

**REALISING THE ECONOMIC DEVELOPMENT  
AND POVERTY ALLEVIATION POTENTIAL OF  
NATURE IN MAGADI**

**Ol Donyo Nyoike, Ol Keri, Olkiramatian  
& Shompole Group Ranches**

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# EXECUTIVE SUMMARY

Magadi Division is a beautiful pastoralist area around one and half hours drive south of Nairobi, Kenya. Magadi has a vast array of largely unspoiled natural resources including forests, grassy plains, the Ewaso Nyiro River, unique volcanic landscapes including alkaline Lake Magadi and the Nguruman Escarpment. The local Maasai people earn their livelihood from these resources (particularly through livestock) and are very poor. Average incomes - already below the poverty line in 1999 - are estimated to have dropped by approximately 80% during severe drought in 2000-2001. Associated environmental problems reported by local people include long-term loss of grazing and forest cover, loss of wildlife and severe water shortages.

The primary community based-institution in Magadi is the *group ranch* (see below). There are four group ranches in Magadi - Ol Donyo Nyoike, Ol Keri, Shompole and Olkiramatian – each of which is responsible for common property management in the four group ranch areas surrounding the Lake.

People in Magadi are increasingly aware that their natural resources have great potential to earn them income and be the basis for sustainable economic development and poverty alleviation. Unfortunately, progress on realising this potential over the past couple of decades has been slow at best (with the recent exception of Shompole). The question that needs to be answered, and that this report therefore focuses on is:

- ▶ **How can local organisations help to sustainably realise Magadi’s nature-based economic potential, and what changes may be required to make this happen?**

The report is the main product of a DFID Eastern Africa funded study undertaken during 2002 by the Magadi Group Ranches with technical support from the Conservation Development Centre, Nairobi. The study involved widespread grassroots consultation, consultations with other stakeholders, case studies on local organisations that have addressed similar issues elsewhere in Kenya, and a study tour of Magadi’s opinion leaders to selected case study sites in Laikipia and the Maasai Mara.

Natural resource problems and opportunities are briefly overviewed in Section 1. The main problems and opportunities<sup>1</sup> identified are shown in the table below:

	<b>Problems</b>	<b>Opportunities</b>
<b>Water</b>	Increasingly frequent drought, shortage of water, conflict between water users, low agricultural potential in most of the area, over extraction of water	Increase in efficiency and improved management of irrigation, fishing and tourism on the Ewaso Nyiro
<b>Soil and minerals</b>	Thin soil cover, soil erosion, loss of soil fertility, high grazing pressure, non-exclusion of cattle from outside the area	Commercial exploitation of mineral resources, rock and/or sand quarrying, archaeological remains
<b>Pasture and livestock</b>	Severe loss of livestock due to drought, ability of powerful figures to flout grazing rules, declining availability of preferred grasses, livestock diseases	Drought tolerant camels, good pasture areas, functional grazing committees, grazing rules, local research into livestock diseases
<b>Bush and</b>	Decline in tree cover and fuel wood,	Plentiful woodland resources,

<sup>1</sup> Bearing in mind that the reverse of most problems is an opportunity.

	<b>Problems</b>	<b>Opportunities</b>
<b>forest</b>	tree cutting along rivers, unsustainable charcoal production, restrictions on individual entrepreneurship, weak regulation of outsiders using natural resources,	management and utilisation of medicinal plants, sustainable charcoal production and marketing
<b>Wildlife and tourism resources</b>	Declining wildlife, disease transmission to livestock, livestock predation, competition with livestock, negative attitudes to wildlife	Managed bird shooting and beekeeping, ecotourism, significant wildlife habitat and populations, wilderness qualities, specific tourism attractions (hot springs, culture, caves, scenery, etc.)

In general, the opportunities appear to be considerable, but largely unidentified in any specific way.

The local institutions that exist to manage natural resources and exploit opportunities are described in Section 2. The main local institutions in this regard are those that own land, namely the four group ranches (the institutions responsible for managing common property) and Magadi Soda Company Ltd.

Group Ranches are registered with the Ministry of Lands. Each group ranch comprises a membership made up of the heads of each household in the group ranch area, elected group representatives who together are the legally recognised corporate body that lies at the core of a group ranch as an institution, plus elected Group Ranch Committees (GRCs) responsible for managing the affairs of the group ranch.

Magadi Soda Company Ltd (MSC) is a company whose core business is dredging and refining soda ash, mostly for export. The MSC has a long-term lease over Lake Magadi and a large surrounding area – the Magadi Concession Area (MCA). The Company has a good working relationship with surrounding communities, helped in part by the SWOT (Strengths, Weaknesses, Opportunities and Threats) Forum, an informal cooperation and conflict resolution mechanism established between the Company and surrounding group ranches.

There are also a small number of individual landowners in Magadi, plus other institutions with some roles in natural resources management and economic development including:

- ▶ Olkejuado County Council and Rift Valley Provincial Administration;
- ▶ Kenya Wildlife Service;
- ▶ NGOs (African Conservation Centre, ITDG and others);
- ▶ Women’s and youth groups undertaking income generating activities (some of which are registered with the district as self-help groups);
- ▶ Art of Ventures, the company which has invested in an ecolodge on Shompole Group Ranch;
- ▶ Maa O’leng, the community-investor partnership company managing the Shompole ecolodge;
- ▶ Magadi Conservation Trust, a community-based organisation established to promote environmental conservation and increased benefits across the Division (not yet fully functional);
- ▶ Magadi Division Development Programme, a Division-wide association designed to promote local development generally;

Challenges exist in maximising the effectiveness of this institutional framework in promoting nature-based economic development and poverty alleviation, most notably with the Magadi Group Ranches. Focusing largely on the group ranches, the key issues were found to be:

- ▶ **Poor accountability** from leaders to the community, caused by a lack of transparency in decision-making, a lack of management independence, the shared liability of group members for the actions of group representatives and a lack of appropriate checks and balances. General meetings are not held regularly and there is evidence of financial mismanagement in the past. Accountability to those who are not members of the group ranch (often women and young men) is particularly low, even though they are recognised as legitimate members of the community;
- ▶ **Unfocused, cumbersome management structures** caused by a lack of clear objectives (and plans to achieve them) and weak group ranch governance structures (none of the group ranches have constitutions). The result is that decision-making and action is bureaucratic and long-winded, and group ranch officers are often subject to serious conflicts of interest;
- ▶ **Confused resource ownership and use rights** largely due to different claims to land and natural resource rights arising from the traditional community, the group ranch and individuals. Many local people feel disempowered to control and manage their own development as a result;
- ▶ **Low skills, awareness and resources**, largely as a legacy of low levels of formal education and poor support for new institutions when they were introduced. The result is weak technical and business skills, weak leadership in non-traditional areas of life, a generally conservative attitude to change, and low awareness of the commercial potential of common resources;
- ▶ **Ineffective collaboration and support** including an unfulfilled mandate in support of the group ranches by the Ministry of Land, prevalence in the past of projects driven by external agencies, and poor coordination and collaboration between the group ranches.

In the search for solutions to these issues, the study included brief case studies of communities and local organisations elsewhere in Kenya that have addressed similar issues. Those examined in some detail were Il Ngwesi Group Ranch and Company, Samburu, Namunyak Wildlife Conservation Trust, Samburu, Koiyaki Lemek Wildlife Trust in the Mara, the Amboseli-Tsavo Group Ranches Conservation Association and Laikipia Wildlife Forum. The lessons learned from these and other examples emphasise the importance of:

- ▶ **Community leadership and unity**, including significant local involvement in running any initiative, local leader(s) with a clear vision of what their community is trying to achieve, openly sharing information, involving people in decision-making and ensuring that community based organisations can operate independently from political and individual interests;
- ▶ **Good governance**, including the use of small, representative and capable management boards that also involve committed stakeholders from outside the community, a legal structure that is simple enough for local people to operate and the most appropriate to facilitate an organisation's functions, and the adaptation of governance arrangements according to best practice and local experience;
- ▶ **Increasing institutional capacity**, often through training and awareness-raising, employing people on terms of merit, adequately compensating them for their work and building low-key, long-term partnerships and support in administration, logistics, wildlife management, business, and other areas where institutional capacity may be weak;
- ▶ **Nature-based enterprise**. In particular it was found that communities should focus on establishing one core nature-based income-generating enterprise that will catalyse economic development for the whole community. New opportunities created as a result of core enterprises are an excellent avenue for a larger number of individuals and small groups to benefit from direct income. It also became evident that most core enterprises require partnerships with the private sector in order to bring in experience and resources not found locally. New business enterprises must be managed independently from community-based institutions in order to minimise conflicts of interest. In addition, the long-term financial viability of potential enterprises should be a key consideration from the outset of any such initiative;

- ▶ **Natural resources management**, based on two basic building blocks. First, security of community land tenure that is required if people are to invest time, effort and resources on natural resources management and economic development initiatives, and second simple, rational natural resources planning and management, particularly agreement on land use priorities, and hands-on community-based resource protection. Also, proactive coordination and collaboration between landowners helps in avoiding land use conflicts and taking advantage of new opportunities for improved natural resources management and economic development that are only possible with economies of scale.

In order to answer the question posed at the beginning of the study regarding how local organisations can help to sustainably realise Magadi's nature-based economic potential, the study's final section lays out a strategy based on local community input and the experience from elsewhere. The strategy comprises a vision and strategic objectives to achieve that vision.

The vision is expressed as a future in which **communities unite behind viable business enterprises run through accountable community-private sector partnerships and based on the sustainable use of natural resources. Such enterprises will serve as a focal point for community common property institutions (currently the group ranches), provide economic incentives for environmental stewardship, and be the economic driving force behind development and poverty alleviation throughout the area.**

The strategic objectives designed to achieve this vision are:

1. **A significant and viable community nature-based enterprise established in each group ranch as a catalyst for sustainable development.** For instance, an ecotourism or sustainable charcoal production business. Successful enterprises in other areas have also usually involved a private sector business partner with complementary resources and objectives.
2. **Group ranch institutions reformed to make them more effective and accountable to the whole resident community in their core representation, natural resources management and benefit distribution functions.** Group ranches, rather than new community institutions, are the target because they already exist and are accepted on the ground, they have all the basic legal elements to enable them to be a good mechanism for the functions required, and because some communities have demonstrated group ranches to be a perfectly adequate local institutional mechanism for natural resources management and economic development. The main method of reforming group ranches will be through the development and implementation of constitutions.
3. **Land and natural resource rights strengthened to encourage the investment of time and resources in the protection and development of that land.** Strengthening land and natural resource rights will mean that rights must be considered fair by those they affect, they must be clearly understood, they must have a legal basis and the community must be able to assert its rights when they are not respected.
4. **Community-based planning and management of natural resource use and development strengthened in support of nature-based enterprise and maximising community benefits.** Plans are important for guiding major decision-making - such as where to site a specific land use or development, as the framework for developing natural resource bylaws, for identifying work priorities for group ranch committees and officers, for reducing conflict over natural resources, and for uniting the community and any external partners behind a common purpose. The practical means for management include group ranch bylaws and hand-on capability for practical management action.

5. **Land use coordinated and joint initiatives undertaken between landowners<sup>2</sup> as required for reducing land use conflicts and increasing the efficiency and viability of natural resources management.** *Coordination* will be achieved through regular dialogue between landowners, particularly in relation to plans and future developments. *Collaboration* will involve landowners working together to achieve their objectives more efficiently and taking advantage of opportunities that are not feasible for individual group ranches and smaller landowners. Such opportunities mentioned by stakeholders during the study included establishing a division-wide VHF radio network, establishing a combined community ranger force, establishing a combined tourist entry point to the group ranches, and involving group ranches in a partnership with Magadi Soda Company to manage and enhance community benefits from the non-mineral natural resources in Magadi Soda Company's Concession Area.
6. **Local awareness and professional capabilities enhanced to sufficient levels for significant and successful involvement in enterprise and natural resources management.** For this strategy, Shompole's experience is an excellent demonstration for the other 3 Magadi Group Ranches. In addition to specific training, the partnership agreement between the community and the investor provides for a gradual transfer of skills, experience and responsibility to the community from the investor.

This strategy will provide a foundation for local leaders to move forward in planning and decision-making concerning natural resources management and economic development. The strategy also forms the basis for a new initiative, spearheaded by OI Donyo Nyokie and OI Keri Group Ranches, that is intended to make significant practical progress towards the local community's vision for the area. It is hoped that the strategy is of such a fundamental nature that it will also be helpful to communities and agencies addressing similar issues elsewhere in Kenya.

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<sup>2</sup> Including group ranches that are owned by the "community".



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Mr. Peter Opondo wrote Annex B – the report on legal issues and options for natural resources management in Magadi, with supervision from Prof. H.W.O. Okoth-Ogendo and Mr. Andrew Donaldson. The rest of the report was written and edited by Andrew Donaldson, based on the input and comments of local people, other stakeholders and experienced individuals in other areas. While every effort was made to double check information and prepare this report from an objective standpoint, inevitably the report will contain factual errors and some subjectivity. We apologise for this at the outset.

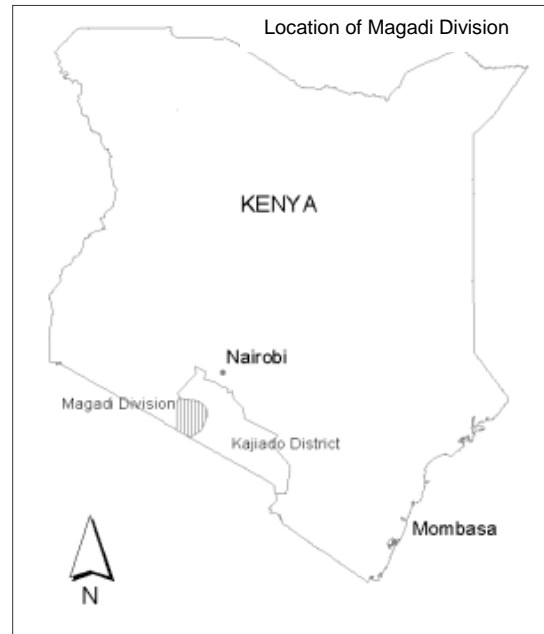
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<sup>3</sup> The overall study, funded by DFID EA was called "Development of an Organisational and Legal Framework for Sustainable Development and Natural Resources Management".



# INTRODUCTION

This study came about because the communities around Lake Magadi in SW Kenya see great potential to increase the level of benefits being generated from their natural resources. Magadi is a semi-arid area occupied predominantly by pastoralists, and has many of the problems familiar to other pastoral communities in Kenya such as poverty and increasing environmental degradation. In 1995, annual income per capita in Magadi Division was well below the poverty line at just US\$ 70<sup>4</sup>. The situation became even worse during the severe drought of 2000 and 2001 when average Magadi incomes are estimated to have dropped by over 80%<sup>5</sup>. Environmental problems reported by local people include loss of grazing and forest cover, loss of wildlife and severe water shortages.



Yet the raw ingredients needed to turn this situation around are in abundance. The Division has significant income-generating potential based on the natural resources of the area (e.g. wildlife and breathtaking scenery), the land is owned by group ranch members and the area is easily accessible to potential markets. The question is, *how can local organisations help to sustainably realise Magadi's nature-based economic potential, and what changes may be required to make this happen?*

In the following pages this is the central question this report attempts to address:

- ▶ Section one provides a broad overview of the potential and constraints of the natural resources in Magadi;
- ▶ Section two describes local community-based organisations and local government, with particular reference to their role in natural resources management;
- ▶ Section three examines the weaknesses of this institutional framework for realising natural resources based economic potential;
- ▶ Section four highlights the potential solutions that have been used to address similar problems and opportunities in comparable areas in Kenya;
- ▶ Finally, section five lays out a vision and strategic objectives to help answer the question above, drawing on local opinion and experience from elsewhere.

This report is not an end in itself. Rather, it is designed to pull together existing local knowledge and ideas within the Magadi Group Ranches, in addition to experience from elsewhere in Kenya, in order to identify what needs to be done if the potential of the area's natural resources is to be sustainably exploited. The report is envisaged as part of a process leading to practical action. In this regard, the next step in the process - the development of a project to carry forward the study's conclusions - has already been initiated. It is hoped that group ranches and pastoralist communities in other parts of Kenya will also find the report helpful as they face comparable issues and opportunities in their own areas.

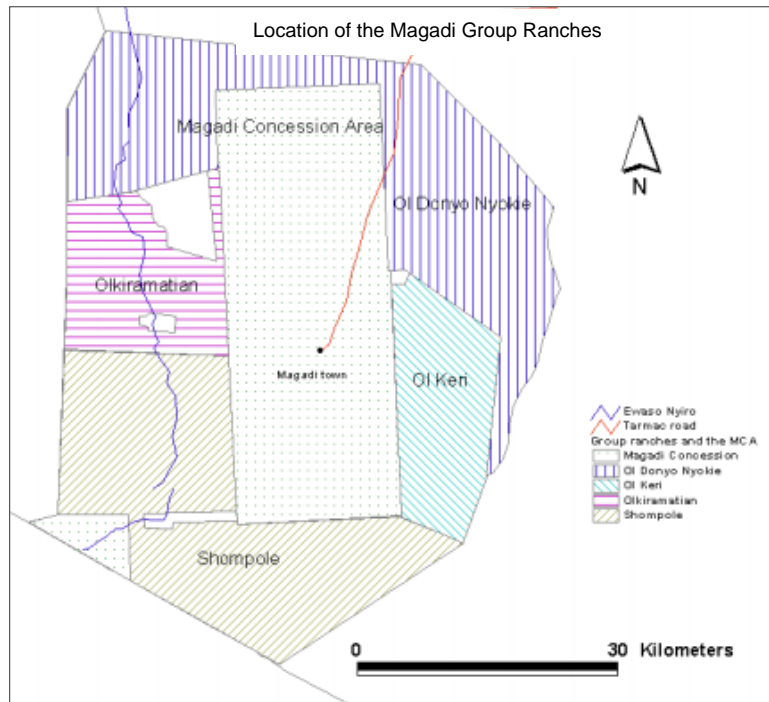
<sup>4</sup> US\$70 = KES 5,358/- @ US\$ 1= KES 76/-.

<sup>5</sup> SARDEP, 2001. *Poverty, Target Groups and Governance Environment in Kajiado District, Kenya.*

# 1 NATURAL RESOURCES OVERVIEW

The Lake Magadi area is well endowed with a variety of valuable natural resources and landscapes. These resources – water, soil, minerals, bush and trees, pasture, livestock, and wildlife - are the basis for virtually everyone's livelihood in the area. However, many local people have noticed a number of worrying trends in this resource base due to natural factors and increases in human pressures. The community is also realising that the group ranches and other local institutions are not adequately addressing many of these problems, and are not capitalising on new development opportunities. This section of the report aims to identify some of these problems and opportunities - particularly those with economic

values or consequences - as a basis for identifying the specific issues with the current institutional framework later in the report (see section 3). The overview draws on the work of previous project reports and sector specific feasibility studies<sup>6</sup>, and the views of local people and other stakeholders<sup>7</sup>.



## 1.1 Resource problems and opportunities

### 1.1.1 Water

Most of the Division receives less than 400mm of rainfall per annum while potential evaporation is high (up to 2600mm per annum). In combination, these factors ensure that the area is very dry and is thus classified as a semi-arid to arid area with low potential for rain-fed agriculture. The Ewaso Nyiro River runs through Ol Donyo Nyoike, Olkiramatian and Shompole Group Ranches, ending its journey in the salty swamps at the head of Lake Natron. Olkiramatian and Shompole Group Ranches border the Nguruman Escarpment, the source for several permanent tributaries. These rivers are a permanent and valuable source of water currently used as a basis for small-scale irrigation, fishing, and water for human and livestock consumption. Most of Ol Donyo Nyoike and Ol Keri on the other hand have no natural permanent water sources, but instead rely on semi-permanent sources and a few man-made sources such as rock catchments and shallow wells (salty water for livestock). In these areas women commonly have to travel tens of kilometres to reach water sources.

<sup>6</sup> NB: more documented information is available for Shompole and Olkiramatian than for Ol Keri and Ol Donyo Nyoike. However, by undertaking grassroots community and stakeholder consultations, this study has attempted to gain a balanced view of natural resource issues in all four group ranches.

<sup>7</sup> As no original scientific studies have been carried out, the scientific authenticity of the following sections is not guaranteed. However attempts were made to verify and crosscheck statements made by members of the community and in other reports, and all information is therefore provided in good faith.

The perception of local people is that drought is increasing in the area, both in terms of frequency and duration. Certainly, the severe drought of 2000-2001 followed closely on the heels of a similar drought in 1996-1997. These droughts have had a severe impact on all life in the area.

Even at the best of times, water scarcity can be an issue within the group ranches, particularly on Ol Donyo Nyoike and Ol Keri. Natural scarcity is compounded by conflicts over water use. For example, most springs and manmade water points are for the dual purposes of livestock and human consumption. When water is limited, livestock needs normally take precedence over human domestic needs – one of the responsibilities of women in Maasai society. Similarly, water points shared between members of different group ranches have become a source of conflict when water is very scarce.

In the areas of Nguruman and Pakase, where irrigated agriculture is being practiced, over extraction is becoming an issue. Nevertheless, management of water in these areas was cited by members of the group ranch (even those not undertaking irrigation) as an example of 'best practice' by a group ranch management sub-committee – at least in comparison with other resources. The management system involves each farmer being allotted a strictly regulated time window when water can be siphoned into irrigation channels. To the casual observer, this system appears to be working well and the problems of over extraction, most noticeable in the dry season, are probably caused by inefficient irrigation techniques coupled with an increasing acreage under irrigation. The localised effects of over extraction are that individual farmers do not have enough water to fulfil their needs. Further downstream, the effects of over extraction can be severe if "permanent" water sources run dry, as happened on Shompole during the drought of 2000-2001.

Of course, the opposite of a problem is an opportunity and many of the issues stated above should be seen as opportunities by and for local inhabitants. However, a number of other opportunities specifically relating to water have been identified during stakeholder consultations. One such opportunity is the more optimal exploitation of fishery resources within the group ranches. Currently Luo migrant fishermen exploit fish in the Ewaso Nyiro on a limited basis. A 2001 socio-economic survey (Warinda, 2001) of Shompole and Olkiramatian indicate that this activity has great potential given greater awareness among the community of the potential benefits, and training in appropriate technical, management and business/marketing techniques.

Other water-focused opportunities include the use of the Ewaso Nyiro as a tourism resource – demand for activities such as canoeing and rafting on the river is evident from the several comments in the Olkiramatian visitor's book requesting such activities. All that is lacking is the technical know-how, acceptance amongst the community, and an appropriate management structure for operating such activities.

### **Problems and opportunities highlights:**

- Semi-arid/arid area
- Drought periods
- Water scarcity and conflicts over use
- Low agricultural potential in most of the area
- Irrigation: over- extraction
- + Irrigation: increase in efficiency, new methods and crops
- + Irrigation: well managed water access
- + Fishing: increased sustainable exploitation for the benefit of members
- + Tourism: river based activities on the Ewaso Nyiro

## 1.1.2 Soil and minerals

Soils in the Magadi area are mostly highly porous and volcanic derived. Much of the area has very thin and/or patchy soil cover with lava boulders and rocks at or near the surface. In combination with the aridity of the area, the lack of water holding capacity makes rain-fed agriculture a near impossibility. The exceptions to this are mostly near the Nguruman Escarpment on Olkiramatian and Shompole where better alluvial soils and permanent water (see above) supply has spurred the growth of an irrigated agricultural sector growing a wide range of vegetables and fruit for domestic and export markets in Nairobi and beyond.

Minerals are the very obvious focus of the cash economy in Magadi. The Magadi Soda Company (MSC) dredges and refines soda ash for glass manufacture and salt for domestic consumption. The MSC's concession includes all of Lake Magadi and a significant portion of the land bordering the four group ranches. Salt is a valuable commodity for those keeping livestock on the group ranches and is readily available, often in water solution, in many parts of the area. People from outside the immediate area also use Magadi salt for livestock at no cost. The only other known mineral of commercial worth is diatomite, found in some eastern areas of Ol Donyo Nyoike. This is not currently being exploited and the economics of doing so remain unknown.

During consultations, local people raised two main issues in relation to soils and minerals: erosion and loss of soil fertility. Both are consequences of a combination of high grazing pressure on certain areas (e.g. around water sources and settlements), particularly at the end of the dry season and in drought periods, and the light volcanic soils found in much of the area. Makau (2001) states that in 1998 some sub-locations in the Division had as much as 56% overstocking. The subsequent drought will undoubtedly have reversed this trend for a short time at least. Group ranch members cited the lack of restrictions on the numbers of cattle that can be grazed on the ranches as one of the primary causes of the high grazing pressure. Indeed, any individual whether he is a member of the group ranch or from outside the area<sup>8</sup> can graze as many livestock in the group ranches as he likes without cost or fear of reprimand.

Members of the community also highlighted the large amount of exposed rock and stones throughout the area and wondered if there were opportunities whereby these resources could be put to some use. There may indeed be opportunities to quarry rock or sand in parts of the group ranches for the construction industry in Nairobi, notably in the northern part of Ol Donyo Nyoike where transportation costs would be lower due to the fast tarmac road access to Nairobi. However, an even more promising possibility is the quarrying and sale of ballast rock to MSC for use on the railway line from Magadi to Konza. The Managing Director of MSC indicated a strong willingness to source this material from local sources and said that the kind of rock found in the area is highly suitable. At present ballast for the railway is brought in from quite a distance away.

### **Problems and opportunities highlights:**

- Thin soil cover
- Soil erosion
- Loss of soil fertility
- High grazing pressure, particularly in dry periods
- Non-exclusion of cattle from outside the area
- + Mineral resources exploited within the MCA, plus salt and other minerals with commercial potential on the GRs
- + Rock and/or sand quarrying
- + Archaeological remains with tourism potential

<sup>8</sup> Although the group can in theory exclude non-members from grazing in the ranch, in reality family and cultural ties to other Maasai livestock owners mean that such exclusion rights are never acted on.



The wider area is well known for the large number of prehistoric remains and fossils to be found. The National Museums of Kenya has excavated prehistoric remains, including evidence of the activities of early man just outside Ol Donyo Nyoike at Olorgasallie. Within the group ranches a large number of prehistoric hand axes have been found, particularly around the shores of the lake.

### 1.1.3 Pasture and livestock

Being a Maasai area, the primary land-use in Magadi Division is livestock keeping. Cattle, sheep and goats are the main animals kept, although camels were introduced to the area over the last decade and have steadily increased in number due to their good milk-production which can be sustained in periods of drought. The livestock census carried out in 2000 counted 25,698 cattle, 46,833 goats and 58,013 sheep in Magadi Division. These figures represent a drop of between 34-40% over the figures for the previous year, due to the drought going on at that time. Over the entire drought period livestock losses may have been as high as 70% in some areas. Around 400 families in Ol Donyo Nyoike lost all their cattle.

The remaining livestock populations are supported by a rangeland covering almost 90% of the Division (Makau, 1990). Grasslands are interspersed with exposed rock and soil, bush and woodland. The best pastures are found on the plains areas, particularly on the lower plains of the Ewaso Nyiro and the areas with better soil cover on Ol Keri and Ol Donyo Nyoike.

All the group ranches appear to have functioning grazing committees that are responsible for managing grazing patterns. There is evidence of active management being undertaken by these committees, particularly regarding restrictions on grazing some pastures so that they are left for the late dry season. Traditional bylaws include provision for punishing a member of the group or other person who does not adhere to the group's grazing rules through fines or other punishment agreed amongst the community in advance. However, some people commented that influential figures in the community are able to flout such rules.

One of the main problems related to pasture management mentioned by a cross-section of local people is that the most palatable grasses – the so called “long-rains” grasses because they only grow after a sustained wet period – are getting increasingly difficult to find. This problem is probably also caused by overgrazing, and possibly also by the supposed increase in drought conditions. Further scientific study would be required in order to be certain.

Diseases are a major constraint to improved livestock production. The main killer disease is the tick borne East Coast Fever (ECF). Tsetse fly infestation is also common in the more densely wooded patches. Tsetse and other disease-related issues have been the subject of long-term research efforts by the Kenya Trypanosomiasis Research Institute (KETRI) and the International Centre of Insect Physiology and Ecology (ICIPE), both of which have field stations in Olkiramatian.

Other problems mentioned locally included cattle rustling from Narok District, although this does not appear to be considered a serious threat at present. Other opportunities suggested

#### **Problems and opportunities highlights:**

- Severe loss of livestock during recent drought
- Ability of influential community members to flout rules
- Decline in availability of preferred grasses
- Livestock diseases
- + Growing number of camels, with good drought tolerance
- + Good plains and pasture areas
- + Functional grazing committees
- + Ability to impose sanctions to maintain grazing regimes
- + Long-term research efforts into livestock diseases in Olkiramatian

during consultations included the introduction of improved livestock breeds (e.g. Boer goats), or the introduction of new types of grass and a pasture-cropping regime on the silty, damp floodplain of the Eoret River on Ol Donyo Nyoike.

#### 1.1.4 Bush and forest

The woody resources of Magadi Division are plentiful, particularly in the form of bushed and wooded grassland with a canopy cover typically in the range of 1-20%. The main species is Acacia in some of its many different forms. On the hills and especially on the Nguruman Escarpment woodland cover is at its highest. In these areas the vegetative cover has important water catchment functions. The most sparsely wooded areas include the Ewaso Nyiro plains and some areas in the immediate vicinity of human settlements. River courses, particularly the Ewaso Nyiro and other small rivers such as the Esonorua in Ol Donyo Nyoike, usually have dense wooded cover along their course. Due to the availability of water, some riverbank trees can become very large and play an important function in preventing erosion of riverbanks and stabilising watercourses.

People on every group ranch raised declining tree cover as an issue. In many cases, this is caused by over-utilisation of the resource as the human population in the area increases and other sources of livelihood become less dependable. Productive uses of trees and bushes include fuel wood, fodder, charcoal, traditional medicine, and building material.

Fuelwood collection is one of the duties of women in Maasai society. Many of the women consulted reported that fuelwood is becoming increasingly scarce and correspondingly the distances walked to collect wood are growing. Drought was cited as one of the possible causes of this, although overuse is probably a major factor in the areas where this issue is most keenly felt.

The other two uses mentioned due to their destructive impact are charcoal making and tree cutting for fodder, mostly along river courses. The former is practised mostly on Ol Donyo Nyoike and Ol Keri where access to an all weather road and the short distance to Nairobi facilitate access to markets. Charcoal production is a good example of an activity that can severely degrade the natural resource base and is therefore unpopular with those who have large herds of livestock and other resources to sustain them, but is often one of the few activities that entrepreneurial youth or the poorest members of society can easily undertake. The feelings of these groups were well expressed by a youth in Ol Keri who said of the group ranch system: "You cannot own anything. You cannot burn charcoal or carry out other such activities. Opportunities for individuals are very restricted." Unfortunately the loss of tree and vegetation cover on more accessible parts of Ol Donyo Nyoike and Ol Keri is now serious as a consequence of uncontrolled charcoal production. Of course, if charcoal production was to be managed so that trees were being replanted and perhaps marketing the charcoal produced as "eco-friendly" then charcoal production could be a major opportunity for the more accessible group ranches.

#### **Problems and opportunities highlights:**

- Decline in tree cover and fuel wood
- Tree cutting along river courses for dry season fodder
- Tree cutting for charcoal production
- Tough restrictions on individual entrepreneurial activities
- Lack of regulation of outsiders using natural resources (fuelwood)
- + Plentiful woodland resources
- + Management and use of medicinal plants
- + Sustainable charcoal production and marketing

A specific issue for OI Donyo Nyoike is the regular collection of wood from the ranch by GSU and more especially Kenyan army personnel. On a daily basis an army truck collects a full load of wood. The Group Ranch Committee (GRC) has attempted to address this issue, with little success. To be fair, the GSU camp lends the group ranch a fair degree of reciprocal support, such as the provision of water. However, the inability of the group ranch to exclude and or regulate others, such as the army, is a thorny issue that runs to the heart of many of the natural resource management problems in the area.

Many of the activities mentioned above could be useful opportunities for members of the community if they were better managed. Medicinal plants were mentioned in addition to charcoal burning during consultations due to their commercial potential.

### 1.1.5 Wildlife and tourism resources

All four group ranches have traditionally had significant wildlife populations. In fact, the area can be considered a contiguous part of the greater Serengeti-Mara Ecosystem as wildlife moves uninterrupted between the Serengeti buffer zones of Loliondo and Natron across the international border to Magadi according to the availability of pasture. The maps overleaf show the distribution of major mammal species (wildebeest, giraffe and Burchells Zebra) recorded during the 1987, 1998 and 2000 surveys conducted by the Department of Resource Surveys and Remote Sensing (DRSRS). Other wildlife species recorded include baboon, buffalo, cheetah, elephant, leopard, lion, ostrich, and the rare wild dog.

It is widely recognised both by local people and outsiders that local wildlife resources are vastly under-utilised. Currently on Olkiramatian, OI Donyo Nyoike and OI Keri, wildlife is considered more of a problem than a useful resource. Complaints of disease transmission between wildlife and livestock, livestock predation and competition for water and forage are fairly common in these ranches. However, it also appears that there are many people who see the vast potential of the wildlife resource.

Licensed<sup>9</sup> bird shooting is one way in which the group ranches would like to benefit from the wildlife resource. At present, outsiders come to shoot birds on an occasional basis. However, the GRC find it very difficult to check how many people come and whether they are properly licensed. Local people feel that many more people come to shoot birds than would be suggested by the negligible fees passed on by KWS. Similarly, beekeeping has large potential in the area as an income generating activity. Shompole GR is currently embarking on a new project with outside support and beekeeping has been the focus of previous development interventions by NGOs in the area. Unfortunately evidence of these types of activities being sustained by the community after outside support has been withdrawn is hard to find due to a variety of institutional weaknesses that will be examined later in this report.

