

**LAND DISPOSSESSION AND FOOD SECURITY IN KAJIADO COUNTY**

**BY**

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**UNITED STATES INTERNATIONAL UNIVERSITY-AFRICA**

**SUMMER 2020**

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**A THESIS SUBMITTED TO THE SCHOOL OF HUMANITIES AND SOCIAL  
SCIENCE IN PARTIAL FULFILLMENT OF THE REQUIREMENT FOR MASTER'S  
DEGREE IN INTERNATIONAL RELATIONS.**

**UNITED STATES INTERNATIONAL UNIVERSITY-AFRICA**

**SUMMER 2020**

**DECLARATION**

I, undersigned, declare that this is my original work and has not been submitted to any other college, or university other than the United States International University- Africa for academic credit.

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This thesis has been presented for examination with my approval as the appointed supervisor

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## **ACKNOWLEDGEMENT**

I hereby give thanks to the Almighty God for giving me a healthy and sound mind to explore this opportunity to carry out my research proposal.

I will as well appreciate my Supervisor Prof., Joshua Maiyo, and My reader Leonard Maumo for their support in guiding me through my proposal to this level.

My family also had a great role in ensuring that I complete my Thesis in time despite the hardship time caused by the Corona Virus pandemic in the country.

Lastly, I would like to appreciate the Kajiado Government and ministry of land for giving an opportunity to conduct my data collection within a short notice and the Minister of Lands Kajiado County for availing himself in the trying moment of Corona Virus pandemic, to make my work success through Skype interview.

Thank you and God bless you all.

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## **ABSTRACT**

This study focused on assessing “the relationship between land dispossession and its impact on food security on the pastoral community in Kajiado County.” The study identifies that community land dispossession by investors through senior officials has hampered the wellbeing of the community that relies on livestock as their food security. Therefore, the study sought to find out the extent of land acquisition phenomena in Kajiado County; the impact of land dispossession on Maasai livelihood; as well as look at what coping strategies are being used by the Maasai community.

An exploratory approach of qualitative research design was used in this study employing an interview questionnaire that was subjected to individuals as well as groups through discussion. The area of study was identified as Mapatato and Olgului ranch where 22 respondents inclusive of area chief and the 2-county official were interviewed via skype. The secondary data were analyzed using content analysis where a purposive deductive approach was carried out on the World Bank 2010 report, USAID 2016 report, and Ministry of land report on the nature of land ownership in Kajiado County. This study was driven by the participatory governance theory which advocates for inclusivity of all actors in providing solutions for a specific social problem. The study identified that though the communal trust land ownership has over the years tried to solve the challenges presented in rangeland, the absence of control on the land they operate in has led to the land being allocated to individuals or groups through government officials. The market demand-driven environment has led to the community resorting to embracing land titling in areas near towns and formation of group ranches such as Olgulului group ranch to fight competition from outsiders on land ownership. However, the legal framework through the Land Group Representative Act of 1968 Cap 287 provided an arrangement for collective pastoral management of land that was never effective through the government control hence the community law applied in ensuring the security of the Maasai livelihood is protected. However, the increase in population, urbanization, and corrupt government officials has led to the reduction of available land for grazing livestock blocking pastoral routes to water points and grazing areas hence leading to some pastoralists seeking informal employment which does not pay much. Therefore due to modernization the Maasai residing in the urban area (Matapato ward) and those residing in rural setup (Olgulului ranch) have changed or maintained their livelihood in terms of land ownership and food security



## **TECHNICAL TERMS**

**Development:** is a multidimensional process which involves major changes in social structures, popular attitudes, national institutions, and the acceleration of economic growth, as well as minimization of inequality gap and poverty eradication (Sen, 2001)

**Food security:** “ the situation in which all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life”( World Food Summit of 1996 in Rome)

**Land governance:** a process through which decisions are formulated in accordance to land access and usage of the same, the manner of implementing the formulated decisions, and approaches used to reconcile conflicting interest in society (Baltisena and Betsema, n.d)

**Land tenure:** is defined by as ‘the system of rights and institutions that govern access to and use of land and other resources” (Maxwelll and Wiebe, 1999)

**Tenure:** “bundles of rights’ to manage specific land issues or other rights to properties (Maxwell and Weibe, 1999)

## **LIST OF ACRONYMS**

CAADP:	The comprehensive Africa Agriculture Development Programme
CFS:	The Committee on World Food Security
ERS:	Economic Recovery Strategy
ICESCR:	The International Covenant on Economic, Social and Cultural Rights
KBS:	Kenya Bureau of Statistics
KIPPRA:	The Kenya Institute for Public Policy Research and Analysis
MDGs:	The Millennium Development Goals
NEPAD:	The New Partnership for Africa's Development
NGOs:	Non-Governmental Organizations
SDGs:	Sustainable Development Goals
VGGT:	The voluntary Guidelines on the Responsible Governance of Tenure of Land Fisheries and Forests in the Context of National Food Security

## **CHAPTER ONE**

### **1.0 Introduction**

Ole Seno and Tome define pastoralism as ‘a livelihood strategy specialized to exploit rangeland ecosystems, mainly occurring in regions too dry for rainfed agriculture and characterized by recurrent droughts and strong intra- and inter-seasonal variability in climate (2018: 66). In the historical aspect, the core pastoral approaches towards utilizing these environments were through mobility largely utilized in communal land ownership systems context with flexible utility rights which were negotiated via interlinked kinships, age group, lineage, and clan. Ole Seno and Tome further identify adaptive strategies that incorporated the formulation of strong social and economic support, splitting herds and diversification of herd. More contemporary strategies incorporated sedentary life, recourse towards agriculture, wage-labor, and trade migrations among the pastoral adaptive strategies (Ekaya, 2005).

The pastoralism historical achievement has been centered over the years on its adaptability and resilience to the extreme climatic and evolving environmental conditions. However, adaptability and resilience are closely linked to mobility which is currently challenged by land tenure transformation and human population increase as well as migration. In Kenya, the land tenure system and policies usually promote human population sedentarization, a major element underlying rangeland degradation. The process usually involves developing more water-collection points, clinics, schools, and villages that subsequently emerge within the pastoralists. The sedentary settlements in addition to land, such as irrigated agriculture and wildlife-protected areas, reduces mobility which is a requisite element for sustainable pastoralism.

In this context, Ole Seno and Tome (2018) identifies with the changes in land use, pastoralist mobility as well as accessibility to key grazing areas have reduced drastically to alarming levels,

an element further catalyzed by pastoralism being assumed to be typically compatible with wildlife rather than other land uses, like agriculture. Loss of livestock and human mobility among the Maasai community in Kajiado County has ‘disrupted the adjustment process that maintains the balance between people, land, and livestock (Ole Seno and Tome, 2018: 66). Though pastoralism has been viewed as one of the few land uses that is compatible with wildlife, the process of wildlife conservation, mega projects, and private investors among others has expropriated large as well as the most essential pastoralism rangelands areas. This in the long term has led to the pastoral food security being exposed to erosion through the practices mentioned above.

This study will, therefore, focus on issues surrounding “land ownership acquisition and its impact on food security among the Maasai Community in Kajiado County” focusing on providing a solution to the challenges faced by this community. Kajiado County is situated in the Kenyan side bordering Tanzania and occupies a substantial area of the dry savanna ecosystem. The ecosystem borders Nairobi (central highlands) to the north, from the great rift valley western side to eastwards via the Kaputiei plains and south of archipelago mountains from Kilimanjaro, Arusha to Monduli. Ecologically, the region combines black and red soils; open woodlands, and flat smooth grasslands with a gradual rising slope in the north from the south which is aligned to the floor of the rift valley that extends towards Magadi. The County is located southwards of three major Nairobi coastal roads; north-south roads; from Nairobi toward Magadi; from Athi River towards Tanzania border via Namanga; and from Emali towards Loitokitok, with all these surroundings playing a key role in land ownership as they tend to define the route of accessibility through which land values are comparably higher than the more remote parts of Kajiado.

## **1.1 Background of the study**

Rising population and industrialization have led to an increase in pressure on community land, leading to a reduction in agricultural products and limiting pastoral behavior. The Millennium Development Goals (MDGs) tried to solve food security concerns in sub-Saharan Africa by advocating for a reduction in the rate of food insecurity by half by 2015, however, this vision is yet to be realized. This is partly due to the major role that land plays, largely on rural household's livelihood in reducing poverty level and achieving food security goals. On the contrary, these goals will not be achieved if issues such as land reduction, land accessibility, and the ability to utilize land productively and sustainably are not restructured to adhere to household needs. Therefore, accessibility and availability of substantial food and other basic needs with the intent to achieve dietary needs for a healthy and productive life, has become a core objective of Kenya's agricultural policy. However, the growing gap in agricultural land degradation which is linked to the use of environmentally unfriendly practices and socio-economic technologies on the poor rural household resources has increased the government's campaign efforts towards achieving food security goals.

The International Covenant on Economic, Social, and Cultural Rights (ICESCR), Article 11 notes that every country has the mandate to ensure that every individual within its jurisdiction is in a position to access basic essential food. This minimum basic food security should not only be sufficient but as well as, nutritionally safe and adequate to ensure that individuals within their jurisdiction stay free from hunger. Therefore, De Schutter (2009:2) affirms the role of the state on its citizens, by identifying three aspects obligated to a state: to respect, protect, and fulfill human rights. The state in this context is obligated to desist from interfering with groups' and individuals' capacity to feed themselves especially in situations where such capabilities exist

(respect), or block others. The state protection may engage private entities such as organizations from invading on such abilities (protect) where in general, the state is bestowed the power to actively empower its citizens' capability to be in a position to feed themselves.

The available farm and land are usually not enough to assist in meeting the food demand at the national level and county level. In the same context, the farming households, as well, are not in a position to thrive effectively without a substantial and consistent food supply. The challenges experienced by the household are not limited to price fluctuations but also the existence of inefficient storage equipment, limited resources facilitated by a rush for land available for food production. Bamires (2010) acknowledges that these factors (food shortage, limited resources, substandard storage facilities) create gaps in the availability of resources among the poor. As a result, the food situation grows worse as farms get abandoned to be nurtured by the elderly or to get in off-farm tasks. This is despite the activities in the alternative job not meeting the needs at the household level.

This phenomenon needs transformational guidance that can be traced from the Sub Saharan Africa experience in increasing debate over land tenure reforms. These reforms pit the proponent of growth, that promote property rights transferability and individualization, against those supporting usage of land tenure policy to offer security to usage rights as well as subsistence rights of farmers (Boone, 2007). Huggins and Clover (2005) support this view by noting that land issues play a central role in political, economic, and social life in a large portion of Africa. However, a large section of this continent lacks the property rights clarity in which land tenure is heavily contested. Absence of the land tenure management at the local level has increased the cases of food insecurity due to dispossession or mismanagement of local lands, such as in Kajiado County.

## 1.2 Problem Statement

The right to accessible food framework provides essential lessons to the contemporary debate on the issue of large-scale land leases or acquisition and dispossession of land. The state is perceived to engage in acts contravening human rights to access food, if it participates in selling or leasing land to investors (either local or foreign) while compromising local food security. The authorities thus are considered to be depriving the local citizens of their rights to food where negotiations are conducted without taking into consideration its impact on food security on the locals. Wily (2011) affirms the land conflict issue, by noting that, land in Africa has been held customarily but has always been prone to involuntary loss, especially those that are unfarmed or unsettled. These lands are usually owned collectively by the commons (individual communities) and therefore internal injustices linked to modern class impact on locals' food security negatively.

Food security closely relates to existing structures in land tenure policy in a country. Boone (2007) indicates that land policy and law reforms, may be either unwittingly or wittingly initiated, usually when it involves political redesigning of a society(segmented or unified, recognition of individuals or “groups,” hierarchical citizenship legal rights); the alternative goal of the authority in power (mediated, nested, consolidated and unified, or spatially fragmented), and obligations of political sovereignty locus (central state, communal, individual). In many African states, citizenries rights are usually seen in land law reforms which are usually interlinked with criticisms over “citizenship rights, chieftaincy, and its prerogatives, women’s rights, and the legitimacy of existing social hierarchies” (Boone, 2007, p. 559). In this case, there is a great possibility of the emergence of some aspect of exclusion or dispossession in an attempt to shift from the status quo. This has led to calls for reforms on land laws in most African states,

leading to the emergence of multi-partyism, catalyzing civil society engagement, and increasing electoral competition.

The defining factor of management and the shaping of property rights in a democratic society is usually controlled by the winner in political power. This segment of elites struggles to engage in fueling rush for land in the pastoral community, such as Kajiado, by defining idle land, allocating land, and giving meaning to property rights at the local and national level. The Kajiado county has experienced land dispossession or exclusion on the locals who are mostly pastoralist and initial owners of the region and allocated it to local and foreign investors.

