahamu wa haki maalum za kibinadamu.

Kwa upande mwingine, kulikuwa na ufahamu wa jumla kwamba mambo yalikuwa chini ya ukamilifu, na mara nyingi mazungumzo yetu yalifungua milango ya majadiliano ya hatari mbalimbali. Hatutashangaa ikiwa wenye haki katika ukubwa wa sampuli zetu watadai zaidi wasimamizi wa Hifadhi na bodi za wakurugenzi/wadhamini katika suala la kuheshimu haki zao mpya zinazopatikana.

Taratibu za jamii kuendelea kutambua, kushughulikia, na kufuatilia athari zozote mbaya za haki za binadamu zinazoweza kujitokeza

Hatukupata ushahidi wowote wa utaratibu kama huu miongoni mwa wahifadhi wowote waliofanyiwa utafiti au vyama mbalimbali vya Hifadhi wa wanyamapori wa kikanda au KWCA kuweka na kufuatilia athari za haki za binadamu ambazo zingesaia kutambua mienendo na kutafuta suluhu za kushughulikia ukiukaji wa haki za binadamu.

Miundo ambayo kwayo jumuiya zinaweza kuendeleza kujitawala kwao

Kwa kiasi fulani kuna miundo iliyopo ambayo kwayo jamii zinaweza kuendeleza kujitawala kwao, iwe Serikali za Kaunti, Wizara ya Ardhi, Tume ya Kitaifa ya Ardhi, Tume ya Haki za Kibinadamu ya Kenya, na Tume ya Kitaifa ya Haki za Kibinadamu ya Kenya. Kwa kuongezea, vyama vya Hifadhi wa wanyamapori vya kikanda na KWCA vinaweza kuwa na jukumu la wazi zaidi ili kuhakikisha kuwa jamii ambazo tayari ni sehemu ya Hifadhi wa jamii au zinalengwa kwa Hifadhi mpya, zinapewa fursa na uwezo wa kujitawala.

Maendeleo ya utafiti na malengo yake

Hata hivyo, kadiri utafiti ulivyoendelea katika kipindi cha miezi kumi uliyofanywa, maswali kuhusu masuala mapana na ya jumla zaidi ya haki za kibinadamu yalizuka. Hizi ni zaidi ya zile za FPIC zilizoangaziwa hapo juu na katika malengo ya asili. Waandishi walijiuliza, “Ikiwa, wakati wa Utathmini tunapata mifano ya hatari na uchunguzi unaohusiana na haki za kibinadamu ambao unaweza kuweka Hifadhi katika hatari, kufikia kizingiti cha mwenendo wa uhalifu, na kuonekana kuwa mbaya na binadamu wa kawaida – basi mambo haya yanapaswa kutathminiwa.” Na kwa kweli, hivi ndivyo kulifanyika kwa zoezi hilo.

Kwa kiasi kikubwa masuala ya haki yanayohusiana na hali ya umiliki wa ardhi na athari zake mbaya kwa Hifadhi na jamii, hasa kama kipengele cha kuunganisha, yalidhihirika. Pia tuliona kuwa ukosefu wa usalama na vitisho kwa maisha na mali ya wanajamii vimeenea, kukiwa na uhusiano wa sababu unaohusishwa na wanyamapori na mashambulizi ya makundi jirani, na kusababisha kupoteza maisha. Kiwango cha wasiwasi kimeinuliwa hapa ambapo mfano mmoja - ingawa ni wa nje - wa mlinzi wa Hifadhi aliyepigwa risasi na kuuawa akiwa kazini, ulitajwa. Ni matukio kama haya ambayo hayawezi, na hayapaswi, kupuuzwa kama sehemu ya mchakato huu. Zaidi ya FPIC, maslahi mapana ya watu asili na jamii wenyeji, hasa Watu wa Kiasili, yalitishiwa na ukiukwaji halisi wa haki zao kwa namna ambayo inazuia ushiriki wao katika Hifadhi, ardhi na haki zao za maisha, ikiwa ni pamoja na vikundi vidogo vidogo vilivyo hatarini zaidi wakijumuisha wenyeji ambao wamebaguliwa na wamepoteza sehemu ya utamaduni wao.

Tuliunda hisia kwamba washirika na wahusika wengine wanadhibiti Hifadhi kwa siri au kwa mamlaka makubwa yanayoleta madhara kwa jamii hizi, kulingana na mazungumzo yao wenyewe. Pale wawekezaji wanapoweka miundombinu ya kuzalisha mapato kwenye ardhi hizi, haijulikani ni kiasi gani kinagawanywa kwa baadhi ya Hifadhi hizo na katika baadhi ya matukio, hakuna hata shilingi inayoingia kwenye mfuko wa jamii, wakati wote wawekezaji hao wakien-delea kutumia rasilimali za Hifadhi. kwa manufaa yao. Ingawa ni mdogo, takwimu inaonyesha kuwa uhalifu wa kingono ni ukweli ndani ya Hifadhi, na tunashuku kuwa uchunguzi wa kina wa mada hii kama uchunguzi wa pekee unaweza kubaini matukio zaidi yanayohusishwa moja kwa moja na Hifadhi. Kwa kuongeza, mada kuu inayotokana na tafakari hizi ni ile ya wanawake - kuna haja ya kujumuisha vyema mikakati na mbinu za kijinsia kwa modeli ya Hifadhi wa jamii.

Utathmini ulidhihirisha matokeo haya na tutokana na maoni yetu ya kitaalamu, ni busara kuyazingatia wakati wa kuunda mipango yoyote inayoendelea au kutekeleza sera au mipango yoyote ya kimipango ambayo italenga kushughulikia hatari zilizotajwa katika ripoti hii. Kwa hivyo, kuna idadi ya mapendekezo na fursa zinazoweza kuanza kuendeleza kazi za wadau

mbalimbali katika sekta ya umma, binafsi na isiyo ya faida, ili kukabiliana na hatari na ukiukwaji wa haki zilizotajwa hapo juu.

Hatimaye, kujifunza kwa kuendelea kutokana na uzoefu, kuzingatia sauti za makundi kama Watu Asili na Jamii Wenyeji, wanawake na wafanyakazi wa Hifadhi kutahitajika kwa kuzingatia mikakati ya kulinda haki za kibinadamu katika Hifadhi.

HATARI NA FURSA

Kuelekea kuongeza ufahamu mpana wa masuala na hatari za haki za kibinadamu, kuandaa mbinu kwa ajili ya jumuiya kuendelea kutambua, kushughulikia, na kufuatilia athari zozote mbaya za haki za kibinadamu na miundo ya ujenzi ambayo kwayo jumuiya zinaweza kuendelea kujitawala kwao, tunatoa mapendekezo yafuatayo kwa wote. Wadau wakuu na wamiliki wa haki ambao wamekuwa wakifanya kazi kusaidia kufanikisha harakati za Hifadhi na vile vile kwa wale ambao wamekuwa wakiikosoa. Inatarajiwa kwamba matokeo yetu na mapendekezo haya yatajadiliwa na kuzingatiwa vinginevyo ili kubainisha njia ya kusonga mbele ambapo Hifadhi za jamii zinaweza kuchukua jukumu muhimu zaidi katika kuchangia katika Hifadhi wa wanyamapori na bioanuwai ya Kenya, pamoja na maendeleo yake ya kiuchumi., kwa kujumuisha kikamilifu haki za kibinadamu katika uanzishaji na uendeshaji wa Hifadhi.

A. Serikali za kitaifa na kaunti, Hifadhi na mamlaka nyingine za udhibiti zinaweza kuzingatia:

1. Kuhakikisha mazingira wezeshi kwa Hifadhi za jamii kustawi kwa kuwianisha sera na sheria zinazolingiana na uratibu na usimamizi wa maliasili, hasa zinazohusu umiliki wa ardhi na migogoro ya binadamu na wanyamapori.
2. Kufuatilia kwa haraka hatimiliki na Tume ya Kitaifa ya Ardhi (NLC) ili kuhakikisha usalama wa umiliki wa ardhi ya jamii kwa Hifadhi zilizoanzishwa na zilizopendekezwa za jamii, ambazo zilisajili hatari kubwa ya ukiukaji, haswa kwa watu asili na jamii wenyeji.
3. Kuboresha uwezo wa wadau na wenye haki kufanya ukaguzi shirikishi wa haki za binadamu mara kwa mara.
4. Kwa kushirikiana na sekta ya kibinafsi, kuweka vipaumbele katika maeneo ya afua kwa lengo la kutenga fedha zaidi kwenye Hifadhi za jamii zilizopo ili zifanye kazi zake kwa ufanisi.
5. Kutambua, kuchunguza na kudumisha taratibu za jadi au mbadala za utatuzi wa migogoro katika usimamizi wa migogoro ya kimazingira na maliasili kwa vile hutoa nafasi kwa pande husika kujadiliana na kufikia mwafaka. Usuluhishi mzuri wa migogoro pia unakuza uhakikisho wa kuendelea kupata matumizi ya maliasili, kwa vizazi vijavyo. Hata hivyo, taratibu hizi lazima zichunguzwe na kuainishwa, inavyofaa, ili zisiathiri watu asili na wenyeji au wanawake, kama ilivyopatikana katika utafiti huu.

B. Sekta ya kibinafsi inaweza kuchukua jukumu kubwa katika kujenga uwezo wa jamii kusimamia Hifadhi wao kwa:

1. Kufanya uchunguzi unaostahili juu ya utumaji wa FPIC na ushirikishwaji kabla ya kutoa ufadhili wa uanzishaji wa Hifadhi mpya au kusaidia Hifadhi zilizopo.
2. Kuweka msisitizo kwenye tafiti za kimsingi kabla ya kuanzishwa kwa Hifadhi ili kukuza haki za jamii kwa FPIC za kununua. Tafiti za ziada, hasa tafiti kamili za HRIA au upembuzi yakinifu wa kiuchumi zitafanywa ili kubainisha mienendo ya haki za kibinadamu katika Hifadhi, kwa mtazamo wa muda mrefu zaidi na kuendeleza takwimu na matokeo huru.

Utafiti ulichunguza Hifadhi 10, ambazo ni saizi ndogo ya sampuli; labda inaweza kupanuliwa kwa wanachama zaidi wa KWCA, kwa upana, na hitimisho la uhakika zaidi linaweza kutolewa.

3. Kusaidia uundaji wa moduli za mafunzo zinazoweza kutumiwa na waHifadhi kujenga uwezo wao kuhusu uimarishaji wa shirika na kitaasisi, uendeshaji, nyaraka za sera na mkakati. Bila miundo na mifumo hii ya msingi ya usaidizi, shirika zima la Hifadhi na lengo kuu la kulinda asili na wanyamapori liko hatarini.
4. Kushirikiana na mashirika mwamvuli na wahifadhi chini ya KWCA kukagua na kuimarisha mwongozo wa Hifadhi ili kuboresha umuhimu wake na matumizi yake thabiti katika uanzishaji wa Hifadhi mpya. Tambua washirika hawa wa tatu kwa kumaanisha na uhakikishe kuwa usawa wa mamlaka sio sifa ya uhusiano kati ya waHifadhi na mashirika haya.
5. Kukuza ushirikiano wa Jumuiya ya Umma na Kibinafsi na pale ambapo ukodishaji na suluhu zinatumiwa, zitatumiwa katika lugha iliyorahisishwa na jumuiya zinapewa muda wa kutosha kuhoji maudhui yao. Juhudi za kuhakikisha kwamba mapato yote yanayopatikana (yaani, ada za kukodisha, n.k.) ni ya haki na, na pale ambapo kuna kushindwa kutimiza mikataba kunathibitishwa, hatua za kisheria kuchukuliwa dhidi ya wakosaji.