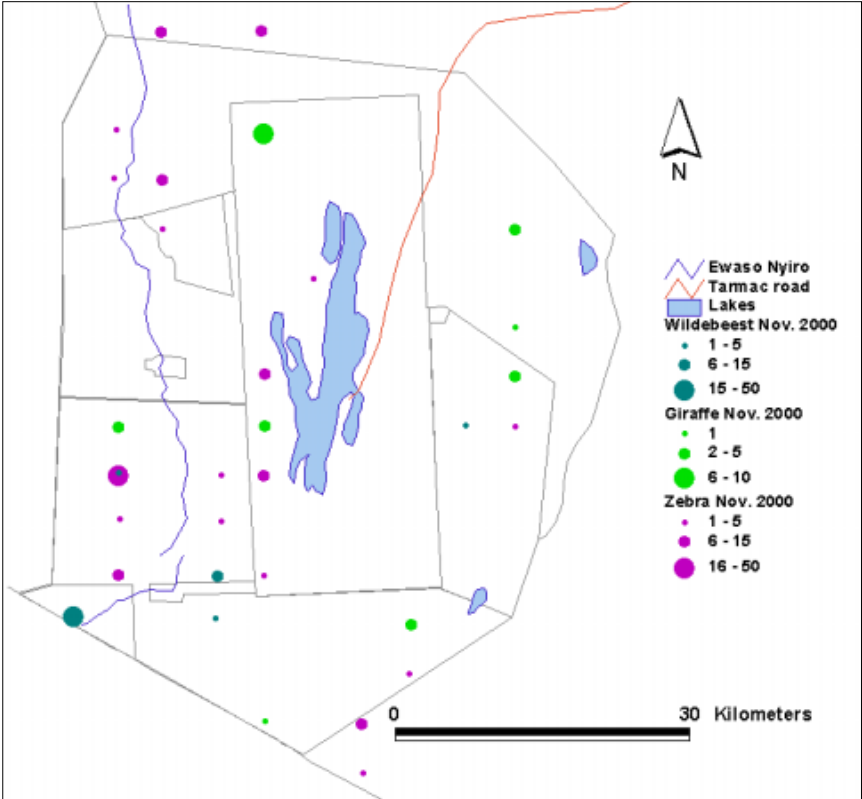
#### Problems and opportunities highlights:

- Declining wildlife numbers
- Disease transmission to livestock
- Livestock predation
- Competition with livestock for water and forage
- Negative attitudes to wildlife
- + Managed bird shooting
- + Managed beekeeping
- + Potential for ecotourism is well demonstrated by the success of Shompole Lodge
- + Traditional range for a wide diversity of wildlife, with some significant wildlife populations
- + Expansive wilderness qualities
- + Other potential tourism attractions including hot springs, unique culture, caves, scenery and mountains

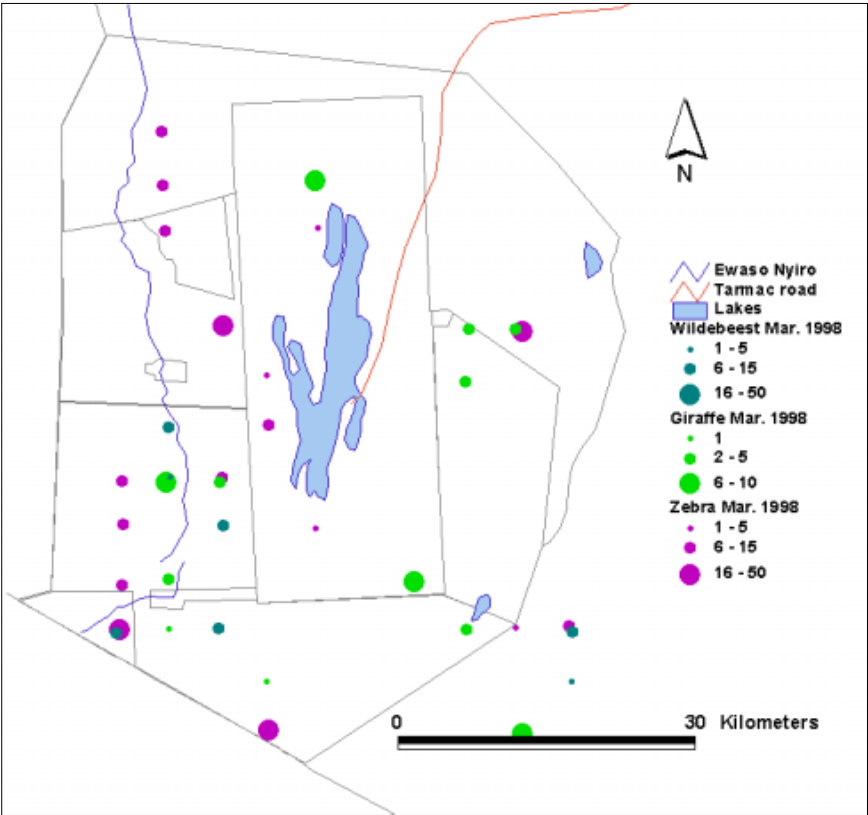
<sup>9</sup> Licensing is carried out by KWS. A proportion of the license fee is then meant to be passed to the group ranch.



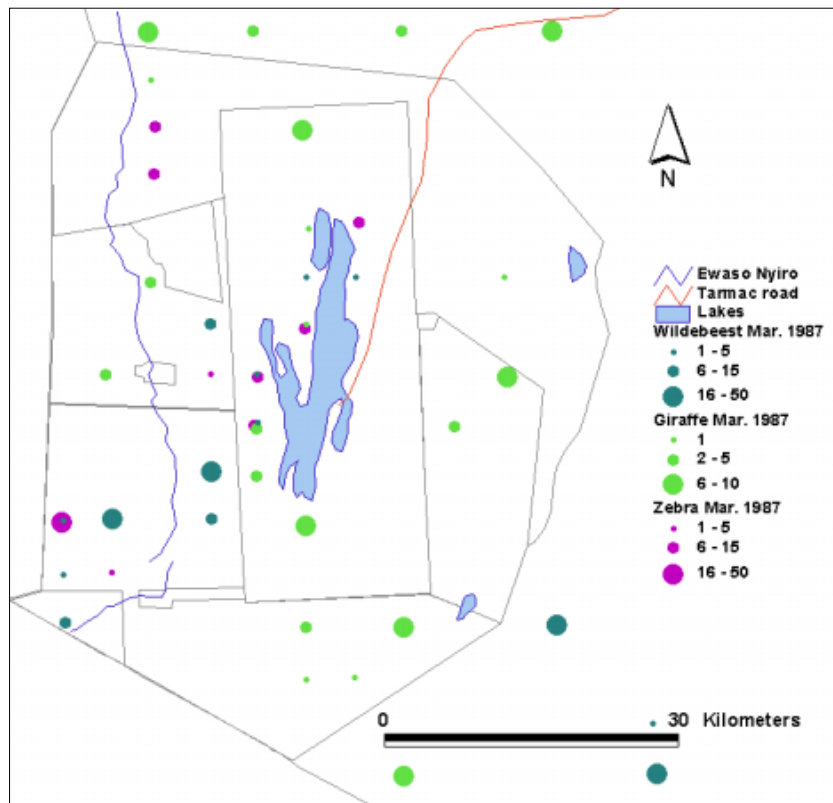
**Figure 1: Magadi wildlife distribution November 2000**



**Figure 2: Magadi wildlife distribution March 1998**



**Figure 3: Magadi wildlife distribution March 1987**



The perception of people on Ol Donyo Nyoike, Ol Keri and Olkiramatian is that wildlife numbers have been steadily decreasing over the past few decades, and recent droughts have only made this situation even worse. Poaching does not appear to be the problem it once was; certainly poaching by outsiders is not currently considered a problem. Poaching for subsistence is thought to be carried out at low levels<sup>10</sup>. In Shompole, the situation is different. Here, with assistance from NGOs, the group ranch has entered into a partnership with a private investor - Maa O'leng - to build and operate an ecotourism lodge. The same Project Management Committee (PMC) that helped establish the partnership, comprising community representatives, GRC members and other stakeholders such as KWS, has also been instrumental in establishing a large conservation area set aside from other activities including livestock grazing. The general perception in Shompole is that wildlife numbers are now increasing. The value of the wildlife resource on Shompole alone is demonstrated by the size of the financial commitment the investor is making - over US\$ 1 million. Despite the growing success of ecotourism on Shompole, it should be noted that the process to raise awareness of what could be done with the wildlife resource and gaining community acceptance and active participation took almost five years. This demonstrates both the cumbersome decision-making process on the group ranches (one reason why the PMC was set up) and the difficulties associated with introducing new ideas into an essentially conservative society.

One of the unique advantages of the group ranch land ownership system is that wildlife, and the *wilderness* that visitors are attracted to, are an inherent part of this extensive form of land management. It is difficult if not impossible to achieve this integration with smaller individual land holdings. The area has a range of unique features that form a part of this extensive landscape and could form part of the core attraction for a range of income-generating tourism

<sup>10</sup> In general Maasai people do not eat wild meat unless forced to in situations of severe livelihood stress such as major droughts.

activities, including caves, the unique Maasai culture, stunning scenery, mountains and hot springs.

## 1.2 Addressing the problems and exploiting the opportunities

The preceding sections have highlighted the enormous potential of natural resources on the four group ranches surrounding Lake Magadi. However, at present this potential is not being realised, resources are being depleted and indicators of poverty are increasing.

The problem does not appear to be due to a lack of support from outside agencies. Numerous initiatives<sup>11</sup> have attempted to solve some of the natural resource management and development problems in the area, sometimes with a measure of immediate success. However evidence of long-term change and improvement is lacking. It was noted during community consultations that local people are somewhat frustrated with the string of initiatives and research that have been initiated but have borne little fruit over the past 10-20 years.

The failure of many previous initiatives to achieve sustainable results points to a common problem: the local institutions responsible for the functions of natural resource management and development are not able to carry out these functions effectively. The factors underlying this issue are multifaceted. Some of the main issues identified during consultations are as follows:

- ▶ Poorly defined and understood objectives, roles and responsibilities (both organisations and individuals)
- ▶ Poor communication
- ▶ Lack of accountability from leaders and demand for accountability from the grassroots
- ▶ Conflicting group and individual interests
- ▶ Cumbersome decision-making processes
- ▶ Weak management and technical know-how
- ▶ Confusing land and resource access rights
- ▶ Poor financial management

In the following sections, the report will describe the existing local institutional framework for natural resources management and development followed by a detailed examination of the issues constraining good management within this framework.

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<sup>11</sup> E.g. the ASAL sponsored Olkiramatian and Shompole Land Use Plans.

## 2 LOCAL INSTITUTIONAL FRAMEWORK

The strongest institutional influence in Magadi is felt from institutions that own land. Members of the four Magadi Group Ranches own most of the land in the Division under the collective group representatives system (see below). Magadi Soda Company (MSC) has long-term leaseholder rights over the Magadi Concession Area covering Lake Magadi and the surrounding area and a smaller area around the northern tip of Lake Natron on the Tanzanian border. There are also a number of smaller areas whose owners have individual title deeds. Besides these core institutions and individuals there are a number of government agents, private companies and NGOs with certain rights and responsibilities for natural resource management in the area. A summary of this institutional framework is presented in Table 1 overpage and is fully described in the sections following.

### 2.1 Magadi Group Ranches

There are four group ranches surrounding Lake Magadi, within Magadi Division, as illustrated on the map in section 1. Group ranches were established in the late 1960s and early 1970s in response to a need to secure community land rights in the face of increasing registration of communal lands by individuals and associated factors<sup>12</sup>. Two Acts of Parliament were enacted to enable group ranches to be formed. The Land Adjudication Act (Cap 287) enabled land to be owned by registered groups. The Land (Group Representatives) Act (Cap 287) allowed for representatives of these groups to be formed into a corporate body. Despite the fact that group ranches have now been established for more than thirty years in many areas of Kenya, there are many misconceptions regarding how they are established and should be run.

For more information on the legal and institutional aspects of group ranches management structures, please refer the report in Annex B that forms the foundation for this section.

#### 2.1.1 Registrar of Group Representatives

According to the Acts, the Registrar of Group Representatives (Ministry of Lands) is responsible for performing certain administrative functions for each group. The Registrar should maintain a register of group representatives, records of group general meetings and other documentation, and generally ensure that the group complies with the provisions of the Act. Many major actions provided for in the Act require the Registrar's consent and as such the Registrar can be a powerful influence on group ranch affairs. The Registrar also has the power to exempt any group from any of the provisions in the Act, as s/he considers appropriate. While the current Registrar is sympathetic to the issues currently being felt on the Magadi Group Ranches, she is severely constrained by a lack of capacity to carry out her functions and follow up when GRCs do not fulfil their functions, particularly in terms of personnel and financial resources. Consequently, many of these functions (such as maintaining up-to-date registers of group members) are not being adequately carried out.

At the local level, a group ranch is made up of three constituent parts: the members, the representatives and the committee/officers. Each of these parts is described below.

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<sup>12</sup> See Annex B – the report of the study's legal expert - for a full description.





**Table 1: Summary of institutions involved in Natural Resources Management in Magadi**

	<b>NRM mandate in Magadi</b>	<b>How are NRM activities implemented?</b>	<b>Location</b>	<b>Legal status</b>
<b>Magadi Group Ranches</b>	Management of group resources so as to benefit the members. Representation of the community in matters relating to NRM.	Major decisions are made by the membership in general meetings. GRC and sub-committees implement decisions and carry out other management functions.	Each group ranch is located within legally defined boundaries (see map, section 1). Boundary definition on the ground is poor.	Group representatives are a corporate landowning body.
<b>Magadi Soda Company</b>	For-profit enterprise focused on extraction of soda and salt. Has a long-term lease on the entire Lake and a significant amount of the surrounding land area.	Company policy is governed by a Board of Directors. The operations of the company are carried out by its officers. MSC has initiated a "SWOT forum" to liaise with surrounding communities on NRM and development issues.	Magadi Concession Area (MCA) is a large block of land in the centre of Magadi Division.	MSC is a subsidiary limited company of Brunner Mond plc. MSC has exclusive rights over the Magadi Concession Area (MCA) until at least 2023 under a long-term lease established under the Land Acquisition Act.
<b>Individual landholders</b>	Management of resources for individual purposes as desired within legal and social boundaries.	By individuals and their households.	OI Donyo Nyoike and OI Keri: Holding grounds between the 2 GRs. Olkiramatian: 6 individual ranches near the Ewaso Nyiro. Shompole: Holding grounds.	Freehold landowners, long-term lease- holders and land held in trust by the local authority.
<b>Olkejuado County Council &amp; Rift Valley Provincial Administration</b>	Olkejuado County Council (OCC) is responsible for local services such as water. The Rift Valley Provincial Administration (RVPA) represents government and the forces of law and order. Both bodies play a significant role in prioritising and overseeing development projects.	OCC is made up of Councillors elected at the location level. RVPA is represented in Magadi by the District Officer. Under him are Chiefs (location) and Assistant Chiefs (sub-location).	Entire area.	Government. Both OCC and RVPA are corporate bodies under Kenyan law.
<b>Kenya Wildlife Service</b>	Conservation of wildlife and protection of inhabitants from wildlife through problem animal control, poaching control and conservation education and advice on wildlife management and utilisation.	Ranger outpost on Olkiramatian. Inclusion on Shompole ecotourism Project Management Committee (PMC) of NNP Warden.	Entire area.	Government parastatal organisation.
<b>NGOs</b>	Technical assistance to local institutions and government (education, extension and training, financial support, project support, etc.).	Extension agents and liaison persons with the communities. Technical advice and project support from Nairobi Office.	Entire area. ACC focuses on Shompole and to a lesser extent, Olkiramatian.	Many are registered Non-Governmental Organisations.

	<b>NRM mandate in Magadi</b>	<b>How are NRM activities implemented?</b>	<b>Location</b>	<b>Legal status</b>
<b>Women's &amp; youth groups</b>	Income generation involving natural resources for the social benefit of members.	Small informal groups undertake all decision-making and practical action.	Many groups throughout the area.	No formal legal status (there is no governing act of parliament). However some groups are registered at the district level as Self-Help Groups.
<b>Art of Ventures &amp; Maa O'leng</b>	Management/ownership of Shompole Lodge. Establishing and operating other natural resource based enterprises.	Project Management Committee (PMC) including a representative of Art of Ventures takes main decisions regarding overall conservation project. Art of Ventures has a contract (with Maa O'leng) to manage the lodge and its immediate surrounds.	Shompole GR.	Private limited companies with shareholders.
<b>Magadi Conservation Trust &amp; Magadi Division Development Programme</b>	Support (technical, fund-raising, etc.) for local NRM and development efforts. Forums for encouraging cooperation and collaboration between stakeholders.	Magadi Conservation Trust (MCT) is legally established, but not operational. Governed by a Board of Trustees. Magadi Division Development Programme (MDDP) is currently being formed. MDDP policy will be governed by a Delegates Meeting. It has a management board, secretariat and various committees to carry out its proposed roles.	MCT: All four group ranches. MDDP: Magadi Division.	MCT is a Trust. MDDP is an Association.

## 2.1.2 Members

The members of a group when it was first registered were usually heads of households and were therefore almost always male. According to the Act, membership thereafter could only be obtained by an individual through inheritance or by court order or by the agreement of the group representatives (confirmed by the members at a general meeting). In practice, these provisions have led to an ever-increasing number of members, as all the sons of the head of household usually inherit membership. The number of women members remains negligible. In order to curb the continuing rise in membership, OI Donyo Nyoike GR has closed its membership list, except in the case of one for one inheritance.

Group members are the joint owners of the piece of land registered under the name of the group. Membership confers certain rights including the rights to:

- ▶ Attend, speak and be heard, and vote at all general meetings
- ▶ Reside free of charge on group land together with family and dependants
- ▶ Permit any other person to reside on group land unless a majority of group representatives decides otherwise
- ▶ Use of the land, water rights, machinery, credit facilities, veterinary services, marketing arrangements, transport and other assets of the group, should they exist

No member may dispose of land or the other assets of the group without the approval of all the group representatives and the Registrar of Groups.

It proved difficult to ascertain the exact number of members on each of the Magadi GRs, as the total number of members recorded in the registers<sup>13</sup> held by the Registrar had not been updated recently, or in some cases since the group ranches were first established. However, verbal indications were that OI Donyo Nyoike had approximately 1,100 members, Olkiramatian 1,300, Shompole 1,400 and OI Keri 500.

## 2.1.3 Group representatives

Between three and ten group representatives are elected by the membership at a general meeting. Thereafter group representatives only change on retirement, death, if convicted of a crime, or by the resolution of a general meeting. The powers of the group representatives are those typically associated with a corporate body - that is to sue and be sued, to acquire and dispose of property, to borrow money, etc. The group representatives are charged with using these powers for the collective benefit of all the group members after consulting the other members of the group.

Apparently then, to be a group representative is to be placed in a position of great trust where the collective interests of the community should be placed ahead of individual gain.

## 2.1.4 Group Ranch Committees

Group Ranch Committees (GRCs) are responsible for both the policymaking and the executive functions of a group ranch. According to the law, a GRC should consist of a Chairman, Vice-Chairman, Secretary, Treasurer and three other members. Not less than two of these people should be group representatives. However, in the case of the Magadi GRs it is difficult to discern any real distinction between the group representatives and the GRC.

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<sup>13</sup> As of May 2002, the total number of members recorded in the register held at the Ministry of Lands was: Olkiramatian 463, OI Keri 480, OI Donyo Nyoike 370 and Shompole 847.

The composition, objectives, terms, etc. of the GRC are supposed to be provided for in the constitution of each GR. However there is no evidence of constitutions ever having been developed for any of the Magadi GRs although some general provisions for inclusion in GR constitutions are made in the schedules appended to the Land (Group Representatives) Act.

The designated officers and other members of the committee are elected by open ballot at a general meeting of the group. The chairman is responsible for the overall conduct of business by the committee. The secretary is responsible for GR correspondence, record keeping and documentation, except for accounts, which are the domain of the treasurer. As well as maintaining the GRs accounts, the treasurer is responsible for the safekeeping of all GR funds. While GR accounts are supposed to be open to inspection by any member or the Registrar of Group Representatives, an audit is only legally required when the Registrar demands it. In Magadi there is no evidence of accountable information on the finances of the groups being easily available, if it is indeed maintained.

In the words of the Act, the GRC is responsible for, “conducting the affairs of the group with a view to achieving the greatest practicable social and economic benefit for the members.” To do this the GRC should, “assist and encourage members to manage the land or graze their stock in accordance with sound principles of land use, range management, animal husbandry and commercial practice. Payment for these services is meant to come from the resources of the group. Further provisions made in the Act state that the GRCs operations should include:

- ▶ Preparation and implementation of a GR development plan in consultation with officers from the Ministry of Agriculture
- ▶ Preparation and implementation of procedures for marketing GR stock and produce
- ▶ Devising rules and issuing necessary instructions to members for the successful operation of the GR
- ▶ Acting on any instructions received from a majority of the group representatives
- ▶ To raise money through loans and other means for the benefit of the GR. Also, to charge fees for services provided to the GR that must be used to pay off any loans before being used for other purposes.

In Magadi, the GRCs delegate a large part of their actual operations to sub-committees, usually formed on a sector-by-sector basis. Most GRCs therefore have sub-committees responsible for grazing and pasture management, water, soil and/or irrigation, education, health and specific development projects. Sub-committees often include non-members of the GR such as youth and women. No GRC or sub-committee members are paid to undertake these functions, but are expected to perform their duties for the wider benefit of the group.

GRs are required to have an Annual General Meeting. A General Meeting may be called at any other time within 21 days of a request to the chairman or vice-chairman from the group representatives, the District Agricultural Committee or over half of the members. To begin business, a meeting must be attended by 60% of members. To pass any resolution 60% of the members present must vote in favour.

The reality of the situation regarding the operations of the GRC and activities undertaken by the GRC's officers in Magadi and elsewhere is very different from that envisaged by those who wrote the Land (Group Representatives) Act. Most of these functions are not being undertaken. Evidence of the failure of the GRC mechanism as it functions in Magadi is shown by the fact that the GRCs reported either zero or negligible income being realised from GR resources (this does not include GR resources which are being utilised for the benefit of individuals).

## 2.2 Magadi Soda Company

Magadi Soda Company is a limited liability subsidiary of Brunner Mond plc, a UK-based public limited company. MSC has been dredging soda ash and producing salt at Magadi since before the group ranches were formed. To allow it to do this undisturbed (e.g. the possibility of erosion deposits lowering the quality of the raw *trona*), the company has a lease on an area far larger than the Lake itself (around 225,000 acres). This area, called the Magadi Concession Area (MCA), also includes a strip 100m either side of the railway line from Magadi to Konza. However, the lease obligates the company to allow local Maasai to graze their cattle within the MCA and to access salt and minerals in the Lake for their own personal (non-commercial) use. All other land rights normally associated with such a long-term lease rest with the company.

The company appears to have a very good relationship with surrounding communities. The company provides much more assistance to local people than would normally be expected of a commercial venture. Beyond the benefits of the company's very existence (transport and communication links, employment possibilities, cash injection in the local economy, etc.), assistance recently provided includes school bursaries, subsidised hospital services, access to water along the company's own water pipeline and the road and railway, office accommodation for NGOs, etc.

Communication, conflict resolution and collaboration with surrounding communities is facilitated by the Strengths, Weaknesses, Opportunities and Threats (SWOT) Forum which comprises seven representatives of the four surrounding group ranches and three representatives of the company. This meets monthly to discuss and agree action on issues of mutual concern. People in the surrounding area were very positive about the impact that the SWOT Forum has had on the relationship between them and the company, and on issues of mutual concern, since it was established in 2000.

A community liaison officer has recently been hired to build and refocus MSC's efforts to support local development efforts.

## 2.3 Other landholders

There are 6 individually owned (freehold) ranches amounting to 11,834 acres and an area of 2,000 acres leased on a long-term basis to the Maasai Rural Development Centre on Olkiramatian. In the Nguruman area of Olkiramatian plans are at an advanced stage<sup>14</sup> to subdivide the so-called "Phase I" area<sup>15</sup> - the small area that receives water for irrigation and is suitable for agriculture. Plots have been allocated to each member of the group so that very soon all members will also be individual landowners. In the other GRs there are other small areas that are not officially part of the group ranches – these are holding grounds held in trust by the local authority. Although strictly speaking individual landholders are not "institutions", such is their importance for natural resource management and development that they have been included here.

The rights of individual owners are the same as those enjoyed by landowners anywhere in Kenya. Owners have the right to manage land more or less as they choose; to exclude others; to dispose of land; etc. In reality, access to grazing resources is not currently being restricted, as individual owners are also often members of the group and have close cultural and family ties. However, access to water resources at Nguruman for cattle could become more restricted once titles are issued. Similarly, most individual ranches are in the slightly higher potential areas – in the event of these ranches being used for tourism or other uses

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<sup>14</sup> Surveys have been conducted with the authority of the Ministry of Lands and plots have been provisionally allocated.

<sup>15</sup> No plans are currently being made to sub-divide the Phase II area – the remaining extensive rangeland.

that are incompatible with open access to resources for members of the community, individual rights may be exerted more strongly. At present there is no evidence of large-scale fencing being undertaken to enable exclusion.

## 2.4 Olkejuado County Council and Rift Valley Provincial Administration

Olkejuado County Council (OCC), the local authority responsible for Magadi, has its headquarters at Kajiado. Magadi is one of seven divisions within the district. OCC Councillors are elected, one from each location in the division (Magadi has 4 locations). Rift Valley Provincial Administration is based in Nakuru. The provincial administration is headed by a District Officer at the division level (based in Magadi town). Under him are Chiefs, one for each of the seven locations, and Assistant Chiefs, one for each of the 13 sub-locations. Although, not legally recognised as part of the provincial administration, local elders are seen as the further level of leadership connecting the people into this hierarchy. Government technical officers who may work in the area from time to time (e.g. livestock officers) are part of the provincial administration.

The roles of the provincial administration and local authorities overlap somewhat, although a number of key features can be distinguished. Local Authorities are deemed to be responsible for the provision of public services, such as the provision of water, education and cattle husbandry facilities. Local Authorities also hold in trust all land that is not otherwise held in formal title by groups or individuals. The Provincial Administration is widely seen as being a more politicised arm of government, with responsibility for representing government at the local level, including ensuring that government policy and law is adhered to and helping resolve conflict. The District Officer is normally someone from outside the area, as is the case in Magadi, while all the other officers mentioned (Chiefs, Assistant Chiefs, Councillors) are usually from the locality. Consequently, these officers are often group ranch members and because they are usually educated and politically influential characters, they are also usually GRC members. In Magadi, most Chiefs and Councillors appear to be distinguishable from the GR office bearers at least, and hence the quality of the relationship between these government officers and representatives and the GRC is very important to ensure the smooth operation of GR activities.

## 2.5 Kenya Wildlife Service

Kenya Wildlife Service (KWS) is a government parastatal organisation established in 1989 to protect and conserve wildlife in Kenya, both within protected areas and in other privately owned and community held areas. KWS describes its strategy in community areas such as Magadi as, “integrating wildlife management with landowners' common objectives... KWS aims to establish wildlife as a land-use alternative in areas outside the protected national parks and reserves”. This is to be achieved largely through the extension services provided by KWS' Community Wildlife Service (CWS). KWS' permanent presence in the Magadi area is limited to a ranger outpost on Olkiramatian, falling within the jurisdiction of the Senior Warden of Nairobi National Park. This post undertakes some problem animal control and poaching control activities, but is limited by scarce resources, notably lack of vehicles.

KWS has been more active in Shompole as a stakeholder in ecotourism development activities, most notably inclusion on Shompole ecotourism project's Project Management Committee (PMC). At present its role on this project is focused on policy issues and problem animal control. However in the near future KWS may give practical training to community rangers.

Communication between local people and KWS is currently carried out on an informal basis – complaints of problem animals are the most frequent need which is communicated directly

face-to-face. There is no evidence of more structured or formalised forums for regular discussion of issues between KWS and local people.

## 2.6 NGOs

A number of NGOs are active in Magadi Division and an even greater number have had activities in the area over the past few years. Currently, those NGOs whose activities have greatest impact on NRM in the area include the African Conservation Centre (ACC), which concentrates on supporting ecotourism development and conservation on Shompole and to a lesser extent Olkiramatian, and ITDG, which is coordinating the Maasai Integrated Development Partnership Project (MIDPP) throughout Magadi Division. Until June 2002, SNV administered the Semi-Arid Rural Development Programme (SARDEP) throughout Kajiado District. Other NGOs include Kenya Trypanosomiasis Research Institute (KETRI) and the International Centre of Insect Physiology and Ecology (ICIPE), both of which have field stations in Olkiramatian; Dupoto-E-Maa, a Kajiado based pastoralist education and welfare organisation; the African Medical and Research Foundation (AMREF); Rotary Doctors and the World Food Programme (WFP).

ACC has been providing support for ecotourism development activities on Shompole since 1997. This support includes helping secure project finance, project planning and facilitation, and technical advice. ACC employs a field assistant on the group ranch and a number of technical staff are involved from their Nairobi Office. ACC collaborates with the GRC from Shompole and Olkiramatian and works directly with the community-investor partnership company, Maa O'leng, primarily through the ecotourism project's Project Management Committee (PMC).

SARDEP was based at the district headquarters in Kajiado. The programme focused on alleviating poverty in the area through support for improved natural resource use and management, particularly improvements in livestock, agriculture, water and education activities. These activities were coordinated at the division level by a Resource Area Facilitation Team consisting of local government and NGO technical staff. Activities were implemented at the sub-location level, of which there are 13 in Magadi Division. In each sub-location SARDEP initiated the formation of Community Area Development Committees (CADCs) with a representative selection of GRC members, women, youth and other society representatives. These committees did not have any formal (legal) authority, but were preferred over the male/elder dominated GRCs. As SARDEP withdrew in early 2002, efforts were made to consolidate the CADCs in a new development-oriented association spanning the division called the Magadi Division Development Programme.

ITDG's project activities include support for improved water and sanitation, small-scale income-generating activities, and improved housing. ITDG's MIDDP also helps coordinate the activities of all the development-oriented organisations working in the area including local government, ACC, SARDEP, Dupoto E Maa, Magadi Soda Company and AMREF. ITDG maintains a small office in Magadi town. Most of ITDG's own work is focused on building local development capacity through training, extension and provision of technical advice.

## 2.7 Women's and youth groups

There are a large number of women's and youth groups throughout Magadi Division involved in small-scale income-generating and development activities. Some of these are officially registered with the district office of the Department of Culture and Social Services as self-help groups. Typically, a self-help group will be an informal organisation with a number of voluntary members. Groups normally raise some funds from their own resources and contacts with which they buy materials or equipment for their activities. Any surplus income generated is not usually for individual profit, but is distributed for school fees, medical or



other social expenses according to the wishes of the group. Funds generated are also commonly used for “merry-go-round” lending activities whereby one member receives a loan for personal income generating activities that has to be paid back for lending on to the next member. Activities undertaken by the groups consulted included:

- ▶ Buying and selling livestock skins
- ▶ Operating small kiosks
- ▶ Constructing improved housing
- ▶ Operation of a mobile posho mill
- ▶ Buying and selling livestock
- ▶ Growing and selling vegetables
- ▶ Beekeeping

Women and youth groups in Magadi exhibit a number of entrepreneurial tendencies although the constraints ranged against them (including lack of capital, business skills, exposure to new ideas, empowerment, etc.) are great. Self-help groups are often dependent on the goodwill of the GRCs for small parcels of land or other resources with which to undertake their activities.

## 2.8 Art of Ventures and Maa O'leng

Art of Ventures is the private company that has entered into a formal partnership with Shompole Group Ranch to form a private limited company called *Maa O'leng*<sup>16</sup>. Maa O'leng is owned 70% by Art of Ventures and 30% by Shompole GR. Maa O'leng has a board with membership proportional to shareholding. With support from ACC and the EU, the company has developed an exclusive ecotourism lodge and is in the process of developing other natural resource-based enterprises (e.g. beekeeping and handicraft sales) on the back of initial tourism success. The agreements between Art of Ventures and Shompole GR explicitly state that over a period of 15 years the community will gradually buy back shares in Maa O'leng until they are 100% owners. Provisions have also been made to gradually train local people to manage the lodge and to transfer management responsibility.

The ecotourism lodge is part of a wider conservation project in Shompole being implemented by a Project Management Committee (PMC) involving representatives of the GR, Art of Ventures, ACC, KWS and other members of the community. Art of Ventures initiated the formation of this committee due to worries about working with the GRC alone, as it is not representative and has very weak management capabilities. Similar worries have prompted ACC and Maa O'leng to begin a process to establish a trust that will be responsible for distributing the community's share of the revenues from the lodge and other tourist fees.

There are currently no other major private investors in Magadi Division, although there appears to be strong interest among some tourism operators from outside the area, particularly in Olkiramatian and some of the individually owned ranches.

## 2.9 Magadi Conservation Trust and Magadi Division Development Programme

Magadi Conservation Trust (MCT) was registered in 1997. Magadi Division Development Programme (MDDP) is in the formation stages as an association. Both these organisations have been formed to address issues and opportunities at an institutional level above individual group ranches in the hope of having greater impact in areas that the group ranches do not show strong capacity, such as lobbying, conflict resolution, fund-raising and management support for ecotourism development and small scale income-generating

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<sup>16</sup> Maa O'leng means “deeply of the people”.

activities. Unfortunately, neither organisation is currently fully operational, although some coordination meetings are being held under the auspices of the MCT. The reasons for this in the case of MCT is uncertain, although it may stem from the fact that more basic long established groups and institutions - the group ranches in particular - are not functioning well, and until they do forums and institutions addressing common interests throughout the Division are unlikely to take a high priority. The MCT would also appear to have an extremely broad mission that may go beyond the immediate priorities of most local people. As a result the MCT seems to have suffered from a lack of drive from grassroots members of the community to make it a functioning organisation.

## 3 INSTITUTIONAL ISSUES

The issues with the institutional framework in Magadi are common to many group ranches in Kenya. Most people on the group ranches are enthusiastic and committed to sound management and development of natural resources, and in the recent past investors have investigated the potential for investing in enterprises on the group ranches. However, with the possible exception of Shompole, in Magadi this sustainable economic development and poverty alleviation potential has not been effectively harnessed. The central problem seems to lie with the *institutions and enabling environment for nature-based economic development*.

This section therefore identifies and describes the specific institutional issues, as they perceived in Magadi Division. The section focuses primarily on the group ranch management structure, as the basic community landowning and natural resource management unit in the area. The other elements of the institutional framework as they have been described in section 1.3 above will also be covered in so far as they impact and interact with these community-based management structures.

### 3.1 Poor accountability

The accountability of leaders to those they lead and represent is a critical issue in any organisation. Accountable leadership is one in which the leaders are held responsible for their actions. As a result, when decisions and actions are taken by leaders and are perceived not to be in the best interest of the majority, such a leader can be sanctioned. In the Magadi GRs, a number of conditions have limited the accountability of the leadership. The availability of information to the GR members and the community about what their leaders are meant to do and what they are actually doing is one such constraint. Traditional barazas and general meetings are the only evident tools being used to inform people. The authority of information presented to people at barazas in particular can be questionable. General meetings are not very effective for purposes of accountability because they are held so irregularly<sup>17</sup>. Compounding the lack of information from leaders to community members is the low levels of education and awareness of what community members may expect from the leaders of an organisation in the modern context. As a result, demand for accountability from the grassroots is often lacking. Checks and balances within the GRCs and by outside agencies also appear to be few. For instance, there is no evidence of an audit ever having been conducted on any of the GRs' finances, and there is very little involvement of other partners/ the Registrar of Groups in the GR's affairs. As with many of the management issues in the GRs, this stems partly

#### Key issues to be addressed:

- ▶ Lack of accountability from leaders
- ▶ Lack of easily understood management information from leaders to grassroots (transparency)
- ▶ Lack of demand for accountability from the grassroots
- ▶ Lack of checks & balances on GRC powers
- ▶ General meetings not held regularly
- ▶ Lack of management independence
- ▶ Financial mismanagement & corruption
- ▶ Shared liability of group members for the actions of group representatives
- ▶ Accountability is particularly poor to non-GR members

<sup>17</sup> See section 2.2.

from the lack of a basic framework for GR management, including provisions for auditing.