Land in the Maasai community has always been trust land or communally owned, that support their mobile behavior and boost their food security. However, the emergence of state-centered policies that support rush for land has permitted some elites from other regions to dispossess the locals in the name of foreign or local investment. As a result, livestock, perceived as Masai food security is affected as the land for grazing and watering reduces due to population pressure on a section of their land, limiting their movement. The element of pastoral community food security has as well not been presented in the government food security policy, which mainly focuses on agricultural products as elements of food security hence leaving out livestock as a source of livelihood to some communities. This leads to some individuals in the affected communities resulting in non-farming activities that have low income.

The large-scale dispossession of pastoral land by the government terms the land as idle and allocating it to local or foreign investors has impacted the local community livelihood. This has led to the community seeking various alternatives to secure their livelihood through integrating with the modern world market-driven demand. As a result, more Maasai individuals are



becoming squatters and their livelihood is endangered leading to their poverty and illiteracy levels growing consistently.

### **1.3 Objectives of the study**

The study intends to identify the effect of large scale land acquisition on food security among the Maasai community in Kajiado county

#### **1.3.1 Specific objectives**

- To find out the extent of land acquisition in Kajiado County
- To find out the effect of land dispossession on Maasai livelihood.
- To find out the coping strategies adopted by the Maasai community

#### **1.4 Research Questions**

1. To what extent does the county government of Kajiado participate in land dispossession in Kajiado County?
2. How have investors' programmes affect the locals' livelihood and wellbeing?
3. How effective has the Maasai livelihood secured through group ranch management?

#### **1.5 Significance of the study**

This thesis will assess the conventional Maasai land tenure transformation and its impact on the pastoral community's food security and development. The findings of this study will be a potential point for the community members to be in a position to come up with better strategies to curb issues of land dispossession which may increase levels of food insecurity in the area caused by external and internal actors.

The study findings will also act as a point of reference for the local government of Kajiado county, NGOs and other investors to take into consideration factors ailing the community food security in relations to land dispossession and manage to develop a long-lasting solution that will as well uplift the locals apart from employment factors linked by mega investments that employ a few locals.

The findings of the study will also provide easy and potential information to higher learning institutions such as lecturing and student referrals in the course of their research. The pastoral community's county government will have a point of reference to adjust their policies towards ensuring the locals have access to properly managed land tenure security that ensures that sustainable food security exists in the community.

### **1.6 Scope of the study**

This study will focus the period between 2002 to date when the devolution process and titling of pastoral land came into effect with a vision of empowering the communities to use their property to access financial empowerment from financial institutions. The period of 2013 to 2016 provides an essential period to access the impact of a restructured constitution (Kenya Constitution of 2010) to devolve resources and governance to the locals. Moreover, this thesis will focus on the implementation of the 2010 Constitution at the county level (Kajiado) as well as the influence the new policies and framework has on correcting the historical injustices on land ownership that harm sustainable pastoral food security. The study will focus on the large scale landowners, mining firms, department of agriculture, department of health, and department of land during an assessment of land acquisition and food security impact in Kajiado county Olgulului Group Ranch and Matapato Ward at the border of Tanzania.

## **Chapter Outline**

Chapter one of the study focuses on the background of the study, problem statement, and objectives of the study, research questions, and the theoretical framework required for the study.

Chapter two will focus on literature review where various works of literature will be analyzed in line with the study objective.

Chapter three of the study will assess the research methodology, where research design, data collection, and data analysis for the study will be explored extensively.

## **CHAPTER TWO**

### **2.0 LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter will focus on analyzing various literatures written by different authors on the effect of land acquisition on food security among the pastoral community. The study will focus on key themes surrounding the subject of study and tackle the objectives as per the area of the study.

#### **2.2 Large scale land dispossession and acquisition**

Land tenure is defined by Maxwell and Wiebe as ‘the system of rights and institutions that govern access to and use of land and other resources’ (1999: 825). Baltissen and Betsema define land governance as the process through which decisions are formulated concerning the utilization of land as well as natural resources, the implementation process of the decisions made, and the reconciliation process for conflicting interests. The governance platform should be able to enhance men, women, companies, and communities’ abilities to secure land accessibility in order to exploit the existing informal and formal land tenure security systems. In the same approach, Baltissen and Betsema point out that states such as Gulf States and china invest in large scale farming while in other cases domestic actors and multinational organizations convene to impact the acquisition of land and food security.

The land is viewed as an important element in any nation’s wealth (Nnadi and Chikarie, 2010 ). This has been experienced since ancient times when civilized societies have tried to define the concept of land rights as well as attempting to create institutions that define land rights. Elements of land as a factor of production vary from security, land transfer rights, and clarity are essential to efforts in development and importance in availing investment incentives as well as sustainable

resource governance (Nnadi and Chikarie, 2010). Moreover, a large portion of land in developing states is utilized in agricultural production which is the backbone of economic growth. Therefore, the accessibility to rights to land ownership ensures the presence of essential needs such as shelter, the supply of food, as well as enabling individuals to transform latent assets into real capital via entrepreneurial events.

Nnadi and Chikarie, (2010 ), further elaborates that once there is land ownership rights by the rural household, productivity increases due to the investment in the land. Moreover, land utilization as a basic investment device permits the transfer and accumulation of wealth by households between society's generations. The capability to use land as collateral security to acquire credit assist in developing a durable investment atmosphere as well as land rights, therefore, is a context involving the financial market operation and emergence in the economic standard. Therefore, secure land accessibility is a prerequisite for poverty reduction, economic development, and higher productivity in Africa thus land tenure security should be provided to susceptible groups

Bob (2001), states that the sub-Saharan region of Africa has over the years experienced land contestation and dispossession which leads to diverse aspects of disparities and manipulated land distribution. Therefore, land in Africa sub- Saharan region has been exposed to conquest, conflict, exploitation, and expropriation leading to contemporary discrepancies. As a result, the political and socio-economic perspective of a diverse segment of people greatly impacts the land crisis, an element that is reflected in most of the sub-Saharan states.

According to Nnadi and Chikaire (2010), the conspicuous challenge in agricultural productivity, as well as rural women's income generation, is the absence of tenure security. Private security should not be narrowed down to private tenure but should include diverse aspects such as public

land lease or communal tenure usage right. Therefore, secure tenure gives the holder power to utilize the land to its optimal level towards his or her advantage in line with legality hence gaining profit and capable of exercising his right from non-holders. Tenure presence enables the owner to initiate managerial choices toward using land-based utilities for immediate investment sustainability in the long run and basic household needs. Moreover, Nnadi and Chikaire(2010), identifies that land accessibility guarantees a larger extend food security sustainability. This is elaborated in the case of Nigerian women who contribute about 60 to 80 percent of food production requires available land access, land-based utilities management governance, as well as economic benefits that tenure security provides. This enables the pastoralist to contribute greatly to food security and efficient use of land in the specific region. Asefa (2003) concurs that institutions are perceived as motivation structures, such as credit markets, agricultural research, and land tenure need to be developed to allow appropriate technologies adoption. Therefore, Asefa(2003), believes that insecurity in land tenure leads to degradation of natural resources and minimal pastoral productivity in the society.

Food security, according to World Food Summit of 1996 in Rome, as “ the situation in which all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life”( Baltissen and Betsema, n.d: 2). Besides, Maxwell and Wiebe affirm Baltissen and Betsema’s view by defining food security as a state of possessing not only secure but also sustainable accessibility to substantial food for a healthy and active life (1999: 825). However, ‘The Food Security Bill 2017’ defines food security as a context where every individual at any time possess consistent and perpetual physical as well as economic access to substantial, secure and nutritious food to realize their food preferences and dietary needs for a healthy and active life (GoK, 2017: 336).

Therefore, the food security term describes food availability, food accessibility, food use, and food stability at all levels, such as international, national, local, household, and intra-household. In this connection, 'The Food Security Bill 2017' links food security by defining food as: 'everything that originates from biological sources and water, whether processed or not, which is designated as an eatable or beverage for human consumption, including food additive materials, food raw material and other materials used in the process of preparation, processing and or the making of an eatable or beverage (GoK, 2017: 336)

The role played by the state in elaborating property rights, particularly the rural property ownership, has been essential in molding the character and locus of political leaders in contemporary Africa. The decisive nature of political authority produces limitations and successes of the nation-building programmes. Boone notes that there has been a misconception in the African land ownership regimes as some scholars view it as non-political (conventional), and not engaging modern state(resistance to the state's control or better known as archaic). Moreover, the land tenure relations have been termed as borderless occupying space, which is approved as communally owned or freehold. However, this communally owned land in the African context was transformed by the European settlers who were engaged in land expropriation in some regions in Kenya (Boone, 2007). Elimination of property regimes in the post-colonial states from the political equation may lead to the conceptualization of the link between African farming population and central states in terms of patronage associations.

The patronage relations are reflected in the downward trickling of the 'state resources in the form of agricultural subsidies and social services' aiming at favoring rural-based constituencies through neo-traditional leaders (Boone, 2007, p. 560). This system enhanced ethnic ties by cultivating a feeling of group solidarity in society. In another context, the government has

manipulated as well as strived to monopolize the commercialization of agricultural products and land. Boone (2007) identified this tactic as a mechanism used by the central government to control the countryside. As a result, minimal focus has been accorded on the extreme politicization of the relations in land ownership and on the tasks that land regimes have taken in defining society-state linkage across the rural Africa setting. This vice has been catalyzed by the engagement of not only the colonial but as well post-colonial rulers who have taken the role in defining, controlling, codified, and arbitrating land ownership rules and associations to reflect the power held by the contemporary state within rural Africa. Therefore, the state in most of the African sovereign states has become a legal owner of all the land which was not been marked as private property.

Zinyama Lovemore identifies that land reforms have a direct impact on an individual's core associated with the immediate environment. Therefore, a shift in land ownership distribution or in citizen's right to access or utilize land frequently leads to major changes in land-use patterns, agricultural productivity, as well as settlement patterns (Zinyama, 1999). Most of the African states' population relies either indirectly or directly on the land for their livelihood. In the same context, most of those who depend on agricultural activity thrives in dire poverty.

### **2.2.1 Causes and risks of Land dispossession**

The contemporary contestations in land issues in Africa are always entrenched in long term historical trajectories where the land struggle is closely linked with violence and strife. In Ansoms and Hilhost's (2014) view, over the years land has become increasingly a commodity as well as a source of fierce competition occurring between external and internal forces. In this context, the rate of land transfers since 2000 period has been growing at a faster rate from the



lowest level of governance level to the highest local governance level. However, the transfers of land are not always transparent or voluntary at the national or county level. As Ansoms and Hilhorst(2014) point out, the transfers commonly occur without the knowledge of local actors or their full awareness of the activity (transfer) in terms of future or present land rights. Therefore, in most situations, the local farmers' interests are not taken into consideration fully or as well bluntly ignored by the executors of policy. Loss of land, to a large number of individuals, means deprivation of source of livelihood, especially given the absence of accessibility to income-generating alternatives. In Ansoms and Hihorst words: "Land is not just an economic asset; it is also a social, cultural and political space with great relevance to the social, psychological and emotional wellbeing of local populations" (2014: 1). As a result, the consequences of an individual losing land rights stretches beyond the economic sphere.

The process of a non-voluntary and non-transparent land transaction in contemporary society has been commonly termed as 'land grabbing', a definition used commonly by academics, policymakers, and Non-Governmental Organizations (NGOs). According to Peemans (2014) view, a historical approach is required to restructure the current 'land grabbing' model in the long term to curb the process through which the peasant communities land resources are continuously being transferred to specific actors who are driven by the logic of accumulation. The enclosure logic was adopted from the colonial masters in the post-independence period and therefore formed a major importance platform to develop capitalism in the European continent and spread to the colonies.

As Peeman (2014) asserts, throughout history, the capitalist ideology has legalized the enclosure movements thus strengthening the evolution of privatization that marginalized the weakened peasantry. In reflection on the historical roots of land dispossession, Peeman who traced the

practice of massive peasantry land dispossession to white settlers with support from colonial state machines. This vice was as well carried out to the post-independence period where the local and national development projects played a key central role in furthering the dispossession practice of smallholder peasants. The main reason for the continuum of the dispossession practice was the perception that ‘free peasantry’ was the main source of Africans to advance towards capitalism, development, and modernity. However, the peasants were unable to sustain their production as well as reproduction without the other social classes’ support as this permitted them to draw into subsistence economy while at the same time avoiding the market forces and the pressure from the state (Peemans, 2014). Peemans analysis brings out the resemblance of the agrarian colonialism to the colonial system, as large tracks of land termed as ‘vacant land’ are granted to local and foreign investors. The claim is that about 6.7 million hectares or 3% of the country are currently cultivated thus falsely precepting a wrong perception that the peasantry will not be affected by the large concession move I (Peenam, 2014: 23). This argument attempts to justify why there is some level of tolerance in grating concession to land individual elites, local and foreign investors at the expense of pastoral trust or communal land thus forcing the locals to change their livelihood habit.

