



EGERTON

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POLICY AND DEVELOPMENT



ELLA

Evidence and lessons  
from Latin America

**WELCOME ALL**

# **COLLECTIVE LAND TENURE REGIMES IN PASTORALIST SOCIETIES: LESSONS FROM NORTHERN KENYA**

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# Discussion Outline

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

# Introduction

- Area under collective land access in Kenya is 67%
- Majority of these land inhabited by pastoralists
- Inhabitants facing similar conditions/challenges
  - economic exclusion
  - low public investments
  - allocation of their land to private use
- Public investments taking place on these lands
  - e.g. LAPSSSET Corridor, SGR, Mining
- New laws for land under collective access currently being enacted

# Research Objectives

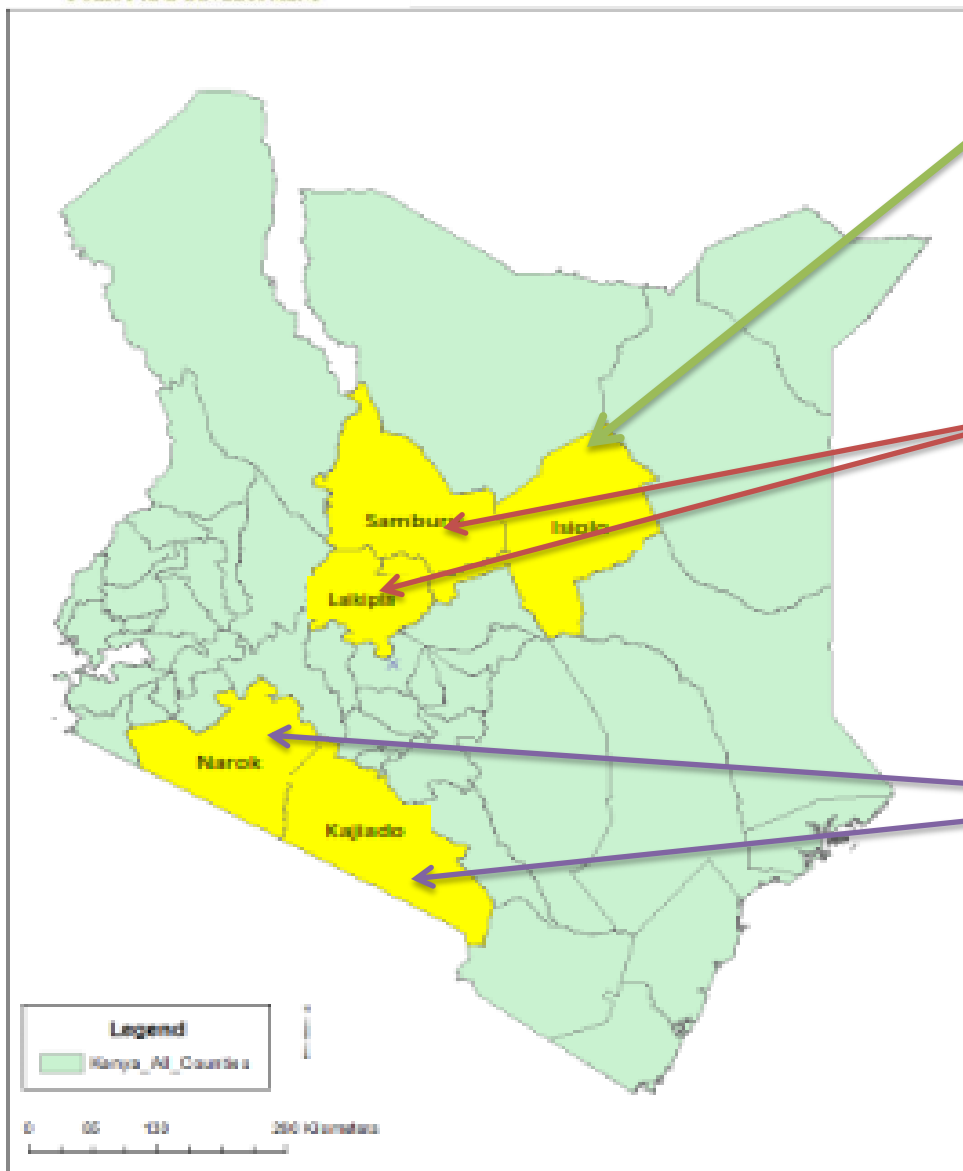
- Understand the evolution of collective land regimes in Kenya across geographies and cultures
- What are the similarities and differences among geographies and communities?
  - What explains observed changes?
  - how the different communities have been affected?
- Identify key lessons

