

FOCUS ON LAND IN AFRICA BRIEF

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Kenya

Lesson 2: Group Ranches

LAND FOR LIVESTOCK AND PASTORALISTS

Rangelands and pastoralists in Kenya have received considerable attention from government. A range of policies and investments have been designed to sedentarize pastoralists and modernize livestock production. Beginning in the mid-1960s, the government introduced group ranches which allowed a group of pastoralists to jointly own and manage land. While promising, group ranches failed to achieve their objectives of commercializing production, improving pastoral wellbeing and improving environmental management.

Arid and semi-arid lands (ASALs) cover approximately 80% of Kenya's total 569,140 km² land area, and are home to an estimated 14 million people (35% of the total population of 40 million people). Due to high seasonal variability and fragile soil conditions, most ASALs are suitable for extensive livestock production in which livestock move from place to place and grazing is carried out over large areas. While livelihoods of ASAL residents are diverse, pastoralism is the main form of land use. ASALs support 67% of Kenya's estimated 12.7 million cattle, 86% of the estimated 17.9 million sheep and goats, all camels, and most of the large wildlife species.

Before 1900, most natural pastures in Kenya were used for livestock grazing by various groups of nomadic pastoralists, including the Kipsigis, Endorois, Tugen, Pokot and Maasai (often collectively referred to as Kalenjin) as well as the Sabao, Somalis, Borana and other groups. Over centuries, these pastoralist societies had crafted institutions and practices that enabled them to survive in ASALs. Pastoralists managed pastures communally and grazed individually-owned livestock extensively, involving the seasonal movement of people and cattle. These systems were regulated by: 1) the availability of water and good pastures; 2) the presence of diseases along nomadic routes; 3) the prevailing security situation; and 4) the timing of important socio-cultural activities.

IMPACTS OF COLONIALISM

Colonialism brought changes to pastoralists and their way of life. In the late-1880s and early-1900s,

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the predominant attitude of the British towards pastoralists was to sedentarize (i.e., settle) them, in an effort to politically pacify pastoralists and maintain law and order. The Crown Lands Ordinances of 1901 and 1902 declared all land in Kenya to be “Crown Land” belonging to the Queen of England, and authorized the British High Commissioner to Kenya to evict Africans from their traditional lands, confine them in “native reserves,” and allocate their former lands to white settlers for commercial production.

The alienation of land for white settlers (and, later, the creation of protected areas for wildlife conservation) deprived many pastoralists of their traditional lands. In particular, the opening of the Uganda Railway line from Mombasa on the coast to Kisumu on Lake Victoria in 1901 resulted in an influx of settlers. Many settlers acquired land in the fertile White Highlands and established coffee or tea plantations, but others acquired freehold titles and long-term leasehold grants of pastureland for ranch development. Much of this land had been held and used by pastoralists as common property under customary tenure arrangements. The colonial government, however, restricted land titles to individuals and did not provide for titling of common property.

In an attempt to secure land for Africans, including pastoralists, the British government established “native reserves” with fixed boundaries (the Maasai and others negotiated “treaties” for their reserves in an effort to better secure their lands from alienation by white settlers). The boundaries of reserves for pastoralists were drawn with little regard to seasonal variation, and their need to move their animals to water and greener pastures. The rigid boundaries also undermined the marketing networks that had previously existed between pastoralists and neighboring agriculturalists.

The colonial government focused on developing commercial agriculture in the White Highlands, but also made investments in the ASALs, especially to reduce overgrazing and soil erosion. Initially, the British supported the production of African cattle, and settlers used local breeds for their ranches. Later, however, the British isolated local breeds and discouraged African pastoralism through punitive quarantine regulations that confined cattle to particular areas. With no official outlet for surplus stock, the regulations lead to overgrazing and declining pasture conditions in the native reserves, especially after the 1933-34 droughts.