### **2.2.2 land acquisition, sedentarization phenomenon**

De Zoysa (2013) gives a broad definition of the term land acquisition as “purchase of ownership rights, but al the acquisition of user rights...through leases or concessions, whether short or long term” (De Zoysa, 2013: 155). Ndiraangu, Sitawa, and Mayole (2019) note that most states have laws guiding land acquisition that need prompt and accurate financial compensation for individuals who lose their property and land. However, Ole Seno and Tome (2018) notes that in recent years in the pastoral region, a combination of climate changes and sedentarization has

extremely increased an individual's exposure to extreme drought effects. The suffering experienced by livestock during drought lead pastoral communities to encroached to the so-called restricted grazing areas by the government hence fueling animosity relationship between the pastoralists and the government. This tricky phenomenon is further enhanced by compulsory education as well as other enticements or pressures of development, which though possess positive outcomes, must draw the workers and young children away from their home area. In this view, pastoral families who are left back home are deprived of essential labour input.

According to the USAID (2010) report, arid and semi-arid lands in Kenya are usually occupied by the pastoral economy which accounts for about 90 percent of opportunities in employment and further composes 90 percent of their family incomes while boosting livelihood security. As Ole Seno and Tome note, the 'group ranch' concept emerged in the 1960s in Kenya bringing in a new view to pastoral development, offering the first attempt to make a radical transformation of 'nomadic subsistence production system into a sedentary, commercially oriented system' (Ole Seno and Tome, 2018: 67). This system introduced a major shift in the Maasai political and social organization as well as livestock management approaches.

The group ranch system is described as land set aside and allocated legally to a group of individuals, such as clan, family, tribe, or group of individuals, aimed at providing the Maasai community with better accessibility to natural resources as well as inspire them to utilize the resources more wisely while generally cultivating a compatible relationship with the wildlife conservation approach. However, Ole Seno and Tome (2018) bring out another unfortunate approach, noting that the exclusion principles within the Maasai only utility were not sufficiently upheld hence outsiders regularly encroach as well as overutilize the communal owned private resources. This was further reflected when a further division of group ranches, such as Kimana,

subjected the pastoral community to restriction and environmental degradation. A group ranch element has further promoted individuals to live a more sedentary lifestyle concentrating on the already intensely strained natural resources at the local level.

In Galaty (2013) view, land reforms have rarely benefitted the pastoral inhabitants in the rangelands of East Africa despite constant promises that land formalization would lead to tenure security for the holders of titles. However, landholding security faced criticism when the interested parties in appropriated areas of the arid region using land for entrepreneurial purposes (power generation, commercial agriculture, conservation, and mining) have put more pressure on both landholding communities as well as the government to transfer land. Galaty further indicates that pastoral land ownership has been indirectly undermined through land titling a practice engaged in the corrupt allocation of land and an increase in sales of land as well as the direct appropriation of land by the government, who usually act as brokers for domestic and foreign investors, private elites and conservation interest (Galaty, 2013). This has not only led to the relative disintegration of rangeland context for pastoralists and pastoralism but also affected their food security, despite the extent of their endeavors. In most cases, the programmes and policies that undermine the pastoral landholdings usually use the development discourse to politically disarm the existing occupants of rangelands.

Also, Galaty identifies that capital set aside for the acquisition of drylands at a cheaper rate usually flows via national capital to encourage the government personnel to override legal protection mechanism for the rural dwellers, hence altering the productivity and profitability calculus for remote lands shift from the major agrarian systems outputs( inform of agricultural and livestock product, and grazing) towards focusing on the land value in regional land markets, where the titleholders use their land as collateral (usually for accessing loans which are never

meant to be repaid), real-estate development (specifically in the major cities and towns vicinities, such as Nairobi), simple speculation (anticipation for land value rise) non-pastoral enterprise, as well as the self-centered political elites interests, for whom land-use is secondary to the process of land grabbing.

On the other hand, focusing on the relatively low past level in education engagement, the local's rural roots, their discrimination from political power sites as well as their naivety concerning financial agreement has disadvantaged the pastoral communities from being part of agents of land holdings investment. This has led to the undermining on the landholding platforms not only the 'particular economic pursuit of pastoralism and the process of raising livestock in arid areas but also the community of pastoralist, who given the opportunity has never been averse to adopting diverse livelihoods to complement animal production and sale ( McCabe 2003 as cited in Galaty, 2003: 21).

In general approach, pastoral lands are lost mostly via the state acts of appropriation as well as the successive encroachment of outside or farmers' interests, and via privatization or enclosure of lands. The events of continuity in the landholding rapture usually result in 'land grabbing' executed by outsiders and the pastoral land loss by titleholders via the sale of pastoral rights. Strengthening Galat's view, Boone, Dyzenhaus, Ouma, Owino, Gateri, Gargule, Klopp, and Manji (2016) note that the introduction of the 2015 Community Lands Bill provides a platform for the future of community or ex Trust lands in the country by providing authority for transfer over ex-Trust or community Land from the unelected county personnel's inclusive of the successors, the democratically elected new county authority to landholding communities members. This draft raised queries over the pastoral communities' rights as the community land

was placed in the hands of a few community members at the expense of the rest of the registered members in the community.

According to the Owino (2016) report, several disputed peripheral lands that emerged between the developers, the county government, and the Maasai community who put a claim on their ancestral lands were identified. Therefore, Boone *et al.* (2016) indicate that pressure on land is an acute phenomenon to pastoralists and smallholders due to presence of different forces that is inclusive of the long land grabbing history on the powerful and rich parties, stretching from the colonial expropriation during the 20<sup>th</sup> century and being adopted by successive post-colonial leadership, population pressure on land, conservation and forest destruction, rising value of land, wildlife conservation measures, and the sluggish increase in non-farm rural livelihood and employment. In Boone *et al.*'s view, since the 1980s period, the land accumulation process on the ruling elite party has been measured to be consistent immiseration of the rural landlessness of the urban poor, the ordinary farmers, and the pastoralist communities. Therefore, the 2010 Constitution of Kenya and the Land Act aims at having a direct influence over the land interest among ordinary citizens. This is reflected where the constitutional reforms empowered the devolved county governments as well as National Lands Commission new powers in managing untitled land (composing over 60 percent generally in Kenya), titled land held by family members, rural areas public land, as well as pastoralists' land, and the powers aimed at curbing land grabbing cases and offer solutions in the rural area historically.

Letei (2015) identifies that the central drylands (Laikipia County) in Kenya has experienced long cases of appropriation as well as re-organization of land, tracing back from the colonial period to date. In the contemporary platform, the proposed deals on land are unpredictable as the involvement of different groups, foreign as well as domestic investors interests' takes the center

stage in land ownership and usage. This is evident, according to Letei (2015) when former managers of commercial ranches strategically locate themselves as brokers hence identify easily absent title deed owners in the pastoral community with intention of manipulating them to consolidate their land ownership for sale purposes. The broker activities are informed by foreign entrepreneurs, aid workers, diplomats, and some western farmers who purchase the consolidated plots and fences them, leading to the emergence of tension between the Maasai pastoral communities in collaboration with other herders who have been utilizing the land for ages. According to Nunow(2015), the national government uses narratives such as the creation of employment, food security enhancement as well as the attraction of foreign direct investment in an attempt to justify land appropriation process.

### **2.3 The effect of land acquisition on local's livelihood**

Litei identifies that land deals are leading to complex development linked to “access, use, and management of resources” (Litei, 2015: 92). In his view, a reduction in grazing land among pastoral communities undermines the pastoral livelihoods. Consolidated smallholder farmers and large -scale farms minimize the pastoralists’ access to a common pool of natural resources. Litei further affirms that this phenomenon has led to competition for resources and space, an element stretched further by weather pattern changes thus increasing the pastoral communities’ vulnerability. Moreover, in some circumstances, there are land areas that have been fenced to exclude people and their livestock from accessing the property while other areas have been appropriated for tourism and wildlife hence have limited livestock population in the region.

The pastoralist definition of food security is put into consideration in the 1996 World Food Summit description “when all people at all times have access to sufficient, safe, and nutritious

food to maintain a healthy and active life”( Yahaya, Pokharel, Alidu, & Yamoah, 2018: 469). This definition presents the element of food security in pastoral views, as it covers both the physical and economic access to food that is inclusive of the local people's food demand as well as their food preferences. In Yahaya et al (2018) view, food security is founded on three key pillars; food accessibility; food availability; and food utilization. Food availability is described as the amount of available food regularly while food utilization focuses on the dietary quality associated with an inadequate intake of necessary vitamins and minerals to sustain a healthy life and finally, food access refers to an individual's capability to access and receive resources relevant for food as a nutritious diet ( Yahya et al. 2018)

In Nunow's (2015) view, contemporary pastoral regions have experienced large tracks of land being set aside for industrial-scale farming, mining, and biofuel production. The national development concept is usually pegged on the contemporary land alienation in pastoral regions. Abbink *et al.* (2018) note that transforming land pattern use, environment disturbance, and pastoral livelihood are becoming a usual phenomenon in regions such as Eastern Africa, which host one of the biggest concentrations of pastoralists (agro-, transhumant, and nomadic) at the global arena. In Abbink *et al.* view, those agro-pastoral and pastoralist communities residing within the emerging potential investment areas are willing to continue to experience the substantial effect from the large scale commercial investments, both at foreign and domestic platforms, through resettlement schemes and further via the increasing transformation in landholding and land utility within their territories, whether internally or externally induced (Abbink *et al.*, 2015).

Therefore, it will be prudent when the politicians, governments, local communities, human rights organizations, and NGOs, investors, activists, as well brokers put efforts toward searching for



solutions where the emergence of conflict of interest takes place and development of prevention mechanisms from extreme conflict situation that would emerge when different interests are hardened into opposing fronts (Abbink *et al.* 2015). In addition, most authorities still perceive the pastoralist's land as 'degraded, 'idle', or 'unproductive' hence required 'development' foreign and local investors.

A larger part of Africa as well as ASALs in other regions of the world only provide an environment where dry belt production of food can only occur in the form of mobile livestock production (Schlee, 2013). This is reflected in the 2010 period in the Horn of Africa where pastoral livestock value and meat trade reached one billion American dollars (Catley, Jeremy, & Ian, 2013). Caley *et al.*'s example is a clear indication that the livestock trade interlinks emerging from pastoralist regions in the Horn are so high in volume, leading to states such as Somalia, Ethiopia, and Sudan being clustered as 'high export' states hence supporting the concept that pastoralist communities "have adapted to, rather than ignored, market demands and opportunities" by not only working towards increasing meat demand in the respective states but also on the international market (Catley *et al.* 2013: 6).

The re-emerging challenges facing pastoralists in the East African region are associated with the weak recognition of their customary practices and rules relating to access to land, the use of land, and the traditional law. Though traditionally the pastoral communities that resided in their areas before the onset of modern governments, they followed the time frame to honor their land and use of resources that enabled them to survive and empowering them to thrive. Therefore, the modern government seems to be ill-equipped to practically and conceptually deal with open access as well as customary use and control of commonly-owned pastoral lands, where land laws require holders of land to demonstrate 'use' or their land be subjected to confiscation, an

approach that disadvantages pastoralists whose land use are mostly invisible. This approach renders pastoralists' historical claims on their land as risky. Schulze (2009) links this phenomenon in pastoral land ownership and use to the socialist time of total state control and transition to a market economy with near neglect to any kind of regulation as well as the context of de facto open access. In his argument, the re-introduction of state control, privatization as well as land titling, or a community-oriented and managed by a group of herders has made the pastoral livelihood difficult.

Abbink (2015) identifies foreign investors and local populations as the major threats that increase existing challenges faced by pastoralists, as economies, politics, and individuals' fate, who are unfamiliar with each other, are merged via the globalized market dynamics instead of through human encounters. This provides investors who are not familiar with the territories their firms work in or invest, despite their presence having a significant effect on local peoples' lives, raising queries on these encounters in the future. The United Nations Human Rights Committee affirms that "... to enjoy a particular culture, one may consist in a way of life which is closely associated with territory and use of its resources. This may be particularly true of members of indigenous communities..." (Abbink, 2015:8). Therefore, the recurring challenges among pastoralist communities in eastern Africa are reflected in the weak acknowledgment of their customary practices and rules regarding access to land use and their traditional laws.