C. Kwa matokeo bora ya kijamii na kiuchumi na kimazingira, Hifadhi wa jamii unaweza kuweka kipaumbele kwa mchanganyiko wa mikakati ambayo itaongeza manufaa ya kijamii na kiuchumi kwa wanajamii wenyeji na ulinzi wa maadili ya bioanuwai ikijumuisha:

1. Kubuni na kutekeleza mikakati inayolenga kuimarisha na kukuza ushiriki wa jamii ya wenyeji katika mipango ya Hifadhi, ili kuzingatia haki zao za kushiriki katika kufanya maamuzi na kujiamulia.
2. Kutambua na kupunguza vikwazo vya ushiriki wa wenyeji wenye usawa, kuongeza uwakilishi wa wanawake kwenye bodi na kupitisha mifumo endelevu ya maisha inayokuza uwezesaji wa wanawake kiuchumi.
3. Kutetea uwazi na uwajibikaji wa rasilimali kwa wahusika wengine na kufanya vivyo hivyo kuhusiana na ugawaji wa rasilimali na ugavi wa faida. Katika suala hili, pendekezo la jumuiya la ugavi wa faida litazingatiwa na sio kuundwa ili kuwakandamiza wenye haki.
4. Kuweka kipaumbele katika ramani ya rasilimali na kuainisha mipaka ili kupunguza migogoro inayohusu masuala ya ardhi.
5. Kwa ushirikiano na IP na LC, kuunda mbinu za utatuzi wa migogoro zinazoitikia kiutamaduni, kuongeza taarifa juu ya, na kuzingatia taratibu hizi ili kuridhisha wanachama waliodhulumiwa.

Viambatanisho

Kiambatisho cha 1:
Hifadhitakwimu ya Hifadhi yenye Ainisho

Kiambatisho cha 2:
Barua ya Idhini

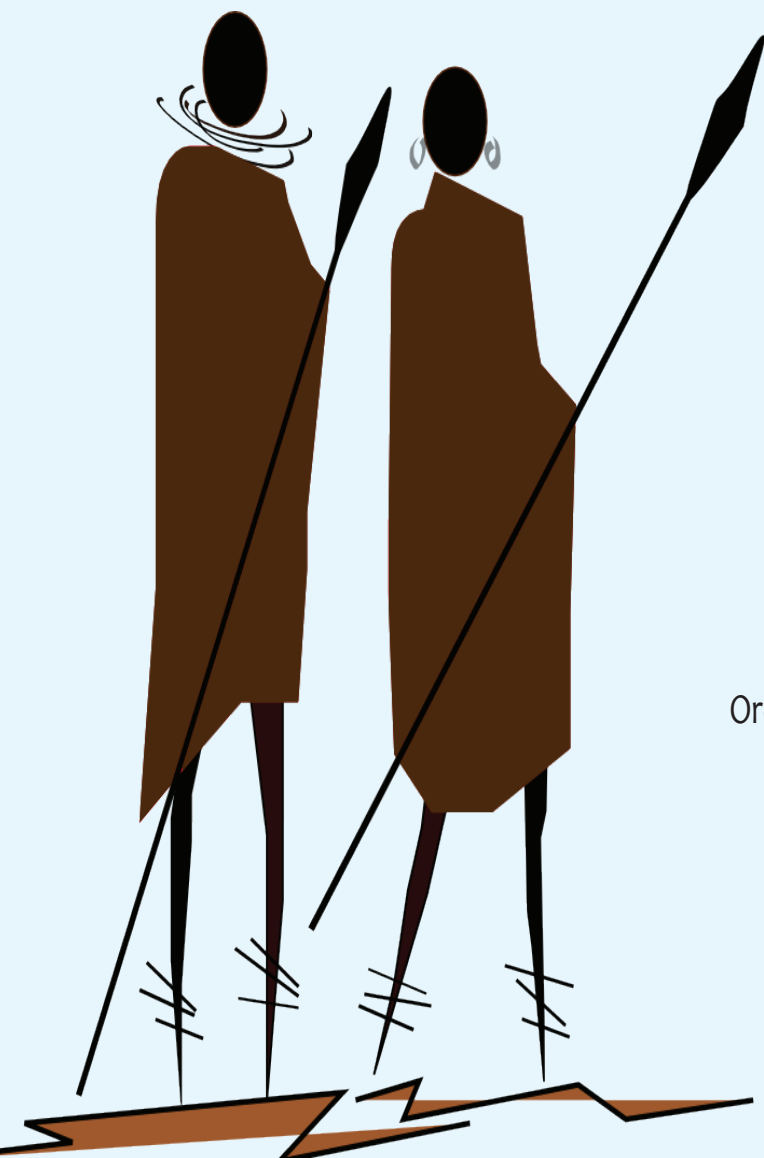
Kiambatisho cha 3:
Haki na Viashiria Vilivyotumika
katika Utafiti wa HERRA

Kiambatisho cha 4:
Hojaji Muhimu ya Mahojiano na
Mwongozo wa Mahojiano

Kiambatisho cha 5:
Mwongozo wa Majadiliano ya Kikundi Lengwa &
Mwongozo wa Mahojiano

Kiambatisho cha 6:
Dodoso la Utafiti wa Utawala & Mahojiano

Kiambatisho cha 7:
Orodha ya Viashirio vya Uchunguzi & Zana ya Uchunguzi.



Kiambatisho cha 1:

*Hifadhitakwimu ya Hifadhi
yenye Ainisho*



No.	Conservancy Name	Conservancy type	County
1	Chuine Community Conservancy	Community	Baringo
2	Irong Community Conservancy	Community	Baringo
3	Kabarion Conservancy	Community	Baringo
4	Kaptuya Community Wildlife Conservancy	Community	Baringo
5	Kiborgoch Community Wildlife & Wetland Conservanc	Community	Baringo
6	Kiborit Community Conservancy	Community	Baringo
7	Kimngochoch Community Conservancy	Community	Baringo
8	Kiplombe Community Conservancy	Community	Baringo
9	Ng'enyin Community Conservation Area	Community	Baringo
10	Ruko Community Wildlife Conservancy	Community	Baringo
11	Sinibo Geopark Community Conservancy	Community	Baringo
12	Morop-Tarambas Community Conservancy	Community	Baringo
13	Releng Community Conservancy	Community	Baringo
14	Kapkurmoi Cultural and Conservation/ Rimoi	Community	Elgeyo Marakwet
15	Kibargoi Wildlife Conservancy	Community	Elgeyo Marakwet
16	Bour-Algi Giraffe Sanctuary	Community	Garissa
17	Ishaqbini Hirola Community Conservancy	Community	Garissa
18	Gwasi Hills Community Forest Association	Community	Homa Bay
19	Biliqo-Bulesa Community Conservancy	Community	Isiolo
20	Leparua Community Conservancy	Community	Isiolo
21	Naapu Community Conservancy (Oldonyiro)	Community	Isiolo
22	Nakuprat-Gotu Community Conservancy	Community	Isiolo
23	Nanapisho Community Conservancy (Oldonyiro)	Community	Isiolo
24	Nannapa Community Conservancy (Oldonyiro)	Community	Isiolo
25	Narupa Community Conservancy (Oldonyiro)	Community	Isiolo
26	Nasuulu Community Conservancy	Community	Isiolo
27	Ilaingurunyoni Conservancy	Community	Kajiado
28	Kanzi Conservancy	Community	Kajiado
29	Kimana Wildlife Sanctuary	Community	Kajiado
30	Kitenden Conservancy	Community	Kajiado
31	Kitirua Wildlife Conservancy	Community	Kajiado
32	Motikanju Conservancy	Community	Kajiado
33	Ol Donyo Wuas	Community	Kajiado
34	Ol Pusare Conservancy	Community	Kajiado
35	Olenarika Conservancy	Community	Kajiado
36	Olpusare Conservancy	Community	Kajiado
37	Osupuko, Nailepu and Kilitome Community Conservancy	Community	Kajiado
38	Rombo Emampuli Wildlife Conservancy	Community	Kajiado
39	Selenkay Conservancy	Community	Kajiado
40	Olerai Wildlife Community Conservancy	Community	Kajiado
41	Empaash Oloirienito Conservancy Trust	Community	Kajiado
42	Enkusero Sampu Conservancy	Community	Kajiado
43	Olkiramatian Conservancy	Community	Kajiado
44	Shompole Conservancy	Community	Kajiado
45	Mailwa	Community	Kajiado
46	Olorgesale	Community	Kajiado
47	Shirango Conservancy	Community	Kilifi
48	Ragati Conservancy	Community	Kirinyaga
49	Golini Mwaluganje Community Wildlife Conservancy	Community	Kwale

This list of conservancies and their classification may contain errors. It was made using the best available information available to the researchers for the purposes of randomly selecting conservancies for this study.

No.	Conservancy Name	Conservancy type	County
50	Il Ngwesi Conservancy	Community	Laikipia
51	Kirimon Conservancy	Community	Laikipia
52	Lekurruki Conservation	Community	Laikipia
53	Naibunga Central Community Conservancy	Community	Laikipia
54	Naibunga Oloiborsoit Conservancy (Lower)	Community	Laikipia
55	Naibunga Upper Community Conservancy	Community	Laikipia
56	Ol-Lentile Conservancy	Community	Laikipia
57	Mutara Conservation Area	Community	Laikipia
58	Awer Community Conservancy	Community	Lamu
59	Kiunga Marine Community Conservancy	Community	Lamu
60	Pate Island Conservation Group	Community	Lamu
61	Amu Ranch	Community	Lamu
62	Hanshak Nyongoro Conservancy	Community	Lamu
63	Witu Community Ranch	Community	Lamu
64	Shirango Community Conservancy	Community	Makueni
65	Chachabole Wildlife Conservancy	Community	Mandera
66	Jaldesa Community Conservancy	Community	Marsabit
67	Melako Community Conservancy	Community	Marsabit
68	Shurr Community Conservancy	Community	Marsabit
69	Songa Community Conservancy	Community	Marsabit
70	Ngare Ndare Forest Trust	Community	Meru
71	Nakuru Wildlife Conservancy	Community	Nakuru
72	Kibirong Wildlife Conservancy	Community	Nandi
73	Entim Conservancy	Community	Narok
74	Olderkesi Community Wildlife Conservancy	Community	Narok
75	Suswa Conservancy	Community	Narok
76	Nyakweri Kimintent Community Forest Conservation T	Community	Narok
77	Baragoi Conservation Area	Community	Samburu
78	Kalama Community Wildlife Conservancy	Community	Samburu
79	Kalepo Conservancy	Community	Samburu
80	Kirisa/Nkoteiya Conservation Area	Community	Samburu
81	Losesia Conservation Area	Community	Samburu
82	Ltungai Community Conservancy	Community	Samburu
83	Meibae Community Conservancy	Community	Samburu
84	Nalowuon Conservancy	Community	Samburu
85	Namunyak Wildlife Conservancy	Community	Samburu
86	Ndoto Conservation Area	Community	Samburu
87	Ngilai Conservancy	Community	Samburu
88	Nkoteyia Community Conservancy	Community	Samburu
89	Nyiro Conservation Area	Community	Samburu
90	Sera Community Conservancy	Community	Samburu
91	Westgate Community Conservancy	Community	Samburu
92	Bachuma Ranching Company Ltd	Community	Taita-Taveta
93	Bura East Community Conservancy	Community	Taita-Taveta
94	Kambanga Ranching Company Ltd.	Community	Taita-Taveta
95	Kasigau Ranching Company Ltd.	Community	Taita-Taveta
96	Kishamba B Ranch	Community	Taita-Taveta
97	Kishushe Ranch	Community	Taita-Taveta

