

A pastoralist herding a large group of cattle in a dry, open landscape. The scene is captured in a wide shot, showing a vast, flat plain with scattered trees in the distance. The ground is dry and dusty, and the sky is a pale, hazy blue. The herder, wearing a light-colored shirt and a wide-brimmed hat, stands on the right side of the frame, looking towards the herd. The cattle are densely packed in the center and left, with some individuals in the foreground showing their horns and tails. The overall atmosphere is one of a traditional, arid pastoralist environment.

A comparative perspective on the evolution and sustainability of pastoralist production systems

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Tegemeo Institute



Northern Rangelands Trust



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Development**



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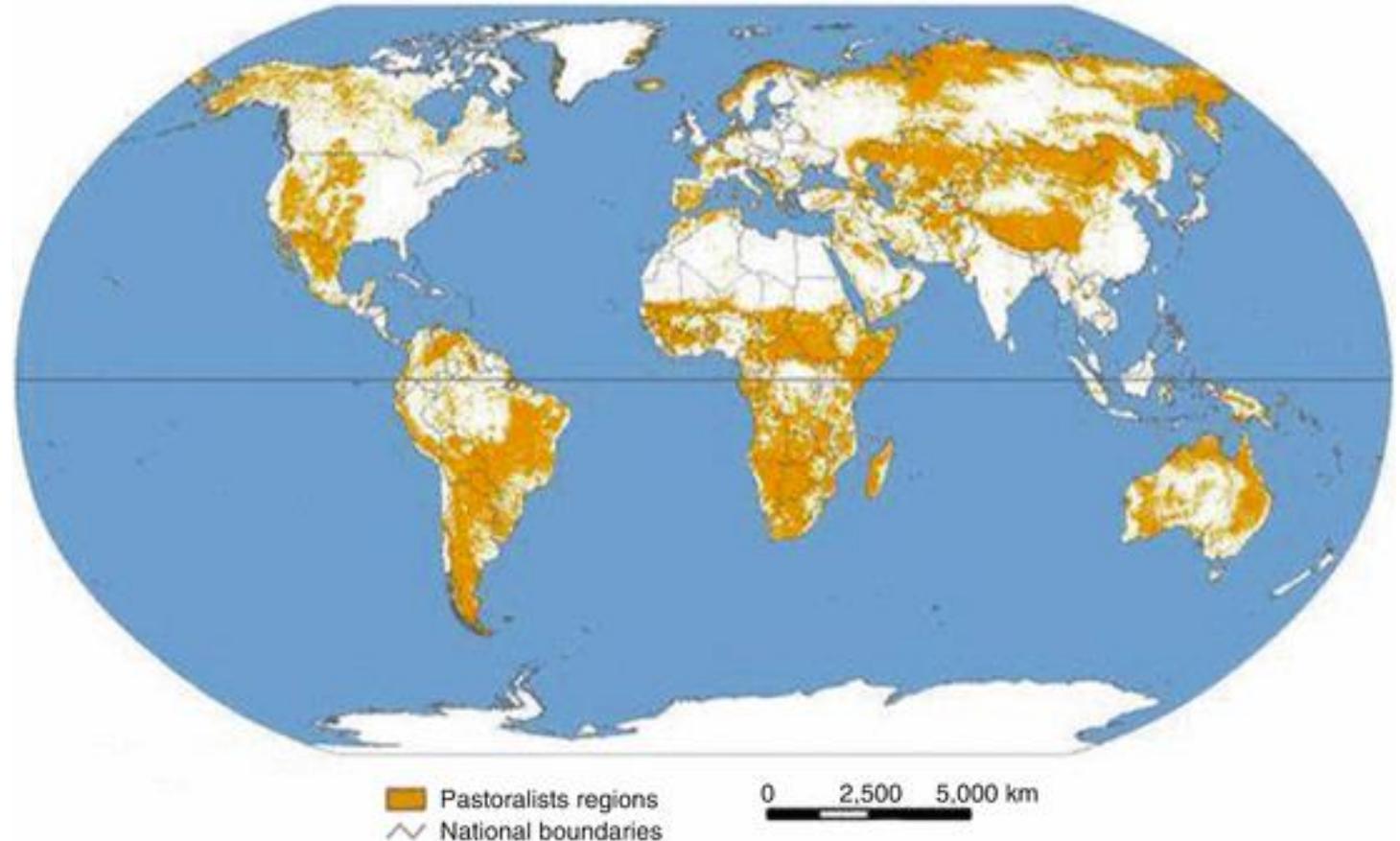
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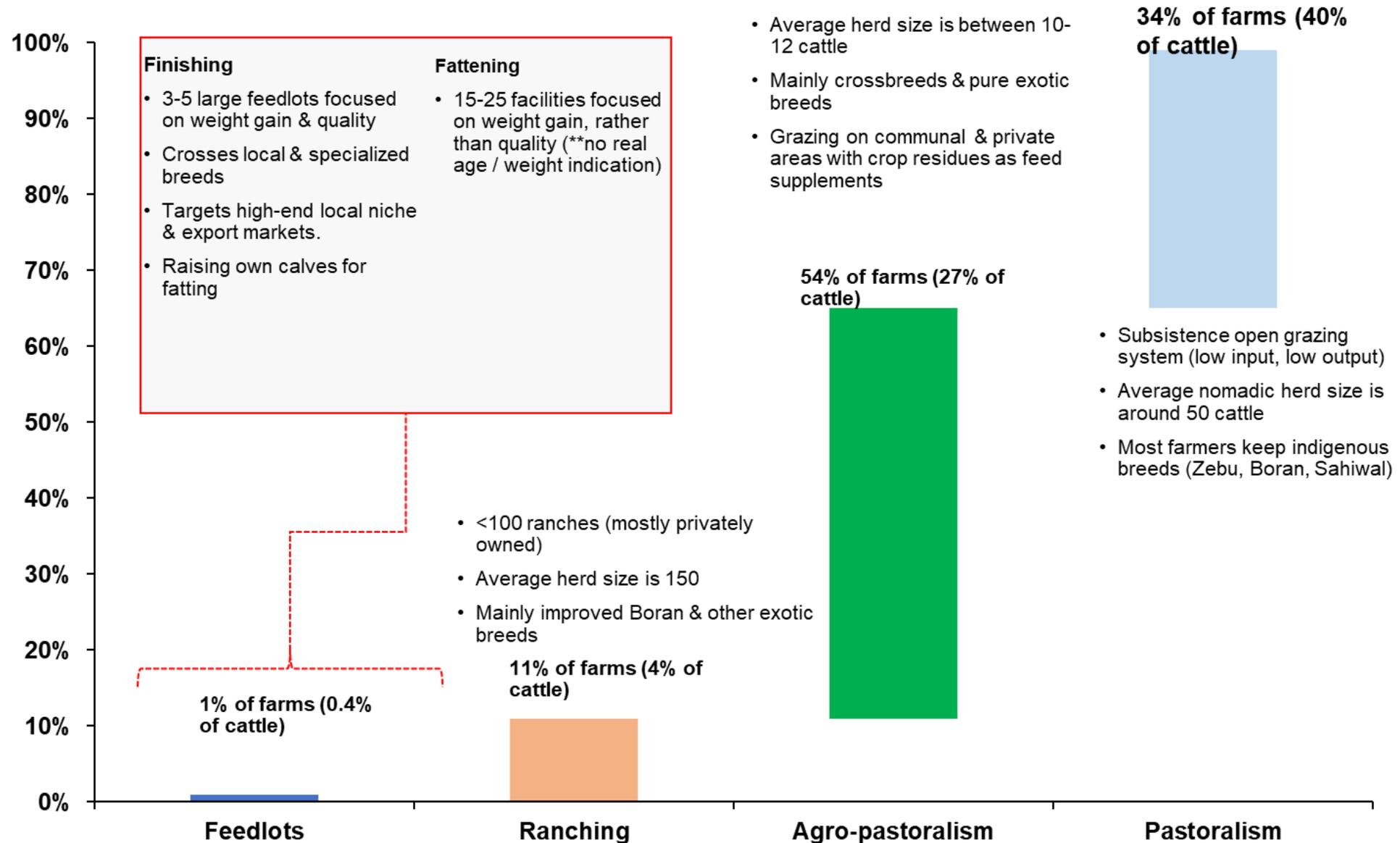
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Background