# Cases

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



# 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 1**

**(UN ADJUDICATED LANDS)**

Kiina, Ngaremara, Oldonyiro



# Kiina Community

- ✓ Settled in 1972
- ✓ Initially, farmers but went back to livestock keeping
- ✓ Approximately 700 acres (283 Ha) under cultivation
  - maize, onions, tomatoes, mangoes
- ✓ Major livestock are cattle, sheep & goats
- ✓ Livestock market in Garbartulla & Meru
- ✓ Land governance arrangements
  - Trust land by local authority on behalf of the community
  - Community had own management arrangements
  - Established clusters (**Dedha**), each with own grazing rules, water & pasture management, e.g different pastures for wet, dry & drought conditions

# Kiina Community

- ✓ Land tenure insecurity due to lack of / poor enforcement of customary laws
  - During famine, other communities i.e. Somali would graze on land claimed by Kiina community
  - This was compounded by cattle rustling, collapse of Somali
  - Peace talks led to Madogashe-Garissa Declaration in 2003
- ✓ Kiina community is currently in the process of registering a group ranch to protect their land



# Ngaremara Community

- ✓ Settled in 1918
- ✓ Practiced nomadic pastoralism but adopted sedentary lifestyle in 1990s
- ✓ Major livestock include cattle, sheep & goats
- ✓ Land governance arrangements
  - Trust land by local authority on behalf of the community
  - 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
- ✓ Key moments included the construction of the Isiolo-Marsabit Highway
- ✓ LAPSSET corridor project has increased fear of eviction
- ✓ Part of the land is also subject of boundary dispute between Meru & Isiolo counties



# Oldonyiro Community

- ✓ Settled in 1960s
- ✓ Practiced nomadic pastoralism but adopted sedentary lifestyle in 1990s
- ✓ Major livestock kept include cattle, sheep & goats
- ✓ Land governance arrangements
  - Part of the land is Government land and part Trust land by local authority on behalf of the community
  - Previously, no formal grazing systems, established in 2007
  - Would reach out to private ranchers in Laikipia County during drought
  - Community previously resisted registering group ranch
    - Fear of what will happen to those on LMD land

# Oldonyiro Community

- ✓ Individuals allocated land by local authority without consultation with community members
- ✓ Currently, community have revived efforts to register group ranch
  - Fear of displacement due to LAPSSET project
  - Government land may be allocated to outsiders/non natives

# CASE 2

(GROUP RANCHES)

Ilpolei, Losesia, Eselenkei

# 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 mgt,
  - Community: Protect ancestral land, following trends in Kajiado
- ✓ Land managed using customary systems
- ✓ Main livestock market in Isiolo (LMD), in 80s, Nanyuki, later in Dol-dol & Oldonyiro
- ✓ Community migrated with their animals during drought
- ✓ Currently, private ranchers have reached out providing pasture during drought and AI services



# Ilpolei Group Ranch

- ✓ 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
- ✓ 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
- ✓ 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, developed a land use plan

# Losesia Group Ranch

- ✓ Formed in 1981 with 940 members
- ✓ Total ranch size was 203,653 Ha
  - 90,000 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 but were never followed due to large herds
- ✓ Current management committee took office in 2012 (10 member, 3 women)
- ✓ Developed a land use plan to maximize benefits of the LAPSSET corridor project
- ✓ Member of NRT through Sera Conservancy trust (345,000 Ha)

# CASE 3

(SUB-DIVIDED GROUP RANCHES)

Olekepedong, Naroosura, Mailua

# Mailua Group Ranch

- Formed in 1974, with 1,026 members
- Had 63,000 ha
- Non-Masaai settled in the ranch (mainly maumau fighters)
- Has a management committee of 10 members (no women)
  - Has a constitution
  - Elections every 5 years
- Group ranch subdivided in 1989
- Reasons for subdivision
  - Use land as collateral
  - Euphoria of sub division in Kajiado
  - Construction of the Kajiado-Namanga Highway
  - Development of urban town i.e. Amboseli, Sultan Hamud, Chyulu, Maili-tisa
- Each household received 2 acres arable land & 60 acres of dry land upon sub division

# Lessons from the North

## 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. LAPSSSET
- Lack of enforcement of customary laws

### ❑ Local governments have not protected communities interests – (Ngeremara)

# Lessons from the North

## CASE 2: Group Ranches

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

# Lessons from the North

## CASE 3: Subdivided Group Ranches

- ❑ Customary laws were used despite registering group ranch
- ❑ Drivers for sub-division include
  - Mismanagement of group ranch
  - Perceived and real inequality in sharing resources including land
  - Urbanization
- ❑ Sub division has not necessarily made pastoralist better
  - subsequent sale of land
  - reduced land for grazing
  - increased conflicts (human/human & human/wildlife)

# Recommendations

## Key actions

- Need to **strengthen community institutions** for collective land tenure
  - build capacity of community level committees, to plan, manage land
- Need to **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 – Infrastructure, Schools, Hospitals, Livestock markets & Veterinary services
  - Respond by improving value chains, better management of land and natural resources



**THANK YOU  
ASANTENI SANA !!**

