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UNIVERSITY

**TEGEMEO INSTITUTE OF AGRICULTURAL
POLICY AND DEVELOPMENT**

Proceedings of a Workshop

on

Land Tenure and Sustainable Pastoralist Systems

Held at the Narok South Constituency Youth Empowerment Centre,

Ololulunga Sub County Headquarters, Narok County

on 16th March, 2017

LIST OF ACRONYMS AND ABBREVIATIONS

ELLA	Evidence and Lessons from Latin America
GRADE	Grupo de Análisis para el Desarrollo
LAPSSET	Lamu Port-South Sudan-Ethiopia-Transport
MC	Master of Ceremony

A Workshop on

Land Tenure and Sustainable Pastoralist Systems

INTRODUCTION

Pastoralism is an extensive form of livestock production that constitutes the main production system found in rangelands, being a source of livelihoods to an estimated 500 million people globally. Like in other parts of the world, the country's public sector has not always pursued policies that sustain pastoralism. This has been due to misconceptions about pastoralism, competition from other land uses, demographic changes and urbanisation. Hence, pastoral communities in Kenya and in other parts of the world, are now facing immense pressure on their land.

It is against this backdrop that Tegemeo Institute conducted a study that tracked how land tenure in pastoralist communities has changed. In addition, the study compared this evolution with what is happening to pastoral communities in other parts of the world with a view of learning from these experiences and drawing lessons that will help pastoral communities sustain their productive systems. The lessons were drawn through interaction with experts from Sub Saharan Africa and Latin America. It is in the light of this that the Institute organized a workshop where key findings from this study were disseminated and discussed.

The workshop took place on 16th March, 2017 at the Narok South Constituency Youth Empowerment Centre, Ololulunga Sub County Headquarters, Narok County. It drew participants from a select group of stakeholders from the national and county governments, pastoral communities and other stakeholders working with pastoral communities in Narok County.

PROCEEDINGS

SESSION ONE: WELCOME AND INTRODUCTION

The half-day workshop started with a word of prayer by one of the participants. The Master of Ceremony (MC), Dr. Lilian Kirimi welcomed all the participants and proceeded to give her welcoming remarks.

Welcoming remarks: Dr. Lilian Kirimi – Senior Research Fellow, Tegemeo Institute

In her remarks, Dr. Kirimi welcomed all the participants to the workshop and guided them through a self-introductory session. She noted that there was a good representation from different stakeholders in the agriculture sector and looked forward to rich and diversified perspectives during the discussions.

She also recognized the presence of the deputy county commissioners Mr. Simon Osumba and Mr. Arthur Bunde from Narok West and Narok East, respectively, and then invited them to give their remarks.

Opening Remarks by Mr. Simon Osumba and Athur Bunde– Deputy County Commissioners, Narok West and Narok East Sub-Counties

In his remarks, Mr. Osumba began by appreciating the fact that pastoralist areas have several challenges that affect the livelihoods of the residents. He thanked Tegemeo Institute for doing the study and bringing the participants together. He said that the findings from the research will guide investment decisions in the agricultural sector in the county. He was also glad for the representation of the Ministry Agriculture in the county and in particular the lands department. He said that the findings and discussions would benefit the whole county.

Mr. Bunde appreciated the work done by the Institute in line with the theme of the workshop. He said historically, pastoralism has been practised in a traditional way in Narok despite several socioeconomic, environmental and climatic changes that have taken a toll on land and livelihoods of the people. Incomes have reduced due to reduction in herds and there are risks such as conflicts between communities and displacement of people.

He said that there is a need for the farming systems to adapt to these changes and hence applauded the Institute for raising the issue of sustainability in land use and management.

Workshop Objectives: Dr. Lilian Kirimi – Tegemeo Institute

Dr. Kirimi started her presentation by giving a brief background of the study, which was done in partnership with a research institution in Peru called GRADE. She reminded the participants that the aim of the workshop was to disseminate the findings from case studies of pastoral areas in northern and southern regions of Kenya whose results were compared with those from pastoral areas in Peru.

She clarified that the Institute conducted a study on land tenure issues that affect pastoral societies. Besides covering the southern and northern pastoralist communities in Kenya, the study further compared these experiences with those of other pastoral communities in East Africa and Latin America. The study drew key lessons for the sustainability of pastoralist production systems. It was on the basis of this that the Institute organized for the outreach meeting in order to share key messages and lessons with stakeholders including pastoral communities to inform the decisions that they make on land tenure and sustainability, with a view to improving their livelihoods.