- Pastoralism – extensive livestock production system – main production systems in rangelands and drylands
 - Rangelands & drylands cover about 40% of total land surface (FAO, 2011)
 - Estimated 200-500 million pastoralists - majority live in developing countries

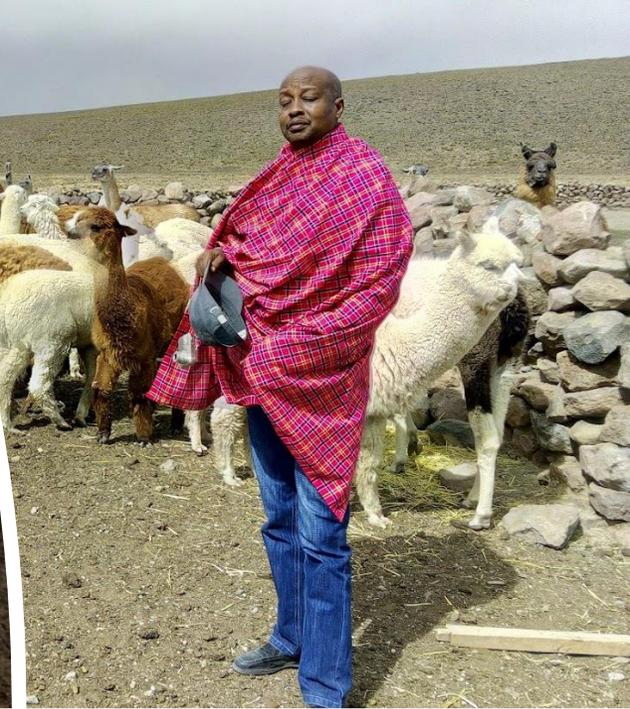


Economic value of pastoralism



Pastoralists lands
unsuitable for
'traditional
agriculture'

Arid & semi arid climatic
conditions characterized by low
rainfall and high/low temperatures



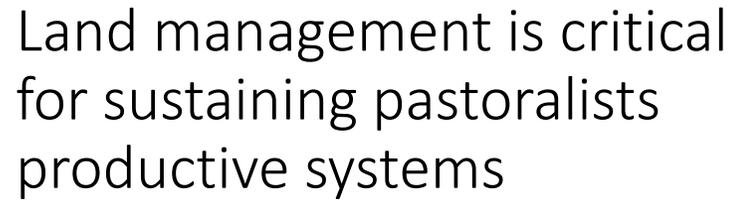
Similar characteristics in different contexts

Kenya

- Low land areas
- Low rainfall
- High temperatures
- Keep cattle, sheep, goats, camels
- Low market orientation

Peru

- High land areas
- Low rainfall
- Extreme cool temperatures
- Keep Alpacas, Llama
- High market orientation