#### **2.4 Land Governance in a pastoralist community**

Davies, Herrera, Ruiz-Mirazo, Mohamed-Katerere, and Nuesiri, (2016: 3) defines pastoralism as "extensive livestock production on the rangelands" and includes many diverse herding practices and systems of production that are globally found. However, this practice is an indication that planned livestock herding is a major common practice that is important for sustainable

management of rangelands. Therefore, the managed movement of herds is important for sustainable pastoralism and further poses one of the greatest problems towards securing pastoral tenure. In Davies et al (2016:5) view, mobility can occur at very different scales “from long-range nomadism to seasonal transhumance of different distances to relatively localized herd movements and pasture rotations.” Therefore, this mode of behavior has been used over the years to justify a lack of capacity to secure pastoral land rights, as they are inconsistent movement thus can not claim any specific piece of land. The same concept has been utilized in places where pastoralists have pursued the same transhumance routes for routes and where evidence exists of their historic management and use of land. In this context, mobility has been used by pastoralists as a response mechanism to the unpredictable and heterogeneity rangeland resources in addition to the communal tenure practice. These two elements form a complex customary tenure arrangement that needs sophisticated feedback from the government as well as other agents in retaining the practice (Davies, *et al.* 2016).

In their view, Davies *et al.* (2016) identify the term “common” as used in governing tenure rights to commons as natural resources such as fisheries, forests, and lands that group of communities, group of persons or a community owns, manages and uses collectively in support of their food security and livelihood and wellbeing sustenance. In this context, collective tenure rights become a key element for millions of persons globally. Davies *et al.* (2016) however note that the poor, marginalized, as well as vulnerable and landless persons, depend on commons, as this act as a representation of a source of income and safety net in time of hardship. Therefore, commons are crucial for spiritual, cultural, and social value to different communities globally as they provide important environmental services at local as well as at internal platforms. In this context, the recognition of collective land ownership rights to commons is thus a foundation to

the realization of sustainable development as well as achieving the right to food accessibility (Davies *et al.* 2016: 5).

#### **2.4.1 Pastoral capabilities matter**

The set of persons with capabilities impacts on individual's ability to "live lives they value" (Sen, 1999) an indication that to make an independent decision about the kind of lives they aspire to pursue, individuals should have a will. Therefore Davies *et al.* (2016) relate Sen's view by indicating that in strengthening pastoralists community's capacity towards eradicating poverty; social stability, sustainable livelihoods, rural development, and environmental sustainability of the resource they rely upon are a key element to boosting their wellbeing.

These aspirations can be realized through the government showing a strong commitment towards realizing the Sustainable Development goals. Most of the SDGs; goal 1, 2, 3, 5, 6, 8,13,15 and 16 attempts to end all forms of poverty everywhere; eradicating hunger through the realization of food security status and improving nutrition, while promoting sustainable agricultural practice; promote sustained, inclusive as well as sustained economic growth and development, full as well as productive employment, and decent job opportunities for all; urgent measure to curb climate change and its effect; secure, restore and advocate for sustainable terrestrial ecosystems use, manage forests sustainably, curb desertification, and stop as well as reverse land degradation and stop loss of biodiversity; and finally advocate for peaceful and inclusive societies towards sustainable development, through inclusion and provision of peaceful societies for sustainable development, provision of the justice system for all while developing effective, accountable and inclusive institutions at all levels (UN, n.d). Davies *et al.* (2016) affirm that these sustainable development goals are essential for strengthening tenure governance in pastoral land.

Pastoralists' participation in the definition of solutions is essential towards ensuring that adopted strategies are in a position to improve their wellbeing. In this context, Davis *et al.* (2016) note that state response towards pastoralists' social vulnerability (household isolation is lacking health and education facilities) normally occurs through external development approaches, however, the external responses may as well expose the pastoralist vulnerability, through the creation of new kind of competition, pastoralist key resources, and the rangelands.

Since pastoralists use the land as well as other resources in collective form, their sense of ownership (such as the right to manage the resource in wholesome and exclusive approach) fits within their traditions as well as livelihoods. Therefore, property rights held by pastoralists are understood better as overlapping rights, usually with rights to one resource being vested within diverse sets of rights interlinked with another resource, and operating at multiple spatial ratings with different functions and authorities. These factors inform Davies *et al.* (2016) to believe that pastoralist's rights require recognition in every territory they operate in despite the territories belonging to different regions as well as countries or managed by different tenure systems. This might compose periodic user rights towards lands outside the rangelands, to be used as drought reserves. Though the pastoral community has faced numerous historical challenges in land ownership and livelihood, the land tenure systems have proven to be adequate to manage rangelands and their resources sustainably (Davies *et al.* 2016).

Though the customary land ownership system is noted to have played a key role in rangeland governance, their function remains poorly acknowledged as well as rarely supported by land policies. In Hardin (1968) view, as cited by Davies *et al.* (2016), the government policies have been misguided over the years due to the perception of "the tragedy of the commons" concept where completely free accessibility to shared resources, such as rangeland, result to

overexploitation and complete depletion of the resources in the final stage. Conventional community-oriented systems, inclusive of those with flexible access rights, have indicated that their sustainability and effectiveness in their regulatory institution framework is reliable. Therefore, assuming that absence of control lead many governments to invoke policies towards nationalizing rangeland, results in weakening or disintegration of local common property regimes and developing a “tragedy of the commons” concept which never thrived initially (Davies et al. 2016: 8).

This view affirms that customary systems are dynamic as they consistently adapt to social, economic, cultural, political, or environmental challenges. Therefore, introducing customary land tenure systems under the statutory law realm might present new opportunities as well as benefits to the pastoralist communities. However, many have failed in this context by localizing wealth, opportunities, and decision-making authorities in the hand of powerful individuals in the group (Dressler et al., 2010). Davies et al. (2016) therefore suggest that reforms need to be put in place to protect the marginalized and poor people's rights to be flexible enough to accommodate rights and practices with complexity at multiple levels.

In addition, pastoralists need secure access towards specific resources at different seasons of the year, inclusive of grazing lands, salt pans, wells, and trees, right which is normally governed by principles of reciprocity and flexibility. Therefore, many pastoral communities require more than most territorial boundaries to remain uncertain (fuzzy) with continuous negotiations over the access in which the individuals or user groups are in a position to re-evaluate their share of, level of control over strategic resources. However, this proposed approach of resource accessibility rights might cause tension with those sharing resources with pastoralists, especially where the

statutory law provides priority to the settled populations as well as to tenure claims founded on cultivation and permanent use (Davies et al. 2016)

#### **2.4.2 Land Conversion**

Extremely productive regions that act as winter and drought refuges for pastoral herds, as well as the water source, are the major assets that permit mobile pastoralists to widely exploit, unpredictably productive rangelands. According to Behnke and Freudenberger (31 July 2013), the economic progress of pastoralism indicates the capacity to support a human population as well as ride out of droughts or better blizzards, following their continued accessibility to major assets, especially water points, sheltered winter camping areas, and river valley lands. This phenomenon has been evident in Asia and Africa where the loss of pastoral accessibility to sections of highly productive land and the seclusion of this lands to other utility areas, has been occurring to a wide area (Benke, 2008). In Behnke and Freudenberger's (31 July 2013) LUCID report view, the changes were frequently justified before the unrealistic projection of the increased income caused by an intensive system of land utility or simply ignoring consideration of the opportunity costs of exclusion of pastoral users towards highly productive land.

The increase in the pastoral land ownership conversion to other users was partly attributed to the agricultural commodity process boom in 2008 and subsequently, the anticipation of world food security ignited a global wave of large-scale agricultural land acquisitions (Behnke and Freudenberger, 31 July 2013) This is further raised early by World Bank reports stating that:

Compared to an average annual expansion of global agricultural land of less than 4 million hectares before 2008, 45 million hectares worth of large-scale farmland deals were announced even before the end of 2009. More than 70% of such demand has been in Africa, and countries such as Ethiopia,

Mozambique, and Sudan have transferred millions of hectares to investors in recent years (World Bank, 2010: 23).

This trend is not favorable for pastoralists communities. In the case of Ethiopia and Sudan who possess the largest population of livestock in Africa and consequently harbor the largest as well as the fourth largest pastoral population in the continent thus being highly affected by the land ownership transfers. The World Bank (2010) report analysis, identifies that unsecured as well as low-density areas are preferred areas for agricultural production expansion, an analysis that integrates many pastoral rangelands. In World Bank (2010) it was identified that planned and existing investments be not only significant but also negatively correlated with the level of rural tenure recognition, where lower land rights recognition increases a state's interest towards land acquisition. Therefore, countries, where rural landowners or users possess the weakest tenure rights, are likely to attract a large number of investor interests as well as projects.

Okello and Kioko (2010) noted that though land tenure is an essential consideration in managing environment and conservation, the shift from the conventional communal land ownership to individual land ownership within the Amboseli environment contributed to the degradation of the environment and unsustainable utility of natural resources within the demarcated areas (Amboseli National parks) dispersal zones affecting their support the grazers and wildlife population. In addition, Okello and Kioko (2010: 34) indicates that the Land Group Representative Act of 1968 manages group ranches and thus is perceived as a compromise between 'individual ownership and the need for access to wider resources in the arid and semi-arid land.' On the contrary, the group ranches have been viewed as largely ineffective towards advancing Maasai livelihoods, and instead, increase numerous ecological and social issues.



Ntiati (February 2002) notes that the last 25 years have seen substantial tension arising in the group ranches with contestation surrounding land ownership, especially for young people. As a result, this has led to a demand increase for sub-division on many parts of the region's lands, an aspect likely to affect land use in the area. The most affected groups are the pastoralists and the wildlife animals who depend on the large tracks of land to access resources widely distributed in space and time.

According to Ntiati (2002) LUCID report, land ownership transformation in Kajiado district and sub-district of Loitokitok has been driven by external actors, undermining the value of conventional natural resource management, that require to be managed differently. Though Ntiati notes that though the intentions initially were for the good of the society targeting land security for the Maasai community, there was the absence of real support for the implementation of the created strategies where assumptions were that the financial institutions and legal mechanisms required were already set for the group ranches. On the contrary, the ranches' objectives failed to give encouraging results hence leading to the ineffectiveness of the group ranch system.

Group ranches were created in 1968 under the Land Act (Group Representative). Ntiati (2002: 1) defines the Land Group Representative Act as "an Act of parliament to provide for the incorporation of representatives of groups who have been recorded as owners of land under the Land Adjudication Act, and for the purposes connected to collective pastoral management and resource use." In his view, Ntiati notes that under the Land Group Representative Act- Cap 287, the arrangement of collective pastoral arrangement was to be maintained until the members opt to dissolve the group ranch through a written resolution passed by 60 percent of the present members or proxy through proxy at a convened general meeting.

### **2.4.3 Enclosure and Privatization of Land ownership**

Though termed as oversimplification ideology, Behnke and Freudenberg (31 July 2013) note that western perception of individualized land ownership is consistently under attack for crumpling the conventional communal systems of the pastoral land ownerships. This is because the western concept has two characteristics of modern life: localization of state administration and commercialization, which boost long term reduction as well as the disintegration of collective systems of use of rangelands. However, where the pastoralist societies lie, land management lies outside the government management, then individual pastoralists will not be in a position to own land within the legal titling context.

Therefore, Behnke and Freudenberg (31 July 2013) share Ntiati (2002) views that in the stateless or self-governing contexts, individuals do secure land-use rights via their membership in the groups that are suitable to hold land jointly while competing with other competing groups in the region. The survival and sovereignty of these groups act as a substitute for a written document (titles) where possession is identified through culturally sanctioned entitlement, military capabilities, and political skills rather than legal and administrative authority.

In Behnke's (2008) views, the self-governing status by the pastoral communities in the fight for their communal trust land ownership, as capable of changing when the national government becomes active. When the administrative control associated with trade and market grows, the growing economic value for land ownership impacts on transforming perception as individuals increasingly upholds land, not as a component of livelihood but rather a valuable economic commodity that can be transacted (sell or bought) and converted to other forms of utilities. Lesorogol (2005) and Behnke's (2008) analysis concludes that increase pressure to privatize or as

well enclose rangelands may be closely associated with market expansion and government control.

#### **2.4.4 Land security and population pressure**

Behnke and Freudenberger (31 July 2013) view increasing urbanization, economic opportunities, and the demographic pressure are delocalizing some of the rural areas within the African continent, as demand for rural land in some semi-arid zones in Africa is growing. This phenomenon pushes herders and farmers to adapt to the transition from land-abundance to scarce land in the rural economy. As a result, this phenomenon has undermined the pastoral land ownership rights.

