



ELLA

Evidence and lessons
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COLLECTIVE LAND TENURE REGIMES IN PASTORALIST SOCIETIES: LESSONS FROM SOUTHERN MAASAI LANDS

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TEGEMEO INSTITUTE OF AGRICULTURAL
POLICY AND DEVELOPMENT

Discussion Outline

- Introduction
- Case selection
- Case Study Analysis
- Lessons and Conclusion
- Recommendations

Introduction

- Area under collective land access in Kenya 67%
- Majority of these land in Kenya inhabited by pastoralists
- Inhabitants facing similar conditions
 - economic exclusion
 - low public investments
 - allocation of their land to private use
- Public investments are currently taking place in these areas
 - E.g. SGR and mining
- New land laws for land under collective access currently being enacted

Research Objectives

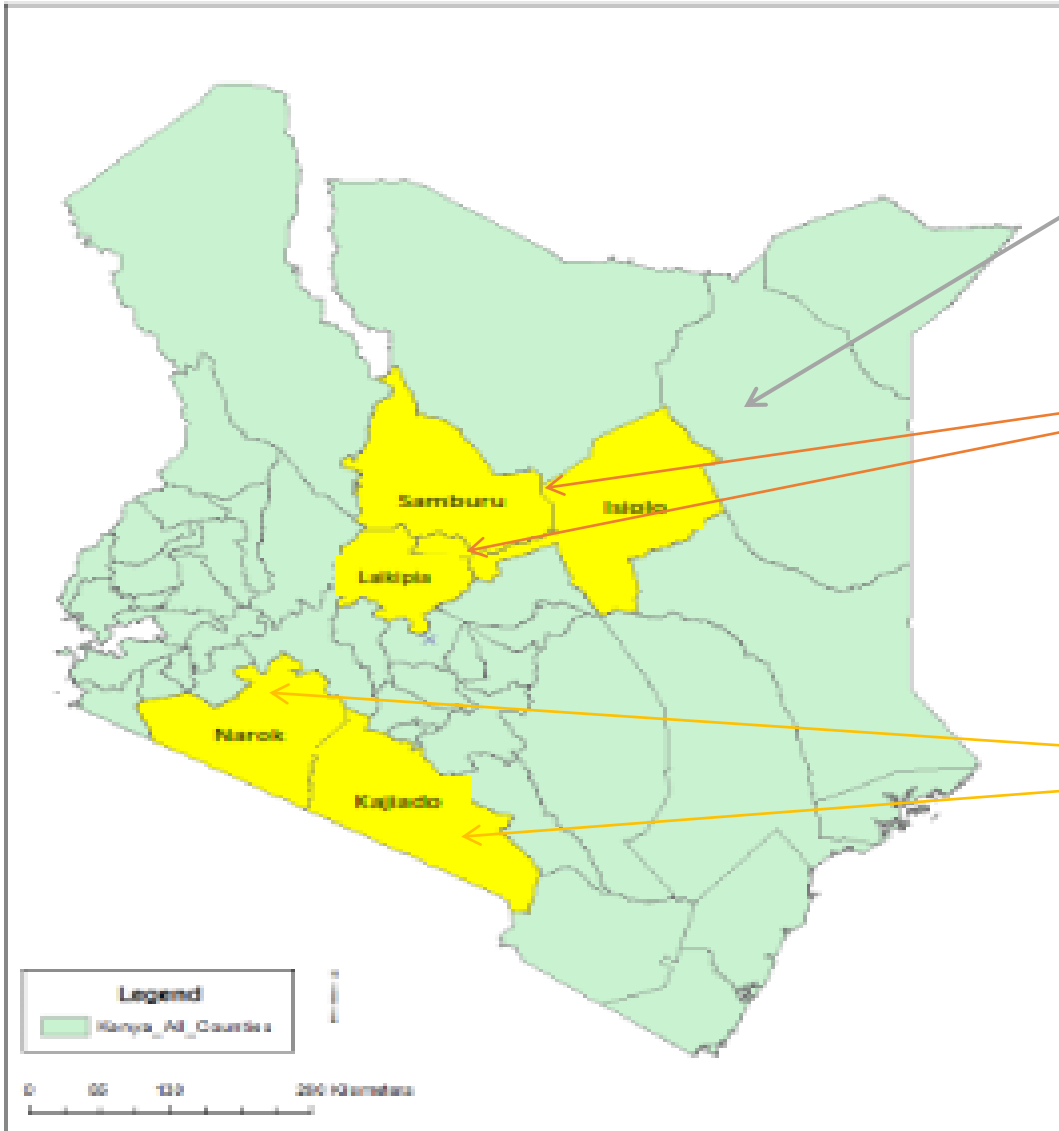
- Understand the evolution of collective land access regimes in Kenya across geographies and cultures
- What are the similarities and differences among geographies and communities?
 - What explains observed changes?
 - How the different communities have been affected?
- Identify key lessons