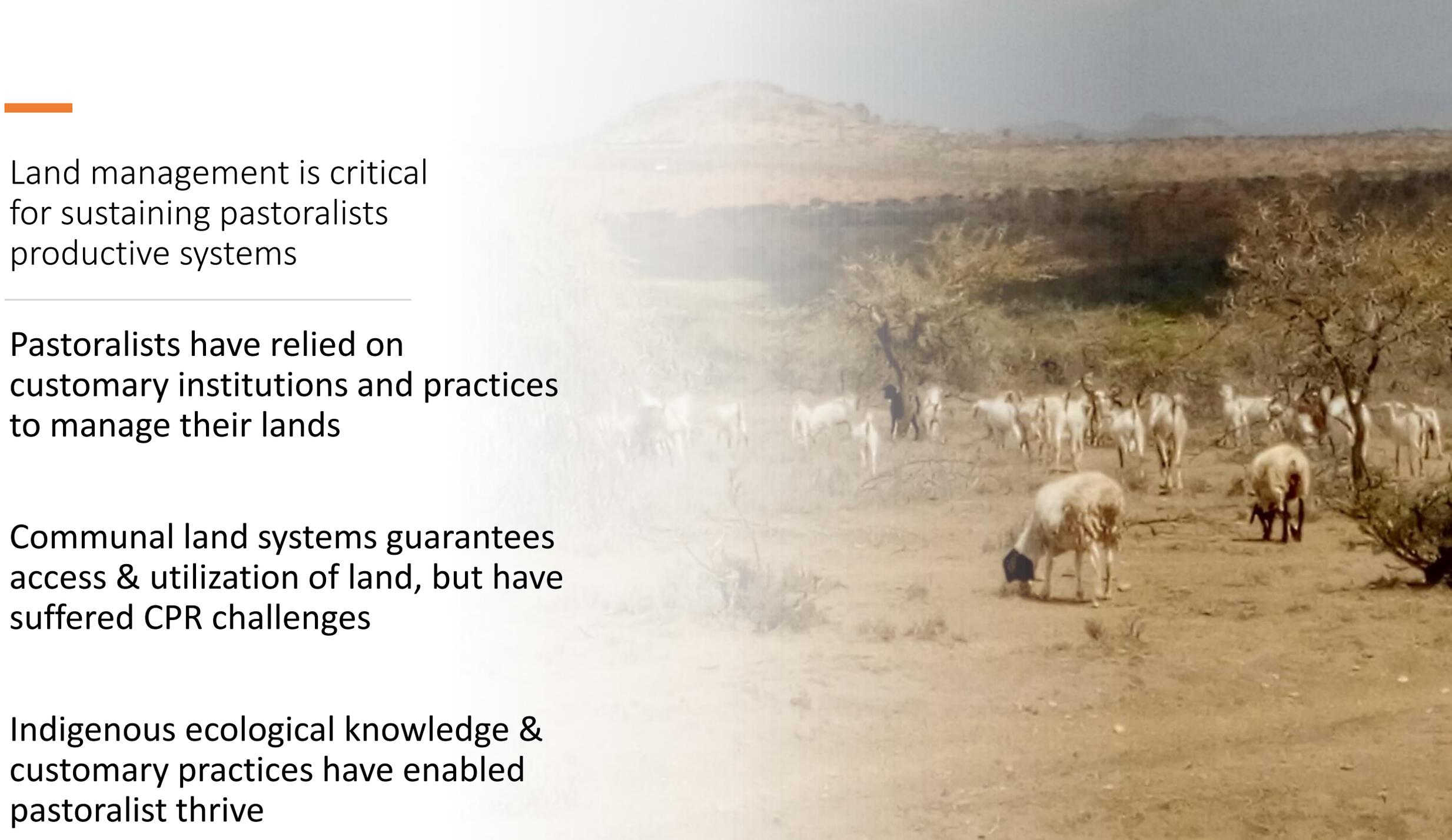


Land management is critical
for sustaining pastoralists
productive systems

Pastoralists have relied on
customary institutions and practices
to manage their lands

Communal land systems guarantees
access & utilization of land, but have
suffered CPR challenges

Indigenous ecological knowledge &
customary practices have enabled
pastoralist thrive