Most people living in Magadi Division see themselves as being bound together by the strong traditions and culture of the Maasai. Social networks remain largely intact and there are many family connections crossing group ranch boundaries. The downside of this strong network is that it is difficult for those with management responsibility of the group's resources to maintain independence from influential members of the group and remain accountable to the members and/or community as a whole. For instance, one GRC member stated that although the GR had grazing rules intended to preserve pasture for dry season grazing and wildlife, it was very difficult to enforce those rules when powerful elders or wealthy individuals break them.

Financial mismanagement is one of the primary symptoms of poor accountability. Group ranches throughout Kenya are notorious for poor financial management and there is some evidence that previous GRCs in Magadi have mismanaged funds, notably in the form of loans from the Agricultural Finance Corporation. These loans were spent but no account was ever made to members. As a result at least one of the GRs went into severe debt, now repaid in kind by leasing 500 acres to the creditor. Contributing to the issue of financial accountability are those of low skills, motivation and resources<sup>18</sup>. This example also illustrates the accountability issues associated with the legal mandate of the group representatives to take risks that all group members are then jointly accountable for. This means that liability for a loan taken by the small number of group representatives (the GR's corporate body) is spread equally amongst all members – a situation that members find unacceptable in circumstances when they have had no knowledge or benefit from the loan in question.

Legally speaking, GR representatives and office bearers are only accountable to members of the group ranch. When group ranches were established, members were intended to be heads of household and therefore to represent a large majority, if not all of the local community. In Magadi, the GRCs do appear to pay attention to the needs of the entire community, and not just members. However, a large proportion of the community feel that GR representatives and office bearers do not adequately represent their interests.

### 3.2 Unfocused, cumbersome management structures

All organisations need some kind of framework, policies and plan to focus their activities. Such instruments are a critical because they variously:

- ▶ Help bind people together in a common purpose
- ▶ Describe an organisation's mode of operation
- ▶ Guide decision-making and activities
- ▶ Describe individual powers and the rules of an organisation
- ▶ Provide a yardstick against which progress can be objectively measured

The Land (Group Representatives) Act identifies a group ranch constitution as being the most basic instrument for defining GR management. A constitution approved by the Registrar of Groups is recognised in Kenyan law. Unfortunately, like most GRs in Kenya, the Magadi GRs have never developed constitutions. Instead, they rely on the general provisions for GR constitutions made in the Act. However, these provisions were only ever intended as general guidance to be adapted according to local circumstances and experience. The lack of a constitution specifically designed for local circumstances and to overcome the problems with group ranch decision-making and execution is one of the key hurdles to effective natural resources management and development.

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<sup>18</sup> See section 3.4.

Specific plans (e.g. for natural resources management or spending/distribution of revenue) are also lacking. This contributes to a lack of clear, shared goals, and consequently the activities that might help achieve such goals. Land-use plans intended to guide decision-making in the Magadi Group Ranches and by other development stakeholders were developed in the 1980s and '90s with assistance from the Arid and Semi-Arid Lands Programme (ASAL), the predecessor to SARDEP. However these plans do not appear to feature in guiding the activities of the GRCs or other local groups, perhaps due to their absence of tangible, achievable goals and lack of ownership or responsibility for implementing the plans by local groups or institutions. In fact, the GRs natural resource management and development objectives and strategies appear to be in a fairly constant state of flux according to changes in leadership and outside influences. Recent efforts of some groups and institutions to plan with outside support and leaner decision-making structures (e.g. Shompole/Maa O'leng/ ACC) may be making some progress in clarifying their objectives and strategies.

The process for making strategic management and development decisions on the GRs is extremely time-consuming and laborious. Any major issues on the GRs are to be brought before a general meeting. This involves gathering over 60% of the members of the GRs to one place. All four of the group ranches are expansive land areas with few roads and telecommunications and as a result this quorum is difficult to achieve. At times when confidence in the GRC has been very low, generating the interest to enable at least 60% of members to show for a meeting makes the task even more difficult. Group ranch members also stated that previous committees have stifled attempts to hold general meetings because their own positions would be jeopardised by the opportunity for members to elect a new committee. As a consequence of these factors there have been some lengthy gaps between meetings on some of the Magadi GRs (reportedly from 1987 until the mid 1990s and then again until 2001).

Once a general meeting has been convened, discussions take place and eventually a vote is taken to reach a decision. Even presuming that members have been informed about an issue in advance, consensus is often hard to reach. The regular operations of GRCs suffer from a reliance on committee-type management structures. In such a setting decision-making is often ill informed and may be lacking in leadership and commitment.

Conflicts of interest are an inherent part of the GR management structure. When an individual is in a position of authority with responsibility for the wellbeing of the group, such conflicts can cause decisions that are against the interest of the group and/or community. For instance, a GRC Treasurer has the choice between spending his time on some productive activity for the benefit of his family, such as paid employment and spending his time organising and keeping proper books of GR accounts, for no pay. As a result, the interests of both the individual and the group/community often suffer when the other gains. Despite this, many leaders in Magadi demonstrate remarkable selflessness in the performance of their duties.

**Key issues to be addressed:**

- ▶ Lack of clarity and focus regarding shared objectives either amongst group ranch inhabitants, or stakeholders at the division level
- ▶ No GR constitutions, resulting in unclear and outdated policies, procedures and rules
- ▶ Lack of effective planning
- ▶ A very large quorum is required for a general meeting
- ▶ Disincentives for GRC office bearers to call general meetings
- ▶ Time-consuming and indecisive decision-making
- ▶ Conflicting individual and group interests
- ▶ Few legitimate incentives to properly execute/enforce GRC decisions
- ▶ Poorly defined individual roles and responsibilities

This situation is not helped by the poorly defined roles and responsibilities within GRCs and between the GRCs and local government. The only reliable guidance on the roles and responsibilities of members of the GRC is found within the original Land (Group Representatives) Act that sketches out some very general responsibilities for the Chairman, Secretary and Treasurer of the groups and the general role of the GRC as a whole. The Act intended that further definition of GRC roles and responsibilities would be contained within each group's constitution, rules and plans.

### 3.3 Confused resource ownership and use rights

The group ranch system was originally established as an innovative response to a perceived need for clear land rights and ownership in order to spur on commercial development, particularly in beef production. Individual land tenure was not seen as a viable option in semi-arid areas where extensive pastoral systems and rangeland ecology prevailed. However, the GR system, with its reliance on group ownership represented by elected representatives has been widely criticised and many group ranches have now been sub-divided or are in the process of being subdivided into individual plots.

As they were conceived, group ranches were supposed to engender much greater security of land tenure to the extent that outsiders could be excluded, loans could be secured against the land and investment in land and resource improvements would be possible. Unfortunately, there were a number of flaws in this thinking that can be well illustrated by looking at the example of Magadi.

#### **Key issues to be addressed:**

- ▶ Weak and confused land and resource tenure
- ▶ GR boundaries are unclear
- ▶ In-migration
- ▶ Sub-division
- ▶ Many sectors of society feel disempowered to manage their own development

Maasai people are a very tight knit community with many family connections between different areas. As a result, it is unlikely that a Maasai person has ever been excluded from bringing cattle onto the Magadi GRs from outside, and it is difficult to imagine a situation in the present set-up when this would happen. Cattle can be driven from as far away as Amboseli in the dry season if there is grazing in Magadi. Informal reciprocal arrangements exist for cattle from Magadi to be taken elsewhere, and in many ways these arrangements make good sense, as good relations and a type of social security net is maintained within the community. However, as the human and livestock population has increased, so resources have been seriously depleted (see section 1) and the open access nature of the area removes incentives to invest time and money in sustainable management.

Non-Maasai are also able to access natural resources belonging to the GRs. In the high potential agricultural areas on Olkiramatian in 1993, in-migration was reported at a rate of 3 new people per week. Although technically recourse to law can be used to evict such people, in practice there appears to be only one case of this happening on Olkiramatian, when Sonjo people from Tanzania were evicted. In this case the reason for eviction appears to have had more to do with security issues than with a desire of the group to protect its resources. Another example from Ol Donyo Nyoike is the case of the GSU and/or the army taking a regular consignment of fuelwood from the GR without permission or payment despite formal complaints by the Ol Donyo Nyoike GRC. The large extent of the area and poor communications also hamper attempts by the GRCs to regulate access to resources, such as the cutting and burning of trees for charcoal production by both Maasai and non-Maasai people.

Although the tenure situation on the GRs is relatively clear (if weak) in law, resource ownership on the ground is confused by poor understanding of rights and moves towards sub-division. For instance, on one of the GRs, a previous GRC gave out letters to influential members of the group allocating them certain favourable portions of land in the event of sub-division. In some of these cases such allocation is recognised as “ownership” amongst the community and fees from campsites on that land go directly to the “owner”, even though this ownership has no legal basis whatsoever. Another source of confusion that weakens land and resource ownership is the lack of boundary definition on the group ranches. Although beacons laid out during the original surveys of the GRs originally defined boundaries, these have now largely disappeared. As each new GR leadership is elected and then replaced, memories of where the boundaries stood become more and more vague. The original boundary descriptions are also vague. As a result, boundary issues were cited by every GR as the main cause of conflict between them, and the uncertainty of whether land was in one GR or another was a major disincentive to investment in sustainable management or development on that land.

Sub-division is a critical issue on all the group ranches. Some people are for sub-division and others are not, but there is a reluctant acceptance in most of the area that some form of sub-division may well occur at some point in the future. Indeed, sub-division of a limited high potential area on Olkiramatian is already well underway. Weaknesses in land tenure are thought to be the main cause of a desire for sub-division as people see individual title deeds as a way to secure their land from migrants. However, experience in other areas has shown that when sub-division occurs a lot of land is sold to outsiders without the seller understanding that he will not then be able to graze cattle or otherwise utilise the land and resources on that plot. Sub-division also threatens to destroy development opportunities based on extensive, unfenced land use such as grazing and wildlife based economic opportunities.

Of all the people living on the GRs, perhaps the groups with the weakest ownership over resources are the women, youth and poor who are not even formal members of the group. This results in a sense of disempowerment to do something positive for their own livelihood and development and a fear of sub-division, should that occur.

### 3.4 Low skills, awareness and resources

“Capacity” is the term commonly used to describe the human resource capabilities (skills, knowledge, experience, awareness), financial and material resources needed to undertake an organisation’s activities. Most organisations use a combination of internal capacity and complementary human and other resources from external sources, such as partner organisations.

A number of issues limit the internal capacity of the GRs, self-help groups (women’s and youth groups) and other local organisations such as farmer’s cooperatives in Nguruman. Two of these issues are the historical legacy of low levels of education and the related problem of low technical and business skills within the community. Rates of school attendance in Magadi have historically been well below the Kenya average. A 1991 AMREF survey in Olkiramatian found that only 36% of household heads had attended primary school and although this situation is improving, the legacy of illiteracy and a lack of more complex technical and business knowledge is apparent. This is particularly important because many of the local institutions mentioned are attempting to generate revenue and therefore desperately need a general understanding of how business works alongside skills such as marketing, accounting, sales, business communication, etc. Local people raised the particular issue of the need for leaders to have the modern qualifications needed to undertake the functions they are charged with. This leads to situations where an elected GRC leader may not have the basic requirements for a modern leadership position – such as keeping records and writing correspondence in the case of a GR Secretary.

The lack of business experience in the area is probably the primary factor behind the low awareness of the potential of the area's natural resources to raise livelihood security. The small educated elite and/or leaders that travel outside the area on a regular basis are the exception, but they face understandably conservative attitudes towards change from those who do not have the same opportunities for travel and seeing how things are done elsewhere.

As in much of Maasailand, there is significant overlap in the Magadi area between traditional means of decision-making and governance and the western mode of doing business, as it has been adapted to the Kenyan context. Agreements made in the traditional way often take precedence over poorly understood contracts, documents and even law at least for those not fortunate enough to have attended school. This creates problems when the traditional and the modern way of doing things collide. For instance, the enforcement of trespass laws by a private leaseholder on areas that were traditionally dry-season grazing refuges neighbouring Olkiramatian GR have resulted in the GR representatives being successfully sued for considerable damages.

Basic resources such as office space, equipment and transport are lacking for all the group ranches. The GRs are essentially non-functional business units and as such have little income with which to purchase these things. Instead many GRC officers either do without, they use personal resources (such as motorbikes and vehicles), or in some cases they are kindly able to use the office space and facilities of other organisations (e.g. MSC and ITDG).

The final internal capacity issue that was identified is a lack of capital with which to purchase some of the essential items to undertake an organisation's activities. Women's groups noted this on every GR, citing lack of credit facilities with which to buy and maintain items such as posho mills. While capital for the purchase of machinery in this scenario is undoubtedly required, it seems that when groups have had successful revenue-generating activities they rarely save some of the cash for essential maintenance and therefore repairs are difficult to undertake when machines break down. This relates to the issues of technical and business experience discussed above.

#### **Key issues to be addressed:**

- ▶ Legacy of low levels of formal education
- ▶ Weak technical & business skills
- ▶ Skills & knowledge of leaders
- ▶ Poor record keeping
- ▶ Low awareness of the commercial potential of natural resources
- ▶ Conservative attitudes to change
- ▶ Confusion between modern & traditional governance systems
- ▶ Few basic resources – transport, office space & equipment, etc.
- ▶ Lack of start-up capital for groups and individuals



### 3.5 Ineffective collaboration & support

Building collaboration and partnerships with other organisations that are of mutual benefit is a strong feature of successful community-based organisations in other parts of Kenya (see section 3 below). GRs can fill some of the missing pieces in their own capacity through such partnerships and through appropriate external support.

Unfortunately, the track record of external support to community-based organisations in the Magadi area is not good. The support provided by the Registrar of Groups (Ministry of Lands) to the GRs is one such disappointment. Support from the Registrar is meant to include a number of regulatory and conflict resolution functions, including ensuring that general meetings are held in accordance with the law. Regrettably, the Registrar has been severely constrained over the past few years by budget shortfalls and a lack of human resources. This has led to a situation where the Registrar is willing but unable to support GRs unless the GR can pay certain basic expenses – such as vehicle fuel. For the Magadi Group Ranches, these constraints make getting the support of the Registrar very difficult.

The second major issue with support to Magadi community-based organisations is the prevalence of development projects that have been driven by outside donors or NGOs rather than local people and organisations. The resulting lack of ownership and responsibility for implementing plans and maintaining infrastructure (etc.) has led to a lack of long-term impact.

Recent collaborative efforts within the group ranches have borne some fruit – for instance, the Magadi Soda Company (MSC) supported SWOT Forum - which brings together the MSC and the four Magadi Group Ranches to discuss and resolve issues of mutual concern - was cited by a number of community members as a useful mechanism. However, neither the Magadi Conservation Trust (MCT) nor the Magadi Division Development Programme (MDDP) has so far been made fully operational. The reasons for this are not entirely clear. However, it does appear that these organisations were designed to take over some of the functions of the GRs, but did not have the legal or popular mandates to do so. As a result, there has been a lack of local drive to make them functional.

Despite these apparent failures, the need for collaboration and support among the GRs and other community-based organisations in Magadi is undoubted. Many opportunities and issues in the area cross the boundaries of the individual GRs, particularly those related to mobile natural resources such as water and wildlife, and these raise a number of areas of potential conflict and/or cooperation. Furthermore, the group ranches are small, and even in a strengthened form are probably not the most appropriate mechanism for certain functions such as fund-raising, lobbying, conflict resolution and coordination of natural resources management and development. The opportunity still exists to build on the existing paper organisations (MCT or MDDP), the SWOT Forum, or some other partnership/collaboration to undertake functions that are complementary to the basic management unit at the group ranch level.

#### Key issues to be addressed:

- ▶ Registrar of Group Reps. is unable to undertake many important functions
- ▶ Prevalence of projects driven by outside influences
- ▶ Lack of local drive to operationalise inter-GR forums and organisations
- ▶ Many issues and opportunities cross GR boundaries
- ▶ Individual GRs are a weak voice for lobbying, fund-raising, etc.

# 4 EXPERIENCE FROM OTHER AREAS

## 4.1 Il Ngwesi Group Ranch and Company

Il Ngwesi is a registered group ranch situated in Laikipia District to the north of Mount Kenya. Since 1995 the group ranch has been working closely with its neighbour, Lewa Wildlife Conservancy, KWS (with financial support provided by USAID through the Conservation of Biodiversity Resource Areas Programme) and others to further the interests of the membership.

Il Ngwesi is now seen as a role model for GRs in other areas. With outside support they have set aside a conservation reserve, constructed a high quality ecotourism lodge and established a limited company that owns and manages the lodge. The lodge was opened in 1996 and in 1998 it won the British Airways *Tourism for Tomorrow* award. Building on the success of the lodge, some GR members established a cultural boma. In two years (1997-1998) these enterprises have generated just under US\$ 100,000 for Il Ngwesi households in the form of wages, income to the GR, etc. The GR has also benefited from increased security provided for tourism and conservation operations, transport and communications improvements, diversified sources of livelihood, a means to exclude outsiders from grazing their cattle in the GR, etc.

As a foundation for these activities, the GR has strengthened its own management structure. One of the major ways that the GR has achieved this is by forming a close partnership with the neighbouring Lewa Wildlife Conservancy and Borana private ranch – Il Ngwesi benefits from the logistical support, marketing, expert input and business experience of its neighbours, while these neighbours have benefited from increased security and protected wildlife habitat. Also, when the GR was initially interested in starting new income-generating activities, it received a great deal of crucial guidance, encouragement and support from Lewa. The lodge itself is run as an independent limited company with a majority shareholding owned by the GR and governed by a board with four members from the community and three members from neighbouring areas (Lewa, Borana and the area's MP).

The GR has developed a constitution to establish a clear decision-making and implementation structure for GR activities including objectives, the duties and powers of committees, office bearers, members and non-member residents, procedures for financial management, conflict resolution, and meetings, and a description of the areas, rules and sanctions for different activities (grazing, conservation, camp sites, etc.). The GR also has provisions for a salaried secretariat (a Programme Manager and other staff as needs and resources allow) responsible for carrying out the operations of the GR. Other innovative provisions made by the GR's include a commitment to retire 50% of all committee members at each election (elections are held every 5 years for the GRC and every 2 years for the

### Key points to note:

- ▶ GR established a limited company with minority external shareholders to own and operate lodge independently
- ▶ GR received initial encouragement and support from Lewa Wildlife Conservancy
- ▶ GR has established close business partnerships with neighbours
- ▶ Benefits of ecotourism are more than revenue alone
- ▶ GR has a written constitution
- ▶ GR has put in place several innovative policies to address institutional issues
- ▶ The community was able to unite behind leadership vision and practical projects

Natural Resources Management Committee), so that newly acquired skills gained through training are retained, but a reasonable turnover of personnel is ensured.

Ian Craig, the Managing Director at Lewa, attributes much of the success of Il Ngwesi to the leadership and vision of local leaders and the transfer of that vision into practical projects that help unite the community around a common purpose. The improved GR institutional structure is important to ensure these projects can be sustained in the long-term, but in his opinion it is significant that the ecotourism initiative started before any significant institutional strengthening, rather than strengthening the institutional structures before they had a clear purpose and any income.

A case study of Il Ngwesi conducted by the International Ecotourism Society resulted in recommendations for the development of ecotourism in other similar areas, including:

- ▶ “Appropriate forms of funding are essential. Avoiding charity is fundamental to the success of community participation.”
- ▶ “Long term support of community training programmes is crucial. Sustained support, especially in areas of training of community members in product quality control is lacking.”
- ▶ “A mixture of shared and individual enterprises within a larger community ecotourism project is often necessary. Establishing cooperative enterprises where all work is shared in local communities can be a problem. It is important that the community creates a system that provides a natural incentive to work.”
- ▶ “Ecotourism is a high risk venture that should not be the sole source of livelihood for communities. It is therefore essential to view ecotourism from a holistic perspective – one that takes into account issues such as land tenure, citizenship status and the impact of modern technologies.”
- ▶ “Clear accounting of funds received, investments made, and distribution of profits within community tourism projects is also a priority. Accountability of funds is not only important to achieve fairness among all stakeholders, but also to openly communicate both problems and failures for future evaluation.”
- ▶ “Business plans, feasibility studies, and ongoing partnerships with local ecotourism companies are essential.”

## 4.2 Namunyak Wildlife Conservation Trust

Namunyak Wildlife Conservation Trust (NWCT) covers the areas commonly known as Sarara and Sabache group ranches<sup>19</sup> in Samburu. Following the initial success of Il Ngwesi, a desire of Lewa Wildlife Conservancy to extend the benefits of partnerships with neighbouring communities, and the vision of Namunyak leaders, the trust was formed in 1995.

NWCT aims to conserve and develop wildlife, natural resources and water for the benefit of wildlife and local people. A strong emphasis is put on raising environmental awareness of people in the area. The activities of the Trust have centred on the Sarara Luxury Tented Camp, which is now owned by the Trust and operated and marketed to overseas clients by a tour operator. At present the community repairs and maintains camp facilities, provides security (with back-up from Lewa and KWS) including use of the donor-funded radio system, conducts conservation education, and has set aside an area around the camp where no livestock grazing takes place. In addition to the benefits of increased security, increased community confidence in determining their own destiny, and other ‘in-kind’ benefits, the Trust receives around US\$25,000 from the Sarara Camp. This sum is still less than operating expenses, most of which are provided by donors. However, the proportion of operating expenses covered by the Trust continues to grow every year. Other activities undertaken by the trust include the sale of dry dead wood for furniture making (although these sales are

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<sup>19</sup> Reports indicate that Namunyak is in fact trust land.

reportedly carried out on a haphazard basis), and cultural walking safaris – community managed tourism aimed at the back-packer market. All the operations and developments associated with the Trust are guided by a 5-year management and development plan created with financial support from the EU.

The Trust is managed by a board of 12 trustees, three of whom are mandatory (Lewa, the major individual donor and the area MP), plus nine community trustees representing smaller parcels within the area. These trustees are elected every three years and are supported in their work by committees in each of their respective areas. The Trust employs a project manager and field coordinator to manage day-to-day operations, backed by security personnel and game scouts – around 35 staff in total.

The Executive Director of the Laikipia Wildlife Forum, of which NWCT is a member, reports that the example of Namunyak has encouraged other groups to think in terms of establishing a trust because, in the absence of a formal group ranch or other structure, it is a legal mechanism which allows the community to retain overall control, is independent and able to make decisions quickly, is accountable enough to attract donor funding and is relatively simple to establish and operate.

A case-study report on Namunyak prepared for the USAID-funded Conservation of Resources through Enterprise (CORE) programme summarises the lessons to be learned from the Trust as follows:

- ▶ Land tenure (ownership and use rights) need to be clear so that agreements can be made with tour operators.
- ▶ Good partners are key in order to bridge gaps in knowledge, skills and exposure until such time as community organisations have developed their own capacity. Attention needs to be paid to specific on-the-job training and other means of making this transfer.
- ▶ Local people must be convinced that a potential partner is trustworthy and will not take their land away from them.
- ▶ People should be mobilised around a central enterprise – in Namunyak a lot of initial COBRA money was spent on seminars, workshops and PRA that has not had much of a productive impact.
- ▶ Development of a community enterprise/organisation is a gradual rather than a speedy process.
- ▶ Local capacity and the fair distribution of benefits are key factors in the sustainability of an enterprise/organisation.
- ▶ Partnerships with other organisations can only be entered into if the community is organised into a cohesive and legally recognised group.
- ▶ Transparency in financial dealings is necessary to ensure continued support by local people, partners and donors.

#### **Key points to note:**

- ▶ A trust formed because it is a relatively simple legal structure for NRM and development
- ▶ NWCT was established and 'owned' by the local community, with outside technical, logistical and financial support
- ▶ NWCT has a five-year management and development plan
- ▶ An ecotourism lodge is the Trust's main focus, with additional income-generating activities added on
- ▶ The Trust is representative of local people, but also includes knowledgeable and experienced outsiders and political support
- ▶ The Trust is working to be financially self-sufficient
- ▶ Other key factors for sustainability are the fair distribution of benefits and building sufficient local capacity to manage organisations/enterprises

- ▶ It is difficult to avoid some local politics in the establishment and operation of a natural resource based enterprise/organisation, although the more politics can be avoided, the better.
- ▶ Marketing is extremely difficult for local communities to carry out. Again, partnerships with other organisations (e.g. tour operators), appears to be the best solution.

### 4.3 Koiyaki Lemek Wildlife Trust

Koiyaki Lemek Wildlife Trust was formed as a community based organisation in 1995 and legally incorporated as a trust in 1997. The trust is charged with enhancing management of natural resources in Koiyaki Group Ranch and the former Lemek Group Ranch for the benefit of members<sup>20</sup>. Specifically, KLWT aims to improve the socio-economic status of its members by:

- ▶ Promoting conservation and sustainable use of natural and cultural resources and harmonising the conservation and development needs of its members.
- ▶ Facilitating and regulating tourism developments.
- ▶ Equitably distributing tourism revenues to members.

The Koiyaki-Lemek area has a small number of permanent and mobile tourism accommodation facilities owned and operated by outside operators. The Trust collects a substantial sum in conservation area fees and per person bed-night fees from these operations that it uses to pay for management and capital improvements such as dam construction (43%), and distributes to members in the form of dividends, education bursaries and support for medical services (57%<sup>21</sup>).

The Trust has recently gone through some upheaval in terms of structure and representation, caused by disunity and changes in power relations following the break-up of the former Lemek Group Ranch. However, the basic structure of the trust would appear to be formed around a board of 15 members, each of who is elected biannually by members, one from each traditional *Nkuttot* area. The Board in turn elects executive members (Chairman, Secretary and Treasurer). The Trust employs a manager who attends to the day-to-day management of Trust affairs in addition to a number of game scouts responsible for ensuring wildlife security.

The Trust is guided by a constitution, although this has never been reviewed since it was drawn up in 1995. It is now reported to be out of date. Further, new members of the Trust board are not familiar with the roles and responsibilities outlined in the constitution. In 2000 a natural resources zoning and management plan was prepared through a participatory process. This is now being used to guide land use and development decision-making and attract funding from donors for implementation.

In 2001 African Conservation Centre (ACC) led an Organisational Capacity Assessment of KLWT. This assessment highlighted some of the strengths and weaknesses of the Trust as it is currently established. Some of the main points to emerge were as follows:

#### Key points to note:

- ▶ KLWT mandate focuses on encouraging optimal land-use and distributing financial revenues
- ▶ Lack of unity, institutional clarity and accountability to members has contributed to internal conflict
- ▶ The Trust has a clear benefits distribution policy
- ▶ The Trust has a zoning plan which is being used to coordinate development and attract funding

<sup>20</sup> As far as it is possible to discern, trust "members" are those who are members of Koiyaki Group ranch and individual land title-holders in Lemek.

<sup>21</sup> ACC Maasai Mara Revenue Collection Study Report, 2000.

- ▶ KLWT is a pioneering group and is actively managing resources and distributing substantial benefits. However it has a number of weaknesses that could be corrected and improved.
- ▶ The Trust has good links with private sector stakeholders in the area and is strong enough to negotiate with tour operators.
- ▶ Accountability and transparency has been weak. The board is able to spend up to Ksh 1,000,000 /- without consulting or informing members. The board and members are divided by poor communication, leading to accusations from the membership of non-consultation on decision-making, favouritism and misuse of Trust resources. There are no board members from outside the area who can help ensure accountability.
- ▶ Changes in the basic structure of the underlying group ranches led to confusion as to how the Trust should reorganise/restructure and a good deal of politics and power play.
- ▶ The out-of-date constitution has left the Trust lacking a common long-term vision, with poor lines of communication and unclear roles and responsibilities.
- ▶ The Trust's income-generating base is narrow (tourism alone) and therefore prone to major fluctuations according to the fortunes of the tourism industry and local factors.

#### 4.4 Amboseli-Tsavo Group Ranches Conservation Association

The Amboseli-Tsavo Group Ranches Conservation Association (ATGRCA) aims to unite seven neighbouring group ranches in the Amboseli-Tsavo area for the purposes of promoting conservation-based development and acting as a strong united voice. ATGRCA was established in 1995 as a company limited by guarantee and not as an association as the name suggests. As part of the requirements for forming a company such as this, the association developed a memorandum and articles of association. These state in very broad terms the association's objectives, the powers and responsibilities of its directors and officers, etc. The ATGRCA board has 21 members, including one paid executive director.

The objectives of the association include:

- ▶ Acting as a forum for coordinating conservation and development between member group ranches, their members and other people living in the ecosystem
- ▶ Conserving the ecological diversity and integrity of the Amboseli-Tsavo ecosystem by promoting sustainable development and maintaining the traditional values of the Maasai people
- ▶ Consolidating land management under the authority of the association
- ▶ Developing programmes for environmental education and training
- ▶ Promoting and regulating ecotourism development, including the collection and disbursement of income generated
- ▶ Representing the interests of group ranch members to outside parties

##### Key points to note:

- ▶ Management conflicts have occurred, possibly due to the large size of the board and the association's complex mandate
- ▶ Accountability problems have apparently been due to a lack of support and mentoring
- ▶ ATGRCA is established as a company limited by guarantee
- ▶ The association has a memorandum and articles of association that broadly describe the objectives and powers of the association.

The association has experienced some management problems, particularly in accountability and internal management conflict. The precise reasons behind these problems are not known. However, it does appear that the association did not have a membership, nor partners that were capable of providing the long term support and mentoring necessary to establish the relatively complex business administration systems required to operate the

organisation. Mismanagement of funds was one of the results. Further, the complex mandate and large board may have contributed to internal disagreements and lack of clear direction. However, since this time, African Conservation Centre (ACC) and Pact, through the USAID supported CORE Programme, have been providing further capacity building measures and training workshops. The association is now reported to be back on the road to achieving its objectives.

## 4.5 Laikipia Wildlife Forum

Laikipia Wildlife Forum (LWF) was established in 1992 to bring together stakeholders with an interest in the ecosystem centred on Laikipia District in northern Kenya. The Forum was suggested by KWS, but was rapidly established by a cross-section of stakeholders in response to growing threats to the integrity of the ecosystem. The Forum is an umbrella body with membership comprising 36 large ranches (private and group ownership), 47 community groups, 50 tour operators, 54 individuals and 8 interest groups. The Forum has an open membership policy and is constituted as a non-profit company limited by guarantee. The directors of the Forum are elected by the membership of six defined geographical units comprising all of Laikipia District and Lewa Wildlife Conservancy in Meru District. Additional directors are co-opted from the Forum's partners: the Mpala Research Centre, Gallmann Memorial Foundation, the tourist industry and KWS. In all, the board has around 10 members. This relatively small number of board members eases issues such as disagreements and splits within the board. Another important part of LWF's institutional structure is the executive director, a well-qualified person presumably hired on merit, who oversees the Forum's management and operations.

The Forum's mission is *to conserve the integrity of the Laikipia ecosystem by creatively managing its natural resources to improve the livelihood of its people*. It achieves this by providing support to landowners and other stakeholders to conserve wildlife and manage natural resources. The Forum works in five key programme areas to achieve this mission. These are:

- ▶ Community conservation
- ▶ Wildlife management
- ▶ Tourism
- ▶ Environmental education
- ▶ Security

In the decade since it was established, the LWF has become something of a model for wildlife related umbrella organisations now being created in other areas. Achievements include current support for over 55 community projects (e.g. beekeeping and restoration of degraded land supported by community liaison officers in each geographical unit), an active environmental education programme in over 20 local schools, establishment of an effective

### Key points to note:

- ▶ LWF recognised as a model for umbrella conservation organisations
- ▶ LWF employs community liaison officers to support practical projects in each of 6 geographical units
- ▶ 6 directors are elected from the geographical units
- ▶ Other directors are co-opted from partner organisations
- ▶ The board of directors is a manageable size (around 10 members) and is able to reach decisions relatively easily
- ▶ A qualified executive director is employed to oversee LWF management and operations
- ▶ The forum has a focused *support* role
- ▶ LWF is established as a company limited by guarantee
- ▶ LWF is large enough to have clout in fund-raising and policy-making

area-wide VHF radio network, raising significant levels of outside support for Forum and member initiatives, provision of technical and institutional support to members, etc.

Dr. Jonathan Moss, the Executive Director of the Forum, attributes its success to the resources that some private members have been able to contribute, the relatively cohesive nature of the communities living in the area, and the fees and commitment of members. It is also worth noting that LWF covers a significant area and has a large number of members, including relatively wealthy private ranchers. This size gives LWF significant economies of scale and influence in fund-raising and decision-making terms.

## 4.6 Conclusions on the experience from other areas

Some very simple, summary conclusions for realising the economic potential of community natural resources can be pulled from the experience highlighted in the preceding examples and from experience in other areas not mentioned here. These conclusions – or *lessons learned* - are based on the largely anecdotal and directly observable evidence available and are not intended to be authoritative. The conclusions are as follows:

### **Community leadership and unity**

- ▶ When local people lead and have a significant involvement in running an initiative, the chances of long-term success are greater than if local people see an initiative as being driven by external stakeholders.
- ▶ Local leader(s) must have a clear vision of what their community is trying to achieve, and be trusted by local people to guide them in the practical steps necessary to achieve that vision.
- ▶ To make progress in any community-based initiative involving significant change the community must be largely united in support.
- ▶ Accountability – openly sharing information, involving people in decision-making, ensuring that community based organisations can operate independently from political and individual interests - is key to ensuring unity and support for community based organisations and initiatives.
- ▶ In particular spending and benefit distribution by community-based organisations must be fair and transparent.

### **Governance**

- ▶ To be accountable and effective community based organisations and companies should have small, representative and capable management boards that also involve committed stakeholders from outside the community.
- ▶ The legal form of a community-based organisation should be simple enough for local people to operate, and the most appropriate to facilitate its functions.
- ▶ As a legal framework for community common property management, group ranches have been found to work in pastoralist areas when the necessary support, adaptation and leadership is in place.
- ▶ To facilitate improvements in the effectiveness and accountability of community based organisations, governance arrangements often need to be adapted according to local circumstances and experience, and best practice from elsewhere.