Though farmers in the Sahel increased their farming systems or as well possess their livestock, the ‘nomadic herder in the same context has lost secondary property rights such as grazing on the fellow or harvested fields that are used by farmers’ (Behnke & Freudenberger, 2013: par. 20). This is because the expansion of farming area has encroached into the livestock pastures, trek routes, around watering sources, increasing herder-farmers conflicts. East Africa region as well shares the same events where population influx in the highlands areas has participated toward agricultural encroaching into the pastoral zones as the farmers expand their farming practice on the margin of the pastoral lands.

Behnke and Freudenberger (31 July 2013) however note that despite herders not losing any of their grazing lands, the land value they can exploit from their common property rights diminishes with an increase in the number of users. As Moritz et al (2009) are cited by Behnke and Freudenberger (31 July 2013), it is indicated that the process is as well-realized in some parts of East African region where there are increasing cases of pastoral -human populations while there is a reduction in the livestock wealth per capita. However, heavily populated rangelands, as well

as the small, individual size of herds as well as the pastoralists, are increasingly exposed to the climatic shocks, with the consistent temperature and rainfall fluctuation hence being in a position to cause hardship as well as further impoverishing the community's wellbeing

#### **2.4.5 Land tenure and Food security**

Mabikke, Musinguzi, Antonion, and Sylla (2017) notes that there is a growing need to develop an association between food security and land tenure as development institutions and government work out ways to assist in managing to farm. This has led to recognition by various actors that food security and land rights are interlinked closely forming policy and development variables. Therefore, given the key role played by land in most African's livelihood; poverty reduction and food security cannot be achieved if challenges surrounding land accessibility, tenure security, and sustainable land productivity capacity are not addressed. As per Mabikke *et al.* (2017) article '*Land tenure and its impacts on food security in Uganda*' land, as well as tenure security, forms a prerequisite in the African setting for providing shelter and achieving food security. The land also forms the foundation for sustainable urban and rural development. Though day to day livelihood activities and agricultural activities are sometimes impacted by markets, infrastructure, physical conditions, and climatic conditions, there exists substantial evidence pointing out at land access and land ownership as having a profound impact on smallholders' livelihoods.

Baltisen and Betsema article "Looking land governance and food security in Africa' affirms that equitable land accessibility forms an important platform for inclusive economic development, sustainable growth, and food security within the African continent. This continent is surrounded by issues of globalization, increased demand for biofuels and food, population growth, urbanization, tourism, mining, nature conservation as well as climate change that increases

pressure on the available land. In context, Baltisena and Betsema attempt to elaborate deeply on the land acquisition, land governance, and food security concept (n.d). They define land governance as a process through which decisions are formulated per land access and usage of the same, the manner of implementing the formulated decisions, and approaches used to reconcile conflicting interests in the society. Tenure is described by Maxwell and Weibe (1999) as “bundles of rights’ to manage specific land issues or other rights to properties. This elaboration on tenure makes a referral to the land tenure as a composition of social relations as well as institutions governing the availability of and utility of natural resources and land.

For individuals to enjoy their freedom in land accessibility, Amartya Sen links land tenure freedom to development which she defines as being presented differently by different scholars and institutions. However, Amartya Sen presents development as a multidimensional process that involves major changes in social structures, popular attitudes, national institutions, and the acceleration of economic growth, as well as minimization of inequality gap and poverty eradication. Various scholars believe that economic growth has taken a leading role in many people’s minds by increasing their per capita income and wealth. However, Amartya Sen in the book “*Development as Freedom*” argues that income and wealth should not be perceived as the end in themselves but as instruments for other purposes. He perceives the concept ‘*Development*’ as an integrated process of expansion of substantive freedoms that interlink with one another. In this context, every aspect of the concept of freedom deserves keen focus. Therefore, the development concept focuses on commonly related economic growth. This is because it enhances the lives that individuals lead as well as the freedoms they enjoy. The aspects covered incorporate the functioning of an individual’s capabilities.

Landesa(2012) indicates that protected land rights can result to enhance agricultural productivity within the household level via a variety of approaches. These approaches range from protected land tenure availing incentives for landowners to invest in improving the land. In this case, if a farmer works within the assumption that another entity or the state may attempt to take their land, the victims may refrain from engaging in sustaining or increasing production quality. Secondly, protected land ownership can enhance financial services accessibility and access government programs to widen financial scope enabling the purchase of potentially required inputs for the production of food. Finally, Baltisen and Bitsema indicate that by minimizing risk consistency in land loss, protected land rights are in a position to enable the creation of required space for more maximum land exploitation (recognizing the importance of fallow land to prevent overuse informal land tenure), leading to potential positive food production impact in the community. According to the International Land Coalition (2012) equitable accessibility and managing of local natural resources, such as land, are major platforms that empower the poor in the community to exercise basic human rights aligned to freedom from poverty and hunger and live a dignified life. This argument backs the contemporary debate on food accessibility as a fundamental human right. Landesa (2012) further adds that securing land ownership for females in society is essential for injecting positive benefits to food security that supports household livelihood.

## **2.5 pastoralist coping strategies to sustain livelihood**

Abbink et al. (2015) identify that the productive utilization of rangelands via “mobile livestock husbandry has long defined the most effective strategy for extracting value out of otherwise marginal lands, and in so doing feeding growing millions” ( Abbink *et al.* 2015: 2). However, the past decades’ experienced valuable pastoral lands being turned out to be subject to large-scale

agricultural investments that result in rangelands fragmentation, induced pastoralists sedentarization, and a drastic reduction of livestock populations.

Abbink et al. (2016) note that despite the richest rangelands region changing from being pastoralist storage area of resources, they are accessible to pastoralists during the dry season for grazing, in favor of cultivation. This element is further impacted by the general decline in land productivity and the pastoral communities have limited say over the evolution of their behavior regarding the alternative land utility of ownership. Though the East African governments usually put claims on land use in monopoly, more requirements ought to be achieved to assure the rights as well as pastoralists' resources as partners in land ownership as an emerging trend, with more need for considerations to assure the resources and rights of pastoralists as equal partners within the newly developed endeavors and to formulate better-informed choices in the long term land use in the pastoral land.

Schulze's (2009) report identifies pastoralism as a system where animal husbandry usually practiced on marginal soils and in extreme environments requires to be mobile and flexible towards land accessibility and accessibility to other natural resources to develop alternative approaches for disaster risk management and try to adapt to the extreme climatic change. Therefore, the ongoing pasture land degradation makes it essential to develop incentives that prevent degradation of pasture with an aim not to further increase resource scarcity. In order to curb resource scarcity among the pastoralist communities, Schulze (2009) notes that "it is important to reactivate remote pastures as well," however regulations towards pasture land accessibility is overriding the importance of pasture land to the pastoral community (Schulze, 2009:5). The concept of food security among the pastoralist community is linked to livestock

keeping and any activity that hinders the wellbeing of their livelihood impacts on their food security negatively, exposing the community to poverty and hunger.

This study, therefore, seeks to assess the effect of land ownership acquisition on food security among the Maasai community in Kajiado county. It identifies that the dispossession of land either legally through the state allocating idle land to local or foreign investors with personal interest and grabbing of land by missing individuals through title land consolidation for sale has limited the pastoralists' capability to cope with the modern challenges to sustain the food security hence forcing the community to seek alternative measures to survive in the uncompromising modern dynamics of investment and food security.

### **2.5.1 Laws and policy reforms**

According to Baltissen and Betsema reflection paper "Linking land governance and food security in Africa: Outcomes from Uganda, Ghana & Ethiopia", equitable land accessibility is important to inject sustainable development, inclusive economic growth, and food security in the African continent. This has led to the emergence of diverse conflicting interests internationally on household management to curb conflict, secure the locals' rights while attempting to catalyze inclusive economic development as well as ensure food security. Therefore, effective land management is key to controlling land focused claims and incorporate processes of exclusion and inclusion of the pastoral community, such as the Maasai.

### **2.5.2 Improving food security and land governance**

#### **National framework**

Land governance in most of the African states is reflected by contradictions existing between consistent progressive legislation and minimal implementation of the framework. In the state of



Uganda, institutions mandated to administer land and solve disputes, such as local government, and special land justice court is substantially weak. Tenure insecurity lays a major source of the emergence of conflict within various families, between communities, and groups in the society (LANDac, 2016). According to LANDac (2017), food security and assimilation of water resource control are closely associated with collective tenure ownership. The major challenges experienced in land tenure include elements such as population increase and growth in land demand; small landholdings and land fragmentation; weak policies and governance institutions on land, and natural resource pressure that intends to attract land oriented investment, and Foreign Direct investment (Baltissen and Betsema, 2018).

### **Food Security Bill**

The Food Security bill outline in ‘the Kenya Gazette Supplement, Senate Bills, 2017’ supports the 2010 Kenya Constitution, Article 43(1) (c) indicating that there is a need for citizens to be free from hunger as well as the right to substantial-quality food. In addition, the bill supports Article 53(1) (c) of the Kenya Constitution entrenching the right of every Kenyan child to fundamental nutrition and finally, Article 21 propagates for ‘implementation of rights and fundamental freedoms under the Kenya Constitution’ (GoK, 2017; 334). The food security Bill 2017 obligated the local(county) government to set up mechanisms to enable ease in the implementation of programmes and policies necessary to facilitate the right to food in various counties (GoK, 2017). The same bill advocates for the creation of county food security committees as a model used to ensure that essential programmes, strategies, and policies are implemented at the lowest level of government.

article 43 (1) (c) of the Kenyan Constitution focuses on freedom from hunger and provision of adequate substantial food, section 2 supports the right to enjoy the set provision. In this context,

the county and national governments ought to: respect, secure and achieve human rights to access food while guaranteeing enforcement mechanism; ensure availability of, accessibility to, and adaptability of food to every individual in the country through creating avenues for accessing production resources, maintain and support income enabling contexts where households can sustainably and consistently access food (GoK, 2017: 340). In addition, the targeted mechanism by the county and national governments should ascertain setup approaches that ensure farm inputs availability and their implementation, as well as food production mechanisms, supports food production. These food security approaches ensure physical availability to food that considers minimum dietary needs of communities or individuals threatened with or suffering from starvation (GoK, 2017: 340). Therefore, the county and national governments should promote the economic and physical accessibility towards adequate food with acceptable quality.

LANDac(2015a) notes that the Kenyan parliament in December 2009 assented to the newly crafted National Land Policy that was designed to address the contemporary gaps in incompatible laws while ensuring efficient, sustainable as well as the equitable utility of land. The policy report was a reflection on Ndung'u's commission report in December 2004 to investigate issues of irregular public land allocation. According to Manji (2015: 7-9), the report identified widespread corruption cases in land administration and management systems, especially via land grabs engaging public personnel, businesses, and well-connected businesses. The National Land Policy was further strengthened through Chapter 5 of the new Kenya Constitution of 2010 focusing on Environment and Land. Therefore, Chapter 5 of the Constitution of Kenya advocates for an equitable, efficient, sustainable, and productive way of handling land issues. It as well addresses the land grabbing practice in the society by proposing

of new National Land Commission, that is intended to research and redress, current and historical injustices in land issues (LANDac, 2015a).

The new Kenya Constitution of 2010 and the National Land Policy are presented as radical mechanisms for solving land issues and composes significant realization of historical land reform cases. Manji (2015) notes that these devices geared towards overhauling the land governance system in Kenya that would enhance tenure security and maintain equitable land accessibility. However, subsequent enacting and drafting processes of new legislation largely contribute to the failure of the measures. This is due to the absence of guiding principles in land law documents. Klopp and Lumumba (2014: 62) identify the new legislated land laws in 2012 April to be composed of the Land Registration Act, the National Land Commission Act, and the Land Act. The existence of the Land Registration Act and Land Act led to re-appealing of several old laws like the Government Lands Act of 1915 and creating avenues for widespread land dispossession(grabbing) by government personnel (Klopp & Lumumba, 2014: 62).

### **2.5.3 Food security policy framework in Kenya**

In Kenya, approximately 38.5 million individuals are living in poverty conditions with about 7.5 million citizens live in dire poverty level while above 10 million people are undergoing poor nutrition levels and chronic food insecurity (GoK, 2017). In order to realize the four major dimension framework (accessibility, availability, stability as well as achieving nutritional pre-requisites) surrounding food security definition, Kenya combines long term plans to boost production and the rate of income, with policies and programmes that act as an immediate response to food insecurity and poverty in society(GoK, 2011). The government through the Kenyan Constitution Article 238(1) indicates that one of the major national security principles is the provision of security to every Kenyan citizen's right, property, freedoms, stability, peace, and

other human supportive national interests. These protected rights include the right to freedom from hunger, access to adequate and sustainable food with quality conditions. The Government of Kenya's 2011 report on 'food security' indicates that when a Kenyan is subject to malnutrition and hunger, then the state guarantee of peace to its residents is limited due to the possible emergence of food riots. Therefore, providing reliable quality food to the citizens is a form of enhancing the country's' national security.