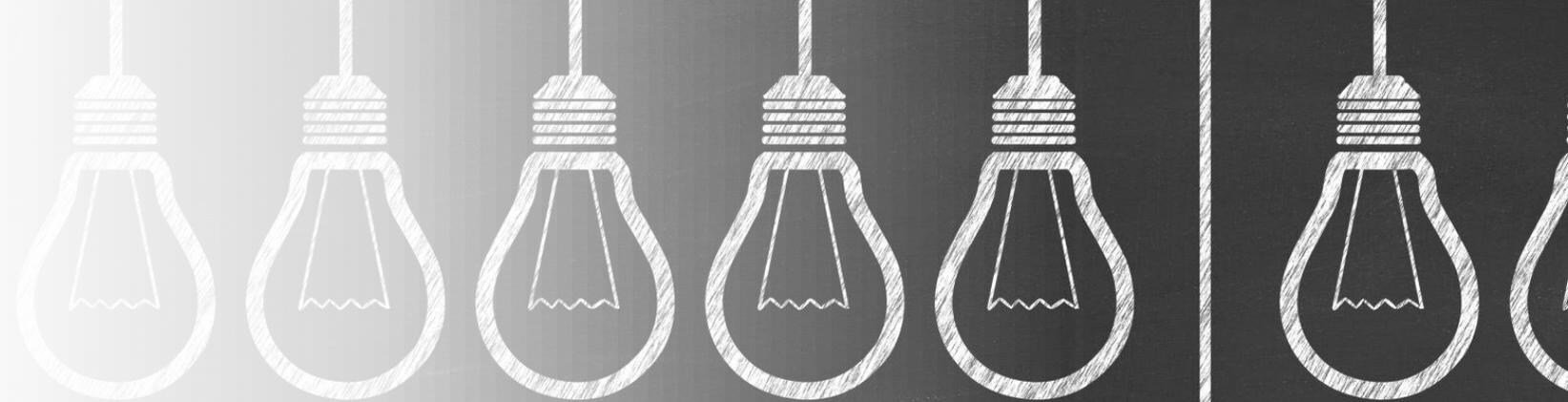


Pastoralists facing increasing pressure over their lands

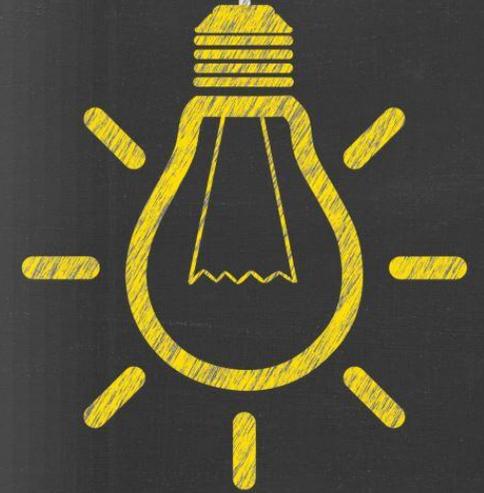
- Five key drivers

1. Unfavourable public policy
2. Population growth
3. Economic activities
4. Urbanisation
5. Climate change





Evolution of land tenure regimes in pastoralist communities



Public policies biased towards pastoralism

- Govts & development agencies favoured land liberalisation policies
 - Increase access to land
 - Increased investments
 - Improve livelihoods

Public policies biased towards pastoralism

- Govts & development agencies favoured land liberalisation policies
 - land concentration and fostered social inequalities (Jansen & Roquas, 1998; Ghimire, 2001; Zoomers & van der Haar, 2001; Lohr, 2012)
 - Did not lead to increased investment in land (Atwood, 1990; Deininger & Binswanger, 1999; De Janvry & Sadoulet, 2001; Zoomers & van der Haar, 2001; Place, 2009; Obeng-Odoom, 2012)

Public policies biased towards pastoralism

- Communities with collective land access benefit from economies of scale in production, spread the risks and avoid costs of enforcing individual property rights (Nugent & Sanchez, 1998; De Janvry & Sadoulet, 2001).
- Collective land access can ensure greater access to resources for the poor (De Janvry & Sadoulet, 2001; Zoomers & van der Haar, 2001).
- **So why has public policy not shifted to support pastoralism?**

A wide-angle photograph of a dirt road winding through a dry, open landscape. The road is reddish-brown and leads towards a single tree in the distance. The sky is clear and blue. The text "Changes in land tenure regimes" is overlaid in white on the road.

Changes in land tenure regimes

Land tenure regime identification & description

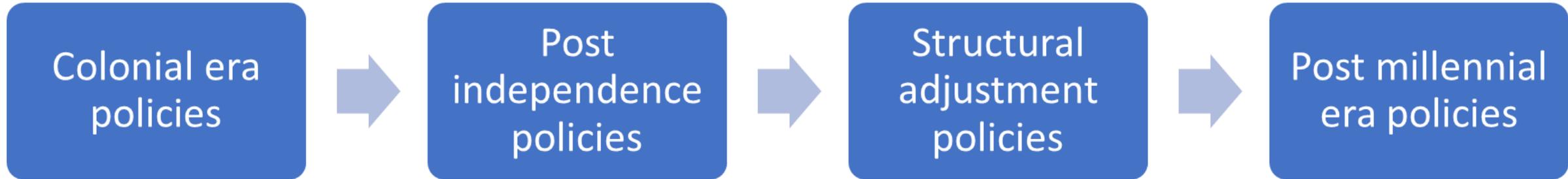
Bundle of Rights

Operational Level (OL)	Access (A)	The right to enter a defined physical property
	Withdrawal (W)	The right to obtain 'products' from a resource
	Management (M)	The right to regulate internal use patterns and transform the resource by making improvements
Collective-Choice Level (CCL)	Exclusion (E)	The right to determine who will have access right, and how that right might be transferred
	Alienation (AI)	The right to sell or lease either or both of the above collective-choice rights

Characterizing land tenure changes in East Africa

	Kenya	Uganda	Tanzania
Pre-colonial period: Collective land tenure by communities	Similar	Similar	Similar
Colonial Era land laws	Similar	Similar	Similar
Post independence land laws	Followed colonial era land laws	Followed colonial laws interrupted by civil strife in 70s & early 80s	Adopted Ujamma policy
Structural adjustment period: Promotion of individual land tenure	Similar	Similar (New administration in 1986)	Similar (ujamma abolished in 1985)

Public policy failed to address CPR challenges and ended up marginalizing pastoralist communities



- Confined territories for pastoralists
- Promoted privatization of land tenure
- Upset customary norms e.g. land resettlement programs

- Introduced formal laws to govern land
- 'Modernize pastoralism' through private tenure, extension, movement restriction
- Communities maintain customary norms

- Pressure of privatization of land tenure (urbanization, elite capture, deviation from customary norms for land mgt, population growth)

- Extractive industry intensify pressure for privatization
- Pastoralists marginalized due to low supply of public goods
- Fight over resources intensify

Changes in State land policies

- From State led policies for communal land protection to avoid land concentration and promote internal markets
 - Group ranch formation and peasant communities
 - State led marketing boards
- To State liberal policies for promoting land market & individual privatisation
 - New land laws
 - Promotion of private investment & infrastructure development

Land access regime typology for East Africa: Kenyan Case

		Operational-Choice Action (access and withdrawal)	
		Individual	Collective
Collective-Choice Action (ownership and control)	Individual	Private tenure	
	Collective	Group Ranch B	Group Ranch A Un-adjudicated communal land

A red arrow originates from the text 'Group Ranch A' in the bottom-right cell of the table and points upwards and to the left towards the text 'Private tenure' in the top-left cell of the table's body.

Land access regime typology: Andean Case

		Operational-Choice Action (access and withdrawal)		
		Individual	Family	Collective
Collective-Choice Action (ownership and control)	Individual	Private tenure		
	Family		Family condominiums	
	Collective	Fragmented communities	Communal condominiums	Communal lands
	External		External condominiums	



Current trend

- Increasing trends individualisation of tenure in pastoral areas
- What does this mean for the sustainability of pastoral areas?
 - Access to productive resources
 - Implication for pastoral livelihoods



Key drivers of changes in land tenure

Misconceptions about pastoralism

- ✓ Backward agricultural system
- ✓ Economically irrational & irrelevant
- ✓ Environmental damaging

Kedong ranch dispute poses threat to key railway project

SGR's Naivasha leg is challenged as locals claim disputed land

BY GEORGE SAYAGIE
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The proposed routing of the Standard Gauge Railway

they will also stop the planned construction of an industrial park and drilling of geothermal wells on the over 77,000-acre farm.