### **Institutional capacity**

- ▶ A large amount of training and awareness-raising is often required to build the capacity of local people for roles in improved natural resources management and building new business enterprises.
- ▶ Building a capable workforce means that people must be employed on terms of merit and adequately compensated for their work.
- ▶ Low-key, long-term partnerships and support in administration, logistics, wildlife management, business, and other areas where community based organisations lack capability can play a key part in ensuring effectiveness and accountability.



**Nature-based enterprise**

- ▶ Communities should focus on establishing one core nature-based income-generating enterprise that will catalyse economic development for the whole community.
- ▶ New environmentally sustainable opportunities created as a result of core enterprises are an excellent avenue for a larger number of individuals and small groups to benefit from direct income.
- ▶ In the early and middle stages most core enterprises will require partnerships with the private sector in order to bring in experience and resources not found locally.
- ▶ Business enterprises must be managed independently from community-based institutions to minimise conflicts of interest.
- ▶ Long-term financial viability should be a key consideration in the early part of any natural resources management and economic development initiative

**Natural resources management**

- ▶ Security of community land tenure is a basic requirement for the investment of time, effort and resources to natural resources management and economic development initiatives by the community and external partners.
- ▶ Simple, rational natural resources planning and management, particularly agreement on land use priorities and hands-on community-based resource protection, are necessary to ensure the natural resources on which economic development is based are sustainably managed.
- ▶ Proactive coordination and collaboration between landowners helps in avoiding land use conflicts and taking advantage of new opportunities for improved natural resources management and economic development that are only possible with economies of scale.

In the fifth and final section of this report (overleaf) these conclusions are incorporated in the strategy for local organisations to realise more of Magadi's nature-based economic potential.

## 5 A STRATEGY FOR REALISING MAGADI'S NATURE-BASED ECONOMIC POTENTIAL

At the beginning of this study the question was asked, *how can local organisations help to sustainably realise Magadi's nature-based economic potential, and what changes may be required to make this happen?*

This Section provides an answer to this question in the form of a framework strategy for realising Magadi's nature-based economic potential. The strategy comprises a *vision* for the future that has been generated directly from the views expressed by a wide cross-section of the community in all four Magadi Group Ranches; plus a series of *strategic objectives* designed to achieve that vision, and that are based on the views of local stakeholders and experience from a number of other communities that have addressed similar challenges (the case studies in Section 4, plus others).

During community and stakeholder consultations in Magadi a common vision for the future began to emerge. People wish to move away from a past characterised by poverty, environmental degradation, mismanagement of common resources, barriers to economic opportunities, few social services, and insignificant involvement in development initiatives.

The vision for the future that emerges is one in which **communities unite behind viable business enterprises run through accountable community-private sector partnerships and based on the sustainable use of natural resources. Such enterprises will serve as a focal point for community common property institutions (currently the group ranches), provide economic incentives for environmental stewardship, and be the economic driving force behind development and poverty alleviation throughout the area.**

From the preceding analysis of the situation in Magadi, experience from similar areas elsewhere in Kenya as well as continuing consultations with the local community, the following six **strategic objectives** have been identified in order for this vision to be achieved:

1. **A significant and viable community nature-based enterprise established** in each group ranch as a catalyst for sustainable development.
2. **Group ranch institutions reformed** to make them more effective and accountable to the whole resident community in their core representation, natural resources management and benefit distribution functions.
3. **Land and natural resource rights strengthened** to encourage the investment of time and resources in the protection and development of that land.
4. **Community-based planning and management of natural resource use and development strengthened** in support of nature-based enterprise and maximising community benefits.
5. **Land use coordinated and joint initiatives undertaken** between landowners<sup>22</sup> as required for reducing land use conflicts and increasing the efficiency and viability of natural resources management.
6. **Local awareness and professional capabilities enhanced** to sufficient levels for significant and successful involvement in enterprise and natural resources management.

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<sup>22</sup> Including group ranches that are owned by the "community".

In Shompole and Olkiramatian Group Ranches some progress is being made that could contribute to these objectives and hence achievement of the vision above. By contrast, in Ol Keri and Ol Donyo Nyoike Group Ranches, there is little evidence of progress so far.

It is intended that the strategy described in this section of the report will provide a foundation for local leaders to move forward in planning and decision-making concerning natural resources management. In particular, the strategy will form the basis for a new initiative, spearheaded by Ol Donyo Nyoike and Ol Keri Group Ranches, that is intended to make significant practical progress towards the local community's vision for the area. It is hoped that the strategy is of such a fundamental nature that it will also be helpful to communities and agencies addressing similar issues elsewhere in Kenya.

In the following sections, the strategy's six strategic objectives will be elaborated and the reasons why each is considered crucial to the achievement of the community's vision for Magadi natural resources management will be explained, based on the most important points emerging from the preceding sections of this report.

## 5.1 Nature-based enterprise

People and institutions in Magadi area suffer from a serious lack of income, with consequent impacts on livelihoods and the ability of local organisations to function properly. Local experience demonstrates that individual, household or small-group income generation alone will probably not change this in the foreseeable future.

An alternative approach has been demonstrated by some other pastoralist communities in Kenya, who have successfully employed an enterprise strategy focusing initially on establishing a single core enterprise. The major benefit of doing this, as opposed to a more general enterprise strategy that aims to establish a number of smaller businesses, is the economic driver effect that a core enterprise can have on local economies. For instance in Samburu District, Namunyak Wildlife Conservation Trust's ecotourism camp has had a number of beneficial knock-on effects on the local economy. At least two locally owned businesses have been started as a result of the availability of new markets (guiding and portering services up the local mountain and a business making rustic furniture out of local deadwood). Local employment opportunities have increased dramatically (both working for the Trust and for the ecotourism camp) and there are opportunities for local people to provide goods and services. The injection of wages and other monies into the local economy has further significant knock-on effects on anyone providing goods or services locally.

Achievement of Strategic Objective 1 in Magadi will lead to creation of a similar economic driving force in each community that will not only generate financial resources for improved livelihoods and natural resources management but will also catalyse a number of other opportunities such as building specialist skills and experience, empowering and bring local people together, generating additional income-generating and employment opportunities, etc.

Another important reason why this *significant* (or core) enterprise approach is likely to succeed is because the main level at which resource ownership and community organisation is defined (and legally recognised) is the group ranch. Income generation activities must therefore be integrated with this level of organisation to have any significant impact. For instance, it is very difficult, if not impossible for investors to form partnerships at lower levels, primarily because the group ranch owns the land. Similarly, the benefits of scale made possible by working at the community (group ranch) level enable opportunities to be realised that are simply not possible for an individual or small group (e.g. an ecotourism lodge or

### Strategic Objective 1:

- ▶ **A significant and viable community nature-based enterprise established in each group ranch as a catalyst for sustainable development.**

sustainable charcoal production and marketing scheme). Core enterprises also enable benefits to be shared fairly amongst the whole defined community, including the poorest and most disempowered members of society.

Proposing this strategy raises the question, *what is a viable nature-based business enterprise?* In the case of Magadi and particularly Ol Donyo Nyoike and Ol Keri Group Ranches, finding an answer will involve further specific identification and feasibility assessment work on the ground. Ecotourism is certain to feature strongly as a potential business – particularly as the viability of an ecotourism enterprise in the Magadi area has been proven by the success of the eco-lodge enterprise in Shompole, and ecotourism businesses are bringing benefits to pastoralist communities elsewhere. However, given the vulnerability of tourism to external factors, non-tourism business opportunities should not be ignored; particularly as a good business opportunity is often a new and specific niche that has not been exploited before. Other business opportunities that have been mentioned by stakeholders so far include sustainable ‘eco-friendly’ charcoal production, horticulture, rock quarrying (though the ‘nature-based’ definition must be stretched somewhat for this), etc. All of these opportunities are enhanced by the fact that the area is linked to Nairobi by a relatively short journey on a well-maintained road and in Magadi town at least, has better than average power supply and communications than many rural areas in Kenya.

In order to ensure that enterprises have the desired catalytic impacts on poverty alleviation and economic development, communities must be significantly involved in ownership and operation. This helps ensure that community interests are a primary consideration in business management decision-making as well as purely commercial considerations. Without such an involvement community unity, empowerment and skills creation, the resources available for social development projects, additional micro-enterprise opportunities and markets, employment opportunities, reduced demands for sub-division<sup>23</sup>, and individual financial returns are all likely to be markedly lower.

Experience from Shompole, Laikipia and Amboseli suggests that the “true partnership” model (e.g. Maa O’leng) for establishing enterprises in community areas like Magadi have a number of advantages over models with less community involvement (e.g. lease agreements). The advantages centre on the ability of people from the community to get involved in running a commercial enterprise, and thus to build up useful skills and experience. Lease agreements, and similarly weak partnerships tend to accentuate “hand out” culture, and concentrate money and power in fewer hands, leading to greater risks of poor accountability.

The “community” to be involved in an enterprise is something else that must be carefully considered. Experience from elsewhere suggests that community unity and backing is very important. Consequently, community enterprises have rarely succeeded unless the community is well defined and relatively homogenous from the beginning (e.g. the members and households of a registered group ranch).

While community groups need to have a significant involvement in enterprises, there are few examples of large-scale enterprises being launched and grown by community groups alone. In Magadi, partners are needed because community groups are lacking in critical financial resources and business know-how. But what makes a good partner? Extensive research on this subject in Il Ngwesi<sup>24</sup> has indicated that complementarity should be the prime consideration. This was the case particularly in terms of the objectives of the partners. While objectives did not have to be *the same*, an element of overlap in self-interest was found to be vital to maintaining the *long-term* commitment of partners.

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<sup>23</sup> One reason for some people to be enthusiastic about sub-division is that it seems the only way that they can realise any significant benefit from land of which they are part owner. For more on the issue of sub-division see section 4.3 below.

<sup>24</sup> Thomas, N. 2000, *From Herdsman to Safari Guides: An Assessment of Environmental Partnerships at Il Ngwesi, Laikipia District, Kenya*.

Perhaps unsurprisingly, because private investors must also take a long-term view in order to recoup large investment costs, and because of their business skills and experience, the private sector has been found to be a particularly suitable enterprise partner for many communities. Of course, it also helps if partners have complementary resources (e.g. communities often invest land, while external partners bring financial resources) and capabilities. Such partnerships should ideally be based on ownership and operation of a company through which both partners – the community, represented by the group ranches and a private investor - are able to limit their liability to agreed resources and ensure that the enterprise can act as an independent entity to achieve the targets set out by the partners.

## 5.2 Group ranch effectiveness and accountability

A group ranch is the institutional mechanism that is intended to represent the collective interests of legitimate members of a community in a defined land area. As such, group ranch institutions have a critical role to play in facilitating poverty alleviation and economic development, particularly in representing community interests in the use of common resources, regulating and managing land and natural resources for optimum common good, and using income and distributing benefits fairly and efficiently.

Unfortunately, as Section 2 of this report demonstrates, the group ranches in Magadi suffer from a number of problems that make them less effective and accountable than they could be. These issues can be traced to the historical legacy of a lack of relevant education, training and experience that is needed for working as a group ranch, and the lack of adaptation of group ranch governance structures according to experience and local circumstances – even though the Land (Group Representatives) Act makes specific provision for such adaptation. There is also a lack of clear purpose and direction exhibited in many group ranch institutions, including those in Magadi. This appears in part to be caused by the lack of a tangible “project” or activity around which the community will unite. The end result is that critical group ranch functions for economic development and poverty alleviation are not carried out properly.

One solution of course would be to abandon the group ranch model completely and establish other kinds of common property institutions in each group ranch area to undertake these functions. However, the study results, particularly the discrete study on *legal issues and options for natural resources management in Magadi*<sup>25</sup>, indicate that there is a better solution.

Strategic Objective 2 targets *existing* community-based group ranch institutions with the aim of adapting them in ways that will increase their capacity to be effective and accountable. The value of having a structure that is accepted and to a fairly large extent understood by local people is very high. Much less effort will be needed to improve the existing structure than to establish an entirely new structure from scratch. As the legal specialist’s report shows, group ranches also have all the basic legal elements needed to enable them to undertake the required functions including the crucial legal mandate, and recognition in law as corporate bodies that can own property, employ people, etc.<sup>26</sup> There is therefore little to be gained in terms of potential capability from establishing a new type of legal structure. Indeed establishing a new form of community-based organisation with a similar mandate to the group ranches could easily end up in a quagmire of confused responsibilities. Another

### Strategic Objective 2:

- ▶ **Group ranch institutions reformed** to make them more effective and accountable to the whole resident community in their core representation, natural resources management and benefit distribution functions.

<sup>25</sup> See Annex B.

<sup>26</sup> See Annex B for detailed analysis of legal (organisation) structure issues and options, including comparison of the strengths and weaknesses of group ranches and alternative structures.

argument for working to improve the existing group ranches is that in some areas group ranches have been relatively successful and effective in undertaking these functions – Il Ngwesi in Samburu District is just one example<sup>27</sup>.

This strategic objective is innovative in that a concerted effort to reform group ranches and support their development has never really been tried before. In addition, Kenya's land laws are due to be significantly reformed under a proposed new constitution. The strategy should therefore be implemented on a basis that allows for re-evaluation of positive and negative impacts as time goes by. Such a process could include a feedback loop to ongoing land law reform processes so that they are being informed by the practical experience of change as it is happening on the ground.

The link between this objective and the other strategic objectives proposed is particularly important. After all, there is no point building institutional capacity for its own sake. A strong understanding that group ranch institutions are being reformed in order that they can support community development, especially enterprise and natural resources management is essential, as is the practical means of developing these linkages.

Looking more closely at *effectiveness and accountability*, what are the issues and how will this strategic objective help address them? In the past many group ranches in Kenya have suffered from mismanagement of group resources by a few leaders and individuals – leading to situations where all group members are liable for mismanagement carried out by a few. Lack of capacity (and hence effectiveness) is often a factor in such cases. Weak accountability is also a major factor – for instance when leaders are not held responsible for the success or otherwise of their leadership and actions. Low accountability and effectiveness is often a major cause of poor performance in achieving group ranch goals, and confusion and disagreement amongst members of the community who haven't had an opportunity to become informed of group ranch activities or to participate in decision-making that affects them.

The term *reform* used in this strategy specifically entails going back to foundations – in the case of group ranches, part of this will mean group ranch constitutions - although none of the Magadi Group Ranches has ever developed their own constitution but rather rely on the general provisions made in the Land (Group Representatives) Act. Critical issues in developing new constitutions will be involving everyone who is considered part of that community in a consensus building process, focusing and clarifying the objectives and roles of group ranch institutions, examining representation in group ranch membership and decision-making organs (at present representation is by male heads of household thereby excluding virtually all women and young men), mechanisms for information-sharing and community involvement, rules for holding meetings and elections, potential conflicts of individual and group interest in the decision-making of group ranch officers and the roles and responsibilities of group ranch officers and committees. Other reform measures could include developing plans for increased effectiveness and accountability in the medium and short-term, training group ranch committees and officers, employing people with appropriate skills and raising community awareness of their rights and responsibilities in group ranch management.

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<sup>27</sup> See section 3.1.

## 5.3 Land and natural resource rights

Rights to land and natural resources such as grazing, water, fuelwood and other necessities of daily life are a crucial issue throughout Maasailand. Throughout the past few decades there has been a trend of loss of Maasai community land and land use rights in favour of individual owners, often through dubious use of the law and superior awareness and education. Unfortunately, when subdivision happens those in the community with less power and voice tend to be left landless and in deep poverty. In an area like Magadi, subdivision of common property into individual holdings also risks environmental degradation brought about by a change from extensive forms of land use to more intensive forms that cannot be sustained by the fragile semi-arid ecosystem (e.g. fenced pasture). As a consequence, fear of loss of land and land use rights is high, both in Magadi and elsewhere.

Land rights are weak throughout the Magadi area. This stems primarily from confusion and disagreement over ownership by “the community”, ownership by “the group ranch” and ownership by individuals. Although the corporate group ranch is undeniably the owner of the group ranch area in law (each member being the owner in equal undivided shares), local people tend to think of the entire indigenous and resident community, whether members of the group ranch or not, as the owners and legitimate users of the land and the resources on it. However, these rights have little legal basis and it is such people (the youth and women in particular) who are therefore likely to be the greatest ‘losers’ as land and resource rights continue to evolve without any new influence to the contrary. This kind of confusion is typical and leads to situations where powerful educated people can assert individual rights to the detriment of both group ranch members and what is considered to be the legitimate community.

Confusion over rights to land and natural resources, and the threat and fear of land loss that goes with it has at least two major knock-on effects. Firstly, local people (including individuals, self-help groups and group ranch institutions) are less likely to invest time, effort or resources in protecting, developing or using the land in any way except for short-term gain. Sustainable utilisation of natural resources (pasture, trees, etc.), maintenance of dams or equipment, or investment of money and labour in shared enterprises suffer because people are not sure whether they might lose land or natural resources before they see any of the long-term benefits. Secondly, potential external partners and investors can be put off if they are not absolutely certain that they are investing with the true owner of the land and natural resources. Confused land rights are likely to cause particular problems when investments start to yield returns and the different “owners” conflict over who gets the benefits.

Strategic Objective 3 addresses these issues by focussing on measures designed to strengthen land and natural resource rights. Crucially, this means that:

- ▶ Natural resources rights must be considered fair by those they affect
- ▶ They must be clearly understood by all involved
- ▶ They must have a legal basis, and
- ▶ The community must be able to assert their rights when they are not respected.

Ensuring *fair* land rights essentially involves building consensus as to which parts of the community (women, men, young, old, educated, non-educated, full-time resident, non-resident, etc.) have what rights over land and natural resources. Current *legal* rights stem from membership of a group ranch, so if membership (and membership rights) are altered

### Strategic Objective 3:

- ▶ **Land and natural resource rights strengthened** to encourage the investment of time and resources in the protection and development of that land.

according to such a consensus, legal rights can be aligned with what the community considers to be fair.

Land rights must also be clearly defined and understood by everyone they affect in order for people to be able to adhere to their own responsibilities and ensure that unauthorised outsiders are excluded. For instance, where communities have established grazing and wildlife conservation areas people must be aware of where they can go and what they can do inside or outside the conservation area. Similarly, land rights should have a legal basis in case there is any dispute over land rights that cannot be resolved by other means. In the case of the Magadi Group Ranches this means that bylaws will be required – rules established by the community to ensure land rights and responsibilities are adhered to.

The final piece of the jigsaw in relation to the strengthened land rights specified in this strategy is that the community must be able to *assert* their rights. In other words, it is no use having clearly understood rights, including written bylaws, if the community is not able to exclude or sanction those who try to break these rules. For instance, in Namunyak<sup>28</sup> people who are not part of the community who try to take or use natural resources belonging to the community can be excluded because the Namunyak Wildlife Conservation Trust employs community rangers to patrol the area and ensure this doesn't happen.

## 5.4 Managing natural resource use and development

Planning and actively managing natural resource use and development in Magadi is necessary to reverse the current state of environmental decline that is impacting on livelihoods and could jeopardise new enterprise opportunities.

Environmental issues from the community perspective focus on loss of palatable pasture due to overgrazing in drought periods, loss of tree cover caused by tree cutting for charcoal production, reduction in wildlife numbers caused by habitat loss and poaching, and scarcity and conflict over water resources. As enterprises that utilise the natural resources of the area are formed, there are also likely to be issues regarding compatibility of land-uses, such as livestock with ecotourism development, human habitation with wildlife conservation, etc.

Rather than just accepting these problems, or addressing them in a piecemeal fashion, communities in Laikipia and Samburu Districts, have taken a coordinated, proactive approach to managing them. Strategic Objective 4 is designed so that communities around Lake Magadi can do the same through simple community-based planning and active management of natural resource use and development.

Natural resource planning is a process of identifying natural resource issues, the specific priorities and objectives of management and the strategies and practical actions for achieving objectives. A good planning process gives an opportunity for alternative objectives, strategies and actions to be weighed against each other. Lessons learned from community-based natural resource management planning with Koiyaki Lemek Wildlife Trust and Namunyak Wildlife Conservation Trust show that the most useful plans are very practical and emerge from simple processes involving widespread local participation. Past experience of land use planning in Magadi is of processes driven by outside agencies that result in complex plan documents that are too far removed from the issues and needs on the ground.

### **Strategic Objective 4:**

- ▶ **Community-based planning and management of natural resource use and development strengthened** in support of nature-based enterprise and maximising community benefits.

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<sup>28</sup> See section 3.2.



Ownership of the plan by a local community-based organisation is critical. In Magadi this is likely to mean that each group ranch should lead a planning process for the community in that area.

Plans are important for guiding major decision-making - such as where to site a specific land use or development, as the framework for developing natural resource bylaws, for identifying work priorities for group ranch committees and officers, for reducing conflict over natural resources, and for uniting the community and any external partners behind a common purpose. Planning is an excellent avenue for involving grassroots members of the community in natural resources management.

Natural resource bylaws will be one of the main practical mechanisms for regulating natural resource use. Usually developed as part of a planning process, such bylaws are simple rules for who (e.g. residents or non-residents) can do what, where, and when with regard to the use of land and natural resources. Group ranch bylaws become legally enforceable when they are incorporated in a group ranch constitution and approved by the Registrar of Groups.

Many community groups in a similar situation to those in Magadi have established different areas (or zones) and management activities or rules for areas with different natural resource management priorities. For instance, where livestock and ecotourism are carried out in the same group ranch, it often makes practical sense to demarcate an area that is normally out of bounds for livestock. Depending on the outcome of community-based planning, demarcating such areas in Magadi (as has already been done on Shompole and Olkiramatian) is likely to be another important element in achieving this objective.

At present, group ranches manage natural resources through committees – one overall Group Ranch Committee (GRC) and under this, sub-committees with responsibility for wildlife, water, livestock, etc. Sub-committees are responsible for both decision-making and taking practical action. To undertake the actions identified in planning that are required to both support nature-based enterprises (e.g. conservation of wildlife areas), and maximise the natural resources that can be sustainably utilised by local people (e.g. pasture, fuelwood, etc.), communities in Magadi will need to build increased institutional capacity for natural resource management decision-making and action. On the action front, most other communities that have established nature-based enterprises have used a small portion of the financial returns to strengthen their manpower – particularly in the form of community ranger forces that are employed to implement natural resource management actions on the ground. Such forces must work in close collaboration with national authorities responsible for wildlife and security. Particular care must also be taken to ensure the costs of establishing this kind of capability can be sustained for reasonable cost by the group ranch in the long-term.

## 5.5 Landowner coordination and collaboration

The issues addressed by Strategic Objective 5 centre on the risks to sustainable natural resource use and enterprise from poorly coordinated land use and development between landowners. For instance, there are a small number of local people who own plots of land in the midst of the four Magadi Group Ranches. Developments and changes in land use on these pieces of land are made at the discretion of the landowner. However many such developments – such as fencing, horticultural development, ecotourism development, new settlement, building roads, etc. - can have a significant effect on neighbouring group ranches if those effects, and solutions, are not identified in a cooperative manner at an early stage. Many such issues relate to resources that are shared between landowners. A local example is the issue of water in times of drought. In recent drought years increased irrigation next to the Nguruman Escarpment has resulted in some rivers drying up completely for the first time, to the severe detriment of human, livestock and wildlife downstream. Improved dialogue and cooperation between group ranches on this issue (e.g. to curtail irrigation during severe drought periods, or to limit future expansion of irrigation) may help avert such problems in the future, or at least allow them to be solved quickly and without major conflicts occurring.

### Strategic Objective 5:

- ▶ **Land use coordinated and joint initiatives undertaken** between landowners<sup>29</sup> as required for reducing land use conflicts and increasing the efficiency and viability of natural resources management.

Strategic Objective 5 is tightly focused on addressing these issues through *land use coordination between landowners*. The Strategic Objective is also designed to capitalise on a number of opportunities for improving the efficiency and viability of natural resources management through initiatives where landowners actively work together where it translates into reduced land use conflict (e.g. planning to avoid conflicting developments) and reduced costs (e.g. establishing one community ranger force for the Magadi Group Ranches rather than four). This is very different from the two major collaborative initiatives that have preceded this study in Magadi – The Magadi Conservation Trust, and The Magadi Division Development Programme. These initiatives appear to be focused on establishing new Division-wide institutional mechanisms with broad conservation and development objectives. This is an important distinction because it seems both of these institutions have suffered from a lack of local drive to make them functional. Community consultations have shown that there is local demand for inter-group ranch coordination and collaboration, and the relative success of the SWOT forum with Magadi Soda Company shows that a simple institutional arrangement with a strong purpose can achieve a great deal.

*Coordination* may be achieved through regular dialogue between landowners, particularly in relation to plans and future developments. One way this might be facilitated is through the use of detailed large-scale maps on which land use and development implications can clearly be visualised.

*Collaboration* will involve landowners working together to achieve their objectives more efficiently and taking advantage of opportunities that are not feasible for individual group ranches and smaller landowners. The spreading of costs involved in these types of opportunities often makes them more financially sustainable. Such opportunities mentioned by local stakeholders during the study included:

- ▶ Establishing a division-wide VHF radio communications network to facilitate communication within and between community rangers, and group ranch officers, and

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<sup>29</sup> Including community owned group ranches.

- including Kenya Wildlife Service, Magadi Soda Company, NGOs, etc. assuming any technical and bureaucratic issues can be overcome.
- ▶ Establishing one community ranger force (or combining existing ones) that will be responsible for protection and hands-on management of natural resources.
  - ▶ Establishing a combined tourist entry point to the group ranches where all fees could be charged and additional revenue generating opportunities such as craft sales, guiding, exhibition of cultural heritage, etc. could be based.
  - ▶ Involving group ranches in a partnership with Magadi Soda Company to manage and enhance community benefits from the non-mineral natural resources in Magadi Soda Company's Concession Area.

Obviously this list is not comprehensive, and as yet no assessment has been made of the feasibility of any of these ideas.

Both the natural resources management coordination function and active collaboration on joint initiatives will need a forum where these activities can take place. It may be possible to work with or adapt either of the Division-wide institutions, as far as progress has been made on establishing them. Alternatively it may be better to start afresh with a stronger focus on the purpose of landowner coordination and collaboration and a simpler institutional arrangement.

## 5.6 Local awareness and capability

One of the main justifications for having nature-based enterprise as a core strategic objective is that enterprises are expected to provide catalytic benefits to the local community in return for their investment of land and other inputs. One of these benefits is the opportunity for local people to earn a wage. In Il Ngwesi, Koiyaki-Lemek, Amboseli and other areas with community enterprises, this appears to be one of the most popular benefits with local people. However, at present there are thought to be few local people with the skills and experience necessary to take advantage of these opportunities (although the number of people who have attended primary and secondary schooling is much higher now than a few years ago). Similarly, specific skills for natural resources management and administration within the group ranch institutions are badly needed if critical group ranch functions are to be fulfilled.

### Strategic Objective 6:

- ▶ **Local awareness and professional capabilities enhanced** to sufficient levels for significant and successful involvement in enterprise and natural resources management.

A more general awareness and support for fundamental changes to land use and how people perceive their lives may also be required, in addition to specific employment skills, for moving from a lifestyle and economy based almost entirely on livestock, to a more diverse livelihood base. Certainly in other areas, (e.g. Namunyak), a great deal of time and effort has been spent preparing sometimes suspicious communities to accept and support changes necessary for enterprise-led economic development. When representatives from Magadi subsequently visited some of these communities as part of this study, local people's comments on how such changes had affected them were almost entirely positive. And in Magadi, although grassroots community consultations have revealed widespread enthusiasm and support for nature-based enterprise development, activities to support attitude change have been repeatedly raised as a strong need by members of the community.

Strategic Objective 6 therefore focuses on building local awareness and capabilities to a level where they are at least sufficient for people to play a meaningful part in enterprises and group ranch natural resource management.

Shompole Group Ranch and the progress they have made in this area, is a good example of how this strategic objective might be achieved in the other Magadi Group Ranches. The enterprise partnership with Art of Ventures has been specifically designed to facilitate transfer of skills and experience to people within the community. The partnership agreement includes provision for training and mentoring such that the community will gradually take on greater responsibility over a 15-year period until local people are entirely responsible for managing the operation. As with other pastoralist communities that have established group enterprises, the launch of the business in Shompole was preceded and accompanied by a strong effort to inform the community what was being proposed, and seeking their feedback and support. The African Conservation Centre has provided training and support for improved natural resources management in support of the ecotourism enterprise.



# Annex A: OUTPUT OF STAKEHOLDER CONSULTATIONS

At the study initiation meeting of 31 January 2002, participants identified and analysed the importance of different stakeholder groups and organisations to the study. This analysis was presented in the report of that meeting and is reproduced below.

<b>Very important</b>	<b>Consulted?</b>
Local community members	✓
Elite <sup>30</sup> group	✓
Magadi Soda Company	✓
DFID EA	
Kenya Wildlife Service	✓
African Conservation Centre	✓
Women's groups	✓
Group ranch committees	✓
Flavio Pelizzoli	✓
Individual ranch owners	✓
Olkajiado County Council	✓
Local Member of Parliament	
Provincial Administration	✓
Government of Kenya (tourism and wildlife, health, water, education, lands and settlement, livestock and agriculture)	✓ (Ministry of Lands and Settlement)
<b>Important</b>	
SARDEP	✓
KETRI	
ITDG	✓
Dupoto-E-Maa	
AMREF	
Art of Ventures	✓
Export Farmers	
Rotary Doctors	
Maa Oleng Company	✓
Youth groups	✓
Men's groups	✓
World Food Programme	✓
<b>Quite important</b>	
Societies/cooperatives	✓
ICIPE	

In April and May 2002 consultations were held with as many of these stakeholders as possible, particularly those that were placed in the "very important" category. A particularly strong effort was made to ensure that grassroots community groups and leaders in all four group ranches were consulted. Additional stakeholders and useful sources of information identified by CDC were also consulted.

<sup>30</sup> "Elites" is the name given by group ranch members to those that have had an opportunity to undertake a secondary and even higher education and who hold positions of leadership or authority in the community

The main aim of these consultations was to ask stakeholders for their views on the existing arrangements for natural resources management/development, and for suggestions for how these could be improved in the future. Subsidiary aims were to increase awareness among grassroots community members of the aims and activities of the study and seek feedback on these, and to ask stakeholders for their views on specific natural resource problems and opportunities in the study area.

To achieve these aims, a mix of individual interviews and focus group discussions were held in the study area and elsewhere. Whenever possible, community stakeholder groups were met separately (e.g. women's groups and GRC members) in order to encourage active participation by everyone. The study coordinator conducted individual interviews with non-community stakeholders, while the study's community meetings facilitator and the focal people from each group ranch facilitated focus group discussions. The structure and content of both the interviews and discussions were based on the following checklist:

- ▶ Overview of that stakeholder groups activities
- ▶ Mechanisms for influencing decision-making for natural resources management/development
- ▶ Strengths and weaknesses of the group ranch system for managing and developing natural resources
- ▶ Mechanisms for cooperation and conflict-resolution (internal and external to the group ranch)
- ▶ Specific opportunities for improved natural resources management and/or development

The views expressed by locally based stakeholders<sup>31</sup> on these subjects are detailed in the sections below. The exact words (or translation thereof) have been reproduced as much as possible. The reader should be aware that these statements reproduce people's *perceptions* and may contain factual errors.

## A.1 Focal persons

The focal liaison persons from each group ranch were consulted as a group in April 2002 in Magadi town. Present were Maainka Matayian from Shompole, Jackline Ntetiyan and Albert Kuseyo from Olkiramatian, Rose Melita and Solomon Liarash from Ol Keri and Joseph Kayioni and July Melle from Ol Donyo Nyoike. Responses noted during the discussions were as follows:

- ▶ Specific natural resource management problems include water shortages for human and livestock consumption, increasing prevalence of drought, declining soil fertility, declining availability of firewood due to prolonged drought, loss of soil cover caused by wind and water erosion, decline in availability of preferred pasture grasses for cattle, drought susceptibility of improved cattle breeds, loss of livestock due to drought of 2000 – quoted as 60% decline in cattle and 50% in shoats.
- ▶ Natural resource management is quite good where resource ownership is clear, but for mobile resources such as water and wildlife management it is more difficult.
- ▶ Bird-shooting is an NRM issue that the GRCs would like to control and benefit from, but that this is difficult due to complications liaising with KWS (lack of honorary warden) who collect the revenue and in checking the activities of bird-shooters.
- ▶ The group ranch management system as being controlled by members who take the major decisions, with the GRC, and its sub-committees overseeing the implementation of these decisions. Practical action is meant to be taken by the individual committee members delegated the task. This person is usually from that particular sub-location. Commented that no pay or expenses are allowed for undertaking these activities.

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<sup>31</sup> A less structured approach was taken when interviewing stakeholders outside the local area, due to the more widely varying nature of their interests. As a result the main responses from non-local stakeholders have been incorporated into the main body of the text rather than being reproduced here.

- ▶ Functional sub-committees exist in the areas of grazing, water, soil and irrigation, specific development projects, education, and health.
- ▶ Most committee members give priority to their own income-earning activities over activities to be performed for the group ranch.
- ▶ Most GRCs have zero or negligible income.
- ▶ The advantages of the group ranch system for managing and developing natural resources include the rights and opportunities for every member to contribute to management decision-making, because local people are in control the correct management decisions are more likely to be made, people can access natural resources throughout the group ranch, selling land is restricted due to the need for consensus, people can agree and act together in the best interests of the community (e.g. restrictions on grazing areas in the wet and dry seasons), and an advantage for individuals is that they can graze as many cattle in the area as they wish.
- ▶ Cattle holding grounds on the group ranches are held in trust by the county council.
- ▶ There is a General Service Unit (GSU) camp of approximately 1500 acres on OI Donyo Nyoike group ranch and that issues relating to this have included unexploded ordinance that has killed local people, poaching of wildlife, cutting down trees and burning land. Although these issues have been reported in writing to senior personnel at the camp, no action has been taken.
- ▶ Additional institutional mechanism for NRM in the area: Community Area Development Committees (CADCs). These have been established by SARDEP to implement SARDEP project activities.
- ▶ The main cause of natural resource related conflicts as the lack of clarity of group ranches boundaries. Boundary beacons have never been renewed, except for those demarcating the Magadi Concession Area and that passing on knowledge of boundaries by word of mouth to successive generations of leaders has resulted in confusion over where the boundaries truly lie.
- ▶ Water is a potential source of conflict/cooperation. Stated that water extraction on the escarpment can lead to shortages on the plains. Also, because all water sources are for all uses (cattle, human consumption, etc.), this leads to problems.

## A.2 OI Keri Group Ranch

Community members from the OI Keri Group Ranch area were met on the 16<sup>th</sup> of April at Il Parakuo Primary School, Magadi. In attendance were the Assistant Chief for the sub-location, the study focal persons for OI Keri and OI Donyo Nyoike, six women (due to a water shortage, ten other women who had intended to participate were not able to attend), ten youth/elites representatives, the Chairman, Secretary, Treasurer and five representatives of co-operative societies.