Kenya crafted its first 'National Food Policy' under *Sessional Paper No. 4* in 1981 that intended to maintain large scope in self-sufficiency on the core foodstuffs as well as ensure equitable food distribution to every citizen (GoK, 2011). This was informed by the 1965 *Sessional paper No. 10* on African socialism in 1965 where the application of the paper was to be realized through planning in Kenya, focusing on the elimination of diseases, ignorance, and poverty rates in the country. The Government of Kenya 2011 report on food security in the country, indicates that the 1981 Sessional Paper No. 4 was consolidated later into the *1986 Sessional Paper No. 1* on 'Economic Management for Renewed Growth' with focus on sustaining large scope self-sufficiency inequitable food distribution and foodstuffs to every citizen in the country (GoK, 2011). This identified approaches which were to be realized through government interventions, like providing grain prices, monopoly status in government distribution of inputs, as well as fertilizer subsidies provision across the board. However, the second major drought between 1991 to 1994 led to the crafting of the second National food policy since independence via *the 1994 Sessional Paper No.2* which majorly promoted market-driven mechanisms within a limited scope of the framework (GoK, 2011:5).

The 1994 National Plan of Action on Nutrition was aimed at solving the country's nutritional challenges by engaging different actors in consultation and diverse sectors in its implementation.

However, this Action Plan lacked a framework to implement the plan with clear coordination approaches and reliable fund implementation of the identified activities. Despite the previous food and nutrition policy models failing to achieve the required goal by realizing limited process and achievement, several essential and important lessons were acquired that informed the formulation of FNSP in Kenya.

The major aim of the FNP was to act as a value-added model, develop synergies as well as help with the implementation of current sectoral and national policies and strategies towards providing effective solutions on food insecurity and malnutrition cases in the country (GoK, 2011). The multifaceted face in food security and cross-sectoral nature led to a large number of strategies, policies, and legislation being reviewed to avoid duplication of initiatives between the government and its partners. The country as well developed the 'Kenya Poverty Reduction Strategy Paper (PRSP) of 2001, Economic Recovery Strategy (ERS) for Wealth and Employment Creation of 2003-2007 and Kenya Vision 2030 graded rural development and agriculture as the government key priorities, with food security forming part of the five major sub-sectors (GoK, 2011).

The Constitution of Kenya presents a binding nature to domesticate every regional and international treaty and conventions where the country is a party associated with nutrition and agriculture. The government further commits through National Assembly progressively debating on Kenya's progress towards achieving its international mandates linked to agriculture (GoK, 2011: 9)

The Kenya Constitution 2010, Chapter 5, Article 61(1) indicates that all land within Kenya's territory belongs to the Kenyan citizens collectively; as individuals, as communities, and as a nation (The Constitution of Kenya, 2010). This leads to the classification of Kenyan land as

private, community, or public land. In this perspective, Doshi, Kago, Kamunde-Aquino, Kiguatha, Idun, and Chapman (2014) define different terminologies surrounding land by noting freehold tenure to only be accessible to Kenyan citizens while the leasehold tenure, is accessible to both foreigners and Kenyans. Public land is managed by the National Land Commission who administers the Public Land and decides whether the land should be leasehold or freehold. The Community Land Bill of 2014 defines Community land as land possessed within the customary, leasehold, freehold, and other kinds of tenure acceptable in a written law. Doshi et al. (2014) note that unregistered Community land also classified as Trust Land, which forms 73.8% of land by 2001, is under administration and the management of the National Land Commission under the County Government. The study will use communal trust land ownership and the titling land ownership as reflected in Kajiado county as Matapato is managed under trust land and is titled (Ntiati, 2016).

### **The study Gap**

The literature reviewed in line with the thesis topic widely focused on land tenure transformation, historical, and inherited injustices in the governance system on communal land ownership. However, the crafted policies in post-independence on food security focuses on agriculture and other types of farming but rarely focus on pastoral livelihood as a means of boosting nutrition and eliminating hunger in the country. The study intended to analyze the impact of land tenure transformation supported by state systems and its impact on food security among the pastoral community in Kajiado County. Kajiado County especially some regions such as Kajiado West Constituency have been highly urbanized pushing the pastoral community away into the rural areas while some opt for non-pastoral tasks that bring in minimal income. This

impact on land tenure, apart from natural calamities among the Maasai community in the country, has made the community prone to food insecurity and malnutrition cases rising.

## **2.6 Theoretical Framework**

The international relations field has different theories which try to explain the phenomenon in diplomacy, development studies, and peace and conflict. This study used the governance theory to create the nexus between land acquisition and its impact on food security among the Maasai community in Kajiado county. This is because the social challenge among pastoralists is composed of various actors ranging from international, regional, national, and county actors whose activities at the local level impacts the local citizens' well-being.

### **2.6.1 Governance Theory**

Chhotray and Stoeker define governance as "...the rules of collective decision-making in settings where there is a plurality of actors or organizations and where no formal control system can dictate the terms of the relationship between these actors and organizations" (2009:3). This theory has four tenets in its definitions. First, the rules entrenched within a governance system is elastic and, in a position, to reach both the informal and formal setting. In this context, decision formulation guidelines generally are reflected in the form of institutions and are capable of remaining stable over a given period through dynamic. Therefore, the new types of governance are faced with challenges hence the interest is in the formal existing arrangements rather than the decision-making structures and the more informal customs, conventions, and practices. This is defined by Ostrom as 'rules-in-use' which combine informal and formal institutions that affect the way a community determines 'what to decide, how to decide, and who shall decide' the contemporary governance issues ( Chhotray & Stoeker, 2009: 3).

Secondly, the 'collective' principle indicates that collective decisions are generally decisions pursued by a group of people. However, despite the existing avenues to express different preferences through a decision-making procedure, the final agreement usually applies to all in the community or group. This brings in the element of universal suffrage, where the rule applies to all, as this rule provides a platform for every individual to express their views but as well mandate every member to accept collective decisions.

Therefore, decision making may take a strategic approach or be restrained within daily implementation activities within an organization or a system. Collective decision-making needs rules to be formulated on who to make a decision, what, and how the decision-formulators can be held accountable for their actions. In this context, the governance framework ought to concentrate on collective decision-making within the social systems or better within the internal organization processes. It is further concerned with the rules that govern an administrative body or a local executive.

Critiques of Inclusive governance site the element of uncertainties and inconsistencies as the major weak elements surrounding the theory. In the opponent's view, shallow practice is usually reflected where institutions perceive the four principles as programmatic areas to be highlighted rather than uphold it as a major element of their work. Despite the concept promotes potential transformative concepts of citizens empowerment, they as well risk being minimized in practice by elites or seniors in society to limited forms of technocratic reform or citizen consultation that depend on a simplistic concept of developmental changes.

In both the economy and political sphere, there exists established approaches where collective decision making have faced criticism. In the impact of land acquisition on food security among the Maasai Community in Kajiado County, the basic unit for the political institutions, the nation-



state has faced numerous criticism for the complexity by social challenges, the organized interest strength, and the increasing internationalization of interdependencies. The major unit of the economy which is the firm/investor has as well become the center in the new consumer-demands, and complex control calls due to ethical and social consideration, as well, institutions ought to function in an increasingly globalized market (Chhotray & Stoeker, G. (2009). This has formed the centre of the conflict as the state dispossesses pastoral land termed as idle land and allocating them to local or foreign investors without considering the food security of the pastoralist who are dependent on mobility in search of pasture and water. Therefore, absence of collective decision not being integrated at all government as well as state levels have exposed the locals into losing their livelihood, which is livestock reduction due to limited mobility restricted by private or leased, or gazette lands, thus forcing the Maasai pastoral community to seek for an alternative coping mechanism to sustain their livelihood due to increase in food security which is their livestock

## **CHAPTER THREE**

### **3.0 RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This study focused on identifying the right research design and methodology, sampling frame and technique, inclusion and exclusion criteria, population and population sample, data collection, and data analysis approaches for the study. The study's area of focus was on looking at the topic "impact of land acquisition on food security among the Kajiado Maasai community.

#### **3.2 Research Design**

Hennink and Barley (2018) define research design as a research method plan as well as the technique associated with it. The design enables the researcher to use research methods and guidelines that are important for the issues under study as well as develop their study for achievement. Therefore, the research design is a comprehensive plan for collecting information in empirical research. The guideline or blueprint for research attempts to provide answers to specific research questions and also test specific research hypotheses while affirming in processes such as; "the data collection process, the instrument development process, and the sampling process" (Bihattacheriee, 2012).

This study used a qualitative research design method to analyze the case of Kajaido county's land ownership impact on food security among the pastoralist community. Hennink and Barley (2018) give a broad description of qualitative research design. In their definition, the research design is a model that permits a researcher to analyze in-depth individual's experiences through utilizing specific methodology sets, such as, focus discussions, in-depth interviews, content analysis, visual methods, observations, and life histories or biographies. In this context, qualitative research engages a researcher to have curious, open-mind, and empathic, in a position

to listen to other respondent's life experiences. The qualitative objective is strengthened by integrating collection data through interviews, observations among others and engages analysis process through coding the acquired data. Therefore, the study will use a qualitative approach where semi-structured interview questionnaires will be applied as a tool for data collection.

### **3.2.1 Research design method**

The study will focus on the exploratory research design method due to the limited information on the link between land ownership and food security among the Maasai community in Kajiado county. Exploratory research is conducted when enough is not known about a phenomenon and a problem that has not been clearly defined (Saunders et al., 2007). It does not aim to provide the final and conclusive answers to the research questions but merely explores the research topic with varying levels of depth. Therefore, its theme is to tackle new problems on which little or no previous research has been done (Brown, 2006). In this context, exploratory research will form the basis for more conclusive research and determines the initial research design, sampling methodology, and data collection method (Singh, 2007).

### **3.3 Study Location**

The study will take place in the Matapato ward, Namanga sub-location Kajiado Central, and Olgulului Group Ranch in Loitoktok in Kajiado North of Kajiado County, with Matapato ward's population being approximately 29,830 occupying an area of 1,311.40 square Kilometer and Olgulului-Ololorashi Group Ranch 1232 km<sup>2</sup>. This area historically was predominantly occupied by the Maasai community, however, there has been an inflow of different tribes into the region due to the availability of arable land and swamps around the area where agriculture can be practiced. In addition, the growing rate of urbanization caused by one-stop border has

increased the level of private land ownership and investment in the region where according to Republic of Kenya (2009) report, only 8 percentage of the region is perceived to be suited for rainfed agriculture thus providing a good group for pastoral activities.

**Figure 1**

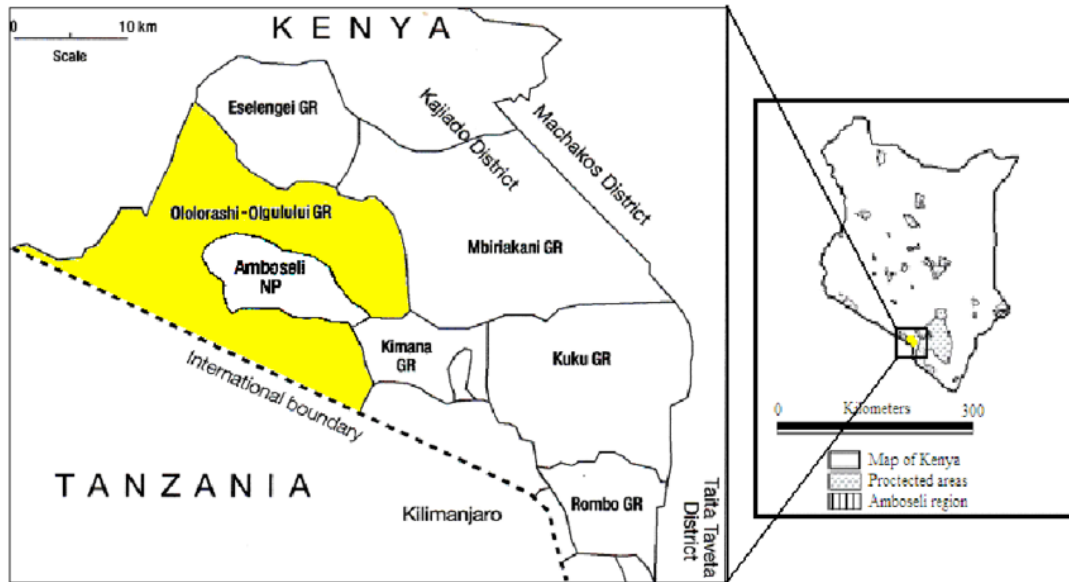


Figure 1. Amboseli Ecosystem indicating the Olgulului-Olororshi Group Ranch location in Kenya

Figure 2: Map of Matapato southward in Namanga district



### **3.4 Population and sample population**

The Maasai community in Kajiado county owning land or had owned land but sold intimately formed the basis of the study on their livelihood and wellbeing. According to Mugenda, the population is the total of the whole characters understudy while a sample is the subset of the whole population (1999). Kajiado County has a general population of 1,117, 840 individuals occupying a space approximately 21,293 Kilometre squared, where Kajiado central and Loitokitok holds 161,863 and 191,846 population respectively (the Republic of Kenya, 2019).