Led by Narok East Member of Parliament Lemanken Aramat, the residents yesterday asked the National Land Commission to investigate how the community lost the 77,000-acre ranch. "We have continued to be viewed as aggressors in our own land. The government should change its perception and give us our land as a measure towards addressing historical injustices,"

a women self-help group fundraiser.

Mr Aramat called on the NLC to revise all the leases on the controversial land and accused successive governments of extending the leases to exceed 99 years.

Last Friday, over 500 members of the community blocked the busy Mai Mahiu-Narok road

near Suswa town to protest over the ownership of the land.

The protest followed a newspaper advert by Kedong Ranch Limited that it was the rightful owner of the land that lies between Nakuru, Kajiado and Narok counties.

But the disgruntled community has questioned the caveat placed on the land. "We shall not sit back and watch as our ancestral land is grabbed by unscrupulous traders and we ask the President to intervene on this," said the area MCA Kipas Lengues.

The government should change its perception and

Privatisation of land in Samburu County a boon to local community

For decades, the nomadic Samburu used their land mostly as pastureland. However, with the advent of devolution, huge chunks of what were previously

10 killed as armed herders fight over grazing land in Isiolo conservancies to save Maasai Mara ecosystem



Ruling Titles for land on which Sh70 billion project sits acquired irregularly

Turkana wind project title deeds nullified in land row

Court says law not followed when transferring 150,000 acres of community land

BY CHARLES WANYORO

The High Court in Meru has nullified title deeds for the land on which the Sh70 billion Lake Turkana Wind Power project sits, saying it was acquired irregularly.

Judges Peter Muchoki Njoroge, Yuvinalis Angima and Grace Kemei said the Constitution was not followed when 150,000 acres of community land was allocated to Lake Turkana Wind Power Ltd.

But the judges declined to cancel the title deeds, giving the Marsabit County government, the Attorney-General, the Chief Land Registrar and the National Land Commission one year to regularise the process.

The court ruled that if the process is not completed by the end of the 12 months, the title deeds for the 310MW power producer will automatically be cancelled and the land will revert to the community.

In the landmark ruling that could open the way for the community to seek compensation, the government agencies will be required to hold public participation forums.

The judges highlighted the petitioners' complaint that the wind farm, where the company has erected 365 turbine generators, is on 40,000 acres but the company has cordoned off 150,000 acres.

Mr Mohamed Itarakwa, Mr Kachale Jomo Jale, Mr Issa Jiteng

we Gambare and Mr David Tomasot Arakhole, who filed the case, had protested that the community's views were not sought.

The petitioners, who represented residents of Laisamis constituency and Karare ward, where the project is situated, argued that they are unable to access the land for grazing and to hold communal circumcision rites.

Through lawyer Amina Hashi, the petitioners emphasised that the acquisition was not done in accordance with the Trust Land Act and the Constitution.

They wanted the title deeds for Africa's largest wind farm nullified and the expansive land given back to the community.

But the judges said that though the law requires that irregularly issued titles be cancelled, they were not inclined to nullify a completed project.

"Titles issued irregularly, by the operation of the law, automat-

ically invite cancellation," said Justice Muchoki, who read the judgment.

The project generates 310 megawatts of green energy, equivalent to 17 per cent of the power produced on the national grid.

The case, filed in 2014, had dragged on for years, at one time seeing justices Boaz Oloo, Enock Cherono and Lucy Mbugua disqualify themselves in a stormy hearing session.

Lake Turkana Wind Power, Kenya's largest wind power project, recently confirmed the appointment of insider Philip Leferink as new chief executive.