The responses of these people were as follows:

- ▶ Drought has become more prolonged and persistent and this is leading to the disappearance of some grass and tree species. In the droughts of 1996-97 and 1999-2000, 70% of local livestock has died.
- ▶ Increasing population has resulted in the clearance of bush and trees for settlement.
- ▶ The construction of shallow wells has improved water supplies although this water is salty so is only suitable for livestock.
- ▶ Wildlife numbers have declined alongside livestock, particularly in times of drought. There used to be problems with commercial poachers from outside the area. Now wildlife is only killed on a small-scale by local people for subsistence and in times of difficulties.
- ▶ Animals prefer bushy or forested areas. Due to the loss of forest areas the wildlife have migrated to other areas.
- ▶ Overall management of natural resources was governed by the GRC and its sub-committees.
- ▶ The Chief stated that his role was to oversee the implementation of government policy.



- ▶ Decisions, including rules and fines to be applied are recorded in the minutes of committee meetings.
- ▶ Strengths of the group ranch system for managing natural resources: the freedom to move from place to place without any restrictions, the rights of every member to speak at the AGM, that the resources are for the benefit of all rather than individuals, that you can use resources anywhere in the group ranch, and that membership of the group ranch can be inherited by off-spring (although this must be approved by existing members at an AGM).
- ▶ Weaknesses of the group ranch system: restricted opportunities for individuals – no one can own anything. You cannot burn wood for charcoal. Because the register of members is open, the register is increasing and the available natural resources are spread ever more thinly between members. If demarcation happens, there will be less land for each member. Women are not commonly registered members of the group ranch. Free movement of livestock encourages disease transmission.
- ▶ The main source of conflict with the other group ranches is over the location of boundaries.
- ▶ There are not enough employment opportunities with MSC.
- ▶ Other sources of conflict include people from other group ranches bringing in diseased cattle, poaching of wildlife by outsiders, bird-shooting when no benefits were being realised by the group ranch, water sources being used both for cattle and human consumption
- ▶ The mechanism for resolving inter-group ranch disputes and conflicts is a meeting between leaders. Local disputes are resolved in local meetings and barazas.
- ▶ MSC has contributed to harambees for the school, etc. and does provide some employment.
- ▶ Natural resource based opportunities and needs: the vast uninhabited area, rocks which could be used for construction or other purposes, wildlife based opportunities such as campsites, nature trails and viewpoints and/or camel safaris. Women's groups need capital and technical know how of marketing to improve their beadwork activities. Youth would like to open up hot springs to tourists and develop a snake park.

### A.3 Shompole Group Ranch – GRC and youth/elites

The first group of people met at Shompole trading centre on 17<sup>th</sup> April were the office bearers of the GRC (Chairman, Treasurer and Secretary) and four members of the youth. Responses noted during the discussions were as follows:

- ▶ Advantages of group ranch system for managing natural resources: resources are shared therefore everyone benefits, people and wildlife are free to move throughout the group ranch area.
- ▶ The current committee structure works well so long as the chain of command works well.
- ▶ The GRC and sub-committees could be improved by providing training relevant to each person's position. Particular training needs are for improved financial management and land management.
- ▶ Youth groups are currently generating income by operating kiosks, and buying and selling animal skins. They have been trained how to build improved houses by ITDG.
- ▶ Management problems are caused by lack of exposure to the outside world, e.g. how to do business, raise funds, etc.
- ▶ Disadvantages of the group ranch management system include the difficulty of reaching consensus on decisions – the Shompole lodge took many years before the community agreed. At any meeting, 60% of members must agree for a decision to be taken.
- ▶ In the dry season it is difficult to control community natural resource use, e.g. controlling access to the conservation area in the dry season.
- ▶ It is difficult for the group ranch to invest in permanent developments because they are not sure where the group ranch boundaries lie and any developments could therefore be taken away by another group ranch. Unclear boundaries are the main cause of conflict over natural resources with other group ranches.

- ▶ The community feels that the Magadi Concession Area is too big. Other conflicts include overgrazing areas with neighbouring group ranches, and cattle-rustling coming from the Narok area.
- ▶ Conflicts are resolved through specially arranged meetings between leaders.
- ▶ Rules of the group ranch are enforced through traditional bylaws. The community enforces these bylaws through peer pressure and fines. These types of bylaws are very effective.
- ▶ All Maasai in the Magadi area are part of the same “house”. Family ties between the group ranches are very strong.
- ▶ Cooperative management activities have been undertaken with Olkiramatian Group Ranch, e.g. joint security operations.
- ▶ The lodge/tourism has helped create employment opportunities, wild animals have been “domesticated” – the animals are now friendly because they have their own area where they are not disturbed, cash benefits to the community and increased funding for schools and bursaries – this is allocated by sub-location to ensure a fair distribution of opportunities.

## A.4 Shompole Group Ranch – women’s groups

The second group of people met at Shompole trading centre on 17<sup>th</sup> April were the four members of different women’s groups. Responses noted during the discussions were as follows:

- ▶ Group activities include running a mobile posho mill in different sub-locations, buying and selling livestock, drip-feed irrigation of vegetables, kiosks and selling shukas. Profits are used to help pay school fees, help pay the medical expenses of sick people and to provide start-up capital for new women’s groups activities.
- ▶ One thing holding women’s groups back is a lack of access to credit facilities/finance.
- ▶ When women’s groups first started, men were an obstacle. Now men see the benefits they are willing to assist.
- ▶ Some women are now the head of households and have some major responsibilities.
- ▶ The group believe that the group ranch system is a good one – women’s groups can easily be allocated parcels of land on which to undertake their activities. They don’t see any drawbacks with the current system.
- ▶ The lodge has been a good thing for the group ranch – it has provided employment and opportunities to sell beadwork to tourists.
- ▶ Technical support should be provided on a more regular basis – at the moment when donors provide training they have forgotten what they learned from one session by the time a second session is held.

## A.5 Shompole location – Councillor

The Councillor for Shompole Location, Mr. John Lankoi, was also met in Shompole on 17<sup>th</sup> April. Responses noted were as follows:

- ▶ Advantages of the group ranch management system: it is possible to have extensive land-uses that are not possible with individual land-owning systems.
- ▶ The current committee-based system is not very good. Other means should be found to ensure group ranch revenues are properly used and accounted for.
- ▶ There is some confusion between the roles of GRC, the Councillor and the Chief. Politics can be a problem if these three do not agree.
- ▶ The group ranch structure could be better utilised – the problem is not so much structural as with the people in leadership positions. These people need training and to have clearly defined responsibilities.
- ▶ The poorly defined boundaries between group ranches are the main source of natural resources conflicts.

- ▶ A forum to share good and bad experiences of ecotourism with other group ranches would be very useful.
- ▶ It was very difficult and time-consuming trying to persuade the community to set aside land for conservation. They did it by informing leaders at the sub-location level and asking them to inform people in their areas. They lobbied separate groups, such as people who didn't own any cattle, in order to show them how they could benefit from those grazing lands.
- ▶ Inter-group ranch conflicts are resolved through leadership meetings.
- ▶ Money from the lodge is not really being used transparently yet. People are not aware of how it is being used. The leaders have not been trained to show people how communal resources are being used.

## A.6 OI Donyo Nyoike – Chief

The Chief from OI Donyo Nyoike, Mr. Phillip Nkaka, was met in Magadi town on 17<sup>th</sup> April. Responses noted were as follows:

- ▶ The current group ranch based system for the management/development of natural resources is good for ensuring coordination between different sectors: the GRC, the Chiefs and Councillors. When necessary the Chief's role can be to arbitrate between the community and the GRC.
- ▶ On OI Donyo Nyoike two of the biggest sources of conflict are poor boundary demarcation with neighbouring group ranches and water scarcity due to a lack of permanent water sources on OI Donyo Nyoike itself.
- ▶ There are many resources that could be better exploited, e.g. good pastures, rocks and stones, fuelwood, forests, wildlife, birds, view-points, cattle (200 families have cattle, 400 families have had no cattle since the 2000 drought), areas that can be irrigated and cultivated, and hot-springs.
- ▶ To exploit these resources better technical knowledge is needed, particularly for ecotourism and cultivation.
- ▶ Many community members from OI Donyo Nyoike use natural resources on the MSC Concession area. MSC has agreed to allow local people to graze livestock, temporary settle and limited ecotourism activities (not development) in the Concession area.

## A.7 Maa O'leng Company – Liaison Officer

Mr. Ranka Ole Masiaaya, the Liaison Officer for Maa O'leng for was met in Magadi town on 17<sup>th</sup> April. Responses noted during discussions were as follows:

- ▶ The new lodge on Shompole Group Ranch (SGR) is set on a 10,000 ha conservation area that has been set aside by the community.
- ▶ The lodge is managed by Maa O'leng, a company limited by shares. 30% of Maa O'leng is currently owned by the community (represented by the group ranch) and 70% by ART of Ventures Ltd. The partnership agreement has provisions for the community to buy shares from ART of Ventures to take an increasing stake in the company.
- ▶ The Conservation Area is owned solely by the community, represented by the group ranch. Visitors pay a US\$20 conservation fee per night. Half of this is to be used for maintenance of the conservation area, with the other half used for social development projects. At the present time these fees are being held in trust by ACC.
- ▶ Maa O'leng has established a "Consolation Fund" for the loss of domestic animals to predators. A bursary fund has also been established and community wildlife rangers employed.
- ▶ Wildlife numbers have increased in the past few years.
- ▶ Partnership is one of the most critical elements of Maa O'leng – each partner brings essential elements of success for the company.

- ▶ Maa O'leng was established after an initial ecotourism feasibility study that was used to attract outside investors. The community played a central role in selecting a suitable investor and negotiating the partnership and other agreements.
- ▶ The Magadi Conservation Trust came about through workshops organised by the Kenya Tourism Federation. The idea was to create an umbrella body that would help unify the four group ranches around Magadi.
- ▶ The group ranch management mechanism is generally a good one if the leadership is good. If the leadership does not pass on information to the community then it is not so useful. The group ranch mechanism is also good because it is based on traditional structures.
- ▶ The worst feature of the group ranch system is that nothing belongs to anyone. A lack of salaries for the leaders increases the temptation for leaders to use resources for their own benefit.
- ▶ Individual ranch owners livestock actually spend most of their time grazing in the group ranch area.

## A.8 Olkiramatian sub-location – Assistant Chief

The Assistant Chief (Olkiramatian sub-location), Mr. Melita Ole Kisioki, was met in Olkiramatian trading centre on the 18<sup>th</sup> of April. Responses noted during the ensuing discussion were as follows:

- ▶ The GRC is the main institutional mechanism dealing with land issues.
- ▶ The GRC does not generate any significant revenues.
- ▶ The role of Chief is mainly to help keep law and order, enforcing the bylaws of the group ranch, conflict resolution, and arbitration. For instance, if the GRC mismanages resources the Chief can intervene in the interests of the community.
- ▶ The Chief sits on the Division's Land Board. The Land Board must approve all land sales – which it can only do if all family members over 18 agree on the sale. It may also have to give its consent for leasing land. The make up of the Land Board is not always in the best interests of the community. It is corruptible.
- ▶ It is not clear who has the authority to sell part of a group ranch and who would be required to approve such a sale.
- ▶ Group ranch leaders need technical training so that they know how to benefit from natural resources.
- ▶ The group ranch system enables anyone to access any area of grazing, no matter how large their herd of cows. It also favours wildlife and tourism because they have free access.
- ▶ The group ranch system creates a clear channel of communication for those from outside the area who would like to undertake development activities in the group ranch.
- ▶ The group ranch management system is also democratic because all members have voting rights.
- ▶ The disadvantage of the group ranch management system is that leaders can decide to use natural resources for their own benefit and put to the side what they were mandated to do by the membership.
- ▶ The group ranch management structures could be improved through training and capacity building, e.g. on the roles and responsibilities of each committee member
- ▶ The GRC should be paid to do the activities expected of them. The actual modalities of paying the GRC may be difficult.
- ▶ It is very difficult for a group ranch member to find out how much money a group has generated and spent. A paid administrator could help in this respect.
- ▶ The main role of the Chief is to help resolve conflicts and disputes, e.g. chairing leaders meetings to resolve conflicts.
- ▶ The most abundant under utilised resource in the group ranch is wildlife that could be used for ecotourism. There are also many good sites for beekeeping and rocks that could be mined for construction.

## A.9 Olkiramatian Group Ranch – women’s groups

Nine women were met in Olkiramatian trading centre on the 18<sup>th</sup> of April. Responses noted from this group during discussions were as follows:

- ▶ Women’s group activities include operating a posho mill, buying and selling goats, “merry-go-round” lending activities, beekeeping and a new irrigation project using piped borehole water. These activities are all restricted by a severe lack of resources.
- ▶ The group ranch management system encourages their activities, for instance they have been allocated 15 acres of land for their irrigated shamba activities. They do not have to pay to use this land.
- ▶ Women do not normally attend group ranch general meeting (except to serve food!), as they are not normally members. Women can only really influence decision-making of the group that impact on the activities of women’s groups. However, women can be (and are) placed on group ranch sub-committees that do not cover land issues (e.g. water, health and sanitation, and education).
- ▶ There is a feeling that they are being oppressed by not being allowed to become members of the group. If the group ranch is sub-divided those that are not married will be left out. Similarly when benefits or revenues from the ranch are given out.
- ▶ Women’s groups face great difficulty raising credit/cash because they do not have any assets that they can use as security. There only recourse in most situations is to ask men for money – often the men are not keen.
- ▶ They have a lack of freedom, e.g. they may not be allowed to go away from the home to take goats to the market.
- ▶ The major assistance needed is in training and technical assistance because these skills can be used for life, unlike cash or other kinds of help.

## A.10 Olkiramatian Group Ranch – GRC and youth

Four members of the GRC (Treasurer, vice-chairman and two members) and eight youth were met at Olkiramatian trading centre on the 18<sup>th</sup> of April. Responses noted from this group during discussions were as follows:

- ▶ To start a new development activity a youth group must first sell the idea to the GRC and then be approved by members in a general meeting.
- ▶ In an average year there might be 1 Annual General Meetings and 3 Special General Meetings.
- ▶ There are approximately 1400 members of the Group. It is difficult to get the required number at meetings to make decisions (at least 60% of members must agree).
- ▶ Voting at meetings is normally conducted by line-up [queuing next to a person/option]
- ▶ Notice of a general meeting must be given with at least 28 days notice. The Secretary communicates this notice through posters and public barazas led by sub-location leaders.
- ▶ Traditional bylaws are more important to people than the formal rules and laws contained in the Group Representatives Act. The Group does not have a written constitution. Bylaws are agreed at meetings and recorded in the minutes of each meeting.
- ▶ Non-members of the Group must approach the GRC if they have needs that are not being catered for.
- ▶ Group ranch system is not bad for managing natural resources, but it could be improved through training in how to generate revenues and managing natural resources.
- ▶ Leaders need leadership training to clarify their roles and responsibilities. They also need exposure to new ideas on natural resources development.
- ▶ Uncertainty over the location of group ranch boundaries is the biggest source of conflict. Different maps show different boundaries. Clear demarcation is needed.
- ▶ Cattle rustling from other districts has also been a problem.
- ▶ Cooperation is generally fostered by inter-marriage and sharing of resources.

- ▶ A forum for developing positive/proactive development cooperation is needed.

## A.11 OI Donyo Nyoike Group Ranch

A mixed group of people from OI Donyo Nyoike Group Ranch were met in OI Donyo Nyoike trading centre on the 19<sup>th</sup> of April. The group consisted of the Councillor, Chief and one Assistant Chief from the area. The Chairman, Treasurer, Secretary and Vice-chairman of the GRC, 4 ordinary members, 10 women and 8 youth. The responses noted from the ensuing discussions are noted below:

- ▶ The group has many natural resources that they are not utilising and they would like to be shown how. The area is dry and is no good for agriculture.
- ▶ The biggest natural resource issue is water scarcity.
- ▶ Specific opportunities include large caves which could be used for ecotourism, prehistoric remains, particularly around the Lake, a special cave called the “Speaking Cave” where you can hear strange noises and sounds with no apparent source, areas suitable for game drives, and the “Small Magadi” hot springs.
- ▶ Natural resources are only benefiting people on the group ranch through domestic use (e.g. fuel wood).
- ▶ No revenues are being received from bird-shooting, despite the fact it goes on regularly on group ranch land. It is difficult to check and control bird-shooting.
- ▶ The army take firewood from the area. They do not consult with the GRC first, or make any payment. They also poach some animals.
- ▶ The group ranch realises some benefits from the existence of the General Service Unit (GSU) camp (e.g. provision of water in times of drought). The GSU sometimes conducts exercises outside the area of the camp.
- ▶ Big issue is how to make the GRC more accountable to the people. Lack of pay means that the GRC do not always take their duties seriously. And how can the people demand them to do more when they are not employing them? The biggest issue in how to achieve accountability is who will collect revenues and who will make payments?
- ▶ The group ranch should employ an accounting officer and provide financial management training.
- ▶ 3 women in the group being talked with are Group members.
- ▶ The advantages of the group ranch management structure is that it provides formal structure where before there was none – we cannot all be leaders. It provides a forum for liaison with outsiders.
- ▶ The starting point for increasing the benefits from the natural resources should be creating more awareness on what the possibilities are and uniting in the way forward. They should involve other stakeholders such as KWS.
- ▶ Any technical support should be provided through a new organisation that represents those who are not members of the Group (e.g. youth, churches, women, government).

# Annex B: LEGAL ISSUES AND OPTIONS FOR NATURAL RESOURCES MANAGEMENT IN MAGADI

A report by Opondo Peter Kaluma, Legal Expert for the study, supervised by Professor H.W.O. Okoth-Ogendo, Professor of Public Law, University of Nairobi.

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## Statutes consulted

- ▶ Chapter IX, The Constitution of Kenya
- ▶ The Land (Group Representatives Act), Chapter 287, Laws of Kenya
- ▶ The Land Consolidation Act, Chapter 283 Laws of Kenya
- ▶ The Land Adjudication Act, Chapter 287, Laws of Kenya
- ▶ The Registered Lands Act, Chapter 300, Laws of Kenya
- ▶ The Land Control Act, Chapter 302 of the Laws of Kenya

- ▶ The Trespass Act, Chapter 294, Laws of Kenya
- ▶ The Societies Act, Chapter 108, Laws of Kenya
- ▶ The Cooperative Societies Act, No. 12 of 1997, Laws of Kenya
- ▶ The Non-Governmental Organisations Coordination Act, No.19 of 1990, Laws of Kenya
- ▶ The Trustee Act, Chapter 167, Laws of Kenya
- ▶ The Trustee (perpetual Succession) Act, Chapter 164, Laws of Kenya
- ▶ The Companies Act, Chapter 486, Laws of Kenya
- ▶ The Local Governments Act, Chapter 265 of the Laws of Kenya

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- ▶ Dr. Albert Mumma, Senior Lecturer, University of Nairobi/ Advocate, High Court of Kenya)
- ▶ Dr. Francis D.P. Situma, Senior Lecturer, University of Nairobi
- ▶ Dr. Otieno-Odek, Senior Lecturer, University of Nairobi/ Advocate, High Court of Kenya
- ▶ Gitahi Nyokabi, Legal Associate, Africa Wildlife Foundation, Kenya
- ▶ Lumumba Odenda, Coordinator, Kenya Land Alliance

Opondo Peter Kaluma

## B.1 Introduction

This report encapsulates the major inputs of the Legal Expert into the DFID EA funded study, *Development of an Organisational and Legal Framework for Sustainable Development and Natural Resources Management* in the Magadi Group Ranches.

### B.1.1 Terms of reference

The report is the main output of the first four terms of reference for the legal expert, described as follows:

1. Summarise the major provisions of the Land Group Representatives Act, The Registered Lands Act and the Land Adjudication Act, with special attention to the provisions regarding land use control and planning, empowerment of group ranch members, land and resource ownership, group ranch governance and corporate status, legal status and responsibilities vis-à-vis other legal entities and acts (e.g., local government, the Magadi concession, etc.), operational issues, mandate (support for natural resources management, direct management, etc.), and other aspects that are relevant to the management of natural resources.
2. Identify the strengths and weaknesses of these legal structures for effective local natural resources management, based on practical experience and including specific reference to the issues in the Magadi area.
3. Identify and describe the range of alternative/additional legal mechanisms that are being used for group ranch natural resource management on Kenya. This should include different forms of companies, trusts, associations etc., the legal aspects of how these mechanisms relate to group ranch structures and details relevant to the management of natural resources.
4. Research and analyse the strengths and weaknesses of these options for the Magadi group ranches from a legal perspective. This should focus on case studies from other



areas in Kenya and relevant literature as well as information on the statutes themselves. Issues that should be examined include those mentioned in TOR #1 plus the major legal steps involved and practicality of establishment.

## B.1.2 Methodology

In order to accomplish the study terms of reference, the Legal Expert centred his work on library research<sup>32</sup> and interviews with legal and other experts in this field. Consultations with people from Magadi undertaken in the field by the Study Coordinator were also taken into account.

## B.1.3 Report structure

The report is divided into four main sections (sections 5.2.2 to 5.2.5). Section 5.2.2 covers the history, nature and structure of group ranches. In particular this part of the report will describe issues such as land use control and planning, empowerment of group ranch members, group land and resource ownership, group ranch management and corporate status and other aspects relevant to the management of natural resources. Section 5.2.3 discusses the relationship between the group ranches and other institutions in their area of operation. Section 5.2.4 analyses the strengths and weaknesses of the group ranch institutional framework for the management of natural resources. Lastly, section 5.2.5 of the report will describe and analyse the alternative legal mechanisms for group ranch management.

## B.2 History, character and institutional framework of group ranches

The land tenure system in Africa before the advent of colonialism was in the main communal. Land was held to belong to the community and access to land and land-based natural resources was determined by membership to a particular community. No individual could claim private title to any parcel of land although every individual member of the community had the right of use. The right of control was vested in the political entity of the unit or community. Control was for the purpose of guaranteeing access to the resources, regulating resource use and defending them against outsiders. Rights analogous to private property rights accrued to individuals out of their investment of labour in harnessing, utilizing and maintaining the resource. Thus there were no people with greater rights to use parcels of land than their cultivators. Resources that did not require extensive investment of labour or which by their nature had to be shared, for example common pasturage, were controlled and managed by the relevant political entity. These were termed common resources and every individual member of a particular community had guaranteed rights of access to them. The regulatory mechanisms imposed by the political units such as exclusion of outsiders, seasonal variations in land use and social pressure ensured sustainable resource utilisation.<sup>33</sup>

In Kenya this communal property regime was supplanted by the European private property system. Exclusive property rights over parcels of land were conferred on individuals and corporate entities through the process of land tenure reform that was initiated by the colonial government in 1956. The reforms specifically targeted the native reserves. Areas under settler occupation had already been registered as private property or leaseholds (for 999 years) from the early 1900s.

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<sup>32</sup> Libraries and information sources included the University of Nairobi (main and law faculty libraries), Institute of Development Studies, Kenya National Archives, United Nations Environment Programme (UNEP), and the United States International University. A number of private firms and individuals also kindly gave access to their archives.

<sup>33</sup> Bond D. Ogolla with John Mugabe, Land tenure systems and Natural Resource Management, in Calestous Juma and JB Ojwang, *In Land We Trust: Environment, Private Property and Constitutional Change, 1996*, Initiative Publishers, Nairobi, Kenya. p93.

The process of individualisation of land holdings was implemented through the tripartite procedure of adjudication, consolidation and registration. While adjudication involved the ascertainment of the existing rights approximating to ownership over parcels of land, the process of land consolidation involved the aggregation of fragments of land adjudged to belong to the same individual during the adjudication process and the allocation to the individual of a single consolidated piece approximately equivalent in size to the several units. The registration process involved the entry of rights shown in the “Record of Existing Rights”<sup>34</sup> or “Adjudication Register”<sup>35</sup> into a state maintained “Land Register” and the issuance of a certificate of ownership. The certificate of ownership made the owner of the registered parcel of land an absolute proprietor of the land.

Two statutes were enacted to legitimise the reform process. The Land Consolidation Act, Chapter 283 of the Laws of Kenya made provisions for adjudication and consolidation of individual rights over land. The Registered Lands Act, Chapter 300 of the Laws of Kenya, governed the process of registration. Under these two statutes, most areas with high crop production potential were adjudicated, consolidated and registered as individualised land holdings.

During this time, debates on the interface between land tenure, land use and economic productivity centred on the “virtues of private (individual) property rights”. The perceived superiority of private property rights as a tool for the rational management of land and land resources arose out of and was buttressed by economic considerations. The reasoning was that investing individuals with private property rights in land would contribute to and enhance proper land management because individual actions are informed by enlightened self-interest<sup>36</sup>.

Individual ownership of land and other natural resources was thus seen as the most rational, efficient and productive way of managing land and land-based resources. Convinced by these private property inclined assertions, the colonial power decided that the only solution to what was deemed to be the inherent vices of the communal property regime in Kenya was its overhaul and immediate replacement with an alternative tenure pattern based on consolidated and individualised land holdings. This, they believed, would confer on every individual the necessary tenure security to spur on more economically productive use of land and land-based resources.

As the process of land privatisation continued apace to the time immediately following independence in Kenya, it became apparent that the individualised land tenure system was inappropriate for those arid areas of trust land that were occupied by nomadic pastoralists. The climatic and ecological conditions of these areas affirmed the need for access to resources in a wide area, particularly for pasture and water. Only this way could cattle keeping make good economic sense in these areas. The land tenure systems of the communities that inhabited these arid areas were predominantly communal and their resource utilisation pattern largely migratory. Moreover, the communities that inhabited these areas – the Maasai, Samburu and Borana - were regarded as an adamantly conservative people who arrogantly adhered to their traditional lifestyle. These communities, it was reasoned, were too fragile to manage such “sophisticated” land ownership regime as a private land tenure system. Yet such arid areas were critical to the economic well being of Kenya. The need for a land tenure regime that was sensitive to the ecological and economic realities of these areas became real. Out of these practicalities was conceptualised the group ranch system of land ownership.

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<sup>34</sup> Prepared upon consolidation.

<sup>35</sup> Prepared upon adjudication.

<sup>36</sup> Supra Note 1, p.95.

## B.3 History of group ranches

The period that followed the attainment of independence in Kenya was marked by a worrying reduction in the number and quality of beef cattle in pastoral areas. A report to the International Bank of Reconstruction and Development (IBRD) on the Economic Development of Kenya noted that tribal customs operated against the principles of good animal husbandry and grazing management. The report advised the government to secure legislation to revitalise controlled grazing in dry lands and to make administrative arrangements to enforce rotational grazing. Alarmed by such reports, the independent government, backed by international donor agencies – including the World Bank – initiated the range development programme<sup>37</sup>. Under this programme a series of studies were commissioned to investigate and recommend ways to rejuvenate beef production in pastoral areas. One of the research bodies commissioned to undertake these studies was *the Mission on Land Consolidation and Registration in Kenya (1965-66)*. At the end of its work, the Mission proposed that it was out of the question, based on social, economic and practical grounds, to give individual title deeds to the Maasai who moved seasonally with their herds across the plains in search of pasture<sup>38</sup>. Instead, the Mission recommended the establishment of a form of land holding system that was *sui generis*, and that probably had no precedent elsewhere: a land tenure system that would be common yet private. The proposed tenure system was to allow for common use of the land while at the same time securing land rights and defining responsibilities for proper land use. It was urged that the ecology of these areas did not favour the registration of individualised land tenure system. It was recommended that instead of being sub-divided into privately owned individual parcels, the ‘communally owned’ pastoral areas would rather be divided into smaller units (ranches) which would then be registered as owned by the group of people customarily resident and having recognised customary rights in or over that area. Because it would be impracticable to list the names of all members of a particular group it was proposed that the land be registered in the names of group representatives elected by the members of the group. Further pressure was brought to bear on the government by the donor agencies. The World Bank in particular insisted that:

“Registration is a prerequisite for the range development programme. Without certainty of ownership and clear right of the group to exclude outsiders, which is provided by registration, no agency would be prepared to lend money to the government for range development”.<sup>39</sup>

The Kenyan Government obliged. But since existing legislation – the Land Consolidation Act and the Registered Lands Act – did not contain provisions for the adjudication, recording and registration of group rights to land, 1968 saw the introduction into parliament of the two bills: the Land Adjudication Bill and the Land (Group Representatives) Bill. The former was to establish a system of land adjudication for the ascertainment and recording of rights and interests in trust land whereby not only individuals and families but also groups are recorded and registered as the owners of the land and was thought to provide a system which would meet the special needs of those parts of the country for which the Land Consolidation Act was not altogether suited. The latter bill was to provide for a method for the incorporation, and administration of group ranches whereby a few persons could act on behalf of the ‘group’ as its representatives. Both bills sailed through parliament and the Land Adjudication Act<sup>40</sup> and the Land (Group Representatives) Act<sup>41</sup> were enacted and became operative on

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<sup>37</sup> Isaac Lenaola, H.H. Jenner and T. Wichert, Land Tenure in Pastoral Lands, on Calestous Juma and J.B. Ojwang, In *Land We Trust* (Supra) p241.

<sup>38</sup> See Republic of Kenya, *Report of the Mission on Land Consolidation and Registration in Kenya, 1965-66, para.106 (1966)*. See also Joy K. Asiema and Francis D.P. Situma, *Indigenous Peoples and Environment: The Case of the Pastoral Maasai of Kenya*. 1994. *Colorado Journal of International Environmental Law and Policy*, Vol.5: 127, p147 and p161.

<sup>39</sup> *Ibid* p131.

<sup>40</sup> Chapter 284 of the Laws of Kenya.

<sup>41</sup> Chapter 287 of the Laws of Kenya.

the same day. The Registered Lands Act was also amended in the same year to provide for the registration of group rights to land.

Thereafter financial aid and technical support for the implementation of the group ranch concept on the ground were sought from international agencies such as the World Bank, USAID, UNDP, FAO and foreign governments. Kenya received the sum of United States Dollars 11.8 million for the project, which was dubbed 'the Kenya Livestock Development Project, Phase 1, 1969-1974' and administered by the Ministry of Agriculture and Livestock Development.

### B.3.1 Logic behind the introduction of the group ranch land tenure regime

Much has and has been said in support of the propriety of the group ranch land tenure regime for the areas in which it was meant to apply. It was *inter alia* argued that because of its inherent 'common nature' it would be more easily accepted by pastoral societies. In addition to being used as collateral security for financial credits and loans, the land title would confer tenure security on the group and protect the communal land from encroachment and grabbing. It was also argued that the issuance of common group title to land would spur better resource management.

#### ***Tenure security***

It has been stated in favour of group title that it would halt haphazard allocation of individual ranches and protect the wider communal land interest. It was to confer title and ensure that the unaware majority were not exploited by indiscriminate land grabbing by their "more progressive" tribesmen and outsiders.

Group title, it was argued, would also reduce the chance of individual dispossession. In this regard, it was urged that unlike an individual holding, no member of a group ranch could dispose of his share without consent from the rest of the members - which would be extremely difficult to obtain as each individual has an undivided share over the group property<sup>42</sup>.

The group title would result in the replacement of "communal" land ownership with "common" ownership. This change in tenure system, it was hoped, would be a solution to the problem of overstocking and overgrazing associated with communal ownership. It would curb the dangers of overgrazing and foster greater concern for the preservation of range resources by the members of each group ranch. Rotational grazing would be facilitated and members of a group would be able to halt any grazing or settlement on their group by non-members; the group boundary would be held sacrosanct.

#### ***Access to agricultural credit***

Another major intention of the group ranch project was to facilitate access to development loans and other credit facilities by the group ranches. Once a group ranch is registered and a legal title issued, the title can be used as security for loans. We have already seen that land registration and acquisition of titles were insisted upon by the international donor agencies – the World Bank in particular - as precondition for aid and loan grants. Local financial and banking institutions similarly require title deeds before they can advance loans. Subsequent to the introduction of the group ranch land tenure system, the Agricultural Finance Corporation established a Group Ranch Division to administer loans and credit to group members. Two kinds of loans were launched: Development Capital Loans and Working Capital Loans. The former is meant to cater for water boreholes, dams and improvement of spring and piping while the latter kind of loan is to provide for money to meet operational expenses, such as the purchase of steers for fattening.

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<sup>42</sup> Section 23 Land (Group Representatives) Act.

### ***Improved animal husbandry***

The group ranch project was equally initiated to ensure good animal husbandry. It was intended to prevent the spread of contagious cattle diseases through the systematic use of dips, vaccination and quarantine. It would also permit the government to take advantage of economies of scale in the provision of livestock production facilities – boreholes, cattle dips etc.

### ***Improved political administration***

It was argued that the introduction of group ranches in pastoral areas would help settle the nomads whose capricious movements were judged to severely curtail their commitment to the state. The mobility of the nomads was seen by the government as being in part a means of evading the exercise of political authority over them. Through this mobility, the nomads easily avoided the demands made upon them by the state, including the levying of taxes, control of stock numbers, etc.

The conclusion that was reached was that, because group ranching involves a greater fixing of population in a single place, it would give the government greater political and economic control over the pastoral communities. While we appreciate the force of the above argument, it has been found wanting in several regards. Firstly, the argument presupposes that the mobility of nomadic pastoralists is something done for the sake of pleasure! The movement of nomads is in fact dictated by eco-climatic conditions. To them it is a choice between life and death; migrate and survive, remain and perish! Secondly, the argument assumes that group ranches have fenced boundaries that would restrict movement even when conditions within the group ranch demand it. In reality however, these boundaries are neither fenced nor sacrosanct. Pastoralists are no respecters of land boundaries. The practice following the registration of group titles confirms this.

## **B.3.2 Group ranch formation and management**

The Land Adjudication Act, the Registered Lands Act and the Land (Group Representatives) Act respectively govern the formation, registration and administration of group ranches. In the sections that follow, group ranches are described in terms of how it was intended that they be established and operated in law. Of course, the reality has often been very different and is discussed later.

### ***The formation of group ranches***

The procedure for forming a group ranch is provided under the Land Adjudication Act and is as follows. First, the Minister declares a particular area an adjudication area<sup>43</sup> and thereby appoints by notice in the Gazette, a public officer, to be the Adjudication Officer for the adjudication area. The Adjudication Officer on his part appoints in writing such Demarcation Officers, Survey Officers and Recording Officers, as may be necessary for demarcation, surveying and recording of land interests within the adjudication area<sup>44</sup>. The Adjudication Officer then, by notice declares adjudication sections within the adjudication area. He publishes separate notices in respect of each adjudication section and in each notice he defines as clearly as possible the area of the adjudication section, declaring that interests in land within that adjudication section will be ascertained and recorded<sup>45</sup>. The Minister then fixes a period, normally sixty days, within which a person claiming an interest in land within the adjudication section must make his claim to the Recording Officer.