She further elucidated the role of Tegemeo Institute, saying that the Institute engages in agricultural policy research and the study was important in understanding the challenges facing the pastoralists so that amicable solutions can be found. On the history of pastoralism, she said that several changes have been encountered in both pre-independence and post-independence periods. They include population growth and climate change and their effects that have led to reduction in herd sizes and sub-division of land. She concluded that the dynamism and sustainability in pastoralism was important both in research and practice.

SESSION TWO: PRESENTATIONS

Presentation by Dr. Tim Njagi, Tegemeo Institute

Dr. Njagi welcomed participants to the presentation and reminded them that in the previous workshop the discussion was on the evolution of collective land tenure regimes in Kenya with special focus on lessons learnt from Southern Maasai lands. The study discussed issues such as elder-led traditional management systems, water and pasture use management, impacts of recent

development projects such as the LAPSET corridor and human-wildlife conflicts, among others.

Presentation: *Land tenure and sustainability of productive pastoral systems: South-South learning experience*

GRADE and Tegemeo Institute worked on a comparative paper on “Sustainability of Pastoral Systems” which compared the pastoral systems in Peru and Kenya, exploring similarities and differences with the aim of drawing lessons that could improve pastoralism and positively impact on the livelihoods of pastoralists. The hallmark of this was a joint study tour in Peru after a well-coordinated learning alliance forum where participants from Sub-Saharan Africa, Latin America and the rest of the world exchanged ideas on various issues including pastoralism and pastoralist systems. Sustainability of pastoral systems was one of the key issues taken up owing to its importance, particularly in Kenya in the context of translating learning into action in order to improve livelihoods.

Sustainability of pastoral systems in Kenya is vital in the face of increasing land pressure due to population growth, urbanization, competing uses of land, climate change, growing misconception about pastoralism and individualization of land tenure in pastoral areas. The fundamental question is: in the face of increasing trends in individualization of tenure and other pressures in pastoral areas, what does this mean for the sustainability of pastoral areas (in terms of access to productive resources, pasture and water) and what are the implications for pastoral livelihoods?

The key lesson on sustainability from the South-South learning is that collective land tenure supports strategies that improve productive systems, including:

a) Mobility and mosaic grazing

Pastoralists in Kenya and Peru are mobile and move from one place to another in search of pasture and water. In some pastoralist communities, there are organized grazing systems with a clear grazing plan and supportive rules that govern where to graze during different seasons of the year. These are only supported under collective land tenure system and impractical under individualized land tenure system.

b) Split herding

Splitting herds according to the species, breed, sex and age of animals for improved genetic management is also a common practice under communal grazing. For instance, calves are separated from the main herd, goats and sheep are grazed together, while camels are separated from other animals owing to their ability to forage on trees. Under individually-based land tenure, this can be constrained. Private ranchers improve productivity through adopting intensive systems. If they were to adopt extensive systems under individual land tenure, challenges such as land and labour constraints would limit this practice.

c) Genetic improvement/herd diversification

Increasing population and decreasing land sizes in pastoralist societies have led to a shift in focus toward livestock productivity. Pastoralists are increasingly improving their livestock breeds for beef/milk/wool and adaptability to changing climates. They are also increasingly diversifying the livestock types they keep. This is done in order to improve their incomes and mitigate the risks associated with livestock losses/deaths during disease outbreaks, drought or unfavorable weather seasons. Although this has widely been applied in Peru, it is still taking root in Kenya and is highly encouraged under the collective land tenure system as a sustainability enhancing practice.

d) Herd size management

Pastoralists generally believe in keeping large herd sizes due to various reasons and in particular traditional beliefs and practices. Large herd sizes if not managed well in the face of diminishing land sizes and scarcity of pasture could be unsustainable in the long run. In both Kenya and Peru, pastoralists are encouraged to reduce their stocks and manage their herd sizes for sustainable use of available pasture and other natural resources. Herd size management implies destocking animals through sales during drought and restocking when fodder is available after drought. However, pastoral communities usually resist the need for destocking and restocking programs--although they have been made available by the government and civil society organisations--because they believe that mobility strategies provide an opportunity to seek pastures elsewhere and so there may be no need to reduce herd sizes.

The study, therefore, concluded that there is need to:

- i. Reorient public policy to support pastoralism owing to its importance in the economy and as a source of livelihood for millions of pastoralists who depend on it.
- ii. Encourage use of multiple sustainable practices that improve productive systems.
- iii. Emphasize on herd size management, which is still a mirage in both Kenya and Peru and yet it is a critical element of sustainability of pastoralism in fragile agro-ecological environments.
- iv. Strengthen community management systems of community land to sustain pastoralism.