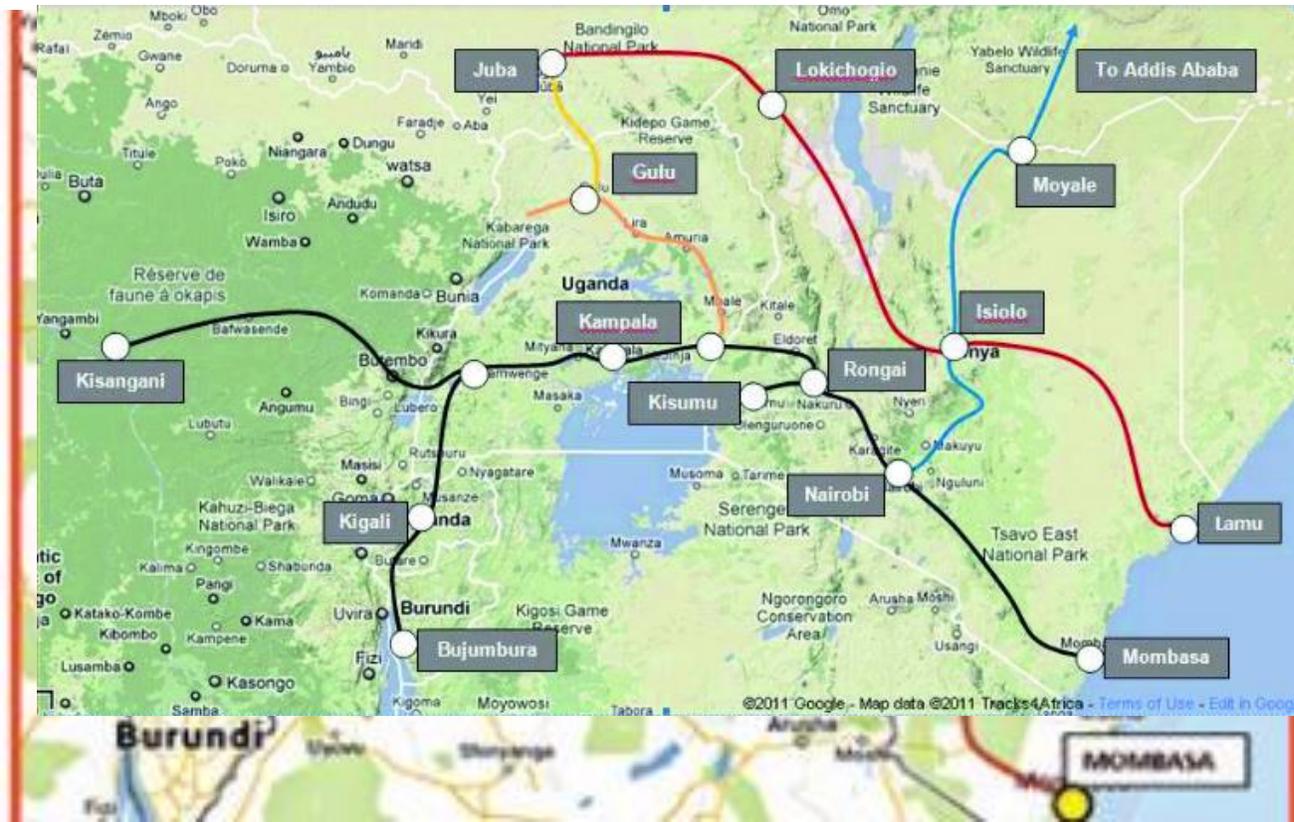
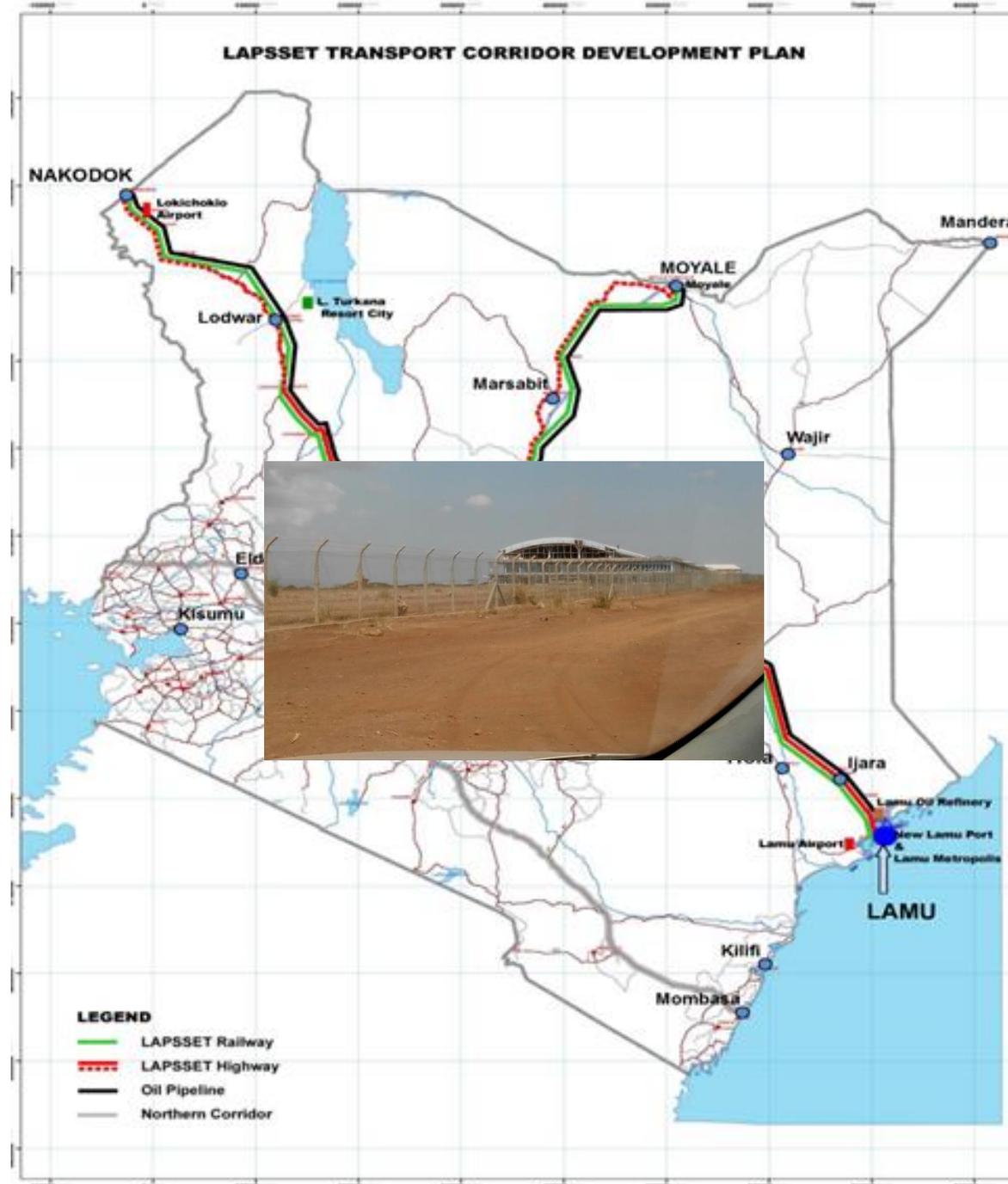
The green energy project is connected to the national grid by the 438km Loiyangalani-Suswa transmission line.

The plant was commissioned in July 2019 by President Kenyatta.