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<sup>43</sup> Sec.3, Cap. 284

<sup>44</sup> Sec. 4, Cap.284

<sup>45</sup> Sec. 5, Cap. 284.

Adjudication notices are published in the language considered most likely to be understood by the persons whom they affect and are displayed at the offices of the Provincial Commissioner of the province concerned and of the District Commissioner of the district concerned. The District Commissioner is also responsible for ensuring the contents of notices is distributed through *barazas* throughout the area concerned and in other ways he considers appropriate.

To facilitate the process of adjudication and the resolution of disputes arising from claims of interests, two organs are set up; the Adjudication Committee<sup>46</sup> and the Arbitration Board<sup>47</sup>. The Adjudication Committee is composed of not less than ten persons resident within the adjudication section. The Adjudication Officer appoints an Executive Officer, whose main duty is to keep the records of the Committee and inform the Recording Officer of the Committee's decisions. The Adjudication Committee's main responsibility is adjudicating upon and deciding in accordance with recognised customary law any question referred to it by the Demarcation Officer or the Recording Officer. It also safeguards the interests of absent persons and persons under disability and brings to the attention of the officers engaged in the adjudication any interest that is not represented<sup>48</sup>.

Upon request of the Adjudication Officer, the Provincial Commissioner of the Province in which the adjudication area lies appoints a panel for the adjudication area, consisting of not less than six and not more than 25 persons resident within the district. The Adjudication Officer may from time to time appoint in writing not less than five persons from the panel to form an Arbitration Board for a particular question arising in an adjudication section<sup>49</sup>. The board shall have an Executive Officer to keep its records and to inform the Recording Officer of its decisions. The function of the Arbitration Board is to hear and determine any matter referred to it or complaint made to it in the course of the Adjudication Committee being unable to reach a decision on a matter before it<sup>50</sup>.

Before the demarcation and recording of interest is commenced in an adjudication section, a feasibility study has to be undertaken to determine its viability. A surveyor and range management planners undertake this detailed study of the area and delineate tentative boundaries of the acreage of land they consider viable as a single unit. The boundaries are normally based on conspicuous topographical features like rivers or hills. If the planners come to the conclusion that sub-division or demarcation of the area will not affect its agricultural productivity in any way, the area is declared an adjudication section. The Demarcation, Recording and Survey Officers are then deployed to the area to begin their respective responsibilities.

The Demarcation Officer shall demarcate the boundaries of that piece of land, declared an adjudication section, which is claimed by a group. Where the boundaries of that piece of land are already demarcated by physical features, as indicated by the Planner, it need not be determined whether the exact line of the boundary runs along the centre of the feature or along its inner or outer side; but where the Demarcation Officer is unable to resolve the boundaries of the land he shall submit the disputes to the Arbitration Board for settlement.

But before the Demarcation Officer begins demarcating the boundaries of what is to become a group ranch, he shall give not less than seven clear days warning of the intended demarcation in such manner as is most likely to bring the matter to the attention of the persons who will be affected. The Demarcation Officer works hand in hand with a Survey Officer whose work is to carry out the necessary survey work, particularly preparation of a demarcation map for the adjudication section.

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<sup>46</sup> Sec. 6, Ibid.

<sup>47</sup> Sec. 7, Ibid.

<sup>48</sup> Secs. 9, 10, 11 and 12, Ibid.

<sup>49</sup> Sec. 7, Ibid.

<sup>50</sup> Sec. 22, Cap. 284.

Where a boundary between parcels of land is curved or irregular or is in the opinion of the demarcation officer inconvenient or uneconomic for the use of land, he may lay out a fresh boundary in its place and adjust the interests of the owners of the land adjoining the boundary either by exchanging land or by such other means as the parties may agree<sup>51</sup>. He may demarcate any rights of way that are necessary for providing a group ranch completely surrounded by other land holdings with access to a public road or to water<sup>52</sup>. Similarly he may re-align boundaries of parcels adjoining a public road as may be required in the public interest<sup>53</sup>.

The Recording Officer's duty is to consider and record claims of interests of people within the demarcated section. Upon a notice being given of the declaration of a particular area to be an adjudication section every person who considers that he has an interest in the land within that section shall make a claim to the Recording Officer. The interests should be those entertained under recognised customary law. The Recording Officer considers the claims thereby made and after such investigations as he considers proper prepares a list of names of those who have proved to have an interest recognisable under customary law so as to qualify as group members.

Where there are conflicting claims to an interest in a particular piece of land that the Recording Officer is unable to resolve, he shall submit the dispute to the Adjudication Committee. The Recording Officer shall rectify the forms in accordance with the decisions made by the Adjudication Officer, Adjudication Committee or Arbitration Board. These forms together shall comprise the "adjudication record".

In preparing the adjudication record the Recording Officer shall determine that a group be the owner of the land. Where a person is the owner of land adjoining the land owned by a group and that person desires to join the group and to have his land added to the group's land, he may do so as long as the group is willing to have that person as a member.

After the group is recorded as owner of the land, the Adjudication Officer advises the group to apply for Group Representatives to be incorporated under the Land (Group Representatives) Act.

The adjudication record and the demarcation map prepared by the demarcation officer and survey officer shall collectively form the adjudication register. All persons who are recorded in the adjudication register as having an undivided interest in the group land shall be entitled to become members of the group.

After the completion of the adjudication register, the Adjudication Officer passes it to the Director of Land Adjudication together with particulars of all determinations of the objections. The Director then alters the duplicate register accordingly and certifies both the original and duplicate. He forwards the adjudication register together with a list of the appeals to the Chief Land Registrar.

Where the Registrar of Group Representatives has been notified under section 23(5)(C) of the Land Adjudication Act that the group recorded as the owner of the land has been advised to apply for incorporation of Group Representatives, he convenes a meeting where the members adopt a constitution and elect Group Representatives. The Group Representatives then make an application to the Registrar of Group of Representatives for their incorporation.

Upon issuance of a certificate of incorporation, the Registrar is required to forward the names of the incorporated Group Representatives to the Chief Land Registrar. The Chief Land Registrar then forwards the Adjudication Register of the group with the names of the Group Representatives to the Land Registrar in charge of the district concerned who shall register

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<sup>51</sup> Sec.18 (1), Cap. 284.

<sup>52</sup> Sec. 18 (1) (b), *Ibid.*

<sup>53</sup> Sec. 18 (1) (c), *Ibid.*

the Group Representatives as the sole proprietors of the land with the addition of the words “as Group Representatives of the ... group” and with a reference to the Certificate of Incorporation. The Land Registrar shall thereby issue a group title in the name of the group under the Registered Lands Act. Section 27 that provides for registration and issuance of a certificate of title (Title Deed) conferring absolute proprietorship over the land. Under Section 28 of the Act, the right of the proprietor of land registered under the Act, whether obtained by fraud, deceit or mistake, is said to be incapable of impeachment except as provided in the Act. Such rights are held by the proprietor together with all the privileges and appurtenances belonging to the land, free from all other interests and claims whatsoever, but subject, unless the contrary is expressed in the register, to such liabilities, rights and interests affecting the same (leases, charges and other encumbrances) and to interests recorded as overriding under section 30 of the Act.

This legal position applies to both group titles and individual titles, whether original or issued upon sub-division. In the Magadi Group Ranches, several individuals obtained titles to various parcels of land well before the ranches were established. Their parcels of land have thus been enclosed within the respective the Magadi group ranches. While the group members ordinarily do not recognise the boundaries of such land and graze their animal on them, and although the owners of such lands have never sought to exclude trespassers thereto, the title to such lands are independent of the group title.

### **B.3.3 Group ranch corporate status and resource ownership**

The issuance of the certificate of incorporation of group representatives marks the birth of a group ranch, a corporate body under the name specified, with perpetual succession, capable of suing and being sued in its corporate name and with power to acquire, hold, charge and dispose of property of any kind and to borrow money with or without giving security.

Once established, a group ranch becomes an entity that is separate and distinct from its individual members and is recognised as such in law. The name of the group ranch must be accurately reflected in all its dealings and transactions. Perpetual succession means that as an entity distinct from the membership, the existence of a group ranch is not in any way linked to the life, survival or existence of its individual members, representatives or officials. It has a life of its own whether the members die, retire or are voted out of office. The existence of a group ranch can only be brought to an end through the winding up and dissolution process provided under the Land (Group Representatives) Act. Perpetual succession is also important as far as the undertakings of the group ranch are concerned. The legal undertakings of the group ranch can never cease to be valid simply because an individual member or official has ceased to be so. The ability of a group ranch to acquire, hold and dispose of property and to sue and be sued in its corporate name is the hallmark of its corporate entity and distinction from its membership. Every group ranch is directly responsible for its own legal affairs and liable for its misdeeds. Group ranches acquire and hold property in their corporate names. The property acquired and held belongs to the group ranch not the individual members, group officials or the Registrar of Group Representatives.

### **B.3.4 Group ranch governance and empowerment of group ranch members**

Just like a company, a group ranch has to rely on some human hands to execute its functions. The Land (Group Representatives) Act accordingly establishes four main organs for the governance and discharge of group ranch functions: the Registrar, the Group Representatives, the Group Ranch Committee (GRC) and the members (in general meeting).

#### ***The Registrar of Group Representatives***

The government of Kenya exercises immense control over the incorporation, management and dissolution of group ranches. This it achieves through the office of the Registrar of Group Representatives.



The Registrar of Group Representatives (hereinafter referred to as 'the Registrar') is a public officer appointed by the Minister pursuant to section 3 of the Land (Group Representatives) Act to perform the duties and exercise the powers imposed and conferred on him by the Act. The Registrar is vested with powers regarding the birth, survival and death of group ranches.

#### *Powers of the Registrar over group meetings*

The Registrar convenes and presides over the meeting at which the initial Group Representatives and officers are elected<sup>54</sup>. The constitution of the group is also adopted at this meeting. Subsequent to this meeting, the Registrar may convene and or attend and speak at any general meeting of a group ranch at any time. He is however divested of all voting powers in such meetings<sup>55</sup>. The relevance of this power to the Registrar's supervisory jurisdiction over group ranches is obvious. As will be discussed later, it is at the group meetings that most issues affecting the group are addressed and decisions made. Presence and power to speak at the general meetings accordingly furnishes the Registrar with an opportunity to prevent decisions that are either unlawful or contrary to group ranch policy. It also enables the Registrar to have full information about individual group ranches.

#### *Custody of the Register of Group Representatives*

The Registrar is the custodian of the register of Group Representatives. He is required to enter into the register all matters required by the Act to be so entered. Such matters include: the group's constitution, rules, list of Group Representatives and other officers, list of members, minutes of group meetings, annual returns and annual accounts of the group. He may require any officer to furnish him with any or all of the above documents within a stipulated time<sup>56</sup>. It is an offence to fail to comply with the demand of the Registrar for any document. Any person may inspect at the office of the Registrar the register and any documents relating to any group lodged with the Registrar, and may obtain from the Registrar a copy of or an extract from such register or document<sup>57</sup>. This entitlement is meant to ensure accountability and transparency in the management of group affairs.

#### *Power over group finances and property*

All dealings in group land or any interest therein, including disposition or legal charges, must receive the express approval and/or consent of the Registrar<sup>58</sup>. The Registrar is required to record the particulars of such dealings in the register of Group Representatives. As regards group finances, the Registrar may cause the accounts of a group to be audited and may recover the cost of so doing out of the funds of the group<sup>59</sup>.

#### *Power over incorporation and dissolution of Group Representatives*

The application for the incorporation of Group Representatives is made to the Registrar who upon receipt of such application exercises discretion on whether or not to issue the certificate of incorporation to the Group Representatives<sup>60</sup>. In issuing the certificate of incorporation the Registrar is empowered to prescribe such conditions, limitations or exemptions, as he may consider appropriate. The name, constitution and rules of a group can only be altered with the express consent of the Registrar<sup>61</sup>. Similarly, the resolution to dissolve the Group Representatives and sub-divide the group land cannot take effect without the express consent of the Registrar. The consent to dissolve the incorporated Group Representatives

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54 Sec. 5, Ibid.

55 Sec.15 (1) (4), Ibid.

56 Sec.23 (2), Ibid.

57 Sec. 25, Ibid.

58 See the second schedule, Cap. 287.

59 Sec.23 (4), Ibid.

60 Sec. 7 (1), Ibid.

61 Sec.13, Ibid.

can only be granted if the particular group ranch has cleared off all outstanding loans and other debts. This condition is noticeable in the case of the Mashuuru-Imaroro Group Ranch. Although a resolution to sub-divide this group ranch was passed in 1985, the consent of the Registrar has since been withheld because the group had taken an Agricultural Finance Corporation (AFC) loan and used it to purchase steers, which disappeared mysteriously. The members of the group have been most reluctant to contribute towards the loan on the grounds that they never benefited from the purchased steers and suggestion that a portion of the group's land be sold to offset the credit has never found the required level of support.

#### *Powers of exemption*

The widest power enjoyed by the Registrar in the supervision of group ranches is that of exemption. The Registrar may, subject to instructions in writing from the Minister, exempt any group from all or any provisions of the Act or any constitution or rules made under the Act, subject to such conditions, as he considers appropriate and may at any time in the same way cancel any such exemption or vary its conditions<sup>62</sup>. On the face of it, the effect of this provision is to render the provisions of the Act vulnerable to the whimsical discretion of the Registrar. This was however not the intention of the legislature. The power of the Registrar to exempt a group from any provisions of the Act is to be exercised judiciously not capriciously. The power is meant to accommodate the peculiar circumstances of an individual group ranch. The Registrar is therefore expected to be reasonable, take into account all relevant considerations and ignore irrelevant considerations in the exercise of his powers of exemption.

#### *Power to delegate*

Ordinarily, it will be impossible for the Registrar to execute all of the aforesaid duties, in relation to all group ranches in the country, in person. The Act thus confers on the Registrar the power to delegate all or any of his duties to persons appointed by him.

#### ***The Group Representatives***

The Land (Group Representatives) Act establishes the institution of the Group Representatives. The Group Representatives consist of not more than ten and not less than three persons elected from among the members of the group by a majority representing not less than sixty per cent of the votes of all members present at the meeting held under section 5 of the Act.

After their election, the Group Representatives apply to the Registrar for their incorporation. Where the Registrar is satisfied of compliance with the provisions of the Act, he issues a certificate of incorporation, subject to such limitations, conditions or exemptions, as he may deem necessary. The issuance of the certificate of incorporation transforms the Group Representatives into a corporate entity.

#### *Power over group property*

The Group Representatives occupy a trusteeship position and wield strong powers in relation to the assets/ property of the group ranch. The Group Representatives are registered as the sole proprietors of the group land as "Group Representatives of the group". They hold the land and other assets of the group on behalf of and for the collective benefit of all members of the group, but without prejudice to their duties under section 8 of the Act. Under that section the Group Representatives are under a duty to hold any property on behalf of all members of the group and fully and effectively to consult the other members of the group on its use and development<sup>63</sup>. Together with the Registrar, the Group Representatives have to

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62 Sec. 27, Ibid.

63 Sec. 8 (2), Ibid.

signify their approval to every dealing in the group land, or any interest therein<sup>64</sup> and may issue instructions to the Committee or to any members in any case in which in their opinion, such instructions are in the best interest of the group<sup>65</sup>.

#### *Duty of information*

The Group Representatives are required by law to appraise members of the group of the activities carried out in the proceeding period at each general meeting. It is also their duty to ensure that the rights of any person under recognised customary law are safeguarded in so far as that is compatible with the operations of the group ranch.

#### *Power over group membership*

The Group Representatives also determine the question of group membership. Where a question arises as to whether a particular person is a member of a group, a certificate signed by a majority of the Group Representatives shall be conclusive of the question<sup>66</sup>. The GRC is under a legal obligation to comply with instruction from the majority of the Group Representatives regarding the issue of membership. Where a person is aggrieved by such certificate or decision, he may apply to a District Magistrates' Court having jurisdiction in the area to determine the question and the courts decision shall be conclusive.

#### *Powers over group dissolution*

If the Group Representatives feel that the incorporated Group Representatives should be dissolved, an application in writing, signed by a majority of the Group Representatives and supported by a copy of the minutes of the meeting at which the resolution was passed shall be delivered to the Registrar within fourteen days after the day on which it was passed.<sup>67</sup>

#### *Meetings of Group Representatives*

The exercise of their powers under the Act requires that Group Representatives meet regularly. The law requires the Group Representatives to meet whenever required and, in any case, not less than once every six months. Unless otherwise required by the Act or the group ranch constitution the Group Representatives may establish their own meeting procedure provided that no business is transacted at any meeting unless three of them are present in person.<sup>68</sup>

#### *Disqualification of Group Representatives*

The powers and duties of the Group Representatives are fundamental not only to a peaceful coexistence among the members of the group but also to the integrity of the assets of the group. Moral integrity is thus a fundamental virtue for this office. Accordingly, the Act provides that no person convicted of a crime involving fraud or dishonesty shall be capable of being elected to the office of the Group Representatives<sup>69</sup>. And a person elected as a group representative shall hold office until he is replaced by a resolution of the group in the general meeting, he is convicted of a crime involving fraud or dishonesty, becomes incapable of performing the functions of his office because of illness or he retires.<sup>70</sup>

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64 Second schedule, Cap. 287.

<sup>65</sup> Third Schedule, cap.287

<sup>66</sup> Sec 28, cap.287

<sup>67</sup> Third Schedule

<sup>68</sup> Third schedule, cap.287

<sup>69</sup> Sec 6 (1) (c)].

<sup>70</sup> Second Schedule, Cap. 287

## ***The Group Ranch Committee***

The first Group Ranch Committee (GRC) of a group is elected at the first meeting convened by the Registrar for the adoption of the group constitution and election of the Group Representatives<sup>71</sup>. The GRC consists of a Chairman, Vice Chairman, Secretary, Treasurer and three other members of whom not less than two must be elected from amongst the Group Representatives. The subsequent election of committee members is done by open ballot at the groups' annual general meeting or at any meeting convened for that purpose. Upon election, a committee member shall hold office until the next annual general meeting. At the end of his period of office, any member of the GRC shall be eligible for re-election<sup>72</sup>. There is no limitation as to the maximum number of times a person can serve in the GRC. One may thus serve in the GRC from the very first election until death! The problem with this situation will be analysed in section 5.2.3 of the report.

### *Duties of the GRC officials*

The Chairman of the GRC bears the overall responsibility for the conduct of all business of the GRC. He presides over any general meeting of the group subsequent to the first meeting at which he was elected. The Vice Chairman assists the Chairman and deputises for him in his absence. The Secretary is responsible for safe keeping of the group's documents, records, correspondence, registers and minutes of all meetings except for those which the Treasurer is responsible.

The Treasurer is responsible for the maintenance of proper books of accounts containing details of all monies received and payments made by him on behalf of the group and records of all group assets and liabilities of any kind and for the safe custody of all records, funds or other valuables. At least once every year he is required to present true and full accounting statements. This is done either at the time specified in the groups constitution or rules, at the time he is specifically required to do so by resolution of the members of the group, and/or upon vacating office.

The Chairman, Secretary and Treasurer of the GRC may attend all meetings of the group representatives and may speak but may not vote except in their personal capacity as a group representative should they be so elected.

### *Powers and duties of the GRC*

The GRC is, for practical purposes, the functioning administrative body of the group ranch. It is designed to assist and encourage members to manage the land or graze their stock in accordance with sound principles of land use, range management, animal husbandry and commercial practice. It is ultimately the responsibility of the GRC to conduct the affairs of the group to achieve the greatest benefit for members. It is accordingly empowered to raise credit and to hold and use monies for the benefit of the members and may levy fees, cess or other charges in respect of the services it performs. Funds accruing from the imposition of these dues shall not be used for any purpose other than the servicing of loan funds unless the revenue received exceed five times the annual requirements for the servicing of all loans then outstanding.

Working in collaboration with the officers of the Ministry of Agriculture, the GRC may establish a procedure for the marketing of member's stock and produce and may with the consent of the members concerned effect the sale or purchase of stock or other assets on behalf of the members. The GRC is also charged with responsibility for preparing a plan for the development of the land and for the implementation of that plan. Similarly, the GRC may

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<sup>71</sup> Sec. 5

<sup>72</sup> Third Schedule, Cap 287

issue instructions to members and make rules for the purpose of the working or the operations of the group. It decides membership of the group and the rights and obligations of any person in matters relating to the use of the group land and other assets. The law requires the GRC to meet at least once in every three months.

The powers conferred upon the GRC are critical to sound management and economic development of the group ranch. However, these powers raise a number of significant questions. For instance, do the GRC members have the necessary intellectual and financial capacity to plan group ranch development? Do they meet regularly as stipulated in the Act? Are there sufficient sanctions to ensure compliance with the GRC's instructions by the members? These issues will be dealt with in detail in section 5.2.3 of this report.

#### *Disqualification of GRC members*

Where a member of the GRC is convicted of a crime involving fraud or dishonesty or if he fails to carry out his duties satisfactorily, the GRC may suspend such officer or member until the commencement of the general meeting and such member will be deemed to have retired. A vacancy in the GRC may be filled by a nominee appointed by the GRC until the office can be filled by election at a general meeting. Where however, two or more temporary appointments have been made, the GRC shall convene a general meeting of the group for filling of these posts by election unless the annual general meeting is due to be held within three months. Lastly, the GRC is vested with the power to co-opt suitable persons for such periods as they think fit. Such persons shall not have the power to vote. The power to co-opt grants the GRC freedom to engage experts to execute functions which they cannot themselves effectively perform due to their limited capacity.

#### **Group ranch members and members' empowerment**

Members of a group can be likened to shareholders of a company, for like the latter, the group members have shares in the group land and other group assets. The main difference is that group members share in the ownership of the group land in undivided (equally sized and non-specific) shares while the members of the company may own differing numbers and classes of shares.

#### *Determination of membership*

Although the rights and duties of the group members are well stipulated in the Act, certain pertinent questions remain to be answered. Who is a group member? Who could or should become a group member? Who determines the question of group membership and using what criteria?

The Land (Group Representatives) Act does not define who a member is. It contains scanty and mostly vague provisions regarding the issue of eligibility for membership. Its sister statute, the Land Adjudication Act does not help either. The Land (Group Representatives) Act (Prescribed Provisions) Order of 1969 does contain a requirement that every group constitution must specify the persons to whom membership is open<sup>73</sup>. It also contains provisions which are deemed to be included in the constitution of every group ranch, unless expressly exempted by the Registrar, provides that all persons who are recorded in the adjudication register as having an interest in the group land shall be entitled to become members of the group. It goes further and provides that if a person is not recorded in the adjudication register as a member of the group, he shall not be admitted to membership of the group unless that person has inherited an interest from a member, the Group Representatives all agree that that person should be admitted and the representatives decision is confirmed at an annual general meeting, or a court so orders.

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<sup>73</sup> First Schedule, Para.4

The third schedule of the same order contains some important guidelines on the question of membership. It stipulates that a GRC may make decisions regarding membership of the group and obligates every member to comply with such decisions. Any person aggrieved by the decisions of the GRC may appeal to the Group Representatives. The GRC is required to comply with any instructions received from a majority of the Group Representatives in matters relating to such membership. Where the Group Representatives decline to decide the matter or if a person is dissatisfied with their decision, he may appeal to the Registrar of Group Representatives. Any person aggrieved by the decision of the GRC, Group Representatives or of the Registrar may apply to a subordinate court having jurisdiction in the area to determine the question provided he informs the group ranch Secretary of the nature of the application.

Where a question arises as to whether a particular person is a member, a certificate signed by a majority of the Group Representatives shall be conclusive of the question, provided that any person who disagrees with the issue of such a certificate may apply to a District Magistrates Court to finally determine the question.

From the above provisions it is clear that the only incorruptible evidence of an individual's membership of a group ranch is the recording of his name in the original register of members. The fate of subsequent members lie solely on the decision of the Group Representatives, confirmed at a general meeting attended by at least sixty percent of the members present (the quorum of sixty percent of all registered members having been attained).

But the Act does not tell us what principles should govern the Group Representatives in deciding whether or not to admit an individual into membership. The issue of group membership is presently an irksome matter in most group ranches across the country. The younger, more educated generation would like to play a greater role in the group ranches where they live and are often seeking registration. Further, due to Maasai custom, women are almost never registered as group members. While women acquiesce and seldom come out vocally to assert their membership needs, instances of conflicts between the group officials and young educated men seeking registration are not rare. The episode of *Olkiloriti group ranch versus Jeremiah Kelian and 9 Others* is a case in point. The first accused was an educated man, an elected councillor and the vice-chairman of the Olkejuado County Council. The other accused persons were also educated. Their request to be registered as members of the group was refused by the GR officials who suspected them of planning to usurp their powers. In March 1987 they attended a meeting of the group ranch to put forward their case to the membership but were ordered to quit the meeting on the grounds that they had no mandate to attend as non-members. The accused persons got furious armed themselves with spears, swords, clubs and sticks, confronted the meeting and beat up those who were present, including the area chief and the Adjudication Officer. Though they were subsequently arrested, charged and convicted of the offence of assault, this case demonstrates clearly how serious the question of membership can be.

The determination of group membership is tantamount to the determination of the title to the group land. Once a person is registered as a member of a group ranch, he is deemed to share in the ownership of the group land in undivided shares. Of course, the title is single and is held by all registered members in common. This situation brings out a mode of proprietorship that is concurrent in nature. One cannot claim a particular and specifically identifiable portion of the group land, yet he shares equally with the rest of the members in the ownership of the group land. Thus, all registered members of the group shall be entitled to equal acreage of the group land upon sub-division.

#### *Powers and duties of group members*

The importance of the group members in the execution of group decisions cannot be underestimated. Their decisions and resolutions in general meetings are deemed to be those

of the group. Members are responsible for the election and removal of GRC members and officials. Indeed, the decisions of the GRC are subject to the approval of the members, without which they are devoid of any binding force. The progress in development of any group ranch therefore depends on harmony and understanding between the members and the governing bodies (the GRC and the Group Representatives).

Members enjoy various rights and privileges. He is entitled to reside free of charge in the group land together with his family and dependants and is entitled to use the land, water, machinery, credit facilities, veterinary services, marketing arrangements, transport and other assets under group ownership subject to conditions including, but is not limited to, the levy of cess, fees or other charges by the GRC. The important point to note is that the members are supposed to have *exclusive* use of the group ranch resources

A member has a right to attend, to speak, to be heard and to vote at all general meetings of the group. No member is entitled to vote at any of these meetings other than in person unless he is recorded in the register of members as being under disability and in that case a proxy is allowed.

A member may pledge his private property, including stock as security for any loan. In such a case the Group Representatives and GRC are not responsible for the loan. Nevertheless, a member having an outstanding loan granted to him through his membership of the group shall inform the GRC through the Secretary, of the details of any transaction, including the price paid or received which affects the stock or assets to which the loan relates. Every member is also bound to pay any cess fees or other charges levied against him under the group constitution and to contribute such labour as may be reasonably required by the GRC. Group meetings provide the members with a forum not only to participate in matters of group governance but also to control the affairs of the group. Indeed, the stated rights and privileges of the members cannot be exercised and enjoyed in the absence of meetings.

### B.3.5 Operation of group ranches

#### **Group Meetings**

Group ranches operate largely through meetings. Two kinds of meetings may be held: Annual General Meetings (AGMs) and Special General Meetings (SGMs).

The Act requires groups to meet at least once every year. Notice of the dates on which any general meeting is to be held is to be given to all members not less than two weeks in advance. Not more than fifteen months should elapse between the date of one general meeting and the next. At AGMs, the Group Representatives should update the members on the activities of the group in the year, the treasurer should render an account of the group assets and liabilities and the approval of the members should be sought for intended projects. General meetings afford the members the opportunity to participate in the affairs of the group. It also grants the members a chance to question the manner in which group affairs are run.

The quorum for a general meeting is sixty per cent of the total number of members of the group. A resolution put to the vote of the meeting should be decided on a show of hands, unless not less than sixty per cent of the members present agree to a demand for a ballot. In case of an equality of votes, the chairman of the meeting is entitled to a second or casting vote.

SGMs are convened following a request from the Registrar of Group Representatives, a request from a majority of Group Representatives, a request from at least one fifth of the group members, or a the request of any person who considers that the affairs of the group are being conducted to the disadvantage of some of the members and who has obtained the consent of the Registrar of Group Representatives or the District Agricultural Committee. The

Chairman or in his absence the Vice-Chairman is required to convene a SGM of the group within 21 days following the date of a request. SGMs are generally held to address a situation that would go beyond control if not dealt with immediately.

### ***The management of group ranch finances***

Every group is required by law to keep one or more books of account containing details of all moneys received and payments made on behalf of the group. This is a mandatory requirement: failure to comply invites a fine not exceeding Kenya shillings one thousand. These books are to be presented to the members annually at a general meeting.

The Act also requires every group to keep its books of account and all documents related thereto and a list of the members of the group available for inspection by an officer, the Registrar or members of the group. Contravening this provision invites a fine or prison term. The above requirements are meant to ensure accountability and transparency in the management of group finances.

## **B.3.6 Sub-division of group ranches: rationale, procedure and implications**

### ***The rationale for sub-division***

The Government of Kenya never intended the group ranch system of land ownership and management to be a permanent and immutable tenure system. Its major aim was to act as a transitory device to orientate and slowly prepare nomadic pastoralists for a more radical overhaul of their customary land tenure system and land use patterns – the introduction of individual freehold titles. As such, the group ranch system was destined to die in favour of individual land titles. Early in 1989, recognising the inadequacies of group ranches, President Moi directed the civil service to send a team of surveyors to Kajiado District to demarcate land so that the group ranches in that area could be subdivided and each member given an individual title deed. He said that, “the issue of having group ranches will create problems in the future”<sup>74</sup>.

It has been argued that sub-dividing group lands between members would lead to a reduction in overstocking, improved grazing management and a rise in aggregate livestock production. The reasoning is that if a livestock owner also owns the piece of land on which his animals depend for their grazing he is quickly faced with the reality that his income and livelihood depend on the primary productivity of the land and on the skill with which he both uses the forage and maintains it for future use. Such a landowner, it has been argued, would realise that he is the beneficiary of whatever measures he takes to maintain or improve the grazing on his land. Consequently, coercion with regard to range management measures under these circumstances would be neither necessary nor desirable. It has also been argued that individual holdings prompt the need for careful and economic practices of livestock selection and sale. A livestock owner who knows that he is limited to a given amount of forage within the boundaries of his own land will be under a stronger economic pressure to select those animals that make the best of the grazing he has.

The issuing of title deeds inherent in sub-division, it is argued, encourages landowners to use their title as security to obtain financial credit from financial institutions. It has also been hypothesised that by issuing land title to an individual land owner he would have the requisite legal right – *locus standi* – in law to take legal action against anybody grazing on his land without permission and as a result lead to a more modernised mode of resource utilisation.

But perhaps the strongest rationale for the sub-division of group ranches is that once group land has been subdivided and individual freehold titles issued, land should become a marketable commercial commodity. In short, the process should facilitate transfers and sales

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<sup>74</sup> Daily Nation, April 15, 1989.



and hence create a land market in group ranch areas. Under these conditions it would be entirely possible for a landowner to dispose of a portion of his land and use the proceeds to develop the remaining portions. Further, a reasonable number of the Maasai have now received formal education and the argument that individual title is too sophisticated may no longer be tenable.

Members of many group ranches in Kenya have been attracted to sub-division by these arguments. However, in the first instance there was a lack of legal provision to govern the sub-division process. Neither the Land Adjudication Act nor the Land (Group Representatives) Act contains any guidance about how it should be carried out.

Therefore in 1984 the GRCs of the so-called Kajiado Group Ranches, working in conjunction with land adjudication officials and the Range Management Department, improvised a scheme for the sub-division of group lands. This scheme was forwarded to and approved by the Commissioner of Lands and is still being utilised by group ranches wishing to be sub-divided pending a substantive law on the issue. The procedure is as set out below.

### ***Sub-division procedure***

First, a group ranch general meeting is convened with an agenda to debate and resolve whether the respective group ranch should be sub-divided into individual holdings. Where in that special general meeting a 60% majority of the members present vote for the group land to be sub-divided, a resolution to that effect is passed. Thereupon, the Group Representatives and the GRC members, plus an additional number of members elected in that meeting shall convert themselves into an "Adjudication Committee", composed of not more than twenty-five persons. The work of this committee is to demarcate individual land parcels for each registered member including tentative boundaries.

Before the adjudication committee commences its work, several prerequisites have to be met. First, the adjudication committee must apply for consent to sub-divide the group land from the Divisional Land Control Board. Second, they must apply to the Registrar of Group Representatives for his consent to sub-divide the group land. The Registrar's consent can only be secured if that group ranch has cleared all outstanding debts.

If the consent to sub-divide is granted, the group officials then apply to the Range Management Office to undertake a feasibility study of the group's land and the individual parcels so delineated. The officer-in-charge of the range management team makes a sketch map of the individual plots, without making any measurements. He is to make sure that each plot is indicated on the sketch map. He is also responsible for ensuring that public utility plots like water points, wells, boreholes, schools, health and shopping centres are set aside. He then writes a comprehensive report describing the plots and indicating whether they are agriculturally viable. This is presented to the group members. Any disputes as to the allocation of plots are to be solved by the Group Representatives.

Once the range officials have confirmed the viability of all individual plots the group members apply to the government to provide a surveyor. However due to governmental limitations members would ordinarily have to hire a private surveyor. This is done after a SGM has been convened to confirm that every registered member has been allocated a plot.

The private surveyor, guided by the sketch map drawn by the range officials, fixes and adjusts the tentative boundaries in an attempt to make the plots of equal size. In this exercise he is accompanied by members of the adjudication committee and the prospective landowners. The surveyor also lays out access roads to every land parcel. He prepares his own survey map that he forwards to the District Surveyor who is responsible for checking the boundaries and ensuring they are in order. He then gives each parcel on the survey map an indication number and forwards the map to the Director of Surveys.

At this stage, the Group Representatives apply to the Divisional Land Control Board for consent to transfer the compact group title to individual titles. They also apply to the Central Land Control Board for consent to transfer those public utilities (shopping centres, schools, health centres, boreholes, etc.) to the area county council.

Thereafter, the survey map and the register that contains names and plot numbers are forwarded to the Chief Land Registrar, who shall forward it back to the Land Registrar of the district concerned. The District Land Registrar issues a "Letters of consent" to all those persons registered as landowners, informing them that they have been granted their respective parcels. This will be followed by the issuance of title deeds to the new landowners, who by this stage are the legal proprietors of their respective plots.