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No.	Conservancy Name	Conservancy type	County
98	Lualenyi Community Conservancy	Community	Taita-Taveta
99	Lumo Wildlife Conservation Trust	Community	Taita-Taveta
100	Marungu Hill Conservancy Association	Community	Taita-Taveta
101	Maungu Ranching Company Ltd.	Community	Taita-Taveta
102	Mbale Ranching (DA) company Ltd	Community	Taita-Taveta
103	Mbulia Conservancy	Community	Taita-Taveta
104	Mbulia Conservancy	Community	Taita-Taveta
105	Mramba Ranch	Community	Taita-Taveta
106	Ndara B Ranch	Community	Taita-Taveta
107	Oza Ranch	Community	Taita-Taveta
108	Sagalla Ranch	Community	Taita-Taveta
109	Teri B Ranch	Community	Taita-Taveta
110	Lower Tana Delta Conservation Trust	Community	Tana River
111	Malkhalaku Conservancy	Community	Tana River
112	Ndera Community Conservancy	Community	Tana River
113	Kainuk	Community	Turkana
114	Katilu Community Conservancy	Community	Turkana
115	Lochakula Conservancy	Community	Turkana
116	Lokichar Conservancy	Community	Turkana
117	Lorogon Community Conservancy	Community	Turkana
118	Chebororwa	Community	Uasin Gishu
119	Sabuli Wildlife Conservancy	Community	Wajir
120	Kositei	Community	West Pokot
121	Masol Wildlife Conservancy	Community	West Pokot
122	Orwa Wildlife Conservancy	Community	West Pokot
123	Pellow Community Conservancy	Community	West Pokot
124	Satao Elerai Community and Wildlife Trust	Group	Kajiado
125	Tawi-Kilitome Conservancy	Group	Kajiado
126	Nailepu Conservancy	Group	Kajiado
127	Nalarami Conservancy	Group	Kajiado
128	Ole Polos Conservancy	Group	Kajiado
129	Oltiyani	Group	Kajiado
130	Naretunoi Community Conservancy	Group	Kajiado
131	Kwenia Vulture Sanctuary	Group	Kajiado
132	Nareto Conservancy Limited	Group	Laikipia
133	Maanzoni Owners Association	Group	Machakos
134	Lake Solai Wildlife Conservation Association	Group	Nakuru
135	Kingwal Community Conservancy Trust	Group	Nandi
136	Morani Conservancy Trust	Group	Narok
137	Enonkishu Conservancy	Group	Narok
138	Isaaten Conservancy	Group	Narok
139	Lemek Conservancy	Group	Narok
140	Mara Naboisho Conservancy	Group	Narok
141	Mara North Conservancy	Group	Narok
142	Mara Siana Conservancy	Group	Narok
143	Motorogi Conservancy	Group	Narok
144	Nasaru-Olosho Conservancy	Group	Narok
145	Nashulai Maasai Conservancy	Group	Narok

This list of conservancies and their classification may contain errors. It was made using the best available information available to the researchers for the purposes of randomly selecting conservancies for this study.

No.	Conservancy Name	Conservancy type	County
146	OI Kinyei conservancy	Group	Narok
147	Olara Orok Conservancy	Group	Narok
148	Olarro Conservancy	Group	Narok
149	Olchorro Oirowa Conservancy	Group	Narok
150	Olerai Mara Conservancy	Group	Narok
151	Oloisukut Conservation	Group	Narok
152	Pardamat Conservation Area	Group	Narok
153	Mara Isinya	Group	Narok
154	Mbokishi	Group	Narok
155	Maungu Ranch	Group	Taita-Taveta
156	Mgeno Ranch	Group	Taita-Taveta
157	Mukhondo Conservancy	Private	Busia
158	Sergoit Farm	Private	Elgeyo Marakwet
159	Kabichbich Vulture Sanctuary	Private	Garissa
160	Rimpa Estates Wildlife Conservancy	Private	Kajiado
161	Silole sanctuary	Private	Kajiado
162	Galana Wildlife Conservancy	Private	Kilifi
163	Vipingo Ridge Wildlife Sanctuary	Private	Kilifi
164	Bollerei Limited Sabuk Lodge	Private	Laikipia
165	Borana Conservancy	Private	Laikipia
166	El Karama Conservancy	Private	Laikipia
167	Laikipia Nature Conservancy (Ol Ari Nyiro)	Private	Laikipia
168	Loisaba Conservancy	Private	Laikipia
169	Mpala Conservancy	Private	Laikipia
170	Mpala Research Centre	Private	Laikipia
171	Mugie Conservancy	Private	Laikipia
172	Ol Jogi ltd	Private	Laikipia
173	Ol Maisor Farm	Private	Laikipia
174	Ol Pejeta Conservancy	Private	Laikipia
175	Segera	Private	Laikipia
176	Sossian Conservancy	Private	Laikipia
177	Suiyan Ranch	Private	Laikipia
178	The Mugie Conservancy	Private	Laikipia
179	Lewa Conservancy	Private	Laikipia/Isiolo
180	Kipini Wildlife & Botanical Conservancy	Private	Lamu
181	Kapiti plains estate limited	Private	Machakos
182	Kasanga Ranch	Private	Machakos
183	Kipwa Conservancy	Private	Machakos
184	Kwa Kyelu	Private	Machakos
185	Lisa Ranch	Private	Machakos
186	Machakos Ranching	Private	Machakos
187	New Astra	Private	Machakos
188	Swara Plains Wildlife Sanctuary	Private	Machakos
189	Kamungi Conservancy	Private	Makueni
190	Peregrine Conservation Area(Kaluku)	Private	Makueni
191	Bila Shaka	Private	Nakuru
192	Crater Lake Game Sanctuary	Private	Nakuru
193	Crescent Island	Private	Nakuru

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No.	Conservancy Name	Conservancy type	County
194	Hippo-point Naivasha Conservancy	Private	Nakuru
195	Kigio Wildlife Conservancy	Private	Nakuru
196	Kongoni Conservancy	Private	Nakuru
197	Lentolia Farm	Private	Nakuru
198	Loldia Conservancy	Private	Nakuru
199	Marula Estate	Private	Nakuru
200	Mundui Estate	Private	Nakuru
201	Olerai Sanctuary	Private	Nakuru
202	Oserengoni	Private	Nakuru
203	Sanctuary Farm	Private	Nakuru
204	Solai Sanctuary	Private	Nakuru
205	Soysambu Conservancy	Private	Nakuru
206	Wileli Wildlife Conservancy	Private	Nakuru
207	Sangare Ranch	Private	Nyeri
208	Solio Game Reserve	Private	Nyeri
209	Bura Ranch	Private	Taita-Taveta
210	Amaka Ranch	Private	Taita-Taveta
211	Chalongo Conservancy	Private	Taita-Taveta
212	Choke Kutima Ranch	Private	Taita-Taveta
213	Dawida Ranching Company Ltd	Private	Taita-Taveta
214	Izera Ranch	Private	Taita-Taveta
215	Lake Jipe Conservancy	Private	Taita-Taveta
216	Lake Jipe Conservancy	Private	Taita-Taveta
217	Lualenyi Ranch	Private	Taita-Taveta
218	Lumo Wildlife Conservation Trust	Private	Taita-Taveta
219	Mgeno Ranching Company Ltd.	Private	Taita-Taveta
220	Mkuki Ranch	Private	Taita-Taveta
221	Mkuki Ranch	Private	Taita-Taveta
222	Mwasui Ranch	Private	Taita-Taveta
223	Mwasui Ranch	Private	Taita-Taveta
224	Ndara Conservancy	Private	Taita-Taveta
225	Ndara Ranch	Private	Taita-Taveta
226	Ndara Ranch	Private	Taita-Taveta
227	Ngutuni Wildlife Sanctuary	Private	Taita-Taveta
228	Rukinga Ranch	Private	Taita-Taveta
229	Rukinga Ranch	Private	Taita-Taveta
230	Sagalla Ranch	Private	Taita-Taveta
231	Taita Hills Sanctuary	Private	Taita-Taveta
232	Taita Hills Wildlife Sanctuary	Private	Taita-Taveta
233	Taita Ranch	Private	Taita-Taveta
234	Taita Sisal Estate Sanctuary	Private	Taita-Taveta
235	Taita Wildlife Conservancy	Private	Taita-Taveta
236	Wangala Ranch	Private	Taita-Taveta
237	Wushumbu Ranch	Private	Taita-Taveta
238	Kitale Nature Conservancy	Private	Trans Nzoia
239	Kaimosi Mission Wildlife Conservancy	Private	Vihiga

This list of conservancies and their classification may contain errors. It was made using the best available information available to the researchers for the purposes of randomly selecting conservancies for this study.

Kiambatisho cha 2:

Barua ya Idhini



LETTER OF CONSENT

Study Title: Human Rights and Risk Assessment of Community Conservancies in Kenya

Conservancy: _____

Introduction: In light of the Government of Kenya's commitment to the Convention on Biodiversity, the international legal instrument for "the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources", this study is designed to produce learning and policy recommendations to support existing community conservancies and the future establishment of new community conservancies in a manner that aligns with international best practices and standards for human rights.

The study will be centered on community conservancy members' experiences, to be shared via site visits, key informant interviews, focus group discussions and inspection of documentation within a representative, semi-randomly selected group of ten (10) community conservancies across the major ecosystems of the country.

The study only seeks to understand conservancies' experiences, not to judge, grade, or critique the performance of any individual conservancy. All information provided will be treated confidentially and not be attributable to any individual or conservancy according to the terms below.

Research Personnel: This study has been commissioned by The Nature Conservancy (TNC) and is being independently conducted by the Institute for Research and Policy Alternatives (IRPA). If you have any questions about the study, please contact:

- Ken Nyaundi, Tel: +254 722 732 160, ken.nyaundi@gmail.com
- Kevin Doyle, Tel: +254 715 555 248, kevin.doyle@irpaconsulting.com
- Shalom Ndiku, Tel: +254 716 190 074, shalom.ndiku@irpaconsulting.com

Procedure: We request _____ Conservancy to participate in this study through the following means:

- a) The research team shall conduct a site visit to your conservancy to observe key features, assets and community settlement areas within and around the conservancy;
- b) allowing researcher's access to documentation files related to your conservancy such as organizing documents (i.e. bylaws, MOUs, etc.), meeting minutes, incident reports, and other relevant documents; and,
- c) through Key Informant Interviews and Focus Group Discussions with members of your conservancy, to discuss specific questions regarding the recognition and respect of human rights in relation to the establishment and operations of the Community Conservancy.

These site visits, interviews and discussions may be photographed, videographed and/or audio recorded, as well as transcribed for documentation purposes and for the researchers to reference whilst conducting their analysis of the information. These materials will not be republished or shared publicly without explicit consent from the individual(s) included.

Principles: The underlying principle for this study is Free Prior and Informed Consent (FPIC), an operational principle empowering local communities to give or withhold their consent to proposed investment and development programmes that may affect their rights, access to lands, territories and resources, and livelihoods.

- Free. We want to avoid any sense of pressure or coercion. This is your choice.
- Prior. The Project will only begin once free, prior and informed consent has been obtained from willing participants.
- Informed. We begin by providing the information in this document (and subsequent conversations). We will endeavor to continue providing you with all the information we think is relevant. You should feel free to ask for any information you need to decide to participate.

Risks and Benefits: There are no known risks involved in this study. The only cost to you will be the time required to organize and participate in the Key Informant Interviews and Focus Group Discussions. There will be no compensation associated with your participation. The research will help the broader conservation community better understand the viewpoints and concerns of Community Conservancies and their members regarding how the conservancies have been established in the past and how they are operated, and how these areas can be improved. There is no penalty, disfavor, or negative consequences if you choose not to participate. All Government of Kenya COVID-19 prevention and control measures shall be adhered to during the course of this study.

Confidentiality: Any information derived from your participation in this study will be kept confidential by the researchers. Any photographs, videos, audio tapes or transcriptions from the Key Informant Interviews and Focus Group Discussions will be stored anonymously and confidentially. Only group results or anonymous quotes will be presented in our reports, with no attribution to a specific individual or conservancy. No information generated by this study will be sold to third-parties for commercial use, but may be used by IRPA, TNC, or other policy experts, with TNC's permission, for continued policy development.

Enhanced Sensitive treatment of information:

- Some information including community and individual financial information, will be treated as Sensitive by default.
- The community or any individual may request Sensitive treatment as to any other information.
- Sensitive information will be kept securely by IRPA and will not be shared at all, or only according to specific terms of permission.
- Sensitive information will not be used in the report, or will only be used according to specific terms of permission.

Review and Feedback: A draft report will be submitted to you and the other participating conservancies prior to general publication. Your detailed feedback will be sought and carefully considered. However, to preserve research integrity, the IRPA will not be required to make changes or add/remove information at the request of any conservancy (or TNC).