The study focus was on three major groupings {5 women and 5 men per study area (Matapato ward and Olgulului ranch) and 4 experts from county government} who had an experience of land ownership dispositions or acquisition on the Maasai community in Kajiado county. In this, a sample size of 30% from 3 main settings (Matapato ward; Olgulului Group Ranch, county government experts in food security, and land ownership in Kenya) was used to represent the whole population. The sample population for the study was 23 respondents to represents the whole of Kajiado county, where 11 of the respondents was acquired from the Matapato ward in Namanga district while another 11 respondents participated from Olgulului group ranch in Oloitokitok district and finally 2 county government officials were engaged in the interview process.

Mugenda and Mugenda acknowledges a sample size of 10%-30%. The study concentrated on those participants within 20 to 60 years as this forms the major component of community leadership. In this cluster, the study narrowed down to those individuals who have experienced land ownership acquisition or dispossession through various avenues and the impact it had on food security sustainability, and the expert's engagement in the process of resolving the phenomena. The sample size was formed by the 2 focus groups and interviews were conducted

in 2 locations (Matapato and Olgulului) composed of 5 participants and 4 individual interviews (government experts at the county level) in every location to form a total of 24 respondents. This formed the study sample size.

### **3.5 Target population**

The targeted population only included those in the Maasai community between the age of 18 years and above and lived either in the Olgulului group ranch or Matapato ward. The focus group included as well those individuals living in the community and with basic or no education at all but with knowledge on land ownership system in their area and the impact it had on their livelihood. However, individual interviews were conducted to those who held leadership administrative position such as area chiefs in Matapato and Olgulului group ranch and county government officials in Kajiado.

#### **3.5.1 Participant inclusion/exclusion criteria**

This qualitative study was gathered using focus group interviews, questionnaire guidelines and individual interview questionnaires subjected to a pilot test to assess the minutes required to carry out the interview. The pilot test also informed the approach to bundle the participants into 2 groups each with 5 individuals, and 2 individuals from government offices in every study location (Olgulului and Matapato). A total of 24 participants were targeted participants in five different groups composed of both women and men from the local region as per their cultural requirement and the individual questionnaires will be administered to only those experts working within local government offices, such as Ministry of Lands and Ministry of health or food security and agriculture.

The parameters used to choose respondents was based on knowledge of land ownership acquisition and food security status among the Maasai community, especially in Matapato Ward and Olgulului Group ranch. Thus individual respondents were preferred to be in a position to give a critical opinion on the questions raised during the interview. The study approach also borrowed from Dornyei (2007) views that the process used in choosing qualitative participants should be open until every data is gathered, analyzed, and only concludes when no gaps are left unresolved through the interaction process. The iteration process involves re-checking and re-gathering of data repetitively. As noted by Dornyei (2007), it would be very difficult for the process to reach a complete saturation point where no more data is required and the individual professionals keep on repeating the previously given information. This aspect forms the basis for the limitation of this study. Therefore, following Dornyei (2007) elaboration on the effectiveness is reflected by the use of a moderator to identify when to halt the information gathering process and identifying the number of respondents to be engaged in the process in a day thus the study will be limited to 2 group respondents per day. Thus, through limiting the participant's number, more time was accorded to each respondent being interviewed hence realizing the saturation point.

To acquire participants for the study, the purposive selection process was initiated through a feasibility study being conducted to take into consideration the respondent's availability and time. Moreover, the study needed to consider homogeneity and cohesiveness of the participants (Dornyei, 2007), an aspect which was initiated in the study by the participant meeting the following criteria; expert at county government offices, must be a resident with experience of land ownership acquisition impact on food security, must be aware of alternative measures being taken to enhance local wellbeing. This sampling strategy was preferable for the study due to its

convenience and merits attached to the study. The homogeneity sampling aspect was preferred as the participants shared a common experience that permitted in-depth scrutiny to analyze common patterns among the volunteers (Ibid).

Therefore, before deciding the selection process, the experts and local respondents had to provide some basic information on their biography to identify whether the participant's consent is enough or a guardian has to be involved to provide consent for engagement in the interview process. This provided a large scope of field to choose from, thus initiating only those with 30-60 years to form the cluster of local respondents as culture dictates that only seniors in the society can be in a position to represent the society, those with experience in land acquisition challenge and food insecurity impacted by land ownership status. Therefore, those without land and does not provide for the family, forming the bracket 0-19 years were excluded from our study and thus focused on the productive age group in the society.

### **3.6 Sampling Frame and Sample Technique**

#### **3.6.1 Sample Frame**

The sample frame composes a population list where a researcher is in a position to make references during the data gathering process preferred for the study. The study will assess data collected from three locations ( Matapato, Olgulului, and Kajiado County government) where the respondents were segmented into two major groups; the first was Namanga focus group discussion composed of two focus group ( men and women) each segment with five respondent and an individual interview with the area Chief; and secondly Olgulului group ranch where the same criteria were used as in Matapato. In Matapato male respondents were coded as ( MM) while the female respondents were coded as (WM) while the chiefs were defined as local administrators ( AM). On the other hand, Olgului women respondents were coded as ( WO);



male respondents( MO) while the chief was termed as local administrator ( AO). Finally, the county official was termed as County Administrator (CA).

### **3.6.2 sampling techniques**

The research used a mixed approach technique, involving secondary and primary data collection methods, individual interviews, and focus group interviews. The Secondary approach will be retrieved from the USAID report, Kajiado county report, and the LUCID report, journal articles, and online scholarly sources while the primary data, will be collected using interview questionnaire devices. The division of the proposal into themes (land governance, landowner acquisition/dispossession on food security; and mechanism adopted to solve the land acquisition and food security issues in Kajiado County, enabled the researcher to carry out fast analysis on qualitative information and draw a conclusion.

Purposive sampling formed the best technique required in this study to get the right information (Cooper & Schindler, 2008). Moreover, the technique ensures that researchers extract the right data from a potential source rather hasten the speed of acquiring the right information in the process of data collection and analysis. Only those participants who are affected by land acquisition or dispossession on food security and experts' role in the phenomenon in the 2 identified areas( Matapato and Olgulului Group Ranch) was incorporated in the study. The study area conveniently blended with the study due to their strategic locations that offering increased probability in land acquisition and dispossession

Hennink, Hutter, and Bailey (2020) define focus group interviews as a method where the participants participate in research through discussion to give an inner circle hence few participants are in the process due to its depth of researchers to achieve the study goals. This is because an in-depth context of the information is acquired through mining every participant in

depth via their experiences as per the study objective. Focus group research is described as a kind of research that engages bringing in a small group of subjects at a localized setting and engaging them into a discussion of a phenomenon of interest for a short time. This study used interview discussion which was moderated as well as chaired by an expert facilitator, who introduced the agenda and posed a set of questions for the participants to engage in while ensuring that the ideas as well as experiences of every participant were equally represented and attempted to develop a holistic understanding of situational challenges based on participants' comments as well as experiences.

The interview "involves presentation of oral verbal stimuli and reply in terms of oral -verbal responses" (Kothari 2004 p. 97) where this research study adopted semi-structured interviews and open-ended questions to maximize data collection and data accuracy. This is because semi-structured interviews allow the researcher to make further inquiries thus obtaining further information that could easily be forfeited in a structured interview model. Pawar (2004) noted that unstructured models are effective when conducting in-depth interviews. The interviews were administered on a one-on-one basis to maximize the quality and quantity of data collected.

### **3.7 Research tools**

The study used semi-structured interview questionnaires administered to the focus group under discussion and the interview was administered to experts and staff within the institutions through face to face interviews, over the phone, or also through email. The semi-structured interview questionnaires increased the reliability of the feedback given by respondents by not limiting their feedback on specific issues. However, to measure the validity and effectiveness of the interview questionnaires, a pilot test was conducted by engaging 5 volunteers from the Matapato ward in Kajiado to respond to the questions. This enabled the researcher to adjust the time required to

answer the questions and to re-adjust the questionnaire to fit the objective of the study within a short time. The targeted time frame to be spent in the interview was approximately 10-15 minutes per group.

### **3.8 Data collection**

The effectiveness of any research depends heavily on the accuracy of the data collected. Pawar (2004 p.3) notes, "data collecting methods affect the quality, quantity, adequacy, and appropriateness of data determines the quality of research". Thus, to achieve high-quality data, this proposal used a mixed approach where secondary data was acquired from secondary sources such as (journals, books, articles, and documented reports) while primary data was collected through focus group interviews and individual interview questionnaire research tools. Kothari (2004) defines primary data as that which is collected by researcher first hand from respondents, whereas secondary data is defined as data, which have already been collected by another person, and is relevant to the subject of inquiry.

The secondary data were analyzed through a deductive approach that bundles convenient information in terms of themes and sub-themes. The study used primary data gathered using focus group interview discussion and individual interviews surrounding themes such as outsourcing, technical skills, terrorisms, financial transfer system, and the youth in technical institutions). In this context, the focus group interviews were then administered to targeted technical skilled students in public higher learning, to form the required respondents, to increase the study validity. The secondary data was subjected to a convenient deductive approach where the area of interest got divided into themes and subthemes.

### **3.9 Data Analysis**

This proposal used a mixed approach where primary data from the interview questionnaires both individual and focus group interviews were conducted surrounding the themes: large scale land acquisition and dispossession; effect of land acquisition on livelihoods; and the coping strategies used by the Maasai community in Matapato in Namanaga district and Olgulului group ranch in Oloitokitok district. The focus group interviews were administered to key respondents who had only basic education or no education but familiar with the land ownership system, dispossession of land, food security, and coping skills to sustain the family wellbeing. Individual interviews were carried out to four key respondents who were administrative personnel one at the land ministry, 2 area chiefs, and one clerical in the ministry of lands. The land Minister was interviewed via skype on 24<sup>th</sup> March 2020 an approach that was preferable to easily reach respondents in the wake of Corona Virus(COVID-19) pandemic.

The thematic data analysis method was applied to USAID 2016 report, World Bank 2010 report, and the County Government of Kajiado land report, classifying the data collected into comprehensible patterns. Thematic data analysis is whereby the researcher reviews the data collected, make notes, and categorizes it into themes. To ensure accuracy in the interpretation of data, three people developed and reviewed the codes. This helped the researcher in developing themes and sub-themes, based on factors such as vocabularies used, frequency of a certain idea among other factors. To ensure accuracy in interpretation, data coding was also guided by respective categories of participants i.e women, men, and experts in the ministry of land, administrative officers (chiefs).

### **3.9.1 Secondary Data**

The qualitative data for this study took the form of thematic data analysis method, which is preferred to classify the data collected into comprehensible patterns. Thematic data analysis was retrieved where the researcher reviewed the data collected, made notes, and categorized it into themes. To ensure accuracy in the interpretation of data, data was developed, gathered, analyzed and codes reviewed. This will help the researcher in developing themes and sub-themes, based on factors such as vocabularies used frequency of a certain idea among other factors. The study will be analyzed based on themes such as land governance, land dispossesses, food security, and coping mechanism, compromising data.

### **3.9.2 Primary Data**

#### **Interviews**

The interview "involves the presentation of oral verbal stimuli and reply in terms of oral -verbal responses" (Kothari 2004 p. 97). The researcher adopted semi-structured interviews and open-ended questions to maximize data collection and data accuracy. This is because semi-structured interviews allow the researcher to make further inquiries thus obtaining further information, which could easily be forfeited in a structured interview model. For interview data, a structural coding method was used whereby each question was assigned a code. Guest and MacQueen (2008) note that structural coding is a labeling and indexing tool that helps researchers to pinpoint relevant data to a study from a large data set.

