5. Introduction to the GROUP RANCH SYSTEM in Kenya

5.1 Introduction

This chapter provides a brief introduction about the Group Ranch system in Kenya, aimed at framing this peculiar land tenure system in line with the most recent legislations which have been approved in Kenya.

In Kenya, the community rights to land and effective participation have become enshrined in the constitution through the establishment of a new category of community land under the new constitution, which came into force in 2010. This category includes all forms of community/group tenure systems, including trust land and group ranches.

A group ranch is a livestock production system or enterprise where a group of people jointly own freehold title to land, maintain agreed stocking levels and herd their livestock collectively which they own individually (Ministry of Agriculture, 1968). The group Ranches were created in the early 1960/1970s by the Kenyan Group (Representatives) Act as an exclusive land ownership and rights among groups of Maasai residing within an identified area.

A land title was issued to each group, formalising its collective rights to the land. These “group ranches” were aimed to privatise Maasai land (albeit collectively) and reduce further encroachment and appropriation.

More in details the group ranches were designed by the government in consultation with various members of interested parties, e.g. Maasai elders and financiers to meet the following predetermined objectives:

- increase the productivity of pastoral lands through increased off-take
- to improve the earning capacity of pastoralists
- to avoid possible landlessness among pastoralists in case large tracts of land were allocated to individual ranchers
- to avoid environmental degradation due to overstocking on communal lands
- to establish a livestock production system that would allow modernisation or modification of livestock husbandry and still preserve many of the traditional ways of life without causing social frictions or an abrupt break with traditional ways of life.

5.2 The tenure Implication

The concept of the Group Ranches was accepted, however the entire process was not understood by most Maasai people. However, the overriding factor was a secure land tenure for the pastoralists. This included, preventing the allocation of land to elite Maasai or any other individual or group; and the opportunities to develop water facilities and dips funded through supporting projects influenced the Maasai decision to accept or to be receptive to the concept of group ranches (Galaty, 1980).

McCanley (1976) claimed that the group ranch concept was more honestly recognised as simply the least objectionable means by which to implement changes in the tenure system in Maasailand. The Maasai people viewed the infrastructure build up as a means of increasing their traditional wealth base (livestock) without compromising their culture and hence accepted it.

5.3 The evolution of policy
The majority of Kenya’s dry land was under trust tenure and mainly managed by the county councils. They observed strict control over allocation of land but largely remained unaccountable to the communities. The general land administration system in Kenya were a major concern and therefore were given high premium in the land reforms agenda establishing policy, institutional and legal frameworks for effective management and governance of land in Kenya. The new land framework and constitutional arrangements are premised on the need to promote accountability (Chapter 6 CoK 2010) and participation of citizens (Art. 10, 2 (a)) in general governance. The land policy also established a process that helped define Trust land to be Community land thus the constitution making clear provision that has elevated the same to equal levels with Public and Private land. Group Ranches that were registered under the Group Representatives Act are largely rangelands and are largely occupied by pastoralist and the resources with these land used communally.

5.4 Tenure security of Group Ranches under the new law

The constitution says that: community land vest in and be held by communities identified on the basis of ethnicity, culture or similar community of interest CoK 2010 Art. 63 (1). Community land is thus defined as: Land lawfully registered in the name of group representative under the provision of any law, Land lawfully transferred to a specific community by any other process of law, any other land declared to be community land by an act of parliament. Others include: land that is lawfully held managed or used by specific communities as community forests, grazing areas, and shrines, ancestral lands and lands traditionally occupied by hunter gatherer communities or, lawfully held as trust land by the county governments. The group ranch is therefore secure under the law, the policy has also given directives on the process of identifying and registering community lands which has to be jointly with government and communities themselves. To operationalize the functionality of the community land tenure, the government of Kenya has enacted a community land law in September 2016. This law has recognized the multiple user rights and planning as critical in common resources within such lands like group ranches. In this connection ecosystem services that the communities have invested in such as the wildlife, eco-lodges among others would be identified and mechanisms for security agreed on.

The experience of Olkiramatian represents a good practice of group ranches since the area of the group ranch is divided roughly equally into three land use zones, which complement and support each other: a grazing zone where drought-resistant zebu cattle are kept, an agricultural zone, where food and crash crops are produced, and a conservation zone for conservation purposes and ecotourism. A case study about the Olkiramatan Group Ranch experience and how they have addressed land use conflicts is presented below. It includes main lessons which may be considered and applied in the Nigerian context.