Grievance Procedures: If you have any complaints or grievances that relate to the study or conduct of the IRPA staff, you are advised to immediately contact Munira Bashir, Tel: +254 722 461412 or munira@tnc.org.

CONSENT STATEMENT:

Having read the above, I, _____, on behalf and with the approval and authority of the members of the _____ Conservancy, in my capacity as _____, agree that we shall participate in this study and consent to the above. I understand that the involvement of the _____ Conservancy in this study is completely voluntary, and that we can decline participation or withdraw at any time. However, any information I provide for the purpose of this study will not be capable of being withdrawn.

I agree to assist in the organization of a site visit by the researchers on mutually convenient dates and times, and to inform and mobilize the members of the _____ Conservancy for their voluntary participation in the study, and, moreover, to not influence their opinions that shall be freely shared with the researchers, or exact any form of retribution upon any member for having a different opinion than my own in relation to the topic of this research study. I also acknowledge that this letter of consent is in no way a binding contract between the _____ Conservancy, IRPA and TNC.

REVIEWED, DISCUSSED, AND ACKNOWLEDGED

DATED:....., 202_

On behalf of _____ Conservancy:

On behalf of the Institute for Research & Policy Alternatives:

Signature

Signature

Name, Title

Name, Title

Kiambatisho cha 3:

*Haki na Viashiria
Vilivyotumika
katika Utafiti wa HRRA*



Rights and Indicators for the Human Rights Risk Assessment Study of Community Conservancies in Kenya

Developed by the Institute for Research & Policy Alternatives
Nairobi, Kenya

Conservancy Operations

Right	No.	Indicators
Right to free and prior informed consent	CO1	The conservancy policies do not expressly recognize the need for FPIC from communities within and around / impacted by the conservancy.
	CO2	The conservancy does not ensure the full participation of IPLCs in the development and implementation of plans, projects, programmes that have a capability of impacting them directly or indirectly.
	CO3	The conservancy staff are unable to provide concrete examples of instances where in its operations, FPIC has been incorporated and implemented in conservancy activities.
	CO4	The conservancy is unable to provide records with sufficient details regarding adequate and meaningful steps it has taken to obtain FPIC together with the responses of the community (i.e. minutes of consultations, recordings, signed letters, etc.)
	CO5	Conservancy staff (and/or contractors) are not trained on how to interact appropriately with IPLCs, including respecting their right to FPIC.
	CO6	The conservancy doesn't maintain a publicly available register of the details of the steps it has taken to adequately and meaningfully consult and obtain FPIC from indigenous peoples.
	CO7	The conservancy doesn't have policy and procedures that require the conservancy to identify the land and natural resource rights of indigenous peoples before engaging in natural resource development on indigenous peoples' lands.
Right of access to information	CO8	The conservancy does not disclose relevant operational information to its members and the community.
	CO9	The conservancy did not inform the communities on interventions that may potentially affect them in a way to ensure that community members properly understood the information and how it will impact their lives
	CO10	The conservancy does not provide equal access to information to all by excluding women, IPLCs, and other minorities
	CO11	The conservancy makes public announcements in a variety of formats about any activities it is considering undertaking that may impact the lives of community members.
	CO12	There is no clarity on agreements that the conservancy has entered into, including other parties, timelines for the agreement, obligations, etc
Right to just and fair procedures for the resolution of conflicts	CO13	The conservancy doesn't have a written policy for conflict resolution and grievance mechanisms
	CO14	There are no efforts to distribute information on the conflict resolution and grievance mechanisms if they exist to the staff and community
	CO15	Community members/staff are unaware of the existence of conflict resolution and grievance mechanisms.
	CO16	Members of the local community do not understand the procedures that should be followed for the conflict resolution and grievance mechanism, if it does exist.
	CO17	Community members are unable to access conflict resolution mechanisms, if they do exist, even if they try.

This study was commissioned by The Nature Conservancy (TNC) in June 2021 and is being conducted by the Institute for Research & Policy Alternatives (IRPA). The study is national in scope. While TNC has made its organizational resources and expertise available to IRPA for collaboration upon request, IRPA exercises professional independence and final decision-making authority regarding data collection and analysis, as well as the final report's conclusions and recommendations, which are anticipated in April 2022.

Right	No.	Indicators
	CO18	Community members that file grievances participate in grievance resolution report that they suffer retaliation as a consequence of their participation and pursuit of redress.
	CO19	Corrective and remedial measures are not promptly, justly or effectively implemented and monitored
	CO20	Is the grievance mechanism process discriminatory against indigenous peoples', women, youth, or other minorities and marginalised groups.
	CO21	The existing policy requirements, if they exist, are not followed in relation to handling all grievances.
	CO22	The conservancy has a neutral mechanism responsible for hearing, processing, and settling disputes.
	CO23	There are no opportunities or mechanisms to anonymously submit grievances by the community
	CO24	Community members who have lodged a grievance are not updated regularly on the grievance resolution process.
	CO25	The conservancy does not keep thorough records of all grievances lodged and reports regularly both internally and externally.
	CO26	The conflict resolution mechanism is not culturally responsive/appropriate or does not take into account the communities' preferred ways of resolving disputes
Accountability	CO27	The conservancy doesn't have a written policy or guidelines instructing employees on how to deal with corruption.
	CO28	Have complaints or allegations of corruption been raised by members, impacted communities, or third-parties
	CO29	The conservancy does not investigate claims of corruption or misconduct.
Right to participate in decision-making	CO30	The conservancy doesn't have a stakeholder engagement plan in place to engage with a range of stakeholders, including affected communities, government stakeholders, civil society, traditional leaders, and others.
	CO31	Stakeholder engagement do not pay special attention to vulnerable individuals and groups such as minorities and IPLCs.
	CO32	The conservancy doesn't carry out meaningful public consultation with its strategy and annual plans in the relevant language formats.
	CO33	The conservancy's creation did not involve communities sufficiently, or work with the proper representatives of the IPLC institutions or authorities in the formation of the conservancies.
	CO34	Public consultation activities are not tailored to include women, youth, or disabled who may different knowledge and priorities.
	CO35	IPLCs do not feel their knowledge is valued in conservancy decision-making or activities.
	CO36	A lack of women leaders in the conservancy governance structures, resulting in a more patriarchal and male-centric leadership culture.
Right to maintain and develop their political, economic and social systems or institutions.	CO37	The conservancy has failed to analyse and assess the impact of its operations on the key institutions of IPLCs within and around it.
	CO38	The conservancy has failed to consult with traditional authorities or representations of IPLCs to determine how the conservation's operations may have social, spiritual, political, cultural or environmental impacts on these communities.
	CO39	The conservancy does not work with existing IPLC and community institutions to participate in decision making
	CO40	Communities are not included in the planning and strategy for activities at the conservancy

General Human Rights		
Right	No.	Indicators
The Right to life	GH1	There has been a loss of life in the conservancy that is attributable to non-natural causes.
	GH2	There are tangible and realistic threats within the conservancy that may result in the loss of life.
Right of adequate food	GH3	The conservancy's strategy, programmes or initiatives do not address how to address concerns and risks around the right to adequate food of acceptable quality.
	GH4	The community perceives, with sufficient examples, that its right to adequate food is threatened by the existence of the conservancy.
	GH5	There are concrete examples or instances of how the conservancy's operations contribute to food insecurity for certain groups, particularly the more vulnerable ones, within the community.
	GH6	There is poor or no adequate access to grazing areas for livestock to feed (indirect food security impact, for livestock).
	GH7	There is poor or no adequate access to fishing sites or other food sources through hunting and gathering?
The Right To Equality And Freedom From Discrimination (especially for women, IPLC, disabled, and other marginalised groups)	GH10	Community members or staff report personally felt discriminated against or harassed on the basis of a ground of discrimination prohibited under the law.
	GH11	Conservancy's founding or governance documents fail to recognize the right to equality and freedom from non-discrimination.
	GH12	The conservancy does not provide for access to the property or conservancy to disabled groups (i.e. ramps, etc.).
	GH13	The conservancy does not provide for access to the property or conservancy to disabled groups (i.e. ramps, etc.).
	GH14	There are clear incidences of discrimination against IPLCs by the conservancy that has further disenfranchised them
	GH15	Conservancy staff are not educated about the rights of local or indigenous peoples and how their conduct should ensure equality and non-discrimination.
	GH16	Women in the community complain of being discriminated against on the basis of their gender
	GH17	There are written reports/instances in the conservancy of subtle or overt discriminatory practices against women.
	GH18	The conservancy does not have a gender equity policy
	GH19	There is a clear example of discrimination of community members or staff based on age such that youth are disadvantage in decision-making, land used, or other roles in the conservancy.
The Right to Security of Person and Property	GH20	There is no conservancy strategy or measures to avoid human/wildlife conflicts or conflict-related deaths or injuries.
	GH21	The community is able to provide examples of human-wildlife conflicts that are prevalent within and around the conservancy.
	GH22	Community members perceive that certain threats exist that are capable of jeopardising their right to property and sense of security that may result in damage, loss of tenure, loss of access, and greater insecurity.
	GH23	The conservancy does not keep records of GBV or sexual harassment reports.
	GH24	The grievance procedure of the conservancy is discriminatory and not able to respond to gender specific issues, such as sexual harassment.
	GH25	Participants know or have heard of instances of GBV or sexual harassment within the conservancy, or by representatives of the conservancy.

Right	No.	Indicators
	GH26	The conservancy has failed to punish or address any discrimination, harassment or sexual violence associated with public or private security forces that protect conservancy assets.
	GH27	Reports of children suffering physical attacks within the conservancy. This could be at the conservancy or during conservancy events and activities, or by conservancy staff and senior members.
	GH28	Reports of children suffering psychological violence within the conservancy. This could be at the conservancy or during conservancy events and activities, or by conservancy staff and senior members.
Right to the enjoyment of the highest attainable standard of physical and mental health	GH29	The conservancy has not consulted with indigenous peoples and undertaken assessments to determine whether the planned operations may have any impact on the local sources of medicines.
	GH30	Some conservancy activities has directly impacted the provision of health services within and around the community conservancy
	GH31	Female reproductive health choices and decisions have a bearing on the treatment and benefits received by community and conservancy members or otherwise impacts of the conservancy affect women and girls' health disproportionately
	GH32	The conservancy has not consulted with indigenous peoples and undertaken assessments to determine whether the planned operations may have any impact on the local sources of medicines.
	GH33	IPLC are often denied access to obtain traditional herbs and other medicines from the conservancy
Right to traditional knowledge and cultural expression	GH36	Social, spiritual, cultural and heritage impact assessments are not undertaken prior to approval of projects that may affect indigenous peoples' lands, territories or resources, with the participation of indigenous peoples' representative institutions.
	GH37	Local artisans and indigenous representatives are not compensated fairly before using protectable material in its marketing or advertising materials.
	GH38	The conservancy has attempted, in the past and currently, to establish intellectual property interests / ownership over assets that historically and lawfully belong to indigenous communities.
	GH39	The conservancy uses the land that is culturally significant to the local community in a way that contradicts or harms their cultural practices.
	GH40	There is no proactive, equitable inclusion of local knowledge and practices in conservancy plans
	GH41	The conservancy does not negotiate with indigenous or local peoples for informed consent and compensation to commercially exploit their innovations or traditional knowledge.
	GH42	IPLC Communities within and around the conservancy lack tenets or features of their original culture, and reflect that of the mainstream or more dominant demographic.
Right to self-determination	GH43	Before establishing the conservancy on the land, the conservancy didn't give the community an opportunity to propose alternative solutions for conservation.
	GH44	The conservancy didn't have direct communication with the conservancies during the creation of the conservancies but negotiated through a proxy organisation, individual or government agency.