After the members have acquired title deeds, a SGM is convened to pass a resolution for the winding up of the group and dissolution of the Group Representatives. Where a resolution is passed a written application signed by a majority of the Group Representatives shall be sent to the Registrar. Upon an order being given by the Registrar, the affairs of the group shall stand wound-up in such a manner as the high court may direct (including discharge of any remaining assets, debts and liabilities).

### ***The implications of sub-division***

Although much has been said in favour of sub-division, it has had a number of serious negative consequences in many areas that were previously group ranches. These include an increase in landlessness among the Maasai as land is sold with little awareness of the consequences this will have on people's livestock rearing livelihoods. For example, some new Maasai landowners in Kajiado have agreed to sell land (with a thumbprint on the transfer form) but do not understand that they are legally giving away their rights to their land. To many Maasai, particularly the less well educated, land does not have a value in the sense of western capital values - to most of them, no one can lay an absolute claim to what they deem as "God's land"<sup>75</sup>. Even as group ranches are in the sub-division process and registers are being compiled, it has not been uncommon for non-members to find a way to be allocated parts of the group land. The story of Mosiro group ranch, where almost half of the people allocated land were non-members illustrates this point. It took the intervention of the Vice-President and other high-ranking government officials to nullify the allocations.

Most importantly, the ecological factors that informed the design of the group ranches concept in the 1960s have not changed. The lands are as arid as before and the need for wider access to pasture persists. The reality is that sub-division in arid areas has led to serious ecological degradation including increased overgrazing and erosion.

### **B.3.7 Land reform and the future for group ranches**

This section examines the likely impact of ongoing land (law) reforms on group ranches.

The need for land law reform in Kenya has been widely recognised. Existing land law is based largely on colonial systems of tenure that are seen to be the root cause of many land related problems in Kenya today. As a result, the government of Kenya established the Njonjo Land Commission with a mandate to identify the problems regarding land and recommend solutions. The Njonjo Commission, as it is commonly known, has still to complete and publish its work. However, in the meantime, the Constitution of Kenya Review Commission has been established and has moved forward swiftly in a process to gather and collate views from Kenyans on how the current national constitution should be changed and improved. The draft constitution lays out some general principles on land, including that all land belongs to the people of Kenya, classification of land as public, private or commons.

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<sup>75</sup> Isaac Lenaola, Hadley H. Jenner and Timothy Wichert, Land Tenure in Pastoral Areas, in *In Land We Trust*, Supra, p250-251.

Public land is to be clearly delineated and held in trust by a new Land Commission. Private land is to be held by individuals or corporate bodies, while commons shall be vested in the community or agents thereof. The principles also grant protection to lawfully acquired land and stress the need to create an environment where land can be freely and promptly transferred without regard to gender. The draft constitution also urges parliament to enact legislation to provide for more equitable distribution of land, investigation and resolution of historical claims to land, the introduction of tax on idle and under-utilised land, and the coordination and simplification of land laws. The proposed functions of the Land Commission are summarised as: holding title to public land; periodic review of land policy and law; developing principles for the sustainable use and management of land; and exercising residual land administration functions.

It is predicted that one of the consequences of these ongoing reforms will be the demise of the group representatives system of land ownership. Since the time of President Moi's 1989 statement on group ranches<sup>76</sup>, it has been silent government policy not to register new group ranches and to phase out existing ones, replacing them with individual titles. In fact, this is in line with the original intention of group ranches: that they should be a transitional form of land tenure, leading to a system of individual land rights.

Unfortunately, it is not known what will replace the current set of land laws. Most likely however, any new land laws will at least simplify the current complexity in land law and reduce the number of acts dealing with land issues from the current ten. Important points relating to group ranches to be noted from the published draft constitution that give a hint of the future direction in land reform include:

- ▶ The emphasis placed on the need to put in place a system to ensure land can be transferred between parties easily, quickly and without undue expense. This is directly opposite to an important aim of the group representatives system: that it should be extremely difficult, if not impossible for an individual member to dispose of his share of group land. This was achieved by making it necessary for the consent of the rest of the members to be obtained before land could be sold.
- ▶ The draft constitution's principle of gender equality in the formalisation and transfer of land rights is at odds with the traditions of most pastoralist communities. Current group ranch membership is composed almost entirely of men.

The likely demise of the group representatives system of land ownership does not imply that group ranches as a unit of common land and natural resources management will disappear. In fact, in some areas of Amboseli and Kitengela where sub-division was undertaken some time ago, members have begun to form associations and other such bodies to undertake land management functions on behalf of a group of owners. Given that some of the main reasons underlying the original formation of group ranches still hold true (the extensive nature of pastoralist land use, the fragility of land in many pastoral areas and its general unsuitability for intensive agriculture), it is hardly surprising that individual landowners are finding that a form of group management is in their own best interests. The conclusion to be drawn is that any reforms of group institutions undertaken as a result of this study will be required whether the Land (Group Representatives) Act remains or not.

## B.4 The relationship between group ranches and other institutions

### B.4.1 The provincial administration

The provincial administration performs functions that may impact directly on the management of group ranch resources. First, the provincial administration is responsible for public security down to the grassroots level, with Chiefs and Assistant Chiefs being the agents of the provincial administration at the location and sub-location levels respectively. As part of their

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<sup>76</sup> See section B.2.7.

“keeping the peace” role they assist in conflict resolution in their respective localities. Secondly, it is the duty of the Provincial Administration to coordinate development activities in the districts. Last but not least, they create awareness and popularise government policies within their jurisdictions. As such, a harmonious and close working relationship the group ranch institutions and the provincial administration agencies is necessary for stability and execution of the group ranch mandate.

#### B.4.2 The Magadi Soda Company Limited

The Magadi Soda Company (MSC) controls the Magadi Concession Area (MCA) lying at the centre of the four Magadi Group Ranches. The Magadi Concession Area, covering 225,000 acres of soda lake and adjacent land, is held under a long-term lease from the government. The current lease runs until 2023<sup>77</sup>. The purpose of the company is the extraction of soda ash and other minerals from the renewable soda deposits of Lake Magadi. The lease was granted before the introduction of the group ranch system in Magadi.

Within the MCA the Magadi Soda Company has the right to all minerals. However, the MCA lease stipulates that local people have a right to graze on MCA land. Local Maasai are also allowed to take salts from the Lake for their personal use (for livestock). Commercial use of salts by anyone other than the MSC is not allowed. Permanent habitation or other development on the MCA is the exclusive preserve of the Company. The Company is careful to maintain visible demarcation of the MCA and while it appears to have a very positive attitude towards assisting the group ranches and the local community in development efforts, it is also wary of the liabilities it may have over potential activities in the MCA, such as ecotourism development.

#### B.4.3 Local authorities

Local authorities (county councils) constitute the local government system. They are established under the Local Governments Act, Chapter 265 of the Laws of Kenya. Local authorities complement the central government in the provision and administration of public services throughout the country.

The membership of any county council consists of both nominated and elected councillors, and administrative officers appointed by the government (clerk, engineer, treasurer, health officer, public health officer, etc). Councillors are elected at the time when national assembly and presidential elections are held. Nominated councillors are those councillors, not exceeding a third of the number of elected councillors, appointed by the Minister to represent the government or any special interest. As elected representatives, county councils enjoy a popular mandate from the local people and are directly responsible to the electorate for their actions.

The division of roles and responsibilities between a group ranch and a council are often unclear. Some of the powers and duties of a district council, which can overlap with group ranch powers and responsibilities, include the power for a local authority to:

- ▶ Enter into contracts necessary for the due discharge of its functions
- ▶ Acquire, hold and deal in land
- ▶ Establish and maintain woodlands
- ▶ Establish health institutions, recreation grounds, public markets and schools
- ▶ Construct and maintain roads (including the use of local materials)

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<sup>77</sup> For more information on the history and politics of the Magadi Concession Area, see File Numbers LND 30/3/4/5, Reconstruction of Magadi Soda Company: Leases (General) and 5682/12. Vol.1, Native Land, Leases, Maasai Native Land Unit and Magadi Soda Company. See also Deed of Lease between the Crown Agents for the Colonies (of Kenya) and Magadi Soda Company Limited dated 20<sup>th</sup> March 1928. Hansard 30 July, 1953, Reply of Sir Charles Mortimer, Member for Health Land and Settlement in reply to a question by J.M.O. Tameno, Leg. Co. Question No. 93, July, 1953.

► Administer and manage trust land

The final point above refers to the power local authorities have over trust lands. Trust land is defined in the current Kenya Constitution, Chapter 9, Section 142 as, “that land formerly known as native reserve which before independence was vested in the Native Land Trust Board for the benefit of the nation”. After independence all such land (i.e. excluding areas already granted to any person or authority or set apart for the extraction of minerals) was vested in the county council in whose area the land was situated. Such land is held by the county council in trust for the benefit of the inhabitants of the locality. The council is expected to maintain any rights or interests that are vested by customary law in the residents of that area. Where group ranches were defined and created these superseded trust lands. Even on group ranch land, a county council can legally exercise the other powers mentioned and can therefore influence local development and the resource integrity of areas such as the Magadi Group Ranches.

## **B.5 Strengths and weaknesses of group ranch institutional structures**

As demonstrated in the preceding sections, the group ranch system presents various opportunities for the benefit of their members in particular and the development of range areas in general. However in most areas where group ranches were created and are still in existence very little in terms of concrete progress is noticeable. In this section of the report, we shall investigate the strengths and the weaknesses of the group ranch institutional system.

## B.5.1 Strengths of group ranch institutional structures

The concept and legislation underlying group ranches has often been criticised for its inherent failings. Doubtless, the concept and practice of group ranch natural resource management and development are not flawless, as shown in the section following. However, after more than 30 years of existence group ranches do appear, in some cases at least, to be functional. On closer analysis it appears that group ranches have a number of features that are well suited to the environmental and cultural situations in which they are found, as well as a number of flaws due to poor (or non-existent) implementation of the legislation, and some more serious inherent flaws.

One of the foremost strengths of a group ranch as an institutional mechanism is its similarity to traditional cultural governance mechanisms, but with a strong foundation in law. Groups are subject to the provisions made in the Land (Group Representatives) Act and other subsidiary legislation, giving ultimate recourse to law in situations where issues cannot be resolved by other means. Under this law, a group ranch is a corporate body with all the powers and obligations that this entails. As described below, this legislation has a number of flaws. However, the fact remains that these flaws are not so serious as to stop some group ranches from operating with relative success given appropriate support. For instance, Il Ngwesi Group Ranch<sup>78</sup> has used low level but long-term support from Lewa Wildlife Conservancy to put in place many of the provisions contained in the Act (such as development of a GR constitution). As a result the internal capacity of the GR has grown to a stage where it is now run with negligible support from Lewa and is able to distribute benefits to members accountably, report back to members on the group's financial situation, and undertake other such institutional functions.

If group ranch institutional structures are to be compared with alternatives available in Kenya such as those outlined in the section 5.2.5 a further relative strength is the firmly established and accepted nature of group ranches as institutional mechanisms and as a land tenure system. People know how group ranches operate (although they may not be aware how they are fully intended to operate) and the institutional structures are well established and grounded in local communities. They also appear to be relatively well liked in Magadi, with the proviso that the only alternative apparent to most local people is full sub-division and individual ownership.

Finally, many of the strengths of the group ranch system lie in the provisions made in the Act, many of which have never been implemented. Group ranches are generally fairly democratic, building on the consensus based traditions of Maasai decision-making and leadership. At general meetings all members have the right to speak. Through voting at general meetings, members are able to control the strategic decision-making of the group ranch. Officers of the group are elected. However, in practice such democratic control is sometimes sidelined by the ability of Executive Officers to avoid holding general meetings if they fear their power is

### Key strengths:

- ▶ Strong legal basis - governed by the Land (Group Representatives) Act
- ▶ Are corporate bodies – they have the necessary powers to undertake commercial and other activities
- ▶ Well established and generally accepted on the ground
- ▶ Legal provisions exist for GRs to be relatively democratic
- ▶ Legal provisions exist for GRs to be managed efficiently on behalf of members
- ▶ Legal provisions exist for GRs to be relatively transparent and accountable
- ▶ Allow for member participation and policy control
- ▶ Are relatively effective in areas where appropriate support has been provided

<sup>78</sup> See section 3.1.

threatened. Further, the membership of the group ranch does not constitute the community – young men, women and others are effectively sidelined from decision-making processes because they are not members of the group ranch.

GRs are a unique institutional mechanism because they attempt to combine democratic features, similar to that of a society or association with those of a streamlined (sometimes termed representative) organisation like a company or trust. The Group Representatives (in practice usually the same people as the GRC) represent the membership, much like a Board of Directors is concerned with the interests of shareholders in a company, or trustees are entrusted with assets in the interest of a larger community in the case of a trust. Such streamlining features are intended to facilitate the clear, decisive decision-making and action that is required to manage natural resources or undertake commercial activities effectively.

Provisions for accountable and transparent management are also made in the Land (Group Representatives) Act. Specifically in the area of financial management, the Act is clear on the requirement that the GRC Treasurer maintains books of accounts and presents the same to the membership of the GR at annual general meetings. Records such as the minutes of meetings, plans and correspondence are also supposed to be looked after and made available for inspection by the GR Secretary to all members. In Magadi at least, evidence of these provisions being followed in practice is lacking.

## B.5.2 Weaknesses of group ranch institutional structures

Group ranches as an institutional mechanism for land and resource management have been increasingly discredited over recent years. Poor accountability, human resource limitations and poor coordination with other organisations are examples of the primary problems in many group ranches. However, as outlined in the section above, many such issues are not necessarily inherent problems with the group ranch system, but rather have come about because of weak support for the establishment of functional group ranches by government and other agencies. One small example of this is the lack of guidance on what basis GRC members should be elected. The Act makes no suggestion that GRC members should be literate or possessing of certain qualifications. These types of detailed provisions were probably intended to be included in GR constitutions. However, most group ranches have never developed their own constitutions. To be effective in pastoralist areas where education has always lagged behind, any new natural resource management regime was always going to need a large amount of education and support. In many areas, such as Magadi, this type of support has never been forthcoming.

### Key weaknesses:

- ▶ Not truly democratic
- ▶ Not truly streamlined
- ▶ Overlapping mandates with other institutions
- ▶ Weak incentives and motivation
- ▶ Weak and limited mechanisms for enforcing decisions

However, a number of more inherent flaws in the group ranches concept and specifically in the provisions of the Land (Group Representatives) Act certainly exist. It is these weaknesses that this section aims to highlight.

As mentioned in the section above, group ranches were intended as a halfway house between an institutional mechanism that allows for democratic control (like an association) and an organisation governed by a small group on behalf of a larger group (like a trust). Unfortunately, this mix appears to have caused confusion, disenchantment, lack of responsibility for decision-making and a lack of focus. GRs are not truly democratic because they do not allow every member of the community (of voting age) to become a member of the group. Since the Magadi GRs were established, women have not been allowed to become members, except in exceptional circumstances. Similarly young men, often the most

educated people in the community, cannot become members until they inherit membership from an older relative who passes away. In Ol Donyo Nyoike GR the membership list is closed so that no new member may join except by direct inheritance. Such situations are not uncommon as each expansion of the membership register means that each individual's stake is proportionally reduced. Democracy is further reduced by the fact that a GRC member may stay in office for as long as he wants.

Neither are GRs truly streamlined organisations in terms of governance structures. GRCs must refer all major policy decisions to a general meeting of the group requiring a quorum of 60% of the members to be present. Such provisions do make quick and/or decisive decision-making very difficult. This set up also makes maintaining unity among the members of the group more difficult. The confused mix of democratic features and 'streamlined' features is well illustrated by the example of group ranches that took out loans. In many GRs development capital loans were secured by the GRC and used to install livestock development facilities (e.g. water sources). However, responsibility for maintenance of such facilities has been lacking in almost every instance. Inevitable breakdowns left group members with worthless infrastructure and a debt they were all equally liable for, despite the fact that they may not have wanted to take a loan, and may not have benefited from the loan.

Another factor causing confusion within group ranches is the fact that many GRs have overlapping mandates with other institutions. Perhaps foremost of these in Magadi is the overlapping and confused division of responsibilities between the GRs and the local authority. Among other responsibilities the Local Governments Act specifies that local authorities are responsible for establishing health institutions and schools, constructing and maintaining roads, maintenance of woodlands and management of trust land (i.e. land which has no title holder). Confusion can and does arise as to who is responsible for some of these important development activities on GR land, often with the result that little action or investment is made by either party, or in conflict between them.

For the group ranch system to work members are expected to contribute time and resources for the benefit of the group. Likewise the GRC/Group Representatives are expected to manage the affairs of the group on behalf of the members for no specific individual benefit. Although most GR members and GRCs in Magadi are very generous with their time and resources the amount of time and resources that the Act presumes members and GRC members will make is out of line with normal incentives. For instance, the job of an accountant or finance officer in a company is similar to that expected of a GR Treasurer and both positions require a commitment of time and effort that is likely to be that person's main activity. However, a GR Treasurer is expected to undertake these duties without any pay or recompense. In this regard, the provisions of the Act are somewhat idealistic and utopian.

Finally, the Act has only weak provisions for enforcing the decisions or rules of the GR. This leads to situations where influential members of the community are able to disregard rules and procedures for their own benefit and often to the detriment of the other members and the authority of the GRC.

One researcher summarised the weaknesses of the group ranches thus:

*Even though the ranch committee is assumed to represent the collective interest of the members, in actual fact this has not worked that way. The committee members face pressures from age-set and clan affiliation both within and without the ranch and are variably subject to the regional and national political pressures according to their own beliefs and ambitions<sup>79</sup>...there is, thus, a tendency for the committee not to meet; or if it meets to deal in non-controversial generalities; or if it addresses specifics, to be unable to reach a conclusion; or if it reaches a conclusion to be unable to enforce it.*

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<sup>79</sup> This refers to the mix of democratic and representative features that is a defining characteristic of group ranches.



## B.6 Legal options for natural resources management in Magadi

A legal structure for an organisation is useful because it provides a means for defining how an organisation will operate so as to achieve its objectives. Ultimately such structures are a stable foundation that can help in the event of conflict, can be used to build the credibility of an organisation, and that help create a group of people furthering defined interests that may be distinct from the interests of individuals members.

The Kenyan legal system offers a wide array of alternative and/or additional institutional models with potential for use in the management and development of natural resources in pastoral areas. The models range from informal (in terms of law) groups such as Self Help Groups to more sophisticated structures such as incorporated companies. Different structures are suited to different circumstances. Depending on its legal structure, an organisation may or may not be able to raise money from donors/charitable sources, employ staff, own land or other property, involve people outside the main governing body in decision-making, undertake enterprise and make a profit, etc. What often determines the choice of structure is the level of education in the group, the group's objective, where finance will be sought from, etc. Thus while forming a Self Help Group may be appropriate for a group wishing to undertake small projects like rearing chickens, other structures would be needed to enter into a partnership with an ecotourism investor. For group ranches considering the usefulness of alternative or additional institutions to help improve natural resources management and development, the challenge is to balance the realities of each alternative in order to select a framework that will improve the management of group ranch areas for the benefit of their membership.

In the following paragraphs, each of the main alternative/additional institutional structures is described and evaluated beginning with informal associations and ending with the more sophisticated company models. This however, should not be taken to suppose any order of preference. Equally, it is important to note that the utilisation of any of these institutional structures does not mean that the group ranch structure would be redundant. Rather, if any alternative/additional mechanisms are chosen, it is likely that the group ranch structures would need to be strengthened to work alongside any newly established structures.

### B.6.1 Self Help Groups

Self Help Groups (SHGs) are small, grassroots driven development groups that have become an increasingly popular mechanism for bringing people together to undertake small-scale, tangible development initiatives such as the construction of water facilities and dispensaries, road repairs, and for undertaking micro-enterprise such as basket-making or wood-carving.

SHGs are easy to set up and register which is one of the primary attractions for many communities. An SHG is registered with the district office of the Department of Culture and Social Services under the Ministry of Home Affairs, Culture and Social Services. There is no Act of Parliament governing the registration procedure and as a consequence SHGs operate on a weak legal foundation. Members of a locality wishing to establish an SHG hold a meeting in which a governing committee is appointed. The committee then applies to the district for registration. The procedure requires that the applicant group fill in a form and submit it together with the group's constitution and a list of members and office bearers. A registration certificate is then issued. This certificate confers legal authority on the SHG to conduct its business including interaction with government agencies, non-government organisations and private sector players. For instance, commercial banks ordinarily recognise SHGs for the purpose of opening and managing an account under the group's registered name. Donor organisations usually recognise SHGs for funding purposes. However, registration does not confer corporate personality on an SHG. This means that an SHG remains a group of individuals rather than an entity that is distinct from its members. As such, an SHG cannot hold assets such as land, it cannot employ people and the members are personally liable for any debts or commitments entered into on behalf of the SHG. There are no specific legal sanctions for dealing with errant members of a group and the success of SHGs springs from the member's hope of benefit from the intended project and social pressure from group members. The closely-knit nature of most SHGs usually prevents these issues becoming major problems for SHGs provided that the group does not go beyond the limitations of the SHG structure.

#### **Key strengths:**

- ▶ Easy to register and manage
- ▶ Good structure for member participation
- ▶ Can be accountable
- ▶ Usually formed around a popular mandate
- ▶ Suited to pastoral culture emphasising strong community ties

#### **Key weaknesses:**

- ▶ Weak legal basis
- ▶ Not a corporate body
- ▶ Poorly defined structures for financial management
- ▶ Weak internal control/ legal sanctions
- ▶ Lengthy decision-making processes

An SHG institutional model is therefore appropriate for community-based management and development of natural resources in a small<sup>80</sup>, socially cohesive and stable community of people. SHGs small size means that every member can be directly involved in the affairs of the group. This usually serves to enhance accountability and transparency in SHG activities.

SHGs are not so appropriate for larger groups, with a more diverse cultural and social background. Decision-making process can often be protracted due to the high level of member involvement. In the event of serious disputes, traditional community-based resolution mechanisms are normally employed. The informal nature of SHGs can result in a lack of proper procedures for managing group finances.

SHGs are likely to remain a popular mechanism for undertaking small-scale, localised development initiatives in Magadi. SHGs lend an air of credibility and organisation to local groups that can help enormously in their efforts to raise funds and undertake development initiatives. However, their role in any larger institutional framework for natural resources management and development at the group ranch level or inter-group ranch level is likely to be limited by the factors described above.

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<sup>80</sup> Most SHGs in Magadi have between ten and fifty members.

## B.6.2 Societies and associations

Societies<sup>81</sup> and associations are bodies of people with common objectives or interests registered under the Societies Act, Chapter 108 of the Laws of Kenya. Typically, societies or associations might be political parties, churches, welfare associations, clubs, etc. Pastoral communities in some areas have formed societies or associations as a mechanism for facilitating natural resource management and development.

The process for establishing an association or society is quite complex. First the proposed society, comprising a group of ten or more people, must apply to the Registrar of Societies, based in the office of the Attorney General in Nairobi. No provision exists for registering societies at the district level thus making it difficult for community-based organisations to register without trouble and expense. In making an application, a group must specify their objectives and the rules or regulations that will be used to govern the organisation. Organisations with a wide range of objectives may register as a society. However organisations that may not register as societies include companies, partnerships formed for profit-making purposes, cooperative societies, schools, banks, etc. The registration process is characterised by overwhelming bureaucracy. As a consequence it can take more than a year to register a society or association.

A certificate of registration under the Societies Act does no more than grant legitimacy to the actions of the society. It does not confer corporate personality<sup>82</sup>. A society may formulate bylaws, rules and regulations that are binding on the members including rules regarding membership and the sharing of benefits. Ultimately, someone who breaks these rules may be tried in a court of law. The main funding sources for societies are member's subscriptions and sometimes donor funding.

The Societies Act requires that all officials be regularly elected at an annual general meeting of the members, that books of account be kept by every society, that annual returns and accounts be rendered and filed with the Registrar of Societies, that accounts be audited and published and that the books of account and all related documents be open for inspection. These requirements are designed to secure transparency and accountability in the administration of the affairs of societies. The Act also requires every society to hold a general meeting at least once a year at which full and audited accounts should be presented to the members.

The institutional structure of societies allows for strong participation and democratic control by members. The members meet, speak and vote on all major issues affecting an association. However, free democracy in an organisation has its disadvantages. Decision-

### Key strengths:

- ▶ Has a legal foundation (the Societies Act)
- ▶ Very democratic and participatory
- ▶ Legal provisions for helping to ensure accountability
- ▶ Well suited to common interest groups and discussion forums

### Key weaknesses:

- ▶ Elaborate registration process
- ▶ Not a corporate body
- ▶ Rigid statutory requirements
- ▶ Prone to wrangles and conflicts
- ▶ Not a mechanism for generating income
- ▶ Lengthy decision-making processes
- ▶ Participation rules, not logic or rationale

<sup>81</sup> The words society and association refer to the same entity in law and may as such be applied interchangeably.

<sup>82</sup> A society or association can get around this by incorporating a board of trustees (see section B.5.5 below). The funds and property of the society can then be vested in the trustees.

making in societies takes a long time. Probably, the greatest weakness of societies is their tendency towards protracted legal and out of court wrangles, which often lead to the formation of factions within the body.

Experience of societies and associations in other pastoral areas has shown that they can be a useful mechanism for discussion and cooperation between groups and individuals with specific common interests (e.g. an association has been formed in the Amboseli-Tsavo area to formulate common policies towards tourism marketing and natural resources management, and to lobby and cooperate with government and other organisations). However, the democratic nature of societies and associations severely limits their effectiveness as executive bodies. Therefore the most likely potential role, if any, for an association or society in Magadi would be in bringing common interest groups together, such as the group ranches, in order to optimise the benefits from common natural resources management and development strategies and to represent those interests to the world outside the division.

### B.6.3 Cooperative societies

A cooperative society is a group of people who come together to further specific and predominantly economic objectives. The Cooperative Societies Act allows a society to register as a cooperative society if it has objectives that are primarily focused on the promotion of the welfare and economic welfare of its members and has incorporated in its bylaws the following cooperative principles:

- ▶ Voluntary and open membership
- ▶ Democratic member control
- ▶ Economic participation of members
- ▶ Autonomy and independence of members
- ▶ Education, training and information
- ▶ Cooperation with other cooperatives
- ▶ Concern for the community in general

Application for registration as a cooperative society is made to the Registrar of Cooperative Societies on a prescribed form together with four copies of the proposed bylaws. The process is fairly complex and can take a significant amount of time. The Act also establishes the office of the Commissioner of Cooperatives who is responsible for the growth and development of cooperatives. The government views cooperatives as a critical part of Kenya's agro-development strategy. Consequently, government officers tend to be more closely involved in the regulation of the affairs of cooperatives than is the case with societies registered under the Societies Act, which are usually left to their own devices.

A cooperative is a corporate body and its bylaws are binding on the members. To be eligible for membership a person must have an occupation or profession that falls within the category of those for which the cooperative was formed. For those cooperatives focused on agriculture or other land-based industry, a member must also be reside or occupy land within the cooperative's area of operation. This feature distinguishes cooperative societies from other kinds of societies in so far as membership is open only to persons who are within the same occupational category and location.

#### **Key strengths:**

- ▶ Strong legal foundation (the Cooperative Societies Act)
- ▶ Is a corporate body
- ▶ Highly participatory
- ▶ Act provides basis for a clear mandate and focused priorities

#### **Key weaknesses:**

- ▶ Elaborate registration process
- ▶ Lengthy decision-making processes
- ▶ Prone to wrangles and conflicts
- ▶ Line Ministry and Commissioner exercise a lot of control

Cooperative societies have traditionally been a very successful institutional model for bringing farmers together to enhance their ability to market their farm produce or purchase farm inputs. They have also been very successful in the work-place where the objectives has been to provide a mechanism for savings with a view to joint investment or to lending at a low interest rate.

The downsides of cooperatives, like societies, are mainly linked to the negative aspects of having a very participatory institutional model. Cooperatives tend to have lengthy decision-making processes and be prone to infighting and disagreements within the group. The government also tends to intervene in cooperatives and unfortunately this is not always done with the best interests of the cooperative members at heart. These factors may have a larger impact on the effectiveness of cooperatives than societies because cooperatives have predominantly economic goals and their activities usually have a strong commercial focus: commercial activities need the simplicity and focus of executive decision-making to be successful.

The main potential of cooperative societies in Magadi is in situations where individual commercial activities are managed as part of a larger economic activity. Examples of possible activities that could be run along these lines include support and marketing for livestock producers, craft makers, or a scheme to license and promote sustainable charcoal production.

## B.6.4 Non-Governmental Organisations

A Non-Governmental Organisation (NGO) is defined in Kenya as:

*A private, voluntary grouping of individuals or associations not operated for profit or for other commercial purposes but which have organised themselves nationally or internationally for promotion of social welfare development, charity or research, through mobilisation of resources.*

Obviously, this definition could encompass many other types of legal structure (e.g. associations, self-help groups, trusts, etc.). However, it appears as though the Act's provisions are targeted at any body or institution that does not fall squarely within the definitions of the other Acts described, but is undertaking charitable work. It is particularly targeted at international charitable organisations working in Kenya.

The Act establishes the Non-Governmental Organisations Coordination Board headed by an executive director. This board's core function is to oversee NGOs including the maintenance of information on Non-Governmental Organisations and their activities in Kenya.

For an organisation to apply to become an NGO, a registration application must be submitted to the executive director. This should specify the:

- ▶ Names of the chief officer and other officers
- ▶ Registered office and postal address

### Key strengths:

- ▶ Strong legal foundation (Non-Governmental Organisations Co-ordination Act)
- ▶ Is a corporate body
- ▶ Tend to be independent and free from political influence

### Key weaknesses:

- ▶ Elaborate registration process
- ▶ Centralised decision-making
- ▶ Tend to be donor dependent
- ▶ More accountable to donors than beneficiaries
- ▶ Tend to have a relationship of mistrust with government agencies especially Provincial Administrations
- ▶ Have clear legal mandate but may lack popular mandate

- ▶ Sector in which the organisation proposes to work
- ▶ Location of proposed activities
- ▶ Proposed annual budgets
- ▶ Duration of activities
- ▶ Sources of funding
- ▶ Organisation's national and/or international affiliation and certificates of incorporation, if any

Each application must be accompanied by a certified copy of the constitution of the proposed NGO and the fees prescribed by the Minister. Upon registration the NGO is issued with a certificate and is by law a corporate body. The board has discretion in the registration of NGOs, although an appeal can be made to the Minister whose decision is final. All NGOs are required to join the Kenya National Council of Voluntary Agencies whose business is to encourage the adoption of a code of conduct for the self-regulation of NGOs.

NGOs face a number of limitations as alternatives for group ranch management. To begin with, NGOs are not membership organisations *per se* and ill fit community groups that need to be member based. Their registration process is protracted as the board sits only once in every year to consider applications. Failed applications are reconsidered after the lapse of another year. NGOs can attract significant funding from the donor community. However, this can engender a sense of working towards the objectives of the donor, rather than the objectives of the intended beneficiaries. In fact, NGOs do not work under any legal requirement to consider the views of those they are intended to benefit. Although the government has in practice tried to be strict with NGOs this has not fostered accountability. Of course, NGOs are intended for charitable purposes only and are not suitable for commercial purposes.

Nevertheless, due to their enormous funding potential NGOs have become an extremely popular means to attract funding to, and organise, local community development.

## B.6.5 Trusts

A trust is a small group of people called trustees who are appointed to act in the interest of a larger group called the beneficiaries. This interest should be philanthropic (non-commercial) in nature. A trust is established when a founding individual or organisation (the founder) gives specified property and/or resources to the control of a group of trustees. The agreement between the founder and the trustees that lays out the objectives, powers and responsibilities (administrative rules) of the trust is called a trust deed.

A trustee, as the name implies, is in a position demanding integrity and should never seek to obtain any private benefit from trust property. A trustee does have the right to incur expenses in the management of the trust, but the trustee is liable for all unauthorised investments (i.e. those investments not agreed between the trustees). The beneficiary of a trust possesses an "equitable" but not a "legal" right to receive benefits and enforce the obligations of the trust. This means that fairness and equity demand that the beneficiaries receive the benefits due to them according to the trust deed. However, because the trust deed is drawn between the founder and the trustees, the beneficiaries have no recourse to law if they feel aggrieved, except through the trust founder.

Two pieces of legislation deal with trusts in Kenya: The Trustee Act and the Trustee (Perpetual Succession) Act. A trust created under the Trustee Act does not confer corporate entity on the resultant trust. The trustee hereunder is in his individual capacity and where he ceases to be a trustee, the trust also ceases. On the other hand a trust registered under the Trustee (Perpetual Succession) Act creates a corporate body with all the powers to own property, employ people, etc. that this entails.

Trusts are an extremely flexible mechanism for managing property and resources for specified non-commercial objectives. The core of this flexibility lies in the ability of the founder and the trustees to design the trust deed to suit their ends. Thus, while there is little compulsion according to the basic law for a trust to consult beneficiaries on management matters, or to manage funds in a manner that is transparent and accountable to beneficiaries, the trust deed can be designed to encompass these elements if the founder and trustees deem them desirable. Similarly, trusts are normally very efficient decision-making bodies because they are not compelled to seek the views of beneficiaries, unless this is specified in the trust deed. A trust can co-opt knowledgeable and experienced persons to act on behalf of the board of trustees. In addition, because of their philanthropic character, trusts enjoy certain tax exemptions.

The downside of this flexibility and the lack of government regulation is that trusts have a number of serious dangers in terms of accountability that can befall them if they are not adequately addressed in the trust deed and by having a mix of trustees that are able to ensure that the trust is not being mismanaged.

The trust institutional model has been successfully employed in similar pastoral areas to Magadi<sup>83</sup>, either as a mechanism for cooperation and collaboration between group ranches, or in place of group ranch institutional structures in areas where land is held in trust by county councils. In some areas they are also now being utilised alongside GR structures as a mechanism for natural resources management and for handling revenues. This can help overcome some of the accountability and capability problems in GRs because they can co-opt trustees from other organisations and hence ensure better informed decision-making and greater accountability. This can also be used to ensure that the dividends of ecotourism or other such activities are shared between the entire community (young and old, men and women) rather than just group ranch members.

#### **Key strengths:**

- ▶ Registered under the Trustee Act/Trustee (Perpetual Succession) Act
- ▶ Can be accountable
- ▶ Is a corporate body
- ▶ Allows co-opting of independent/ expert trustees
- ▶ Tend to have a clear mandate and focused priorities
- ▶ Certain tax exemptions
- ▶ Relatively decisive and quick decision-making
- ▶ Very flexible (can be designed to suit needs)

#### **Key weaknesses:**

- ▶ Elaborate registration process
- ▶ Tend to have centralised management/ minimal participation of beneficiaries in decision-making
- ▶ Not representative/ membership based
- ▶ Ultimately accountable to founder not beneficiaries
- ▶ Weak government regulation can increase chances of mismanagement

### **B.6.6 Companies limited by shares**

Companies limited by shares are a legal structure for groups that wish to pursue profit-making enterprises. All companies in Kenya are established under the Companies Act.