Presentation by Mr. David Muntet, Executive Secretary, Naroosura Group Ranch

Mr. Muntet was one of the five change agents sponsored by the ELLA project on a study tour to pastoral communities in the Peruvian Altiplano. He represented the pastoral areas of Kenya. Among the objectives of the project was to convert lessons learned into actions by using change agents. On conclusion of the study tour, there were discussions on the different management practices among the pastoralists in the regions. The process ensured learning and transfer of knowledge among the participants and subsequently to the communities.

Lessons learnt

According to Mr. Muntet, there are differences between pastoralism in the Peruvian Altiplano and in Kenya:

- i. In the Altiplano, ranches are managed by the elderly; the youth are educated and they leave land management to the elderly. On the other hand, the youth in Kenya's group ranches herd livestock, while those who are unemployed are the biggest force in exerting pressure to subdivide land.
- ii. Families manage land in Peru. This is contrary to Maasailand where group ranches are managed by committees.
- iii. Peruvians have not subdivided their land unlike in Kenya where subdivision is imminent. Some have subdivided disparagingly to the young generations (barely 18 years of age).
- iv. In Peru, non-governmental organizations provide assistance in management of breeds, a practice which is rare in Kenya.

Issues of sustainability in subdivision

In order to apply what was learnt, there should be a clear understanding of the reasons for the movement from communal to private tenure and from pastoralism to agro-pastoralism. Declining land size due to increasing population is an issue whose solution is not subdivision in its entirety. There is, therefore, need to identify and develop alternative economic activities to benefit the growing population.

Improving the animal breed was imminent and, therefore, mechanisms such as acquiring a prototype ranch and dedicating it for improving breeds should be explored. This ensures availability and affordability of improved animals for the community.

In his view, he noted that with the current climatic conditions, subdivision constrains sustainability in land use. Therefore, there is need to critically analyze and address the issues that govern subdivision and collective property rights under different regimes.

SESSION THREE: PLENARY DISCUSSION

Chair: Dr. Lilian Kirimi, Research Fellow, Tegemeo Institute

The MC thanked Muntet for the presentation and noted that it was gratifying to see research findings and discussions on the same finally starting to bear fruits in the community through the various projects being initiated by Muntet and his team. She then invited participants to contribute to the discussions through comments and questions on the two presentations made. Plenary discussions focused on the following areas:

a) Land management

Historical aspects

In the 70s, the government had good intentions in forming group ranches. These included herd size management, pasture use management and linkage to markets. After creation of the group ranches, the chiefs and other leaders took advantage and allocated themselves larger chunks of land. This coupled with poor management that existed initially resulted in benefits not reaching all members equitably, with only a few group officials enriching themselves, resulting in discontentment. The law was also so weak and so dishonest leaders and group officials got away with mismanagement and corruption in the group ranches. Members of group ranches were not involved in key decisions on their resources and so they opted to subdivide the land.

In a bid to stem the wrangles, the government later supported subdivision of group ranches so that each member could get a share and have a title deed. The idea was that individuals would invest in developing their land if given exclusive ownership rights. Even with this, disputes on the subdivision have persisted and to date there are still cases pending in courts more than 15 years later. This means that individual members have not achieved much in terms of development on their land as envisaged.

Training of management committees

Mismanagement was identified as one of the biggest contributors to subdivision of group ranches among pastoralist societies. The management of group ranches was in the hands of committees who had not been sensitized or trained well to enable them discharge their duties. To mitigate this trend, especially in group ranches that have not subdivided, there is need to continually train the committees so that they are empowered enough to manage the group ranches and to make sound decisions.

b) Community Lands Act

Weak public policy and tenure security on communal land were also key contributors to mismanagement of pastoral lands in Kenya. This is because pastoral communities in many areas did not feel assured of security of their land. This together with cases of county council allocation of pastoral lands to individuals or projects without consulting the communities resulted in the push towards subdivision and individual land tenure system among pastoralists.