Cases

CASE	COMMUNITY	COUNTY	ETHNIC COMMUNITY
1	Kiina	Isiolo	Borana
	Ngaremara		Turkana
	Oldonyiro		Samburu
2	Losesia GR	Samburu	Samburu
	Ilpolei GR	Laikipia	Maasai
	Eselenkei GR	Kajiado	Maasai
3	Olepekedong GR	Narok	Maasai
	Naroosura GR		Maasai
	Mailua GR	Kajiado	Maasai



Case Locations



Case 1

- Kiina
- Ngaremara
- Oldonyiro

Case 2

- Losesia Group Ranch
- Ilpolei Group Ranch
- Eselenkei Group Ranch

Case 3

- Olekepedong Group Ranch
- Naroosura Group Ranch
- Mailua Group Ranch

Case 3

(Sub-divided group ranches)

Olepekedong, Naroosura, Mailua

Olepekedong Group Ranch

- Formed in 1973 with 55 members
- Ranch size was 4500 ha at inception
- Community mainly pastoralists but started crop farming in the late 1990s
- Group management had 10 members
 - Guided by customary laws
 - Held occasional AGMs to address leadership issues but faced numerous court cases
 - Has changed leaders only 3 times since inception

Olepekedong Group Ranch...

- Started leasing out land in mid 1980s to large scale wheat and maize farmers
 - Details of these leases never shared with members
- Revenues realized from land lease
 - Purchase of goats for members
 - Provide bursary, medical care and funeral expenses for the less wealthy
- Agreed to subdivide land in 1995 after a series of court case over leadership
- Reasons for sub division
 - Dissatisfaction with:
 1. Group ranch management
 2. Income and resource sharing

Olepekedong Group Ranch...

- Each member received 20 ha after subdivision
- Most members are still processing land titles
- Leasing out land continues but as individual owners
- Current challenges:
 1. Emerging land disputes over boundaries
 2. Fear of mass land sales after acquisition of titles
 - Land sales could be triggered by high registration costs
 - Increasing value of land & high demand for land for speculation

Naroosura Group Ranch

- Group was formed in 1972 with 676 members (currently 6,000)
- Size of ranch was 162,000 ha
- 652 ha was allocated to non-maasai (maumau fighters) who settled in the area in the 1950s
- Maasai were mainly pastoralists but shifted to crop farming in mid 1980s
- Changed breeds over time to improved cattle and shoats due to declining pasture, increasing drought incidence, education and the development of Naroosura market

Naroosura Group Ranch

- Managed by a committee following customary practices
- Challenges of group management/reasons for sub division
 - Lack of accountability for revenue generated from leasing land and sale of quarry stones and sand
 - No rationale in allocation of arable land in the development of crop farming
 - Inequality in land utilization- hiving of land for individual use
 - Numerous court cases (no AGM held over a decade)
- Subsequently agreed to subdivide land in 2014
- Sub division done 2 phases
 - Arable land where members get 2 ha
 - Dry land where members get 16 ha
- Key concerns over wildlife areas, access to salt lick and water points



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Mailua Group Ranch

- Formed in 1974 with 1,026 members
- Total of 63,000 ha at inception
- Non-Maasai community settled in the ranch (mainly maumau fighters)
- Has had a management committee of 10 members (no women)
 - Had a constitution
 - Election done every 5 years
- Group ranch subdivided in 1989

Mailua Group Ranch

- Reasons for subdivision
 - Use land as collateral
 - Euphoria of sub division in Kajiado
 - Construction of the Kajiado-Namanga Highway
 - Development of urban towns e.g. Amboseli, Sultan Hamud, Chyulu, Maili-tisa
- Ranch divided into 4 blocks, 3 already sub-divided
- Each household received 2 acres of arable land & 60 acres of dry land upon sub division



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Mailua Group Ranch

- Consequences of subdivision include
 - Clan or Family feuds
 - Community level issues (wrangles over subdivision)
- 32 member committee formed (4 each from eight clans within the group) (no women)
 - Tenure of the committee restricted to 2 years
 - Committee to oversee subdivision of the last block and address issues arising from subdivision
- Members are planning to join a conservancy group (South Rift Association of Land owners) by contributing individual land to benefit from tourism