DEVELOPMENT PLANS

The onset of World War II and the growing demands for agricultural goods led to even greater concentration of public resources and services in the settler areas. By the end of WWII, the quality of ASALs had significantly deteriorated as a result of the colonial government’s policy of forced sedentarization of pastoralists. The British ordered destocking (a reduction in the number of livestock), but the measure provoked considerable local and political dissent, and was soon abandoned. In 1945, the African

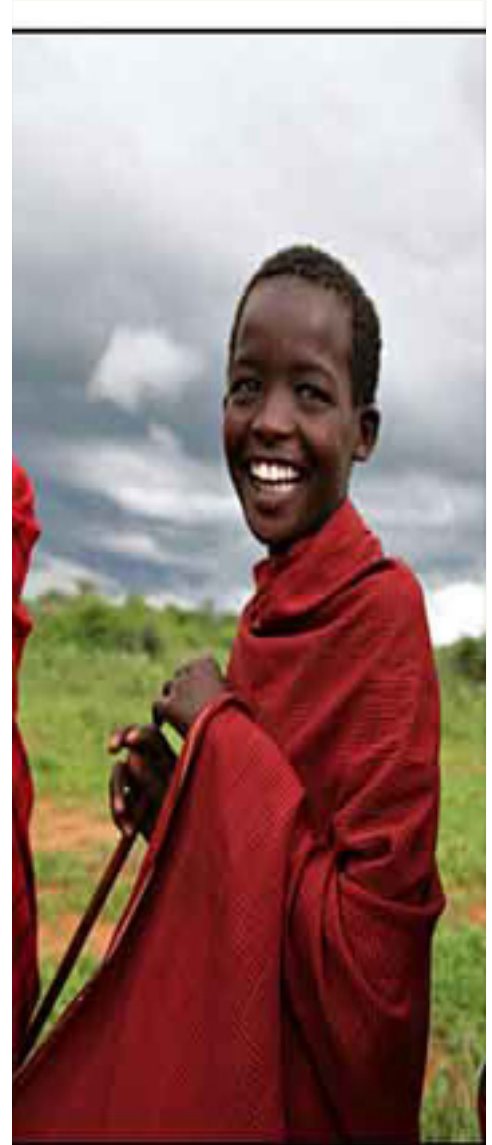
Resettlement Board was created to address land degradation; the Board was later taken over by the African Land Development Board (ALDEV). ALDEV was charged with implementing the Ten Year Development Plan (1946-55) which had much wider objectives.

The Ten Year Development Plan was intended for all African areas, but ALDEV efforts concentrated largely in the ASALs, especially in Machakos, Kiambu, Kajiado and Narok Districts. Pastoralists were organized to occupy large grazing schemes and supported by various government projects, including tsetse fly eradication, locust control, vaccination against rinderpest virus, soil conservation, afforestation, boreholes, dam construction and small-scale irrigation. To some extent, marketing was also developed, and stock routes were organized between the ASALs and urban centers.

Grazing management plans were developed for the initial grazing schemes, but they were not well enforced by ALDEV. Pastoralists readily accepted the short-term benefits, but continued to move outside the schemes and migrate in search of pasture and water during periods of hardship. Most pastoral groups also viewed the colonial administration with suspicion and believed that the British did not understand the real nature of their cultures or way of life. Moreover, ALDEV efforts were so extensive and expensive that they were suspended in the pilot districts and not expanded or replicated in other areas.

In 1955, the “Swynnerton Plan for the Reform of African Land Tenure” established a new land-use policy. The policy sought to formalize land rights of African farmers in high potential agricultural areas and support communal grazing in pastoral areas. In pastoral areas, the Plan aimed to reduce livestock numbers, avoid overuse of vegetation, limit soil erosion and realize reasonable annual off-takes. It identified five conditions for sound, productive use of rangelands: 1) stock numbers limited to a prescribed carrying capacity for the land; 2) regular outlets to absorb excess stock; 3) construction of permanent water supplies; 4) controlled grazing and grazing areas managed at a productive level; and 5) eradication of the tsetse fly, which infected cattle with trypanosomiasis (sleeping sickness).

To implement the Swynnerton Plan, the British launched 40 grazing schemes in the districts of Kajiado, Narok, Baringo, Samburu, Elgeyo Marakwet, lower Kiambu, Mukogodo, West Pokot, Lamu, Kwale, South Nyanza, Taita, Kitui and Machakos. The schemes involved stock limitation, livestock marketing, water development, and tsetse fly eradication. A livestock officer was attached to each scheme. Many grazing schemes failed, however, because restrictions on the movements of animals proved difficult given the unreliability of rainfall and variability of grazing. By the early 1960s, most schemes had been



abandoned.