Right	No.	Indicators
Right to education	GH45	The conservancy doesn't do any background research to ensure that minors who have not completed compulsory schooling or school going youth are not hired without justifiable reason.
	GH46	The conservancy doesn't have an apprenticeship/internship program or it is not open to local youth from the community
	GH47	The conservancy doesn't consult with local authorities and school officials regarding anticipated disruptions to the learning environment in local school facilities during activities, events or programs.
	GH48	The conservancy interferes with the child's opportunities for gaining intergenerational traditional knowledge

Environmental and Natural Resources Rights

Right	No.	Indicators
Right to a Clean and Healthy Environment	EN1	The conservancy has no policy that addresses environmental protection and management, including one that ensures that the local community will not be deprived of basic services and local natural resources as a result of its operations. If it exists, it is also not implemented effectively.
	EN2	Before initiating new operations likely to impact the environment the conservancy does not undertake an impact assessment (even if not a full EIA) as prior to approval / commencement of projects.
	EN3	The conservancy does not meaningfully discuss its plans and activities with community members to measure the environmental impact and to determine how to avoid or mitigate any harmful effects.
	EN4	The conservancy fails to continually monitor its use of local resources, and if necessary, fails to arrange for alternative resources to make sure that its activities do not deprive local inhabitants of basic resources.
	EN5	The conservancy does not ensure that potentially affected community members have correctly understood environmental information, particularly how it would impact their lives, and neither does it provide public access to relevant environmental information it possesses.
	EN6	The conservancy does not have an effective, transparent, accessible, culturally responsible and publicised mechanism for receiving, investigating and addressing complaints from affected individuals and communities about threats, risks or negative impacts on the environment.
	EN7	The conservancy does not engage with the local community to monitor environmental impacts and does not take action to address their concerns in a prompt and timely manner.
Right to water	EN8	The conservancy contributes to the pollution of waste, including toxic material, into nearby water sources.
	EN9	The conservancy overuses and over exploits local limited water resources for its operations.

Right	No.	Indicators
Right to use, develop and control the lands, territories and resources that they possess	EN10	The conservancy has not undertaken dialogues with all affected parties, especially women and IPLC, to find mutually acceptable solutions to land usage, development plans, as well as control measures on these territories and over their resources.
	EN11	The conservancy does not keep any record of or show awareness about existing treaties or agreements if any between the community and other communities, or sub-groups within the community on the land use practices of the community
	EN12	The security or conservancy employees of the conservancy do not ensure safe and unimpeded use of the land and its resources by indigenous communities.
	EN13	The conservancy does not investigate any violations of the rights of all communities with respect to access and usage rights including customary rights
	EN14	There are conflicts in the community related to limited resources or environmental concerns from the conservancy
	EN15	The conservancy has not consulted with women and undertaken assessments to determine whether the planned operations may have any impact on their access to natural resources for any use e.g. cooking, medicines, beauty or other traditional practices
	EN16	The conservancy does not have guidelines concerning access and usage rights for areas where indigenous peoples have right to access conservancy-controlled land or its adjacent territories impacted by the conservancy.
	EN17	Prior to the conservancy being formed, the conservancy didn't identify non-exclusive indigenous rights holders to the land or they resource uses
	EN18	The conservancy doesn't have a policy to ensure the indigenous community access to freely enter, cross, or use the land.

Land and Habitat Rights

Right	No.	Indicators
Right not to be forcibly removed from their residences, lands or territories without FPIC	LH1	The conservancy has involuntarily relocated or demolished homes without alternative solutions, compensation or redress for either the conservancy or other land uses in the conservancy activities
	LH2	The conservancy and its operations have indirectly and adversely resulted in the relocation or impediment of the right to residence for members of the community individually, as a group, or as a whole.
	LH3	Affected parties and relevant NGOs confirm that the conservancy has not done enough to avoid forced relocations.
	LH4	The conservancy and its agents used coercive tactics in making decisions related to the resettlement of the community did not have a say in selecting alternative resettlement options.
	LH5	Conservancy guidelines fail to mandate consultations with all affected parties prior to using their property for conservancy, and if indigenous peoples are involved, it fails to factor free, prior and informed consent.
	LH6	Conservancy uses coercive measures in order to obtain consent for use of community's territories
	LH7	The conservancy has not explored alternative measures in consultation with the affected parties in order to mitigate any negative effects of relocation
	LH8	Prior to acquiring an interest in land for use, the conservancy didn't investigate or evaluate land rights, including both formal forms of ownership, informal individual ownership, and communal ownership as recognised by international law, national law and customary law. This failure to investigate did not predate independence or colonisation, including potential forced transfer of the land in the past of previous generations.
	LH9	The conservancy didn't assess alternative project designs that could avoid conversions of land and displacement of communities
	LH10	Reliable sources and the indigenous peoples' representatives confirm that the conservancy is not respectful of the land tenure rights of local and indigenous people in its operations.

Right	No.	Indicators
Right to security of land tenure	LH11	There are multiple reports of incidents relating to conflicting land or resource claims that remain unaddressed, or poorly addressed by the conservancy.
	LH12	The conservancy is not committed to clarifying and settling all existing claims and conflicts of land ownership in compliance with the law.
	LH13	There is an actual, or perceived prevalence of land grabbing within or around the conservancy.
	LH14	There is a lack of documented or recognized evidence on ownership or tenure of the land.
	LH15	The conservancy does not have a method in place to verify or at a minimum, address, any claims and titles to land, under Kenyan law (including formal and informal ownership) and the law and customs of indigenous peoples.
	LH16	Conservancy guidelines do not include women and wives in consultations with all affected parties prior to acquiring their property through a third party.
	LH17	There is a lower share of women among owners or rights- bearers of agricultural land, by type of tenure
Right to redress, by means that can include restitution and compensation using FPIC (land-related)	LH18	There are incidents of lack of redress for land lost without the free, prior and informed consent.
	LH19	The conservancy has not provided compensation (housing alternative land, money, etc.) to all affected parties in case of relocation in accordance with international law.
	LH20	If compensation was provided, the compensation was not fairly valued or made in a timely manner.

Labour Rights (Staff and Workers as the Rights Holders)

Right	No.	Indicators
The right to fair employment contracts and practices	LB1	The conservancy withholds wages or threatens to compel overtime (or work itself).
	LB2	The conservancy doesn't provide employment contracts that are fair, transparent, and understood by the workers.
	LB3	The conservancy does not have sexual harassment policies to limit instances of sexually indecent or predatory behavior by staff.
	LB4	Conservancy benefits and vacation policies do not allow for the observance of different cultural/ religious holidays.
The Prohibition of Slavery, Servitude, and Forced Labour	LB5	The conservancy does not prohibit forced labour in its various forms, such as debt bondage, compelled involuntary overtime, forced prison labour and trafficked labour.
The right to suitable health and safety for staff and employees	LB6	Number of instances of staff members being hurt, injured or even killed during the performance of their duties.
	LB7	There is no protective equipment and training necessary to safely perform the functions of their position.
	LB8	The conservancy has a high level of accidents resulting in injuries or illnesses.
Right to Privacy	LB9	Travel documents and identity cards of employees are retained by the conservancy managers or human resource management.
	LB10	The conservancy collects highly sensitive personal information of staff without their consent

Right	No.	Indicators
Right not to be subjected to any discriminatory conditions of labour	LB11	Workers confirm that the work environment is not discriminatory and not culturally sensitive
	LB12	The conservancy staff ratio does not reflect ethnic balance and equity, particularly in the hiring of IPLCs from the community
	LB13	It is observed that there is resentment among conservancy staff or its leadership / management as a result of unaddressed discriminatory practices.
	LB14	The conservancy discriminates against disabled employees or doesn't provide fair employment opportunities for disabled.
	LB15	The conservancy does not implement an affirmative action program for hiring women.
	LB16	The conservancy requires job applicants or employees to take pregnancy tests, get abortions, or sign agreements not to become pregnant.
Right to favourable work conditions	LB17	The conservancy workplace does not prevent instances of workplace violence, harassment, and threats by taking appropriate preventative and disciplinary action.
	LB18	The conservancy does not take special measures to protect workers from the harassing, violent and threatening conduct of outsiders, such as customers, vendors and clients.
	LB19	The conservancy retaliates against workers who file grievances or complaints.
	LB20	The conservancy hires workers under the age of 18 to perform work that may be hazardous or harmful to their health, safety, educational, or moral development.
	LB21	The conservancy hires or contracts workers under the age of 18 to perform work that exposes them to psychological, emotional or sexual abuse.
Right against economic exploitation of underage youth	LB22	Interviewees confirm that the conservancy has hired persons under the age of 16 (number of cases). This could also be picked up through observation and review of records.
	LB23	The conservancy doesn't have a clear policy regarding the minimum age for employment, which complies with national laws, but is no less than 16 years of age.

Local Livelihoods Rights

Right	No.	Indicators
Right to sustainable livelihoods and development	LI1	The conservancy doesn't have strategies in place to ensure that appropriate measures are designed and implemented to eliminate or mitigate adverse environmental, economic, social, cultural or spiritual impacts that may result.
	LI2	The conservancy doesn't have a schedule defining the amount, location and timing of public services and natural resources needed for its activities.
	LI3	Before leasing the conservancy to third parties, the conservancy didn't offer the local community the opportunity to invest in the land.
	LI4	Does the conservancy have a direct or indirect impact on livelihood and economic development of the local community?
	LI5	The conservancy doesn't not have policies, procedures and processes that take a gender-sensitive approach, e.g. provide for the consideration of impacts on women and girls, collection of sex-disaggregated data, and gender-sensitive engagement methods.

Right	No.	Indicators
Right to their traditional means of subsistence	LI6	Before establishing a conservancy on the land, the conservancy did not undertake any social impact assessment.
	LI7	The conservancy has an agreement with the local municipality, authority, or community regarding its use of public natural resources, which includes a schedule of use and replacement.
	LI8	The Impact assessment, if conducted, did not include consultation with all local landowners and users so as to identify and avoid potential harm to local food-producing activities
	LI9	The conservancy doesn't have a policy to regulate the percentage of local recruitment required to fulfill the employment quota.
	LI10	If natural resources are scarce, the conservancy does not arrange to source alternative resources from outside the community but instead undertakes questionable conduct (i.e. inflating prices) to compete over the community.
	LI11	Livelihoods-focused income generating activities undertaken by the conservancy are culturally responsive/in line with what communities want
	LI12	Livelihoods-focused income generating activities undertaken by the conservancy are inclusive considering gender, age and other minorities
	LI13	Women are not freely allowed to pursue their livelihoods, or impeded from doing so, by the conservancy's existence or any of its activities/operations.
	LI14	The conservancy does not promote traditional income generating efforts undertaken by women that value their traditional roles/ priorities/desires/ contributions
	The right to benefits accrued from the conservancies	LI15
LI16		There is no benefit sharing agreement between the conservancy and community members, as well as with third-parties.
LI17		The benefit sharing agreement between the conservancy and community members is equitable to consider minorities, women, IPLCs, disadvantaged resource user groups and other minorities
LI18		The conservancy communities were not fairly compensated and/or redressed for the loss of livelihoods, as well as loss of natural resources.
LI19		Communities/individuals feel that the benefit accrued through a benefit sharing agreement did not have a positive impact on them.