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<sup>83</sup> See section 3.3.

The legal procedures for establishing and operating a company in Kenya are demanding compared to many other legal structures for organisations. Application for incorporation of a company is made to the Registrar of Companies and must be accompanied by the company's proposed constitution called the Memorandum and Articles of Association. This is usually prepared by a lawyer and gives a general overview of the purposes for which the company has been established and the powers of the board, shareholders, etc. Ongoing requirements for operating a company include submitting returns of financial and other information, and when profits are made, to pay taxes on those profits.

Each shareholder contributes to the share capital of the company. The cash or assets thus contributed are the limit of the liability of that shareholder. Therefore if the company goes bankrupt, shareholders are not liable to pay the companies' debtors beyond their original contribution. It is thus a suitable mechanism for engaging in risky commercial (profit making) ventures.

All companies are corporate bodies able to own land and property, employ people, to enter into contracts, to sue and be sued, etc. All types of company may also be formed as either public or private companies. The main difference between a public and a private company relates to how shares may be transferred. In a private company shares may not be freely transferred and the maximum number of members is 50. In a public company shares may be freely bought and sold between people resident in Kenya and there is no limit to the number of people who can be members. However, even for a public company, special provisions can be made by the directors to restrict who is eligible to own shares.

Companies limited by shares are only appropriate for enterprises that intend to make profits. For this purpose, there really is no contest between a company limited by shares and the other legal structures described in the section above. The ability of the members to limit their risk, make and execute decisions efficiently, but still with some member involvement in the policy-making of the company, and the strong provisions for ensuring accountability make the company model very attractive to pastoral community groups wishing to earn income.

The problems with companies limited by shares for pastoral community groups centre largely on the difficulty of establishing and operating a successful company with severely limited knowledge and experience of business and how companies operate. Once established, companies have to generate enough revenue to cover costs at an absolute minimum otherwise they will be wound up! However, these issues can be addressed in pastoral circumstances by bringing in an external partner to a company who can contribute the necessary items for starting an enterprise that are not to be found locally – usually finance and skills/experience. Of course any such partner or investor will expect a reasonable say in how the company is run and a return for his financial investment. An excellent example of this type of partnership can be found in Shompole GR in the Maa O'leng Company<sup>84</sup>.

#### **Key strengths:**

- ▶ Registered under the Companies Act
- ▶ Is a corporate body
- ▶ Strong regulation tends to increase accountability
- ▶ Allows co-opting of independent/ expert board members
- ▶ Strong profit motive
- ▶ Tend to have a clear mandate and focused priorities

#### **Key weaknesses:**

- ▶ Elaborate registration process
- ▶ Strict (statutory) administrative requirements
- ▶ Difficult to attract donor funding
- ▶ Not suitable for organisations with broad mandates

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<sup>84</sup> See section 1.3.8.



## B.6.7 Companies limited by guarantee

Companies limited by guarantee are very similar to companies limited by shares. However, instead of the liability of individuals being limited to the amount of share capital they contribute, a company limited by guarantee's liabilities are guaranteed by members up to an agreed limit. This is normally a nominal sum of around Ksh 200/-. Consequently, companies limited by guarantee can only be established for non-commercial purposes and are not permitted to undertake risky commercial enterprises.

This is a very important difference and one that makes companies limited by guarantee suitable for quite different purposes from a company limited by shares. In fact the advantages and disadvantages of a company limited by guarantee for groups in pastoral situations are perhaps more similar to those of trusts, except that companies limited by guarantee are more heavily regulated by government (likely to encourage accountability, but uses resources and needs skilled/experienced personnel) and usually have a greater degree of member participation (better for involving community members in decision or policy making, but likely to introduce less efficient decision-making. Companies limited by guarantee may also be able to benefit from certain duty exemptions, like trusts.

### **Key strengths:**

- ▶ Registered under the Companies Act
- ▶ Is a corporate body
- ▶ Strong regulation tends to increase accountability
- ▶ Allows co-opting of independent/ expert board members
- ▶ Can attract charitable/ donor funding
- ▶ Can involve members in decision-making

### **Key weaknesses:**

- ▶ Elaborate registration process
- ▶ Elaborate and strict statutory administrative requirements
- ▶ Less efficient decision-making than trusts

## B.6.8 Summary

The table overleaf summarises, in a comparable format, the primary features, strengths and weaknesses of different legal structures for natural resources management and development in pastoral areas described above (including group ranches).

**Table 2: Summary of organisational legal structures**

<b>Parameter</b>	<b>Group ranches</b>	<b>Self Help Groups</b>	<b>Societies/ Associations</b>	<b>Cooperative societies</b>	<b>NGOs</b>	<b>Trusts</b>	<b>Companies limited by shares</b>	<b>Companies limited by guarantee</b>
<b>Governing statute</b>	Land (Group Representatives) Act	None	Societies Act	Cooperative Societies Act	NGOs Coordination Act	Trustees Act/ Trustees Perpetual Succession Act	Companies Act	Companies Act
<b>Registered &amp; supervised by</b>	Registrar of Group Representatives	Dept. of Culture & Social Services (District office)	Registrar of Societies	Registrar of Cooperative Societies	NGOs Board	Registered with Ministry of Lands & Settlement. No supervision	Registrar of Companies	Registrar of Companies
<b>Formation process</b>	Elaborate	Simple	Elaborate	Elaborate	Elaborate	Elaborate	Elaborate	Simple
<b>Corporate body</b>	Yes	No	No	Yes	Yes	Yes	Yes	Yes
<b>Legal provisions for community/ member participation in decision-making</b>	Medium	High	High	High	Low	Low	Medium	Medium
<b>Membership</b>	Yes	Yes	Yes	Yes	No	No	Yes	Yes
<b>Legislation/ supervision for financial accountability</b>	Weak	Weak	Weak	Medium	Medium	Weak	Strong	Strong
<b>Legal sanctions</b>	Weak	Weak	Weak	Weak	Medium	Strong	Strong	Strong
<b>Tax exemptions</b>	No	No	No	No	Limited	Yes	No	Yes
<b>Co-opt non-members</b>	No	No	No	No	Yes	Yes	Yes	Yes
<b>Election of board/ committee</b>	Yes	Yes	Yes	Yes	No	No	Yes	Yes
<b>Typical sources of finance</b>	Commercial income Loans	Member's investment Commercial income Donations	Subscriptions Donations	Subscriptions Commercial income	Donations Services cost recovery	Founder's bequest Donations Services cost recovery	Shareholder investment Loans Commercial income	Shareholder investment Donations Services cost recovery
<b>Typical mandates in pastoral areas</b>	Commerce Social development NRM	Small-scale commerce Social development	Forum for cooperation Representing common interests	Marketing Representing common interests	Social development Advisory Representing the	NRM Social development Forum for	Commerce	Social development NRM

<b>Parameter</b>	<b>Group ranches</b>	<b>Self Help Groups</b>	<b>Societies/ Associations</b>	<b>Cooperative societies</b>	<b>NGOs</b>	<b>Trusts</b>	<b>Companies limited by shares</b>	<b>Companies limited by guarantee</b>
	Governance				unrepresented	cooperation		

# Annex C: STUDY TOUR OUTPUTS

## C.1 Introduction

From 16<sup>th</sup> to 21<sup>st</sup> July 2002, 20 Magadi community representatives (4 women and 16 men) went on a study tour to various locations in Narok, Laikipia and Samburu districts. The group was kindly hosted by Koiyaki Lemek Wildlife Trust, Koiyaki Campsite Owners Association, Il Ngwesi Group Ranch and company, and Namunyak Wildlife Conservation Trust. Thanks are extended to them, and to Lewa Wildlife Conservancy and African Conservation Centre, who provided additional logistical support.

The tour had two main objectives:

1. To give leaders and representatives from Magadi an opportunity to visit and hold discussions with a variety of organisations that are working under similar circumstances and that have managed to achieve noteworthy success in natural resources management and development.
2. To identify key institutional features of these success stories and key lessons for the future development of a strengthened institutional framework in Magadi.

Through a great deal of hard work during the period of the tour, participants achieved these objectives. The main outputs deriving from the tour are presented in the sections below.

## C.2 “Success factors” of pastoralist community organisations

From the extensive analysis of the situation in Magadi and experience of community groups in other areas, CDC developed a list of some of the most important factors that underlie the success (or failings) of group ranches or similar community-based organisations in Magadi and elsewhere in Kenya. During the study tour this list was extensively adapted and developed by the representatives from Magadi according to the practical lessons that they saw firsthand. The adapted list is presented below.

### **Successful group ranches and similar community-based organisations...**

*Work through systems of governance and cooperation that...*

- ▶ Have clear and widely understood institutional objectives and powers
- ▶ Keep management and political roles as separate as possible
- ▶ Help maintain unity amongst the community and the management team
- ▶ Are led by local people with vision and integrity
- ▶ Encourage institutional “ownership” by local people
- ▶ Are part of a collaborative network of supporters and partners
- ▶ Have effectively enforced by-laws
- ▶ Have clearly defined individual roles and responsibilities
- ▶ Have the ability to co-opt non-community assistance and expertise
- ▶ Enable recourse to traditional and legal means for conflict resolution
- ▶ Are a legally recognised corporate body (able to enter into partnerships and contracts, employ people, own land and resources, etc.)
- ▶ Are based on accepted and defined geographic and social units

## Successful group ranches and similar community-based organisations...

- Are of increasing value to the community. In particular they...*
  - ▶ Are underpinned by clear land ownership and natural resource use rights
  - ▶ Undertake social development projects/ distribute benefits according to an open and accountable scheme based on legitimate rights and priority needs
  - ▶ Help to consolidate and secure local people's customary and legal land and natural resource use rights
  - ▶ Ensure benefits are enjoyed by all legitimate members of the community
  - ▶ Work hard to create and maintain good relations and initiate information exchange with grassroots community members
  - ▶ Have a measure of community participation in policy-making at least at the highest level
- Establish administration systems that...*
  - ▶ Use financial and other resources transparently and accountably
  - ▶ Are able to make and execute decisions decisively
  - ▶ Employ professional staff on merit
  - ▶ Employ local people whenever possible
  - ▶ Build and retain internal skills and experience
  - ▶ Have established practical internal and external communication and transportation
  - ▶ Have independent mechanisms for checks and balances (e.g. independent financial control reviews, non-community board/committee members)
  - ▶ Have received long-term, largely low level support from NGOs and the private sector
  - ▶ Operate an efficient low cost management structure
  - ▶ Are improving financial self-sufficiency/sustainability
- Establish Natural Resource Management systems that...*
  - ▶ Include practical habitat and wildlife conservation measures (e.g. conservation zones, provision of water sources)
  - ▶ Are located in extensive areas with relatively low pressure to convert land to agriculture or other uses
  - ▶ Are located in areas with significant natural/wildlife resources
  - ▶ Have long and short term plans
  - ▶ Have functional security patrolling arrangements
  - ▶ Have functional systems to regulate grazing and other major natural resource use activities
  - ▶ Increase support for wildlife and habitat conservation
  - ▶ Raise environmental awareness in the community
  - ▶ Address the significant costs associated with wildlife conservation (crop raiding, livestock loss, loss of human life, opportunity costs, etc.)
  - ▶ Attempt to stop free resource access by outsiders (e.g. using community security patrols to stop unauthorised grazing)
- Create enterprises that...*
  - ▶ Generate income
  - ▶ Generate "added value" benefits (e.g. improved security, a market for craft products, etc.)
  - ▶ Work/ exist in partnership with investors and/or local private sector interests
  - ▶ Are based on a single core venture (at least to begin with)
  - ▶ Have independent (from group ranches) legal structures
  - ▶ Are accessible to markets (usually tourists)
  - ▶ Have marketing strategies tailored to their situation

## Successful group ranches and similar community-based organisations...

- ▶ Have a mixture of shared/group opportunities and individual opportunities

## C.3 Community feedback meetings

Study tour participants used their experiences to raise the awareness of the people in Magadi of the potential of their natural resources and the lessons to be learned from the areas visited. Meetings were organised and carried out by study tour participants in 12 sub-locations covering the entire Division (the meeting for Entasopia and Ngurumani sub-locations was combined). Details of the locations and number of participants at each location are shown in the table below.

Location	Sub-location	Female participants	Male participants	Total community participants
Magadi	Muarankawua	30	50	80
	Magadi	40	47	87
Ol Donyo Nyoike	Ol Donyo Nyoike	37	30	67
	Koora	32	42	74
	Losinyai	unknown	unknown	unknown
Olkiramatian	Olkiramatian	30	38	68
	Oldorko	44	79	123
	Entasopia/Ngurumani	unknown	unknown	unknown
Shompole	Oloika	“	“	“
	Lenkobei	“	“	“
	Shompole	“	“	“
	Pakase	“	“	“

General comments reported to study tour participants from the community were very positive, particularly with regard to doing similar conservation-ecotourism activities in the Magadi area as those that were noted during the study tour. Specific comments for each location are noted below.

### C.3.1 Magadi location

- ▶ Everyone at the meetings was in favour of conservation/ecotourism.
- ▶ Fears were expressed, focusing on questions about the possibility of being conned out of land, what would happen to livestock and where exactly a conservancy area might be located bearing in mind that the area is so dry.
- ▶ People said that Shompole is an excellent local example of conservation and ecotourism. They have kept their land and it is successful.
- ▶ People asked if another study tour could be organised, this time taking non-leaders and “doubting thomases”.

- ▶ The view was expressed that if a community conservancy were established they would need to discuss this with neighbouring group ranches.
- ▶ People felt that an independent committee that can include some members of the group ranch committee should implement any project, but these should not be one and the same.
- ▶ The issue of water availability was raised: there is very little water available for either people or to attract wildlife to the area. The current predominant water source – shallow pans – were criticised for drying out too quickly.

### C.3.2 OI Donyo Nyoike location

- ▶ The study tour participants were well received.
- ▶ People reported that people in Shompole are already benefiting from wildlife.
- ▶ An independent committee of ten people to run any project was suggested. 6 should be members of the community, 4 from the group ranch committee.
- ▶ People suggested that another study tour should be organised for community members, taking 10 people from each sub-location.
- ▶ People reported that those who are trapping animals are known and they will immediately be stopped.
- ▶ The biggest issue in the area was reported to be lack of water.
- ▶ Overall, people said they thought the idea of establishing a community conservancy was a very good idea. The only question is how to do it.
- ▶ Some people would like more information on what might be established, and time to think about what the impacts might be.
- ▶ Some people reported that there is a lot of poaching going on in the area known as Ngama.
- ▶ Other issues reported included the GSU chopping down trees and objection to the way that people from outside the area come to shoot birds, but do not leave any benefit.
- ▶ Eroret forest was reported to have high potential for ecotourism, with some campsites already being used.

### C.3.2 Olkiramatian location

- ▶ Generally people reported to be for ecotourism, but they had some questions.
- ▶ Olkiramatian has already set a project in motion to increase benefits from wildlife.
- ▶ People wanted assurance that they would not be conned out of their land if a conservancy was established.
- ▶ People also expressed a fear of losing pasture for livestock.
- ▶ Hope was expressed that any project would help create employment and income for social development projects.
- ▶ People requested that another study tour should be organised with participants not restricted to leaders.
- ▶ People reported that Olkiramatian has abundant wildlife.
- ▶ A view was expressed that poachers should be stopped.
- ▶ People reported that Olkiramatian already has some campsites that are being used.
- ▶ Availability of water was reported to be a big issue for many people.
- ▶ Some people expressed the view that they are very enthusiastic about some of the ideas being suggested, but the current study is going too slowly

### C.3.3 Shompole location

Shompole is in a quite different situation from the other areas, having a fully operational joint venture ecotourism company up and running. Therefore comments from this area related more to how the Shompole community overcame problems in setting up their venture.

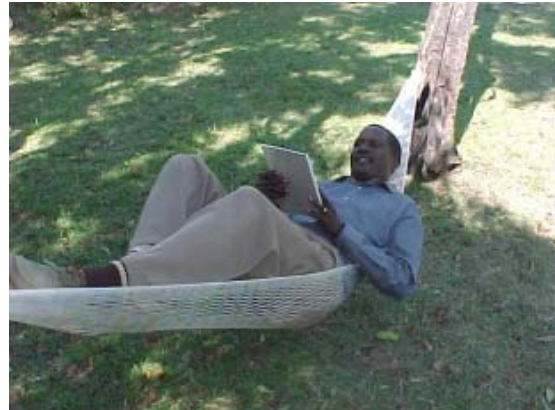
- ▶ People noted that the Maa O'leng company cannot be given donor funds because it is a commercial venture.
- ▶ It was stated that it is important that the community owns and operates any conservation area.
- ▶ It was noted that Shompole is in the process of forming a trust – people were impressed with what they heard about KLWT.
- ▶ People were particularly keen on the features of a trust that would allow them to raise funds, receive conservation fees and a share of profits from the lodge and not be liable for taxes.
- ▶ A controversial issue relating to trusts is the aspect of membership.
- ▶ People were impressed that in KLWT councillors and chiefs were not members. Rather such people acting more as arbitrators.
- ▶ Other issues the community is facing regarding establishing a trust is how the board will be elected and who to involve from outside the area.
- ▶ The Shompole Project Management Committee is independent from the group ranch and has 2 women representatives (from 12 people).
- ▶ Shompole overcame initial reluctance on the part of the community by slowly building trust with the investor. This included looking into his background.
- ▶ People reported that the conservancy agreement was also difficult to work out. They had to ensure that land was not used as security for loans and that no separate title deed was created, only a lease agreement.



### C.3.4 Study tour photographs



Meeting with the Koiyaki Campsite Owners Association



Magadi Senior Chief Sayianka tests some of the tourist facilities



Examining the swimming pool at Il Ngwesi



Visiting some of the Il Ngwesi accommodation



Discussions at Il Ngwesi



The offices of Namunyak Wildlife Conservation Trust

## Annex D: OBJECTIVES AND ACTION PLANNING

### MEETING OUTPUTS

One of the key objectives of the study tour described above<sup>85</sup> was to identify the key features of successful community natural resource management and development organisations and lessons for the future of community based organisations in Magadi. These “success factors” are presented in section C.2.

In October 2002 this list of success factors was used as the basis for a community meeting to identify and prioritise roles and functions for local organisations involved in natural resources management and development in Magadi<sup>86</sup>. The meeting involved 46 local men and women’s (11) representatives, GRC members, district and provincial administration officers, a representative of Magadi Soda Company, and other stakeholders. The objectives of the meeting were to increase understanding of the roles, functions and actions of successful pastoralist community organisations elsewhere in Kenya and identify and prioritise roles, functions and actions for similar organisations in Magadi.

Participants were presented with information from other areas including handouts detailing some of the roles/functions and major activities from successful pastoral community organisations. Then in institutional groupings, they identified roles/functions and actions that would be useful in Magadi, and discussed and prioritised the same. A summary table of the priority roles and functions identified by the community is shown in the table below<sup>87</sup>. Tables showing the priorities of each grouping as listed overleaf.

Priority in Magadi	Nominal ranking score	Role/Function
1=	9	Generate income for the community
1=	9	Help secure exclusive land & natural resource rights
3	8	Raise financial support & investment
4=	5	Undertake social development projects
4=	5	Distribute benefits & income accountably & transparently
4=	5	Plan & regulate natural resource use to ensure long-term sustainability
4=	5	Ensure community participation
4=	5	Maintain community unity and culture
9=	3	Act as a strong common voice in issues of mutual concern
9=	3	Enable the community to form partnerships with tour operators
11=	1	Enhance opportunities for additional economic activities
11=	1	Promote cooperation & coordination

<sup>85</sup> See Annex C.

<sup>86</sup> See Annex D.

<sup>87</sup> Priority roles and functions for the group ranches and other community-based organisations were identified by working groups representing Shompole and Olkiramatian Group Ranches, Ol Keri and Ol Donyo Nyoike Group Ranches, women and division wide stakeholders. The overall priorities shown in the table were then arrived at using a nominal ranking process.

*Shompole-Olkiramatian GRs working group*

**Priority Roles/functions**

- 1 Plan and regulate natural resource use to ensure long-term sustainability
- 2 Help secure exclusive land and natural resource rights
- 3 Act as a strong common voice in issues of mutual concern
- 4 Raise financial support and investment
- 5 Promote cooperation and coordination (communication, e.g. VHF radios)
- 6 Provide technical and managerial support

**Priority Major activities**

- 1 Develop an innovative constitution and bylaws
- 2 Commission feasibility studies of ecotourism and other proposed activities
- 3 Liaise with funding bodies, prepare proposals
- 4 Use a management plan to guide development
- 5 Mark boundaries on the ground
- 6 Prepare business plan to launch the business
- 7 Establish an office with good facilities and communications
- 8 Employ and train locals to work at enterprise
- 9 Carry out environmental education in schools
- 10 Supply labour and materials to build enterprise infrastructure
- 11 Hold regular meetings to discuss concerns and coordinate management policies

*OI Keri-OI Donyo Nyoike GRs working group*

**Priority Roles/functions**

- 1 Raise financial support and investment
- 2 Generate income for the community
- 3 Undertake social development projects
- 4 Distribute benefits and income accountably and transparently
- 5 Help secure exclusive land and natural resource rights

**Priority Major activities**

- 1 Develop an innovative constitution and bylaws
- 2 Liaise with funding bodies, prepare project proposals, etc.
- 3 Commission feasibility studies of ecotourism
- 4 Use a management plan to guide development
- 5 Train committee members and staff
- 6 Encourage other sustainable economic activities
- 7 Work in partnership with neighbours and tour operators
- 8 Commission appropriate organisations to undertake marketing
- 9 Maintain proper accounts
- 10 Employ professional staff for day-to-day management
- 11 Mark boundaries on the ground

*Women's working group*

**Priority Roles/functions**

- 1 Maintain community unity and culture
- 2 Help secure exclusive land and natural resource rights
- 3 Enable the community to form partnerships with tour operators
- 4 Ensure community participation
- 5 Raise financial support and investment

**Priority Major activities**

- 1 Use a management plan to guide development

- 2 Mark boundaries on the ground
- 3 Develop an innovative constitution and bylaws
- 4 Commission feasibility studies of ecotourism
- 5 Train committee members and staff
- 6 Prepare a business plan to launch the business
- 7 Liaise with funding bodies, prepare project proposals, etc.
- 8 Hold regular meetings to discuss concerns and coordinate management policies
- 9 Carry out environmental education in schools
- 10 Maintain audited accounts and records
- 11 Employ liaison officers to support community projects
- 12 Establish an office with good facilities and communication

*Division wide stakeholders working group*

**Priority Roles/functions**

- 1 Management of core ecotourism enterprise to generate income for the community
- 2 Ensure community participation and distribute benefits and income accountably
- 3 Undertake social development projects
- 4 Enhance opportunities for additional economic activities
- 5 Help secure land and natural resources rights

**Priority Major activities**

- 1 Commission feasibility study of ecotourism
- 2 Update and seek the views of the community on plans and activities
- 3 Develop an innovative constitution and bylaws
- 4 Prepare business plan to launch business
- 5 Establish an office with good communication facilities and provide technical support
- 6 Use management plan to guide development and marketing
- 7 Work in partnership with neighbours, tour operators, funding bodies and government
- 8 Provide tangible benefits (school bursaries, water supply, etc.)
- 9 Employ liaison officers and train locals to work with the enterprise
- 10 Carry out environmental education and train committee members and staff

# Annex E: BIBLIOGRAPHY AND SOURCES OF INFORMATION

## *Documents*

African Conservation Centre. 2001. *Ushirikiano*. Christmas 2001 Special Edition on Communities and Ecotourism.

African Conservation Centre. Undated. *Maasai Mara Revenue Collection Study Report*.

African Conservation Centre, Pact Kenya and Kenya Wildlife Service. 2001. *Koiyaki Lemek Wildlife Trust Organisation Capacity Assessment*.

Amboseli and Tsavo Group Ranches Conservation Association. 1995. *Memorandum and Articles of Association*.

Amman, H. M. and Kumar, A. 2001. *Land Tenure and Conflict Resolution: A Game Theoretic Approach in the Narok District in Kenya*. International Institute for Environment and Development, London and the Institute for Environmental Studies, Amsterdam.

Arid Lands Resource Management Project. 2001. Reconsidering alternative land and land based resources tenure systems in Kenya. A case for legal and policy options in pastoral areas. A memorandum presented to the Commission of Inquiry into the Land Law System of Kenya.

Art of Ventures Ltd. *Business Plan*. 2001.

ASAL Programme Kajiado. 1990. *Kajiado District Atlas*.

Ashley, C. Undated. *Monitoring and Evaluating Impact on Livelihoods, Case study of Il Ngwesi tourism lodge, Kenya*.

Asiema, J.K. and Situma, F.D.P. 1994. 'Indigenous Peoples and Environment: The Case of the Pastoral Maasai of Kenya'. *Colorado Journal of International Environmental Law and Policy*, 5 (127).

Bondi, D. O. and Mugabe, J. 1996. 'Land Tenure Systems and Natural Resource Management', in Calestous, J. and Ojwang, J.B. *In Land We Trust: Environment, Private Property and Constitutional Change*. Initiatives Publishers, Nairobi.

Cheeseman, T. Undated. *Conservation and the Maasai in Kenya. Tradeoff or Lost Mutualism?*

Community Conservation Programme – EU project Report. 2000. Draft progress report.

Conservation of Resources Through Enterprises (CORE). 2002. *Shompole Group Ranch Organisational Capacity Assessment*. Pact Kenya.

*Constitution of Magadi Division Development Programme (MADDEP)*. Undated. SARDEP.

*CORE-net*. Issues 1-4 of the Conservation Of Resources through Enterprise newsletter.

Craig, I. Undated. Transcript of a speech detailing how Lewa Wildlife Conservancy, Il Ngwesi Lodge and Namunyak Wildlife Conservation Trust were formed and their achievements to date.

Davis, R.K. 1999. *Kajiado Notes*.

Denman, D.R. 1969. *Land Use and the Constitution of Property. An Inaugural Lecture*. Cambridge University Press.

Department of Resource Surveys and Remote Sensing, Ministry of Environment and Natural Resources. 1987, 1998, 2000. Kajiado District Wildlife/Livestock Surveys.

Galaty, J. 1994. 'Rangeland Tenure and Pastoralism in Africa' in Fratkin, E., Galvin K.A. and Roth, E.A. *African Pastoralist Systems: An Integrated Approach*. Lynne Rienner Publishers, Boulder, Colorado, U.S.A.

Halpenny E. and Lash, G. Undated. *Community Ecotourism: An International Perspective with Case Studies*. The Ecotourism Society, USA.

Hopcraft, P.N. 1981. 'Economic Institutions and Pastoral Resource Management Considerations for a Development Strategy', in Galaty, J. *The Future of Pastoral Peoples*. IDRC, Ottawa.

Il Ngwesi Group Ranch. 1998. Il Ngwesi Wildlife and Cultural Conservation Support Project. Proposal to the Community Development Trust Fund.

Il Ngwesi Group Ranch. Undated. Il Ngwesi Group Ranch Constitution.

Intermediate Technology Group – East Africa. 2001. *A report on ecotourism exposure tour for Kathekani and Eselenkei communities*.

Intermediate Technology Group – East Africa. 2001. *Ecotourism Stakeholders Workshop Report*.

Isaac, L., Hadley H., Wichert, J. and Wichert, T. 1996. 'Land Tenure in Pastoral Lands', in Calestous, J. and Ojwang, J.B. *In Land We Trust: Environment, Private Property and Constitutional Change*, Initiatives Publishers, Nairobi.

Keriako, T. 1989. *The Land Group Representatives Act, A Study of the Ilkaputiei Group Ranches*. L.L.B. Thesis, University of Nairobi.

Kinyaga, S. Undated. Paper describing ecotourism activities in Il Ngwesi.

Kinyua, N., Njenga, A. and Manfred, E. Undated. The Roles of Small-Scale Crop and Fruit Tree Farming in Food Provision and Income Generation: A case-study of Nguruman – Magadi. GTZ.

Knight Piesold Ltd. 2000. *Ewaso Ngiro (South) Hydroelectric Project, Pre-Feasibility Study of Irrigating Rangeland in Olkiramatian and Shompole Group Ranches*. Report for the Kenya Electricity Generating Company Ltd.

Land Adjudication Department, Ministry of Lands and Settlement. 1970. Notices of Declarations of Adjudication Sections – Shompole, Olkiramatian, Ol Keri and Ol Donyo Nyoike Group Ranches.

Laikipia Wildlife Forum. Undated. A brief description of the organisation.

- Lewa Wildlife Conservancy. 2002. *Newsletter No. 13*.
- Lewa Wildlife Conservancy. 2001. Annual Report.
- Lewis I.M. 1975. 'The Dynamics of Nomadism; Prospects for Sedentarisation and Social Change', in Monod T., *Pastoralism in Tropical Africa*. OUP, London.
- Makau, P. 2001. *Magadi Division Environmental Assessment Report*. ITDG EA.
- Makilya, J. and Ngari, P. 2000. Lessons learned through a case study of three community wildlife sanctuaries (Namunyak, Kimana and Eselenkei). A draft report for the Conservation Of Resources through Enterprise programme.
- Mbirikani Group Ranch. 2002. Constitution Development Workshop Report.
- Mwaluganje Elephant Sanctuary. Tourist leaflet.
- Ng'ang'a A.N. 2002. *Maasai Integrated Development Partnership Project (MIDPP), Annual Report, Year 1*. Intermediate Technology Development Group, East Africa.
- Okoth-Ogendo, H.L.O. 1996. Land tenure and natural resource management: the Kenya experience. Paper presented to the Subregional Workshop On Land Tenure Issues In Natural Resources Management, Addis Ababa.
- Okoth-Ogendo, H.L.O. 1974. *Property Theory and Land-Use Analysis: An Essay in the Political Economy of Ideas*. Discussion Paper No. 209. Institute of Development Studies, University of Nairobi.
- Opiyo, D. and Muthangani, P. 2001. *Strategic planning workshop for the Lumo Community Conservation Trust*. African Conservation Centre, KEMS Industrial Consultants and CACTUS Analysis and Management Services.
- Opiyo, D. and Yowo, J. 2001. *Strategic planning workshop for the Shompole Community Conservation Trust*. African Conservation Centre and KEMS Industrial Consultants.
- Porini Resources. 2000. *Shompole: A Brief Ecological Profile of a Maasai Group Ranch in the Rift Valley*.
- Republic of Kenya. 1928. Deed of Lease between the Crown Agents for the Colonies and Magadi Soda Company Limited dated 20<sup>th</sup> March 1928 for of all that parcel of land known as L.O. No. 1026 at Lake Magadi and Lake Natron.
- Republic of Kenya. 1966. *Report of the Mission on Land Consolidation and Registration in Kenya, 1965-66*.
- SARDEP. Undated. *Poverty, Target Groups and Governance Environment in Kajiado District, Kenya: A District Analysis*.
- Seno, S.K. and Shaw, W.W. 2002. *Land Tenure Policies, Maasai Traditions, and Wildlife Conservation in Kenya*. Research note.
- Shompole Group Ranch Grazing Rules*. Undated.
- Sikinan, F. and Hakanen, R. 2001. *Biodiversity protection and sustainable options in Kisamis-Olepolos and Loodariak Ecosystem*. A project proposal for the Maasai Environmental Resource Center.

Small and Micro Enterprises Development Ltd. 2001. Various workshop and progress reports on the Conservation Of Resources through Enterprise programme.

Sunday Nation, 31 December 2000. Maasai Mara National Reserve Supplement.

Tack International. 1997. *Lake Magadi Conservation Area, Marketing Strategy and Implementation Plan*. Commissioned by the Ecotourism Society of Kenya and African Conservation Centre.

The Hansard. 1953. Sir Charles Mortimer, Member for Health Land and Settlement in reply to a question by J.M.O. Tameno, Leg. Co. Question No. 93, July 1953.

Thomas, N.W. 2000. From herdsmen to safari guides: An assessment of environmental partnerships at Il Ngwesi, Laikipia District, Kenya. Dissertation, University of Natal.

Waiganjo, C. and Ngugi, P. 2001. *The effects of existing land tenure systems on land use in Kenya today*. Paper submitted to the International Conference on Spatial Information for Sustainable Development.

Warinda, E. 2001. *A socio-economic survey and economic analysis of land use options in Shompole and Olkiramatian group ranches – Magadi Division*. African Conservation Centre.

Wildlife Management Initiatives 2002. *Keno Wildlife Conservancy, Proposed Management Plan*. Draft report.

Wildlife Management Initiatives. 2001. Ngutuk Ongiron Group Ranch Ecotourism Feasibility Study.

Wily, L. Undated. *The legal and the political in modern common property management: Re-making communal property in Sub-Saharan Africa with special reference to forest commons in Tanzania*.



## Annex F: ACRONYMS AND ABBREVIATIONS

ACC	African Conservation Centre
AGM	Annual General Meeting
AMREF	African Medical and Research Foundation
ASAL	Arid and Semi-Arid Lands programme
ATGRCA	Amboseli-Tsavo Group Ranches Conservation Association
CADC	Community Area Development Committee
CDC	Conservation Development Centre
COBRA	Conservation of Biodiversity Resource Areas
CORE	Conservation Of Resources through Enterprise
CWS	Community Wildlife Service
DFID EA	[United Kingdom] Department For International Development, Eastern Africa
DRSRS	Department of Resource Surveys and Remote Sensing
EU	European Union
FAO	Food and Agriculture Organisation [of the United Nations]
GR	Group Ranch
GRC	Group Ranch Committee
GSU	General Service Unit
ICIPE	International Centre of Insect Physiology and Ecology
ITDG	Intermediate Technology Group
KETRI	Kenya Trypanosomiasis Research Institute
KLWT	Koiyaki Lemek Wildlife Trust
KWS	Kenya Wildlife Service
LWF	Laikipia Wildlife Forum
MCA	Magadi Concession Area
MCT	Magadi Conservation Trust
MDDP	Magadi Division Development Programme
MIDPP	Maasai Integrated Development Partnership Project
MP	Member of Parliament
MSC	Magadi Soda Company Ltd.
NGO	Non Government Organisation
NRM	Natural Resources Management
NWCT	Namunyak Wildlife Conservation Trust
OCC	Olkejuado County Council
PMC	Project Management Committee
PRA	Participatory Rural Appraisal
SARDEP	Semi-Arid Rural Development Programme
SWOT	Strengths, Weaknesses, Opportunities and Threats
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
VHF	Very High Frequency
WFP	World Food Programme