Following the severe drought and floods of 1961-62, concern over the ASALs became more urgent. With independence in 1963, the Kenyan government established the Range Management Division in the Ministry of Agriculture to upgrade the range economy by conserving, managing and developing the ASALs. The Division recognized that major changes in land tenure would be needed to promote rangeland development. It was believed that security of tenure would reduce the pastoralists' tendency to overstock the ranges, increase their incentive to invest in range improvement and act as collateral for loans to invest in these improvements.

In 1965, the government commissioned an inquiry into "Land Consolidation and Registration in Kenya, 1965-1966." Known as the Lawrence Report, it concluded that group registration of land, rather than individual registration (which the government was pursuing across Kenya), had greater relevance to range areas. It argued that land rights in Maasailand range areas were communal, and proposed appointing group representatives to deal with the land and to enable direct adjudication of private, permanent land rights to groups.

The Lawrence Report formed the official basis for the establishment of "group ranches"—defined as a livestock production system or enterprise where a group of people jointly hold freehold title to land (theoretically on an equal basis), maintain agreed stocking levels, and herd their individually-owned livestock collectively. Group ranches became a principal organizational structure for the development of traditional pastoral areas, especially in the Maasai districts.

GROUP RANCH CONCEPT

For the government, group ranches had several objectives: 1) increase the productivity of pastoral lands through increased off-take; 2) improve the earning capacity of pastoralists; 3) avoid landlessness among pastoralists, especially from the allocation of land to individual ranchers; 4) avoid environmental degradation due to overstocking on communal lands; and 5) establish a production system that would allow modernization of livestock husbandry while preserving traditional ways. By tying people to fixed areas of land, it was also hoped that group ranches would sedentarize pastoralists, raise awareness of the scarcity and value of land, and encourage them to make the investments necessary to improve the land.

The government envisaged: 1) parceling Trust land into ranches with freehold titles held by groups of pastoralists; 2) registration of permanent members of each ranch; 3) exclusion of members from other group ranches; 4) allocation of grazing quotas (i.e., the number of livestock per group ranch); and 5) development of shared ranch infrastructure through loans to the group (e.g., water points, boreholes, dips and vaccinations, stock handling facilities, firebreaks). Group ranch members would care for

their own livestock but collectively manage the ranch, including maintaining ranch boundaries and preventing non-members from using their land. Members would pay user fees and be collectively responsible for loan repayment.

In practice, there were four main steps to establishing a group ranch. First, the boundaries between Maasai sections or oloshons (large traditional grazing units that are politically autonomous and culturally varied) were determined by the pastoralists with government assistance, and then formally approved by the Registrar of Group Lands in Nairobi. Second, these "adjudication sections" were divided into several group ranches. Third, household heads were asked to register for one ranch, although in practice many registered for more than one ranch.

The fourth step to establishing a group ranch was the formulation of a group ranch committee to manage ranch affairs. The group ranch members elected the committee members. Committee responsibilities included: 1) overseeing infrastructural development and loan repayments; 2) enforcing grazing quotas and grazing management; and 3) maintaining the integrity of the group ranch boundary. In many cases, the committee was assisted by a hired ranch manager and the government extension service.

In 1964, the Range Management Division established a prototype group ranch—Poka in the Kaputiei section of Kajiado District—to test the feasibility of the concept. Poka consisted of 36 self-selected Maasai members on nearly 9000 ha of Kaputiei's best grazing land. The Division gave ranch members considerable technical and financial support. In 1965, water points and dips were built and, in 1967, the ranch was given a loan under which each member received a Sahiwal bull and cash to buy steers for fattening. Poorer people were also given credit to buy breeding stock.

In 1968, the government passed the Land (Group Representative) Act which legalized the ownership and occupation of land by a group of people, and provided the legal basis for the establishment of group ranches. The Act provided that "each member shall be deemed to share in the ownership of the group ranch in undivided shares." The law provided for elected group representatives to act as legal trustees of the ranch and to act on the group's behalf regarding property succession matters (to avoid the need for express transfer of property whenever a new group of representatives was elected and registered). The Act also enabled participants to acquire development and operation funds from local financial institutions.