Case 1

(Un adjudicated land)

Kiina, Ngaremara, Oldonyiro

Ngaremara Community

- Settled in 1918
- Practiced nomadic pastoralism but adopted sedentary lifestyle in 1990s
- Major livestock include cattle, sheep & goats
- Land governance arrangements
 - Land categorized as Trust Land
 - Community had own management arrangements
 - Each household determines its dwelling area, households organized in villages (currently 35 villages)
 - Each village manages access to grazing fields & water points

Ngaremara Community

- Practice cattle rustling (with Samburu and Somali)
 - Conflicts due to departure from customary practice
- Are unable to utilize resources on their land i.e. stone & sand
 - All fees charged went to County Council
- During construction of the Isiolo-Marsabit Highway
 - No compensation for land or resources (sand & quarry)
- LAPSSET corridor project has increased fear of eviction
- Part of the land is also subject of boundary dispute between Meru & Isiolo Counties

Case 2

(Group Ranches)

Ilpolei, Losesia, Eselenkei

Losesia Group Ranch

- Formed in 1981 with 940 members
- Total ranch size was 203,653 Ha
 - 45,000 Ha allocated to individuals
 - 33,721 Ha, under dispute after it was allocated as MTA
- Motivation of forming group ranch
 - Govt-stop nomadic pastoralism, environment mgt,
 - Community - protect ancestral land
- Land managed using customary systems
 - Elders became leaders of the GR
 - No records kept until second gen pastoralists took office
 - No limit on number of animals
- Current management committee took office in 2012 (10 member, 3 women)
 - Developed a land use plan to maximize benefits of the LAPSSET corridor project
 - Key challenges include pasture management, claim on disputed land
- Member of NRT through Sera Conservancy trust (has a total of 345,000 Ha)

Ilpolei Group Ranch

- Formed in 1974 with 47 members (current 285)
- Total ranch size is 1993 Ha
- Motivation of forming group ranch
 - Government: Stop nomadic pastoralism, environment management
 - Community: Protect ancestral land, following trends in Kajiado
- Land managed using customary systems
 - Management committee made up of elders
 - Same committee between 1974-2002
 - Seven elections held between 2003-2015 (after 2 years)
 - Committee made of 10 members (3 women)
 - First constitution drafted in 2007

Ilpolei Group Ranch

- Group raises money from sand harvesting
- Money is used to provide bursary, salaries for PTA teachers, hospital bill, purchase 5 goats for each household each year and have also constructed an office and 3 surface dams
- Pasture management
 - Community migrated with their animals during drought
 - Currently, private ranchers have reached out providing pasture during drought and AI services
- Member of NRT through Naibunga conservancy trust (has 9 GRs, 47 470 Ha)
- Benefit from livestock market program, training, credit targeting women, tourism promoted thru the NRT brand
- Established a cultural center, agro-pastoralist centre, developed a land use plan

Lessons

Case 1 (Un adjudicated land)

- Customary laws
 - Communities can develop sound laws to manage land under collective access e.g. grazing rules, water & pasture management rules
 - Some lead to tragedy of commons
- Push for formalization
 - Insecurity of land tenure from public driven mega projects e.g. LAPSSET
 - Lack of enforcement of customary laws
- Local governments have not protected communities interests

Lessons

Case 2 (Group Ranches)

- Customary laws were used despite registering group ranch
 - Formal laws followed in the recent periods
- Key benefits from conservation activities
 - Less human/wildlife conflict
 - Income diversification for pastoral communities
- Key challenges persist
 - environmental management
 - livestock productivity
 - pasture management
 - increasing human population - Pastoralists

Lessons

Case 3 (Sub-divided group ranches)

- Customary laws were used despite registering group ranch
- Drivers for subdivision include
 - Mismanagement of group ranch
 - Perceived and real inequality in sharing resources including land
 - Urbanization
- Sub division has not necessarily made pastoralists better off
 - Subsequent sale of land
 - Reduced land for grazing
 - Increased conflicts (human/human & human/wildlife)

Recommendations

Key actions

- There is need to **strengthen community institutions** for collective land tenure
 - Build capacity of community level committee to plan and manage land
- **Incorporate customary laws** in the legal framework
 - Customary laws should be enforceable
- Invest in **provision of public goods** to pastoral communities
 - Bridge the gap with other parts of the country by providing key infrastructure like schools, hospitals, livestock markets and provide veterinary services
 - Respond by improving value chains, better management of land and natural resources



Thank you