

STRUCTURED SUMMARY

PERCEPTIONS OF LAND TENURE SECURITY IN PASTORAL AREAS IN MARSABIT, KENYA

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Motivation

Land tenure in pastoral areas is typically vested in the collective, where the rights of individuals and households to graze and water their animals exist alongside rights to the collective as a whole: the collective sets guides and rules for the use of resources by its members. Pressures on pastoral lands are mounting from rising population and from demand to appropriate grazing commons for other uses — including conservation areas, mining and cropping where irrigation is possible. These pressures can lead to pastoralists losing access to the graze and water they need for their livelihoods; as well as to conflict over resources.

Purpose

We aim to deepen understanding of land tenure in pastoral lands under collective ownership, taking a case from northern Marsabit, Kenya.

Methods

We studied the community of Waldaa, 550 households that reside within an area of 600 square kilometres in the north of Marsabit, close to the frontier with Ethiopia.

We used interdisciplinary, participatory methods, involving community mapping of natural resources and their management, three focus groups, six interviews with key informants, and participant observation during March 2023.

Findings

The Waldaa community has, for close to fifty years, retained rights to its land and natural resources without legal registration. Pastoralism defies permanent designation of rights: pastoralists use complex, messy, but effective patterns of access to grazing. Vulnerable groups, such as widows and orphans, confirmed that they enjoy equal rights within the group. When systems function, all claims and rights can be realised without infringing upon others, whether within collectives or among individuals.

But tenure and management of the land is challenged variously by: the Community Land Act (2016) and the drive to register community and trust lands, both collectively and individually; unpredictable weather with shorter times for wet-season grazing, putting more strain on grazing and water; and rising population and settlement. These pressures may favour the privatisation of collective lands.

Policy implications

Our findings emphasise the need to adopt community-based land governance; strengthening institutions to promote the inclusiveness of traditional governance. Changes may be necessary, but they should start with community discussion, and discussion that is inclusive.

Funded by



This material has been funded by UK aid from the UK government; however the views expressed do not necessarily reflect the UK government's official policies.