The Community Land Act 2017 was recently passed and is now in force. With it, there is confidence that its strong provisions, management of community lands in Kenya will be different with different results. The Act is supposed to give direction and guidance on all communally owned land in Kenya though it was not yet to clear pastoralists how the Act will be operationalized. Pastoralists were urged to familiarize themselves with the Act and its provisions in order to benefit more.

c) Strategies for sustainability of pastoralism

Individualization and the recent subdivisions are not good for pastoralists and will not sustain the pastoral livelihoods for the following reasons:

- Subdivision of communal land pushes pastoral communities towards sedentary lives and does not take into account the need for pastoralists to move with their livestock from one area to another.
- Subdivision will also lead to loss of revenue from eco-tourism and other benefits associated with it.
- Subdivision has and will continue to exacerbate human-wildlife conflicts as people fence, settle or build development structures in the wildlife migratory corridors. There is also a possibility of conflict as livestock and wildlife compete for pasture and water.

To deal with the threat of loss of pastoral livelihoods, the following strategies were suggested:

- ❖ The community was urged to learn and apply the lessons learnt from Peru and other ranches and follow good practices to achieve the proper and accountable management and meaningful development in the group ranches. These include good management practices such as regular elections of management committees; training of committees; incorporation and adherence to customary laws on resource management and sharing; fair distribution of benefits from community resources; and, alignment to Community Land Act in the management system.
- ❖ The government to support creation of a model that would be run for a period of time and would act as an example to other group ranches in terms of sustainable management of pastoral resources and livelihoods. In the meantime, communities can learn from the well managed group ranches from Northern Kenya, which benefit from collective management of grazing lands and water sources as well as benefits from eco-tourism and conservancies.
- ❖ To ensure employment and to interest the new generation of pastoralists, diversification of land use such as creation of conservancies should be explored. Most of the group ranches in the Northern Kenya offer alternatives to pastoralism (for instance eco-tourism); they have strong conservancies where youth are involved in management hence promoting employment, accountability and appropriate inter-generational transfer. In addition, women have cultural centres where they showcase cultural artifacts and run income generating activities.

- ❖ The community should not to engage in land subdivision just because other communities are doing the same. It is important for each community to evaluate what is applicable for them and what would contribute to sustainable livelihoods.

d) Strategies for subdivided ranches

Though not sustainable, subdivision has been the norm in certain pastoral areas and it is so entrenched that any dissenting voices are treated as enemies to the community. Even for these areas something can still be done to improve the situation. These are some of the issues discussed in relation to groups that have opted to subdivide and strategies that can ensure sustainability of their livelihoods:

- ❖ Ministry of Lands to give proper advice to the community, particularly during land adjudication so that they can consolidate some areas for group conservancies.
- ❖ Groups already subdividing to consult with KWS so that they are advised on the wildlife migratory routes to avoid future conflicts.
- ❖ Surveyors and Ministry of Lands should adopt the approach that maintains the coexistence of humans and wildlife in the same habitat in their spatial plans.
- ❖ Family resolution mechanisms should be strengthened so that families can handle matters of land subdivision and sale in a healthy manner. This will ensure sustainability for the future generations.
- ❖ Securing catchment areas through government support to stop depletion of natural resources such as water catchment areas and forests, since scarcity of such resources will bring conflicts in the community.
- ❖ Tegemeo to widely share its findings with the local communities for a more action oriented response and change of attitudes. Creating awareness among communities will lead to improved decision making regarding sustainability of pastoral livelihoods.

Summary by Dr. Kirimi

- Land subdivision is not a solution
- Mismanagement in some cases is the biggest trigger of subdivision as it is evident from the research done in un-adjudicated, adjudicated (subdivided) land in pastoral areas. We

also noticed some good management models especially in the Northern Kenya in ranches like Losesia where the youth and women were included in committees, conservancies were created, there were regular elections and customary laws were adhered to.

- There is need to address the many issues raised by strengthening policy and laws to work for the pastoralists and sustain their livelihoods.
- Community Land Act implies that we cannot continue with the subdivision especially in pastoral communities and hence the need to sensitize communities regarding this.
- In cases where subdivision has already taken place, certain actions can be adopted to ensure communities and households continue to have sustainable livelihoods. A key aspect would be to avoid further subdivision to uneconomical sizes or further sales that would lead to landlessness.
- As researchers, we need to share findings widely with the group members and not just the representatives of the groups. Participants should feel free to invite the Institute to share findings and the lessons with the group members.

Concluding Remarks: Mr. Justus Musau, Deputy County Commissioner, Narok South

In his remarks, Mr. Musau thanked the Institute for initiating the land debate which captured real issues as witnessed in the society currently. He mentioned that pastoralist societies, especially the Maasai are currently at crossroads because they are faced with the reality of subdivision and the dilemma of the aftermath. He also noted that subdivision has triggered the vicious cycle of poverty among the communities making people poorer than they were before.