Other legislation, especially laws regarding Trust land, also affected group ranches. In 1939, the British passed the Trust Land Act, which governed land that was occupied by Africans and had not been registered in individual or group names or declared government land. At independence in 1963, Trust land was vested in county councils which had the power to hold and alienate land

for the benefit of persons ordinarily resident on the land. Shortly after, the Kenyan government passed the Land Adjudication Act, which came into force in 1968 and was designed to enable the ascertainment and recording of rights and interests in Trust land to ensure that not only were individuals and families recorded and registered as landowners, but groups as well.

Between 1968 and 1970, 14 new group ranches (in addition to Poka) were established, all in Kaputiei section. The government favored Kaputiei section because it was organizationally sound and offered good prospects for social development. Maasai leaders were strongly in favor of group ranches partly because they feared encroachment on their territory by the Wakamba in the northwest and by the Kisongo Maasai in the southwest. As land in Kaputiei was converted to group ranches, other sections became concerned about possible loss of their land and called for group ranch establishment.

The group ranch concept was implemented principally through the Kenya Livestock Development Policy (KLDP). In KLDP Phase I (1968-74), the boundaries between "adjudication sections" for group ranches throughout Maasailand were determined. The division of these areas into group ranches and their incorporation came in two later phases, KLDP Phase II (1975-78) and Phase III (1979-1982), although in some areas the process was not completed. Additional group ranches in other areas were also established in Phases II and III.

The Maasai initially embraced group ranches because they offered: 1) the promise of finance to develop ranch infrastructure and the possibility of expanding their herds; 2) the certainty of maintaining Maasailand (protection from government acquisition and from individuals selling off land since tenure was assigned to a group); 3) social and cultural stability; and 4) ultimately, greater control over traditional Maasailand with its transfer from government hands to the Maasai people. Some researchers, however, have argued that local acceptance of the group ranch concept derived principally from the "(f)ear of alternative governmental actions rather than enthusiasms for the proposal"—it was the least objectionable means by which to implement tenurial change.

Group ranches served important functions for the Maasai. They were the principal means through which County Council-held Trust land in Maasai areas was transformed to title deed holdings with the rights and responsibilities of land ownership vested in ranch members. Since, in general, non-Maasai could not be members, group ranches helped stem encroachment of farmers of other ethnic groups on Maasailand. To some extent, group ranches also prevented the allocation of land to elite Maasai. The law also enabled the Maasai to subdivide the group ranches to individual members and acquire separate

individual rights over land.

By the mid-1970s, however, it was clear that group ranches were not an effective means of commercializing beef production by pastoral societies. The causes of this failure were many and complex. There was limited understanding and sometimes strong disagreement among the Maasai about demarcating group ranches. Some Maasai wanted the whole oloshon demarcated as one group ranch while others preferred each subsection to be a group ranch. The Maasai in better-watered, fertile or high-potential areas, such as in the northernmost part of Kaputiei near Nairobi, resolved to avoid group ranches and wanted only individual ranches to be demarcated.

Many group ranches were not ecologically viable units. Producers often moved out of their group ranches in search of pastures and water, especially during the dry season and in times of stress, such as the drought of 1973-76. In dry areas, particularly in the southern and western parts of Kajiado, the Maasai established large group ranches, the borders of which essentially coincided with the original areas assigned for group ranching (e.g., Lodokilani, Matapato and Kisongo sections). However, there was a disregard for boundaries which led to environmental degradation, competition and increased conflict over scarce pasture.

Historically, traditional Maasai institutions effectively managed communally-held pastures while allowing individually-owned livestock. The group ranch committees, however, had difficulties acting as collective bodies; they tended not to meet, rarely reached important decisions, and then failed to implement their decisions. As a result, dips, water pumps and engines were not properly managed and maintained, livestock quotas were not enforced, and revenue was not collected for repayments of outstanding loans. The representatives of many ranches were young people which exacerbated social conflicts in societies where authority is vested in elders. Older, more conservative and wealthy Maasai were often opposed to group ranches and boycotted meetings.