Kiambatisho cha 4:

Hojaji Muhimu ya Mahojiano

na

Mwongozo wa Mahojiano



KII SURVEY

Name of Surveyor: _____

Date of survey: (____ / ____ / ____) Conservancy: _____

Gender of Participant: F M Age of Participant: _____

Other Details: IPLC Disabled Other Minority _____ (specify)

A. Can you please share details on how the conservancy was started according to your recollection?

1. Informed Consent and Participation: When the conservancy developed did the community participate in this process? (CO2)

Yes No I don't know

a. Did the conservancy negotiate with the communities directly and not through a proxy organisation, individual or government agency? (GH44)

Yes No I don't know

b. Has land been leased to third parties? And if so, was the community made aware of investment opportunities before leasing the land to third parties? (LI3)

Yes No I don't know

c. Did the conservancy work directly with IPLC institutions or authorities (CO33)

Yes No I don't know

d. Was the community given an opportunity to propose alternative solutions for conservation ? (GH43)

Yes No I don't know

Other comments on informed consent BEFORE the conservancy was started:

2. Assessments of Impacts: Were social, spiritual, cultural and environmental impact assessments undertaken prior to approval of projects that may affect indigenous peoples lands, territories or resources, with the participation of indigenous peoples representative institutions? (GH34)

Yes No I don't know

Check all that were carried out below:

- Social impact assessment (GH36) Environmental Impact Assessment (EN2)
- Livelihoods assessment (LI6)
- Other _____

a. If carried out, did the impact assessment include consultation with all local rights- owners and users so as to identify and avoid potential harm to local food-producing activities? (LI8)

Yes No I don't know

b. Did the conservancy consult with traditional authorities or representations of IPLCs during these assessments? (CO38)

Yes No I don't know

c. Prior to the conservancy being formed, did they conservancy identify non-exclusive indigenous rights holders to the land or they resource uses (EN17)

Yes No I don't know

d. Prior to acquiring an interest in land for use, did the conservancy investigate or evaluate land rights, including both formal forms of ownership, informal individual ownership, and communal ownership as recognised by international law, national law and customary law? (LH8)

Yes No I don't know

e. Prior to the conservancy being formed, did the conservancy identify non-exclusive indigenous rights holders to the land or their resource uses? (EN18)

Yes No I don't know

f. Did the conservancy consult with the indigenous peoples to determine whether the planned operations may have any impact on the local sources of medicines? (GH32)

Yes No I don't know

Other comments on assessment of impacts BEFORE the conservancy started:

B. Does the running and management of the Conservancy involve the local communities?

1. Consultation and Participation: In your opinion, does the conservancy ensure that you are included in its public consultation activities to its members and/or the broader community? (CO34)

Yes No I don't know

a. Please specify (Check all that apply that are consulted on, if any)

- Plans and strategy (CO40)
- Land compensation/Redress/Relocation (LH7)
- Measuring and monitoring environmental impacts (EN3)
- Commercialization of traditional knowledge? (GH41)
- Conservancy agreements with other parties (CO12)
- Benefit sharing with the community (LI15)
- Land usage and development plans over territories and resources (EN11)
- Consulted on natural resource use (EN15)
- Other _____

b. During the stakeholder engagement does the conservancy consider vulnerable individuals, minorities and IPLCs? (CO31)

Yes No I don't know

Specify which communities are NOT included, if any:

c. Is the consultation carried in the local language? (CO32) Yes No I don't know

Comments on consultation/ participation AFTER conservancy was started:

3. Information: Does the conservancy provide access to information to everyone in the community? (CO10)

Yes No I don't know

a. Which type of information is shared (Check all that apply)

- Conservancies records (CO8)
- Activities that may impact you (CO9)
- Public services and natural resources required for its activities (LI2)
- Environmental information (EN5)
- Other _____

b. Do you get this information in a variety of tools, platforms and formats that you can easily understand? (CO11)

Yes No I don't know

Comments on access to information AFTER the conservancy was started:

4. Leadership and Decision-Making: Are community members treated fairly and equally by the conservancy and included in decision-making, land used, or other roles in the conservancy?

Yes No I don't know

If no, specify any that are excluded (check all that apply):

- Women (GH16) Youth (GH16) IPLCs (GH14)
 Other _____

a. Do a fair number of women hold leadership positions in the conservancy? (CO36)

Yes No I don't know

b. Does the conservancy work with existing IPLC and community institutions to participate in decision making?

Yes No I don't know

c. Is there proactive, equitable inclusion of local knowledge and practices in conservancy plans and activities? (GH40)

Yes No I don't know

d. Are you of the opinion that indigenous knowledge is valued and taken into account when the conservancy makes decisions? (CO35)

Yes No I don't know

e. When you engage with conservation policies, procedures and processes, do you find them gender-sensitive? (LI5)

Yes No I don't know

f. Other comments on leadership and decision-making:

C. How was the land transfer and relocation process in the IPLC territories undertaken when the conservancy was started and during its operations?

1. Relocations: Has the conservancy during its operations indirectly and adversely resulted in the relocation or impediment of the right to residence for members of the community individually, as a group, or as a whole? (LH2)

Yes No I don't know

a. Specify more details (check any that apply below):

Homes demolished without alternative solutions, compensation or redress (LH1)

Conservancy didn't do enough to avoid forced relocations (LH3)

Conservancy/agents used coercive tactics to seek alternative resettlement (LH4)

Other _____

2. Land Rights: Is the conservancy respectful of the land tenure rights of local and indigenous people in its operations? (LH10)

Yes No I don't know

If not, please specify more details (check any that apply below):

Conservancy used coercion to obtain consent for use of territories (LH6)

The conservancy doesn't keep any record of or show awareness about existing treaties or agreements if any between the community (EN12)

Other _____

f. Did the conservancy assess alternative project designs that could avoid conversions of land and displacement of communities? (LH9)

Yes No I don't know

Other comments on land rights:

D. Are there any conflict issues that arise with the conservancy, and if so are their suitable measures taken to address them?

1. Conflicts: Are there any cases of other conflict issues that resulted from the existence of the conservancy that may jeopardies community right to property and sense of security, or may result in damage, loss of tenure, loss of access, and greater insecurity? (GH22)

Yes No I don't know

a. If so, please specify.

- Environmental and Natural Resources (EN14)
 Human-wildlife conflict (GH21)
 Land conflict (EN19)
 No access to adequate food (GH4)
 Other

Other information on conflict related to the conservancy:

2. Resolution Mechanisms: Do you know if a conflict resolution mechanism or a process for dealing with conflict resolution with the conservancy exists? (CO15).

Yes No I don't know

a. Please specify what you know and understand about it if it does exist.

- You understand the procedures (CO16)
 It respects your cultural beliefs and institutions when it comes to your preferred ways of solving disputes? (CO26)
 The entity for handling the grievance mechanism is neutral (CO22)
 Anonymous processes for submitting grievances (CO23)
 Other _____

b. If you have ever tried to access the mechanism, did you, or someone you know experience any challenges? (CO17).

Yes No I don't know

Please specify below if any issues exist (check all that apply).

- The mechanism policy requirement isn't followed (CO21)
 Faced retaliation (CO18)
 Unfair to women, youth, or other minorities and marginalised groups (CO20)
 You are not updated regularly when you lodge a complaint (CO24)
 The remedy isn't effectively is it implemented and monitored (CO19)
 Claims of corruption aren't investigated (CO29)
 Not responsive to gender-related issues such as sexual harassment (GH24)

Unsuitable punishment associated to abuses associated to private security forces and staff (GH27)

Other _____

c. Which issues have arisen that you or other members of the community have ever raised concern on either through the grievance mechanism, or through other legal redress or traditional processes of complaints. Specify all that apply.

Environmental issues (EN6)

Corruption by conservancy and partners or officials (CO28)

Community members or staff felt discriminated against or harassed (GH10)

GBV or sexual harassment cases within the conservancy (GH25)

Children suffering physical attacks within the conservancy (GH28)

Children suffering psychological violence within the conservancy (GH29)

Other _____

Other information conflict resolution mechanisms:

E. What outcomes have you seen that have resulted from the presence of the conservancy, both negative impacts and benefits?

1. Environment: Does the conservancy promote environmental protection and management to ensure that the community will not be deprived of basic services and local natural resources as a result of its operations? (EN1)

Yes No I don't know

a. If so, please check of which ones below:

Pollution of waste, including toxic material of water or lands (EN9)

Misuse and overexploitation of local water resources for its operations (EN10)

Other _____

b. Does the conservancy engage with the local community to monitor the environmental impacts (EN7)

Yes No I don't know

c. If there is an impact, does the conservancy takes action to address community concerns in a prompt manner, such as arrange for alternative resources (EN4)

Yes No I don't know

d. Are you aware of strategies by the conservancy to mitigate against adverse environmental, economic, social, cultural or spiritual impacts? If so, please share examples? (L11)

Yes No I don't know

If so, please specify

Feel free to specify more details below on environmental risks (if any):

2. Access of Resources and Lands: Do the conservancy impact how you use your land, including intervention from conservancy security staff? (EN13)

Yes No I don't know

a. Does the conservancy have guidelines concerning access and usage rights for areas where women and other minorities have right to access conservancy-controlled land or its adjacent territories impacted by the conservancy? (EN16)

Yes No I don't know

b. Is an agreement in place with local community or authorities regarding the conservancy's use of public natural resources, including a schedule of use and replacement?

Yes No I don't know

c. Is an agreement in place with local community or authorities regarding the conservancy's use of public natural resources, including a schedule of use and replacement? (LI7)

Yes No I don't know

d. Are IPLCs provided access to obtain traditional herbs and other medicines from the conservancy? (GH33)

Yes No I don't know

Feel free to specify more details below on natural resource use risks (if any):

3. Livelihoods: Does the conservancy have a direct or indirect impact on livelihood and economic development of the local community? (LI4)

Yes No I don't know

b. If so, please check of which ones below:

- Impact on forests used for hunting and gathering practices (GH5)
- Inadequate grazing areas for livestock to feed (GH6)
- Impact on fishing sites (GH7)
- Effect on agricultural lands (GH8)
- Other _____

c. Are women freely able to pursue their livelihoods, and do their income generating activities remain unimpeded by the conservancy's existence or any of its activities/operations? (LI13)

Yes No I don't know

If they are, can you specify which ones?

- Firewood
- Water access
- Medicines and other traditional foods
- Other _____

d. If there was an impact on livelihoods, was compensation and/or redress provided fair? (LI18)

Yes No I don't know

e. If food security has been impeded above, has the conservancy provided any alternative food and resources for the community? (GH9)

Yes No I don't know

f. In the instances when natural resources are scarce as a result of conservancy activities, does the conservancy address this fairly to the community? (LI10)

Yes No I don't know

g. Are the local artisans and indigenous representatives compensated fairly before the conservancy uses protectable material in its marketing or advertising? (GH37)

Yes No I don't know

h. Has the conservancy ever attempted, in the past and currently, to establish intellectual property interests / ownership over assets that historically and lawfully belong to indigenous communities? (GH38)

Yes No I don't know

i. Do the local community have a fair percentage of local recruitment to fill the employment quota? (LI9)

Yes No I don't know

j. Select below if any of the hiring practices of the conservancies biased to the following:

- Ethnic minorities and IPLCs (LB12)
- Disabled members of the community (LB14)
- Women (LB15)
- Other: _____

k. Do you feel that the income generating activities by the conservancy are sensitive to the local culture? (LI11)

Yes No I don't know

If not, please specify which one and why not?

l. Do you feel that the income generating activities by the conservancy take into consideration gender, age and other minorities? (LI12)

Yes No I don't know

If there are instances when they do not, please give examples.

m. Does the conservancy promote traditional income generating efforts by women that value their traditional roles/priorities/desires/contributions? (LI14)

Yes No I don't know

n. Are you aware of a benefit sharing agreement between the conservancy and community members, as well as third parties? (LI16)

Yes No I don't know

o. If an agreement exists, does it address the needs of minorities, women, IPLCs and disadvantaged resource user groups? (LI17)

Yes No I don't know

If not, why not?

p. If a benefits sharing agreement exists, have the benefits accrued been shared in the community ? (LI19)

Yes No I don't know

q. If benefits have been shared, did the distribution consider all rights-owners, especially women, IPLCs and marginalised minorities? (LI20)

Yes No I don't know

r. Do you feel that these benefits distributed have had a significant positive impact on the community? (LI21)

Yes No I don't know

Feel free to specify more details below on livelihood risks (if any):

4. Culture: Do the operations of the conservancy have any impact on the traditional institutions and cultural practices of your community? (CO37)

Yes No I don't know

If so, how?

a. Does the conservancy use the land that is culturally significant to the local community in a way that contradicts or harms their cultural practices? (GH39)

Yes No I don't know

If so, how?

b. Do IPLC Communities within and around the conservancy have opportunities to maintain their original culture instead of being integrated into mainstream or more dominant demographic? (GH42)

Yes No I don't know

c. Does the conservancy in any way interfere with the opportunity of children and youth for gaining intergenerational traditional knowledge? (GH48)