Mr. Musau explained that the quest for individual land ownership had been necessitated by several factors among them, the appetite for land by powerful people in the society. On the status of subdivisions, he said that there were only a few group ranches in Narok that had not been subdivided. He added that though most of the land had been subdivided, it was still possible to put in place measures that can safeguard future generations. He said sensitization will make people realize the benefits of economies of scale through land consolidation. He observed that the debate should be further cascaded to the lower levels of the society, and groups such as

Naroosura and welcomed the Institute to conduct more dissemination workshops in the county and promised the assistance of his administrative team in planning.

He also proposed that in future, when such discussions are held, politicians should be invited due to their influence on land policies and their interests in debate given that some of them are beneficiaries of subdivision.

On policy implementation, he expressed his optimism that the information once taken for policy making, the policies would be implemented so that the country does not suffer the problem of having good policies that are never implemented.

SESSION FOUR: CLOSING REMARKS

Closing remarks by Mr. John Amayo, Land Adjudication Officer, Narok South

In his closing remarks, he emphasized the importance of incorporating what was discussed to avert further subdivisions and adapt to the situation to ensure efficiency and sustainability of land. He said the new land act was long overdue as it addresses issues on governing communal land. He said the benefits could still be realized through land consolidation and incorporating good models of land sustainability from different regions.

He said that communal land ownership would be best for hardship areas. While agro-pastoralism is practiced in some parts of Narok, the anticipated models should be modified to consider peculiar dynamics in the region.

He commended Tegemeo Institute for their resourcefulness and welcomed the team for further interaction, discussions and sharing with other groups within the region. The Institute was also requested to go an extra mile and advise on who and how communal land should be managed.

LIST OF PARTICIPANTS

	NAME	ORGANIZATION	TITLE
1	Arthur Bunde	Interior & National Co-ordination	Deputy County Commissioner-Narok East
2	Augustine Ajuoga	Kenya Wildlife Service	Warden
3	Benard Kimeto	Ministry of Agriculture, Livestock and Fisheries	Ag. County Director of Agriculture
4	Benedict Pareyio	Ratia 21 A & Ratia 30 B Group ranch	Member
5	Charles Langat	Ministry of Agriculture, Livestock and Fisheries	Livestock Officer
6	Daniel Saangonyo	Leshuta Group Ranch	Member
7	David Muntet	Naroosura Group Ranch	Group Executive Secretary
8	Dr. Dennis Otieno	Research Fellow	Tegemeo Institute
9	Dr. Lilian Kirimi	Senior Research Fellow	Tegemeo Institute
10	Dr. Samuel Mburu	Research Fellow	Tegemeo Institute
11	Dr. Tim Njagi	Research Fellow	Tegemeo Institute
12	Gideon Bartuiyot	National Land Commission	Clerk
13	Hillary Bii	Research Associate	Tegemeo Institute
14	John Amayo	Ministry of Lands	Land Adjudication & Settlement Officer
15	John Totorony	Elenterit Enkutoto Group ranch	Secretary
16	Josephine Njoroge	Ministry of Lands	Deputy Land Adjudication & Settlement Officer
17	Judy Kimani	Communication & Outreach Officer	Tegemeo Institute
18	Justus Musau	Interior & National Co-ordination	Deputy County Commissioner-Narok South
19	Kamakei Ole Nyaikuni	Naikarra Group Ranch-Narok South	Chairman
20	Kelian Ole Pirkany	Olderkesi Group Ranch-Narok South	Member
21	Kevin Omondi	Research Associate	Tegemeo Institute
22	Kimunyak Simat	Olopito Group Ranch -Narok North	Member
23	Kinoya Napaji	Morijo Group Ranch	Member
24	Linaole Musanka	Naikarra Group Ranch-Narok South	Treasurer
25	Nthenya Kinyumu	Senior Research Associate	Tegemeo Institute
26	Rimone Ole Toronyo	Limanet Group Ranch - Narok North	Member
27	Simon Osumbwa	Interior & National Co-ordination	Deputy County Commissioner-Narok West
28	Susan Jarenga Kivunira	Interior & National Co-ordination	Assistant County Commissioner-Narok North
29	Tingisha Samuel	Elenterit Enkutoto Group Ranch	Member
30	Vincent Kinyua	Ministry of Agriculture, Livestock and Fisheries	County Director of Fisheries