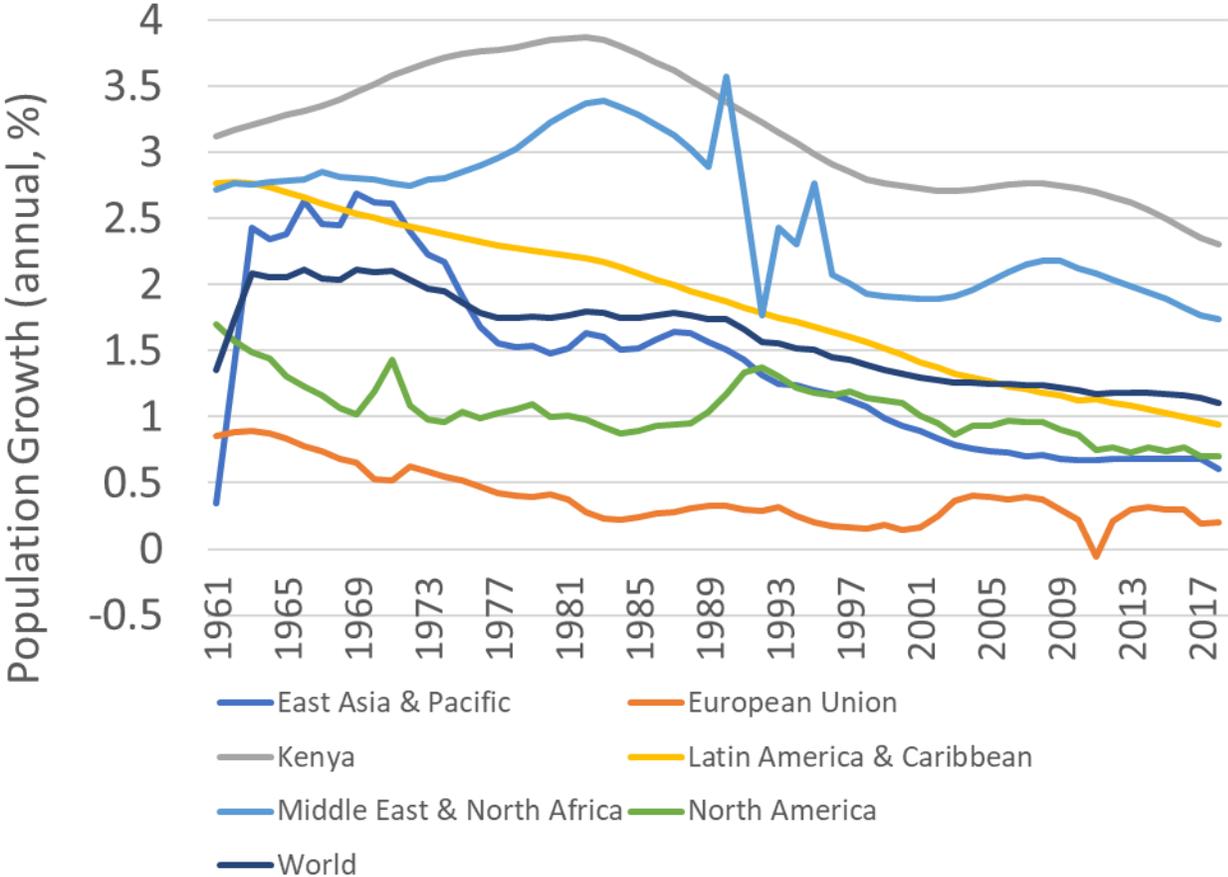
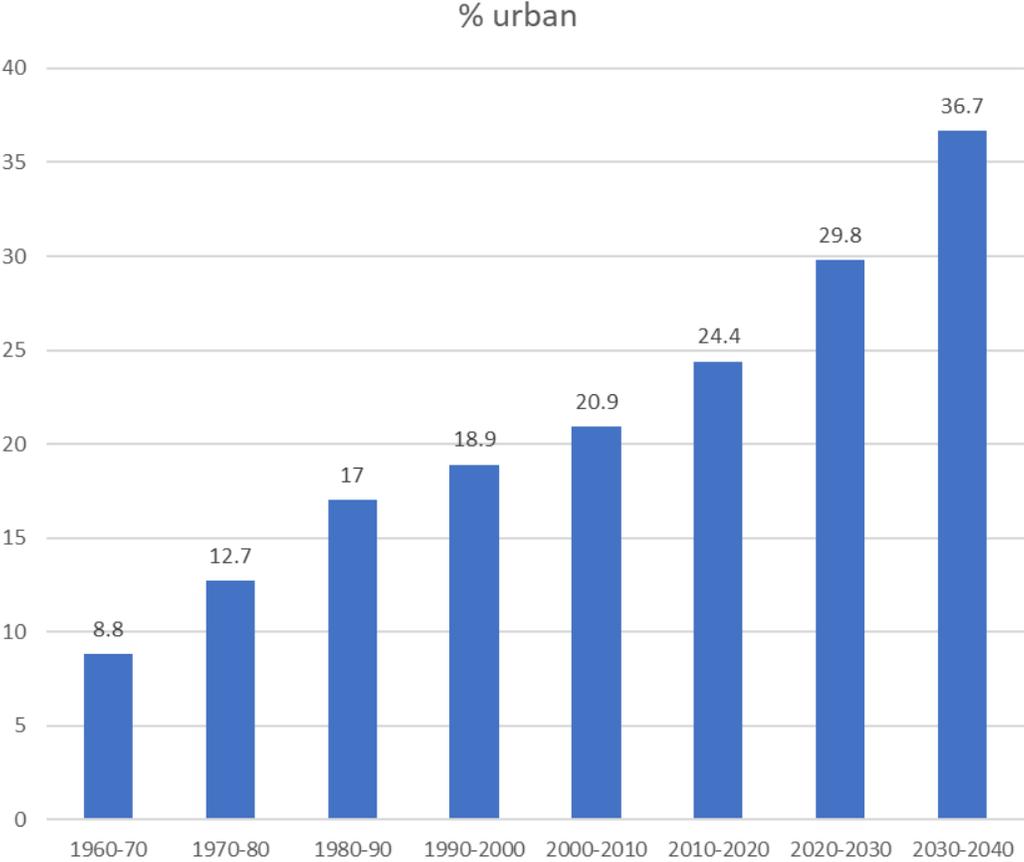
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Kusi Ideas Festival: 'Nation' team meets Ghana's President