Yes No I don't know

d. Does the conservancy provide access to communities for sites that have religious, spiritual and cultural significance? (GH35)

Yes No I don't know

5. Does the conservancy have any other social risks or impacts in the community?

Yes No I don't know

If so, please specify?

a. Does the conservancy have an apprenticeship/internship program open to local youth from the community? (GH46)

Yes No I don't know

b. Does the conservancy consult with local authorities and school officials regarding anticipated disruptions to the learning environment in local school facilities during conservancy activities, events or programs? (GH47)

Yes No I don't know

c. Does the conservancy do background research to ensure that minors who have not completed compulsory schooling or school going youth are not hired without justifiable reason? (GH45)

Yes No I don't know

d. Have any of the conservancy activities impacted the provision of health services within and around the community conservancy? (GH30)

Yes No I don't know

e. Do female reproductive health choices and decisions have a bearing on the treatment and benefits received by community and conservancy members, or otherwise impacts of the conservancy affect women and girls' health disproportionately? (GH31)

Yes No I don't know

Comment on other social risks (if any):

Kiambatisho cha 5:

*Mwongozo wa Majadiliano ya
Kikundi Lengwa &
Mwongozo wa Mahojiano*



1. Informed Consent and Participation: When the conservancy developed did the community participate in this process? (C02)

	Y	N	DK	N/A
Did the conservancy negotiate with the communities directly and not through a proxy organisation, individual or government agency? (GH44)				
Has land been leased to third parties? And if so, was the community made aware of investment opportunities before leasing the land to third parties? (LI3)				
Did the conservancy work directly with IPLC institutions or authorities (CO33)				
Was the community given an opportunity to propose alternative solutions for conservation ? (GH43)				

Other comments on informed consent BEFORE the conservancy was started:

2. Assessments of Impacts: Were social, spiritual, cultural and environmental impact assessments undertaken prior to approval of projects that may affect indigenous peoples lands, territories or resources, with the participation of indigenous peoples representative institutions? (GH34)

Yes No I don't know

Check all that were carried out below:

- Social impact assessment (GH36) Environmental Impact Assessment (EN2)
- Livelihoods assessment (LI6)
- Other _____

	Y	N	DK	N/A
If carried out, did the impact assessment include consultation with all local rights-owners and users so as to identify and avoid potential harm to local food-producing activities? (LI8)				
Did the conservancy consult with traditional authorities or representations of IPLCs during these assessments? (CO38)				
Prior to the conservancy being formed, did they conservancy identify non-exclusive indigenous rights holders to the land or they resource uses (EN17)				
Prior to acquiring an interest in land for use, did the conservancy investigate or evaluate land rights, including both formal forms of ownership, informal individual ownership, and communal ownership as recognised by international law, national law and customary law? (LH8)				
Prior to the conservancy being formed, did the conservancy identify non-exclusive indigenous rights holders to the land or their resource uses? (EN18)				
Did the conservancy consult with the indigenous peoples to determine whether the planned operations may have any impact on the local sources of medicines? (GH32)				

Other comments on assessment of impacts BEFORE the conservancy started:

1. **Consultation and Participation: In your opinion, does the conservancy ensure that you are included in its public consultation activities to its members and/or the broader community? (CO34)**

Yes No I don't know

a. Please specify (Check all that apply that are consulted on, if any)

- Plans and strategy (CO40)
- Land compensation/Redress/Relocation (LH7)
- Measuring and monitoring environmental impacts (EN3)
- Commercialization of traditional knowledge? (GH41)
- Conservancy agreements with other parties (CO12)
- Benefit sharing with the community (LI15)
 - Land usage and development plans over territories and resources (EN11)
 - Consulted on natural resource use (EN15)
 - Other _____

b. During the stakeholder engagement does the conservancy consider vulnerable individuals, minorities and IPLCs? (CO31)

Yes No I don't know

Specify which communities are NOT included, if any:

c. Is the consultation carried in the local language? (CO32)

Yes No I don't know

Comments on consultation/participation AFTER conservancy was started:

3. Information: Does the conservancy provide access to information to everyone in the community? (CO10)

Yes No I don't know

a. Which type of information is shared (Check all that apply)

- Conservancies records (CO8)
- Activities that may impact you (CO9)
- Public services and natural resources required for its activities (LI2)
- Environmental information (EN5)
- Other _____

b. Do you get this information in a variety of tools, platforms and formats that you can easily understand? (CO11)

- Yes No I don't know

Comments on access to information AFTER the conservancy was started:

4. Leadership and Decision-Making: Are community members treated fairly and equally by the conservancy and included in decision-making, land used, or other roles in the conservancy?

- Yes No I don't know

If no, specify any that are excluded (check all that apply):

- Women (GH16)
 Youth (GH16)
 IPLCs (GH14)
 Other _____

	Y	N	DK	N/A
Do a fair number of women hold leadership positions in the conservancy? (CO36)				
Does the conservancy work with existing IPLC and community institutions to participate in decision making?				
Is there proactive, equitable inclusion of local knowledge and practices in conservancy plans and activities? (GH40)				
Are you of the opinion that indigenous knowledge is valued and taken into account when the conservancy makes decisions? (CO35)				
When you engage with conservation policies, procedures and processes, do you find them gender-sensitive? (LI5)				

Other comments on leadership and decision-making:

C. How was the land transfer and relocation process in the IPLC territories undertaken when the conservancy was started and during its operations?

a. Specify more details (check any that apply below):

- Homes demolished without alternative solutions, compensation or redress (LH1)
- Conservancy didn't do enough to avoid forced relocations (LH3)
- Conservancy/agents used coercive tactics to seek alternative resettlement (LH4)
- Other _____

2. **Land Rights: Is the conservancy respectful of the land tenure rights of local and indigenous people in its operations? (LH10)**

Yes No I don't know

a. If not, please specify more details (check any that apply below):

- Conservancy used coercion to obtain consent for use of territories (LH6)
- The conservancy doesn't keep any record of or show awareness about existing treaties or agreements if any between the community (EN12)
- Other _____

b. Did the conservancy assess alternative project designs that could avoid conversions of land and displacement of communities? (LH9)

Yes

No

I don't know

Other comments on land rights:

1. Conflicts: Are there any cases of other conflict issues that resulted from the existence of the conservancy that may jeopardies community right to property and sense of security, or may result in damage, loss of tenure, loss of access, and greater insecurity? (GH22)

Yes No I don't know

a. If so, please specify.

- Environmental and Natural Resources (EN14)
- Human-wildlife conflict (GH21)
- Land conflict (EN19)
- No access to adequate food (GH4)
- Other _____

Other information on conflict related to the conservancy:

2. Resolution Mechanisms: Do you know if a conflict resolution mechanism or a process for dealing with conflict resolution with the conservancy exists? (CO15).

Yes No I don't know

a. Please specify what you know and understand about it if it does exist.

- You understand the procedures (CO16)
- It respects your cultural beliefs and institutions when it comes to your preferred ways of solving disputes? (CO26)
- The entity for handling the grievance mechanism is neutral (CO22)
- Anonymous processes for submitting grievances (CO23)
- Other _____

b. If you have ever tried to access the mechanism, did you, or someone you know experience any challenges? (CO17).

Yes No I don't know

Please specify below if any issues exist (check all that apply).

- The mechanism policy requirement isn't followed (CO21)
- Faced retaliation (CO18)
 - Unfair to women, youth, or other minorities and marginalised groups (CO20)
- You are not updated regularly when you lodge a complaint (CO24)

- The remedy isn't effectively is it implemented and monitored (CO19)
- Claims of corruption aren't investigated (CO29)
- Not responsive to gender-related issues such as sexual harassment (GH24)
- Unsuitable punishment associated to abuses associated to private security forces and staff (GH27)
- Other _____

c. Which issues have arisen that you or other members of the community have ever raised concern on either through the grievance mechanism, or through other legal redress or traditional processes of complaints. Specify all that apply.

- Environmental issues (EN6)
- Corruption by conservancy and partners or officials (CO28)
- Community members or staff felt discriminated against or harassed (GH10)
- GBV or sexual harassment cases within the conservancy (GH25)
- Children suffering physical attacks within the conservancy (GH28)
- Children suffering psychological violence within the conservancy (GH29)
- Other _____

Other information conflict resolution mechanisms:

1. Environment: Does the conservancy promote environmental protection and management to ensure that the community will not be deprived of basic services and local natural resources as a result of its operations? (EN1)

Yes No I don't know

a. If so, please check of which ones below:

- Pollution of waste, including toxic material of water or lands (EN9)
- Misuse and overexploitation of local water resources for its operations (EN10)
- Other

	Y	N	DK	N/A
Does the conservancy engage with the local community to monitor the environmental impacts (EN7)				
If there is an impact, does the conservancy takes action to address community concerns in a prompt manner, such as arrange for alternative resources (EN4)				
Are you aware of strategies by the conservancy to mitigate against adverse environmental, economic, social, cultural or spiritual impacts? If so, please share examples? (LI1)				

Feel free to specify more details below on environmental risks (if any):

2. Access of Resources and Lands: Do the conservancy impact how you use your land, including intervention from conservancy security staff? (EN13)

	Y	N	DK	N/A
Does the conservancy have guidelines concerning access and usage rights for areas where women and other minorities have right to access conservancy-controlled land or its adjacent territories impacted by the conservancy? (EN16)				
Is an agreement in place with local community or authorities regarding the conservancy's use of public natural resources, including a schedule of use and replacement?				
Is an agreement in place with local community or authorities regarding the conservancy's use of public natural resources, including a schedule of use and replacement? (LI7)				
Are IPLCs provided access to obtain traditional herbs and other medicines from the conservancy? (GH33)				

Feel free to specify more details below on natural resource use risks (if any):

3. Livelihoods: Does the conservancy have a direct or indirect impact on livelihood and economic development of the local community? (LI4)

Yes No I don't know

a. If so, please check of which ones below:

- Impact on forests used for hunting and gathering practices (GH5)
- Inadequate grazing areas for livestock to feed (GH6)
- Impact on fishing sites (GH7)
- Effect on agricultural lands (GH8)

Other _____

b. Are women freely able to pursue their livelihoods, and do their income generating activities remain unimpeded by the conservancy's existence or any of its activities/operations? (LI13)

Yes No I don't know

If they are, can you specify which ones?

- Firewood
- Water access
- Medicines and other traditional foods
- Other _____

	Y	N	DK	N/A
If there was an impact on livelihoods, was compensation and/or redress provided fair? (LI18)				
If food security has been impeded above, has the conservancy provided any alternative food and resources for the community? (GH9)				
In the instances when natural resources are scarce as a result of conservancy activities, does the conservancy address this fairly to the community? (LI10)				
Are the local artisans and indigenous representatives compensated fairly before the conservancy uses protectable material in its marketing or advertising? (GH37)				
Has the conservancy ever attempted, in the past and currently, to establish intellectual property interests / ownership over assets that historically and lawfully belong to indigenous communities? (GH38)				
Do the local community have a fair percentage of local recruitment to fill the employment quota? (LI9)				

Select below if any of the hiring practices of the conservancies biased to the following:

Ethnic minorities and IPLCs (LB12)

Disabled members of the community (LB14)

Women (LB15)

Other: _____

c. Do you feel that the income generating activities by the conservancy are sensitive to the local culture? (LI11)

Yes No I don't know

If not, please specify which one and why not?

d. Do you feel that the income generating activities by the conservancy take into consideration gender, age and other minorities? (LI12)

Yes No I don't know

If there are instances when they do not, please give examples.

e. If an agreement exists, does it address the needs of minorities, women, IPLCs and disadvantaged resource user groups? (LI17)

Yes No I don't know

If not, why not?