There was also conflict among ranch members regarding stock quotas. Quotas were to be allocated to each household in proportion to the number of animals owned at the time of incorporation, but rich participants wanted larger stock quotas while the poor members felt that such quotas would inhibit their chances of increasing their wealth. In many ranches, a compromise was reached: members were allocated a minimum quota that was sufficient for viability and rich members were given any extra allocations. In many cases, however, the members

ignored their quotas and maximized their herd size. Most herd owners only sold the minimum number of animals to meet their financial commitments. As a result, commercialization did not take place, livestock numbers increased beyond the carrying capacity of the land, and pastures degraded.

RANCH SUBDIVISION

As problems mounted and ranchers became increasingly unhappy, the idea of subdividing group ranches began to gain wide acceptance. Some pastoralists transformed their ranches from private group tenure to private individual tenure. Many people wanted their own land because: 1) they wanted to use their titles as collateral for loans, which they could not do with a collective title; 2) they were frustrated with the inefficiency of managing ranches by committees; 3) an increasing number of young men wanted their own land, rather than a share of their father's land; 4) some feared further land alienation or felt frustrated by the inability to control squatting on group ranches; and 5) they preferred individual production over group production.

A number of Maasai, however, opposed subdivision. Many believed that non-Maasai land buyers would find it easy to acquire individual holdings, and that the influx of outsiders would dilute and undermine Maasai culture. Subdivision into smaller land units would encourage agricultural cropping and crop protection mechanisms (e.g., fences and trenches), thereby restricting livestock movement and negatively affecting livestock production. Increased cultivation would also result in soil erosion, land degradation and the loss of grazing resources.

Though the government was initially opposed to subdivision, the 1968 Land (Group Representatives) Act provided for subdivision of group ranches. With the approval and help of government, many group ranches were subdivided into equal shares of land for all registered members and each registered member was issued his own title. Following approval to subdivide the prototype Poka Group Ranch in 1981 and the Kipeto-Kisanju Group Ranch in 1982, the government formed a committee to examine the socioeconomic problems associated with group ranches.

Implementation of the group ranch subdivision process proved to be slow and most groups failed to meet government-imposed stipulations for subdivision, which included paying up all monies owed to the Agricultural Finance Corporation. The group ranches that first implemented subdivision were close to urban centers and had areas of arable and irrigable land. In contrast, most ranches that were not subdivided had no arable land and were

and southeastern parts of the District. Today few, if any, group ranches remain, although the process of subdivision has not been entirely transparent so it is difficult to establish the exact number.

Research shows that subdivision of group ranches led to small land allotments, increased cultivation and increased land sales. It also led to more cultivation on fragile marginal lands with higher intensity cropping on smaller holdings. The parcel sizes are typically too small to be ecologically and economically viable for traditional livestock production. For most households, the parcels are also too small to provide adequate family subsistence. Some individual holdings have been further subdivided into even smaller parcels.

A number of individual landholders have sold their parcels. The original Poka Group Ranch no longer exists; much of the land was sold to non-Maasai. Subdivision has hindered animal movement and any hope of future land reconsolidation. Overgrazing has been exacerbated, further contributing to soil erosion and land degradation. These changes have fractured pastoral society and induced insecurity, poverty and landlessness.

Much has been learned in Kenya from its experience in altering community-based land tenure systems in pastoral areas—first as group ranches, then as individual parcels. A chief lesson is that traditional tenure systems often have evolved in response to livelihood and environmental sustainability needs. Attempts to “fix” these systems in the interest of making them more productive can produce unintended consequences. Government interventions and donor investments must recognize the often complex relations between traditional livelihoods and customary tenure arrangements.

In 2010, Kenyans approved a new Constitution with a number of provisions on group ranches and other communal land. Perhaps the most important is Article 63(4) which specifies that “Community land shall not be disposed of or otherwise used except in terms of legislation specifying the nature and extent of the rights of members of each community individually and collectively.” Article 63(5) requires Parliament to pass legislation to implement the above provisions. Advocates are optimistic that this new law will provide communities which hold and manage common property the security they need to sustain livelihoods, protect their resource base, and promote local development.

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