

Collective land tenure is under threat in Kenya. Why it needs to be protected

Pastoralism is the main production system practiced by communities who live in rangelands and dry lands which are usually arid or semi-arid. But pastoral communities are facing increasing pressure on their land.

By [Timothy Njagi Njeru](#) 28 Mar 2017



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Traditionally, pastoral communities have accessed and used land collectively, using customary laws and norms to manage the land. For example, the Maasai community in Kenya believed that land was a birthright accessible to everyone. No individual could restrict access over a section of land. In addition, elders of the community would determine grazing patterns, when to migrate, and would negotiate with neighbouring communities when they migrated to foreign land.

But a combination of factors has upset this equilibrium. Pressures stem from global trends such as [demographic change, urbanisation, competing land use](#) and [misconceptions about pastoralism](#) by policymakers.

Public policy has [supported the individualisation and privatisation](#) of land tenure in these areas. The declared aim is to promote investments in land and increase land productivity. As a result, communities have been forced to change because of urbanisation and competition for the use of land from activities such as mining.

These pressures are similar in pastoral communities across the world. A comparison of pastoral communities in Kenya and Peru illustrates this, even though they live in very different terrain and keep different livestock. In Kenya, pastoral communities reside in lowlands characterised by high temperature and low rainfall. In Peru, they're on mountain highlands that are extremely cold and have very little rain. Cattle, sheep, goats and camels are common in Kenya, while Alpacas and llamas are common in Peru.

It's important that these pastoral communities and their practices are protected. The maintenance of collective land tenure will aid and sustain their productive systems. This shouldn't be too difficult given that the large majority of pastoral communities reside inland where alternative use is limited.

Public policy needs to be reoriented to support pastoralism by providing and sharing evidence on what works for and how current policies affect these communities.

Common denominators

Pastoralists in both countries [face growing pressure over their land](#) due to increasing individualisation of land tenure. Both use collective land tenure and common sustainable practices. These include mobility and mosaic grazing, split grazing, genetic improvement and herd size management.

Mobility refers to the practice of moving animals based on resource availability, mainly pastures, and water allows pastoral communities to access fresh pasture and water by moving to resource-surplus areas. While this is supported under collective land tenure, it's constrained where land is under individual tenure.

Mosaic system of grazing consists of a spatial combination of intensively grazed and underutilised patches where land is grazed intensively, or superficially or not grazed at all. Mobility and mosaic grazing are important for regeneration of resources such as pasture and help maintain biological diversity. Mosaic grazing also aids in control of overgrazing, pasture planning, and management.

Split grazing, on the other hand, is where animals are separated based on sex, age, and breed. This helps genetic improvement of breeds and control of over breeding. However, this strategy requires sufficiently diverse pastures as well as labour resources. As such, it's constrained under individual land tenure, where land sizes are smaller.

Finally, genetic improvement refers to a strategy for adapting livestock to the environment while at the same time boosting production of meat or milk. These are important for the sustainable utilisation of the land.

Mobility and mosaic grazing are practiced by communities in both regions. An example in Kenya is the Borana community in Isiolo County. The community is organised in *dheedas*. These are grazing clusters, which independently set rules for pasture and water management. Each *dheeda* has a grazing plan where land is accessed depending on the season – whether rainy, dry, or severe drought. In the Peruvian Altiplano access to extensive and varied pastures means family condominiums and pastoral communities move the herds according to seasonal feed availability.

However, as the land tenure becomes individualised, these strategies can no longer be practiced. For example, in Kajiado County, once individuals bought what was once community land, they quickly fenced it off to limit access. Pastoral communities who had free access to all the land before land fragmentation now accessed less land.

Pastoral communities in Kenya and Peru also practice split grazing. For pastoralists who have genetically improved their breed, this is important to maintain purity. Under individual land tenure, genetic breed improvement is enforced due to spatial constraints.

Possible interventions

To improve productivity, genetic breed improvement becomes necessary. Communities in Peru have improved alpaca breeds to increase wool production. Similarly, some communities in Kenya have adopted the Sahiwal breed for cattle and Dorper breed for sheep.

A major difference is that under collective land tenure, a number of breeds are easily managed. Different

animal breeds have different pasture requirements. As such, making use of heterogeneous resources available aids pastoralist diversify their risk.

However, managing the number of breeds can increase labour costs under individual land tenure. A herder in individual land tenure will manage the herd size to suit their land holding. During dry spells, the herder will sell off animals and remain a sustainable herd. This ensures sustainable use of available resources.

Community mechanisms to manage and utilise land need to be supported and ensure that they can enforce customary laws over their land. The government and civil society organisations are now working with communities through [off-take programmes](#) to manage their herd sizes. However, since communities under collective land tenure can migrate, they sub-optimally utilise this strategy.

Breaking the trend of individualisation of land tenure in pastoralist areas will help sustain their productive systems. In addition, there's a need to strengthen community institutions that manage land accessed collectively. In Kenya, the recently enacted [Community Land Act, 2016](#) seeks to achieve this.

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ABOUT THE AUTHOR

Timothy Njagi Njeru, Research Fellow, Tegemeo Institute, Egerton University

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