Economic development: Mega projects



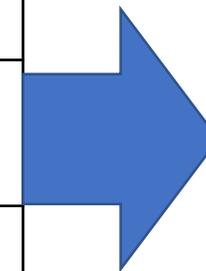
Urbanization & population growth





Consequences of changes in land tenure

	Institutional Crisis	Land Policy/Law	Urbanisation
LA	✓	✓	X
SSA	✓	✓	✓

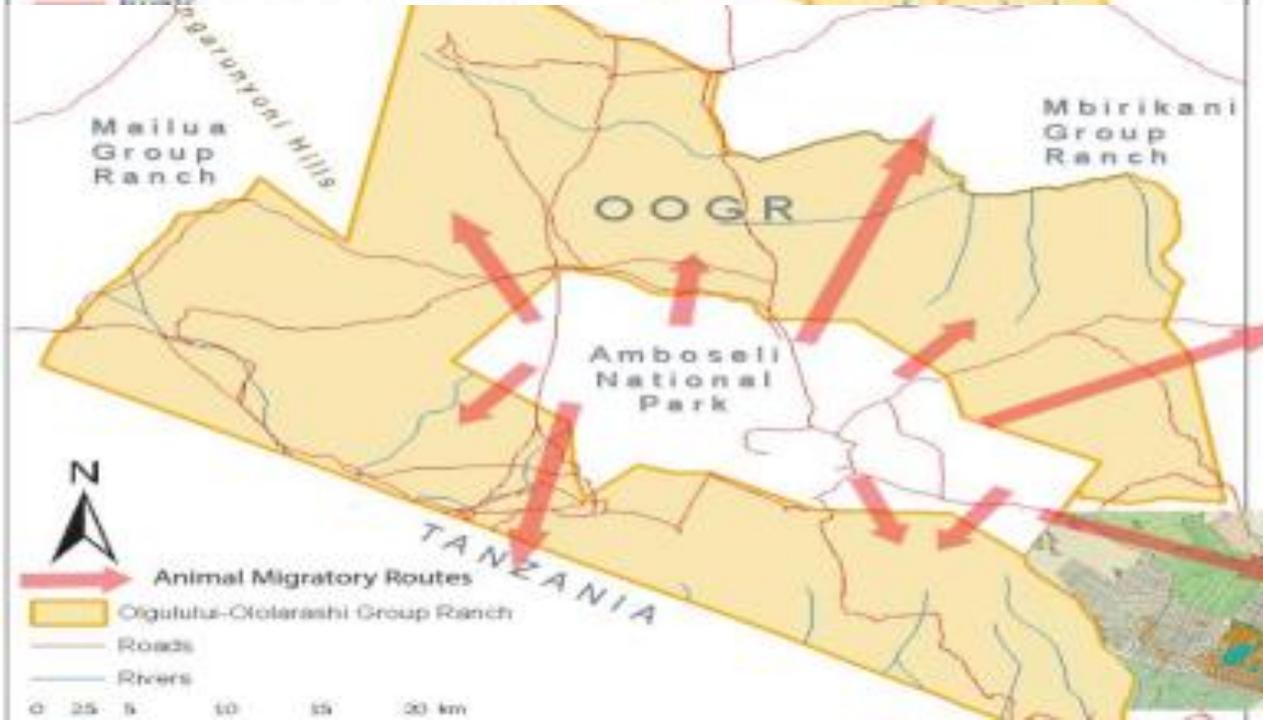


Emergence of Individual based land tenure regimes that does not support sustainable pastoralism

Adverse effects

- Individualisation made pastoralists worse off
 - Economically
 - Socially
- Community Institutions & mechanisms to manage land under collective access have been weakened
 - Recognition in legal framework
 - Formalisation vs security of land tenure







Exacerbated environmental degradation

Overgrazing not only issue, but
environmental degradation also higher
when mobility is hampered





Key lessons

Lessons on sustainability of pastoralists productive systems

- Collective land tenure supports strategies that improve productive systems such as
 - Mobility & mosaic grazing
 - Split herding
 - Genetic improvement
 - Herd size management



Collective land tenure enhances sustainable practices

Land Tenure Regime	Sustainable Productive Strategies			
	Mobility and mosaic grazing	Herd diversification	Split grazing	Herd size management
Collective	Supported Kenya: Practised Peru: Practised	Supported Kenya: This is increasingly being practised and pastoralists are making efforts to improve breeds Peru: widely practised	Supported Kenya: Practised in communal lands Peru: Practised in communal lands	Encouraged Kenya: Encouraged but not practised Peru: Encouraged but not practised
Individual	Inhibited Kenya: Not supported Peru: Not supported	Supported Kenya: Enforced due to limited land and pasture Peru: Constrained	Constrained Kenya: Enforced through intensification Peru: Constrained	Enforced Kenya: Enforced due to limited pasture Peru: Constrained

Policy Lessons

- Pastoralism recognised as the best possible use of arid environments
 - Specialised system in marginal ecological environments (harsh & unpredictable conditions)
 - Considering climate change, pastoralists have indigenous knowledge & institutions to cope with variability
- Improve sustainable institutional arrangements for pastoralist production systems
 - Strengthening governance systems for communal lands
 - Recognition of customary laws
 - Formal property rights including transitory & temporary rights

Conclusion

- **Reorient** public policy to support pastoralism
 - Political engagement by pastoral communities
 - Governance matters for enhancing access to resources
- **Strengthen** community management of communal land
 - Recognition & enforcement of community laws
- **Encourage** multiple use of sustainable practices
 - Rangeland's ecology to rationalize land use
- **Emphasize** herd size management
 - Breeds improvement to improve margins & productivity
 - Market orientation