	Y	N	DK	N/A
Does the conservancy promote traditional income generating efforts by women that value their traditional roles/priorities/desires/contributions? (LI14)				
Are you aware of a benefit sharing agreement between the conservancy and community members, as well as third parties? (LI16)				
If a benefits sharing agreement exists, have the benefits accrued been shared in the community ? (LI19)				
If benefits have been shared, did the distribution consider all rights-owners, especially women, IPLCs and marginalised minorities? (LI20)				
Do you feel that these benefits distributed have had a significant positive impact on the community? (LI21)				

Feel free to specify more details below on livelihood risks (if any):

4. Culture: Do the operations of the conservancy have any impact on the traditional institutions and cultural practices of your community? (CO37)

Yes No I don't know

If so, how?

a. Does the conservancy use the land that is culturally significant to the local community in a way that contradicts or harms their cultural practices? (GH39)

Yes No I don't know

If so, how?

	Y	N	DK	N/A
Do IPLC Communities within and around the conservancy have opportunities to maintain their original culture instead of being integrated into mainstream or more dominant demographic? (GH42)				
Does the conservancy in any way interfere with the opportunity of children and youth for gaining intergenerational traditional knowledge? (GH48)				
Does the conservancy provide access to communities for sites that have religious, spiritual and cultural significance? (GH35)				

5. Does the conservancy have any other social risks or impacts in the community?

Yes No I don't know

If so, please specify?

Does the conservancy have an apprenticeship/internship program open to local youth from the community? (GH46)				
Does the conservancy consult with local authorities and school officials regarding anticipated disruptions to the learning environment in local school facilities during conservancy activities, events or programs? (GH47)				
Does the conservancy do background research to ensure that minors who have not completed compulsory schooling or school going youth are not hired without justifiable reason? (GH45)				
Have any of the conservancy activities impacted the provision of health services within and around the community conservancy? (GH30)				
Do female reproductive health choices and decisions have a bearing on the treatment and benefits received by community and conservancy members, or otherwise impacts of the conservancy affect women and girls' health disproportionately? (GH31)				

Other Comments on social risks (if any):

Kiambatisho cha 6:

*Dodoso la Utafiti wa Utawala
& Mahojiano*



ADMIN TOOL**Name of Surveyor:** _____**Date of Survey:** _____ **Conservancy:** _____**Gender of Participant:** F M **Age of Participant:** _____ (optional)**Other Details:** Manager Board Member/Trustee Other Staff _____**Right to free and prior informed consent (FPIC)****1. Do any of the Conservancy's policies/procedures recognize FPIC explicitly or implicitly?****(CO1)**Yes No I don't know

2. Do Conservancy staff implement FPIC in their day-to-day functions working with community members? (CO3)Yes No I don't know

3. Does the Conservancy have any records to demonstrate that it obtained FPIC from its members (meeting minutes, recordings, signed letters. etc) (CO4)Yes No I don't know **4. Has the Conservancy ever conducted trainings on community engagement, including community members' right to FPIC? (CO5)**Yes No I don't know

5. Does the Conservancy have any records to demonstrate that it obtained FPIC from its members (meeting minutes, recordings, signed letters. etc.) **(C06)**

Yes No I don't know

6. Does the conservancy have any policies or procedures that require the conservancy to identify the land and natural resource rights of indigenous peoples before engaging in natural resource development on indigenous peoples' lands? **(C07)**

Yes No I don't know

7. Assessments of Impacts: Were social, spiritual, cultural and environmental impact assessments undertaken prior to approval of projects that may affect indigenous peoples lands, territories or resources, with the participation of indigenous peoples representative institutions? **(GH34)**

Yes No I don't know

Right of access to information

8. Decision making and communicating decisions: **(C08)**

a. How does the Conservancy communicate decisions to the community?

b. Are community members provided information and the opportunity to provide their input?

Yes No I don't know

c. Are they allowed to vote on pending decisions? Is their vote equal to Trustees?

Yes No I don't know

d. Is their vote binding?

Yes No I don't know

9. Does the Conservancy make public announcement (newspapers, posters, social media) about activities that it is concerning undertaking that may impact the lives of community members? **(CO11)**

Yes No I don't know

Right to just and fair procedures for the resolution of conflicts

10. Does the Conservancy have grievance mechanism and/or policy on conflict resolutions? **CO13**

Yes No I don't know

11. Are community members / staff aware of the grievance mechanism and conflict resolution system? **CO15**

Yes No I don't know

12. What efforts are made to make the community / staff aware of the grievance mechanism / conflict resolution procedures? **CO14**

13. Does the grievance mechanism allow for anonymous grievances? **CO23**

Yes No I don't know

14. How are grievants informed of the ongoing process to redress a grievance? **CO24**

15. Is there a grievance log and reports on their resolution status? **CO25**

Yes No I don't know

16. May we inspect the grievance mechanism? **CO22**

Yes No I don't know

Accountability

17. Does the Conservancy have an anti-corruption policy? **CO27**

Yes No I don't know

18. Have there been any grievances related to alleged corruption? **CO28**

Yes No I don't know

19. If so, did the Conservancy have an internal or external investigation of the claim? **CO29**

Yes No I don't know

Right to participate in decision-making

20. Does the Conservancy have a Stakeholder Engagement Plan (SEP)? **CO30**

Yes No I don't know

21. Does the SEP deal specifically with vulnerable groups, minorities, indigenous peoples? **CO31**

Yes No I don't know

22. Does the Conservancy share its strategy documents/annual plans in a language that most people can read? **CO32**

Yes No I don't know

23. What specific engagement was conducted with community members around the establishment of the Conservancy? Who was consulted and when? **C033**

Yes No I don't know

24. Does the SEP deal specifically with engaging women, youth or disabled to take into account their views? **C034**

Yes No I don't know

25. Are there any women in leadership positions? **C036**

Yes No I don't know

IF yes, Please specify. _____

Right to maintain and develop their political, economic and social systems or institutions.

26. Has the Conservancy ever conducted an impact/risk assessment to determine the impact of its operations on the key institutions of the community? **C037**

Yes No I don't know

27. Has the Conservancy consulted with traditional authorities/ representatives to determine how the conservancy's operations may have social, spiritual, political, cultural or environmental impacts on these communities? **C038**

Yes No I don't know

Right to adequate food

28. Does the conservancy's strategy, programmes or initiatives address how to address concerns and risks around the right to adequate food of acceptable quality? **GH3**

Yes No I don't know

The Right To Equality And Freedom From Discrimination (especially for women, IPLC, disabled, and other marginalised groups)

29. Do the Conservancy's founding or governance documents recognize the right to equality and freedom from non-discrimination? **GH11**

Yes No I don't know

30. Does the conservancy provide access to the property or conservancy to disabled persons? **GH12**

Yes No I don't know

31. Are Conservancy staff educated about the rights of local or indigenous peoples and how their conduct should ensure equality and non-discrimination? **GH15**

Yes No I don't know

32. Has the conservancy noted an instances of subtle or overt discriminatory practices against women? **GH17**

Yes No I don't know

33. Does the Conservancy have a Gender Equity Policy? **GH18**

Yes No I don't know

The Right to Security of Person and Property

34. Does the Conservancy have a strategy to prevent or control human/wildlife conflicts? Does the strategy deal with conflict-related deaths or injuries? **GH20**

Yes No I don't know

35. Does the conservancy keep records of GBV or sexual harassment reports? **GH23**

Yes No I don't know

Right to the enjoyment of the highest attainable standard of physical and mental health

36. Has the Conservancy consulted with indigenous peoples and undertaken assessments to determine whether the planned operations may have any impact on the local sources of medicines? **GH29**

Yes No I don't know

The Freedom Of Conscience, Religion, Belief

37. Does the Conservancy regulate or otherwise dissuade community members or staff from practicing their religion or beliefs? **GH34**

Yes No I don't know

Right to traditional knowledge and cultural expression

38. Does the Conservancy conduct participatory Environmental & Social Impact Assessment prior to initiating new projects to determine if and how they may impact indigenous peoples' lands, territories or resources? **GH36**

Yes No I don't know

39. Does/has the conservancy attempt to establish intellectual property interests / ownership over assets that historically and lawfully belong to indigenous communities? **GH38**

Yes No I don't know

40. Does the conservancy use the land that is culturally significant to the local community in a way that contradicts or harms their cultural practices? **GH39**

Yes No I don't know

41. Does the Conservancy proactively and equitably include local knowledge and practices into its plans? **GH40**

Yes No I don't know

42. Does the conservancy negotiate with indigenous or local peoples for informed consent and compensation to commercially exploit their innovations or traditional knowledge? **(GH41)**

Yes No I don't know

Right to fair employment contracts and practices

43. Does the conservancy provide employment contracts that are fair, transparent and understood by the workers? **(LB2)**

Yes No I don't know

44. Does the conservancy withhold wages or threaten to compel overtime or work itself? **(LB1)**

Yes No I don't know

45. Does the conservancy have a sexual harassment policy to limit instances of sexually indecent or predatory behaviour? **(LB3)**

Yes No I don't know

46. Does the conservancy respect different cultural and religious holidays/practices in its policies? **(LB4)**

Yes No I don't know

Prohibition of Slavery, Servitude and Forced Labour

47. Does the conservancy observe or fail to discourage forced labour, including as debt bondage, compelled involuntary overtime and trafficked labour? **(LB5)**

Yes No I don't know

Right to suitable health and safety for staff and employees

48. Are there any instances where conservancy staff have been hurt, injured or even killed during the performance of their duties? **(LB6)**

Yes No I don't know

49. Do staff have protective equipment and training to safely perform their functions?
(LB7)

Yes No I don't know

50. Does the conservancy have a high level of accidents resulting in injuries or illnesses? (LB8)

Yes No I don't know

Right to Privacy

51. Does the conservancy retain any identification documents belonging to any staff members? If so, what type of documents are retained? (LB9)

Yes No I don't know

52. Does the conservancy collect sensitive data about the staff without their consent? (LB10)

Yes No I don't know

Right not to be subjected to any discriminatory conditions of labour

53. Are there reports of your work place being discriminatory and not culturally sensitive? (LB11)

Yes No I don't know

54. Do the conservancy staff ratio reflect and ethnic balance and equity, particularly the hiring of IPLCs from the community? (LB12)

Yes No I don't know

55.Is there resentment among conservancy staff or its leadership and management as a result of unaddressed discriminatory practices? **(LB13)**

Yes No I don't know

56.Does the conservancy discriminate against disabled employees or not provide them with opportunities?? **(LB14)**

Yes No I don't know

57.Does the conservancy have any affirmative action programmes to hire women? **(LB15)**

Yes No I don't know

58.Does the conservancy require job applicants or employees to take pregnancy tests, get abortions or sign agreements not to become pregnant? **(LB16)**

Yes No I don't know

Right to favourable work conditions

59.Are there reports of workplace violence, harassment, and threats by taking appropriate preventative and discipline action? **(LB17)**

Yes No I don't know

60.Does the conservancy not take any special measures to protect workers from the harassing, violent and threatening conduct of outsiders, i.e. customers, vendors, clients, etc.? **(LB18)**

Yes No I don't know

61. Does the conservancy retaliate against workers that file grievances or complaints? **(LB19)**

Yes No I don't know

62. Does the conservancy hire workers that are under the age of 18 to perform work that exposes them to psychological, emotional or sexual abuse? **(LB21)**

Yes No I don't know

63. Does the conservancy hire or contract staff under the age of 18 to perform work that may be hazardous to their health, safety, educational and moral development? **(LB20)**

Yes No I don't know

Right against economic exploitation of underage youth

64. Has the conservancy hired persons under the age of 16? **(LB22)**

Yes No I don't know

65. Does the conservancy have a policy about the minimum age of employment which complies with national laws but is less than 16 years of age? **(LB23)**

Yes No I don't know

Right to security of land tenure

66. Are there instances of conflicting land or resource claims that remain unaddressed by the conservancy? **(LH11)**

Yes No I don't know

67. Is the conservancy committed to clarifying and settling all existing claims and conflicts of land ownership in compliance with the law? **(LH12)**

Yes No I don't know

68. Is there an actual or perceived prevalence of land grabbing within or around the conservancy? **(LH13)**

Yes No I don't know

Kiambatisho cha 7:

*Orodha ya Viashirio vya
Uchunguzi & Zana ya
Uchunguzi*