The interview analysis procedure initiated a structural coding method where each question was assigned a code. The codes were such as MM (Group 1 represent men in the Matapato Ward); WM (Group 2 represent women in Matapato ward); AM(chief Matapato) and AO (chief in Olgului ranch) and CO (County government official from land ministry) ( 1 individual interview

expert in the government offices); MO (Group 1 represent men in the Olgulului group ranch); WO (Group 2 represent women in Olgulului group ranch). Guest and Macqueen (2008) note that structural coding is a labeling and indexing tool that helps researchers to pinpoint relevant data to a study from a large data set. The feedback was recorded and transcribed to ensure that there is cohesion in the feedback as per the themes of interest. Pawar (2004) notes that unstructured models are effective when conducting in-depth interviews thus in this study, interviews were administered on a one-on-one and under group discussion basis to maximize the quality and quantity of data collected

### **3.10 Ethical Considerations**

The researcher attained the informed consent of respondents by including an ethical statement in the research data collection tools such as interview schedules. Best (2012) notes that the codes of research ethics place greater emphasis on consent, anonymity, confidentiality, and selection of respondents. As a measure against violation of the set codes of research ethics, the researcher introduced to the respondents to the research subject and its intended purpose while encouraging them to read the ethical statement before they could proceed to participate in the research. Best (2012) observes that ethical codes in research are necessary for guiding researchers on the appropriate approach to take, thus guarding against disagreements over morality mostly common in social research.

The researcher also took heed of the government orders not to engage directly with participants due to the pandemic virus (COVID-19) spread and opted to conduct the rest of the data collection via skype and telephone conversations. This ensured that the safety of the respondents was taken into consideration while they consent to participate in the interview.

In order to observe the cultural requirement in the community, two research assistants representing both genders (male and female) from the local community were engaged to act as guidance in translating and maintaining a good relationship with the participants and the community.

### **Chapter Summary**

This chapter focused on giving used procedures towards gathering information as per the indicated study objective. The secondary data focusing on direct context analysis was used to achieve the study objective. Therefore, the study tends to validate the data retrieved from Government ministry, NGOs, and international institutions' websites which is secondary through a comparative analysis of the initial data provided from the 2013 to 2017 period. This information will offer more contemporary findings which can be used not only for this study but also in other studies.

## **CHAPTER FOUR:**

### **4.0 LAND DISPOSSESSION AND FOOD SECURITY**

#### **4.1 Introduction**

This chapter will analyze the respondent's feedback in alignment with the extent of land dispossession in Kajiado County; the impact of large-scale land acquisition to the local's livelihood; and the coping strategies used to adopt the effect of dispossession of land on livelihood. The study accessed key respondents who were divided into 3 groups (women and men; and administrators from Kajiado county land and ministry of health) were the first two groups composed of 5 participants from the locals and 2 individuals from the county government of Kajiado (land minister and health minister).

#### **4.2 Key respondents background**

The study was conducted in the Olgulului ranch in the Loitokitok ward and Matopato Ward in Namanga area engaging key participants aged between 18 to 60 years of age. The diversity in age provided the study with a wide platform of knowledge ranging from landowners history (40 years and above); challenges in sustaining livestock in search of pastures and water (18-20 years) as well as coping strategies to enhance the society's wellbeing (18- 40 years).

The respondents were from both gender though the education level among males was a little bit higher compared to that of females where those possessing diplomas and higher levels were limited. The composition of those with a diploma and higher level of certification was 26 percent (3 respondents) while those with lower than higher education or no credentials formed 74 percent (7 respondents). However, the education levels in the male counterparts were a little bit higher were 76 percent (9 respondent) had basic learning education and above while only 24 percent (3 respondents ) lacked total basic education, an element which reflects that the community has



been embracing learning in the region while the elderly formed the segments totally without education in the community.

The community land ownership management was bestowed to the county government of Kajiado and the elders under trust land in the Oloitokitok area while in the Namanga area the region land ownership was titled making it more privately owned. This diversity in land ownership increased the area of analysis for the impact of land dispossession on pastoralist food security.

Moreover, the respondents believed that they had a position in the community varying from Elder/chief to government administrator, to pastoralist, or investor and this indicated their diverse approaches to income generation. All the respondents noted that their position in the community reflected further their engagement in employment either in firms or by the county government, farming, or livestock traders.

### **4.3 land ownership and governance**

Land ownership among the Maasai community has been held either as communal, trust land and currently titled land or privately owned land. The Kajiado County has different models of land ownership where urbanization has forced the owners to transform to the titling of land while the rampant dispossession of land by local and international parties has led to the county government intervening to curb the community from plunging into extreme poverty levels through the sale of the land property at a cheaper rate.

According to the three clusters of women, men and administrators in Olgulului ranch in Oloitokitok administrative district stated that:

WO/MO: The county government is in charge of the community trust land in the Oloitokitok. However, the county government supported local investors such as Olgulului ranch to operate in the communal trust land.

This sentiment was as well reflected by the county government officials, in the dockets of land ministry affirming that:

CO: The county government is the main custodian to communal trust land in Kajiado county in most district administrative areas. These areas lack titling of land and therefore land ownership transfer can only occur with the consent of the county government.

The county official as well identified some areas harboring land allotment provided for the respondent

CO: On the other hand, there are those lands that have been allotted by the county government to individuals or firms especially evident in public utilities and trading centres. This has led to the county government formulating land ownership policies, plot transaction registrations that are enabled through digitization of land records. The reason for digitization is to minimize multiple ownership of plots, resolve conflict mechanisms on land ownership, and assist in easing urban areas investment.

The county government's top officials' feedback was further reflected in the Matapato ward respondents in Namanga administrative district.

WN/MN: Due to nearness to Namanga town which is a border area, the land allotment was facilitated by the county land government. This has assisted in securing property ownership using the validated plot through titling as a guarantee. However, the titling may be challenging the purchase of more land for ownership purposes due to increased prices linked to the rise in demand for investment on land by local and regional investors.

The difference in ownership of land in the Namanga administration district and Oloitokitok administration districts provided substantial evidence on the rate of land dispossession in Kajiado county. The response provided by the participants in Namanga district, Matapato ward, was a clear indication that modernization or urbanization and the modern government has participated greatly in transforming the nature of land ownership in the region while areas far away from urbanization experience communal trust land where the pastoralists can exploit the opportunity presented by vast tracks of land.

According to County Government administrators in Land Ministry, 67 percent of land in Kenya is managed under communal ownership supporting approximately 10 million individuals where 70 percent of livestock population composes this segment. However, the arid and semi-arid environment in pastoral areas is surrounded with very minimal temperatures and low precipitation hence providing a good ground to be inhabited by the pastoral communities who engage in extensive livestock rearing. In his article, Njagi confirms that communal land ownership in most pastoralist regions not only enhances extensive livestock keeping but as well plays a major role in determining the economic, political, and social status of pastoral communities. However, the change of ownership from communal led to privatization of land ownership which might have been facilitated

by the need to urbanize some areas. This is in line with the colonial authority implementing land policies such as the 1954 Swynnerton Plan and 1953-1955 East African Royal Commission, which advocated for privatization and individualization of land ownership (Njagi, 25 May 2016).

The change of ownership was guided by the perception that pastoralism practice is an inefficient and retrogressive practice. As a result, the predecessor government took over to embrace private land ownership that was deemed best to boost investment as well as enhance productivity. The individual and private land ownership were viewed as a major step towards minimizing herd size, boosting environmental conservation, enhancing livestock breeds, resulting in improving productivity as well as a livelihood. This statement presented by participants has been well exercised by Kajiado county by practicing titling of land in areas near urbanized locations to boost privatization and individual ownership hence promote investment using land as collateral.

#### **4.4 what is the impact of land dispossession to the local's livelihood (food security)**

According to Behnke and Freudenberger (31 July 2013: par. 2) on USAID report, pastoralist communities and their property rights have been facing retreat for centuries. The report identifies the twentieth-century period of 1904 and 1911 experienced “Maasai Moves” where the British colonialist ‘expropriated more than half of the Maasai tribal area....’ Most of respondents conquered that the western perception of individualized land ownership is constantly blamed for destructing tradition and communal land ownership system among the pastoralist, an aspect they term as an oversimplification. This is because the new ownership structure supported by the westerners presented characteristics of modern life; localization of state administration and

commercialization, promoting long term decline as well as fragmentation of collective range land-use system. In their view, respondents indicated that “where pastoral communities are not integrated in the government control, the individual pastoralists are likely not to be in a position to own land through holding legal titles.” In this context of the self-governing environment, persons secure individual land use rights via their membership in the groups that jointly appropriate land while competing with other groups.

Therefore, the respondents in Olgolului ranch in Oloitokitok administrative district supported the literature presented in USAID land report authored by Behnke and Freudenberger (31 July 2013: par. 25) noting that:

WO/MO: Owning land communally ensures that each individual in the community secures land use rights as a member of that community. This ensures that grazing of livestock and accessibility to water points and grazing land is protected from competing groups hence boosting livestock productivity and wellbeing.

This communal land ownership and property use, however, is affected when the central authority becomes relaxed and when the administrative control is linked to trade and market growth and increase in land economic value may impact change in the perception. This is because there will be an increasing view of land not as a livelihood system but rather as a valuable economic community system that can be sold, bought as well as converted to other use. Therefore, the pressure to privatize land or enclosed rangelands is usually informed by government control and expanding markets. This might have led to the government allocating some sections of lands to local investors as ranches or develop commercial structures.

The respondents in Namanga administrative district Matapato ward affirmed this view by indicating that:

MN: Matapato Administrator (MA): The presence of titling has empowered individuals to integrate with modernization and acquire income or capital to develop infrastructure through financial institutions. This is because the urbanization process has increased the population around and encouraged local and foreign investors to demarcate thus hindering the movement of livestock. In times of drought, our income reduces drastically, an element that is not reflected in land value once developed as more clients will be found to occupy the constructed houses or hotels.

However, the Namanga respondent's view was contested by the Olgulului group ranch ward respondent on land titling.

WO/MO/ Olgulului Administrator (AO): The titling of land encourages privatization and individualism that will limit our livestock production capacity. This will reduce our source of food and income as the number of livestock will dwindle. Some individuals in the community and county government have bad motives and might compromise on the title hence result in replication or sell of land without the family's knowledge. These factors plunge families into deep poverty which they could have avoided once they had livestock and large tracks of land to graze their livestock.

The opening up of community land by the custodian who is the county government to local and international investors to occupy some land space deemed vacant provided some major challenge in the wellbeing of the locals. This was affirmed by Olgolului's local administrator's view.

AO: The titling introduced the Olgului Group Ranch owned by local investors deviating from the initial goal which was to enhance pastoral land productivity through increasing off-take; predict landlessness among the pastoral Maasai due to individual ranches allocation to some pastoralists; boost the pastoralists earning capacity, and minimize environmental degradation from overgrazing within communal land. However, this was never achieved as selfish individuals in the government took advantage of the group ranch ownership.

This views shared by the local administrator affirms that the failure of the ranches to protect the Maasai pastoralist from land alienation by non -Masai people, in addition to the annexation such as government forests and national parks, led to their dissolution as well as subsequent subdivision hence some county land government officials take advantage of the situation. The major threat to the Maasai community is the increase in the non-Maasai community such as Kamba and Kikuyu tribes, the intruding tribe growing consistently to occupy agricultural and urban areas .

**Table 1: Changes in the registered member's numbers in every 7 group ranches in Loitokitok division**

Group ranch	Number of registered members- 1987	Number of registered members- 2001	% increase of registered members
Kimana/Tikondo	167	843	505

Olgulului/ Olalarrashi	1300	3,418	263
Kuku 'B'	417	5,516	1323
KUKU 'A'	1400	1,996	143
Rombo	366	3,665	1003
Imbirikani	922	4,585	497
Eselenkei	400	1200	300

Source: Ntiati (2002) Survey July-October 2001

Following the respondent's feedback, the young Maasai warriors (aged 15-27 years) caused chaos, especially in Olalarashi/Olgulului ranch. The youths attempted to pressurize the committee manning the group ranch for them to be listed as members of the group as well as benefit from land allocation. This led to the group committee of Olgulului/Olalarashi ranch giving in to the youth's request. The youths indicated that they were in a position to influence the land sub-division process through the use of folklore songs as well as holding informal meetings to influence the sub-division process. In addition, women are not registered traditionally as any group ranch members with the exemption of widows and are not involved in the process of the sub-division process.

The group ranch subdivision was left for men affairs as among the Maasai community



WO: the land is a man's affair and the men ought not to be consulted when carrying out the process of land sub-division. The men are entitled to engage in the land issues in the community and as well as the engagement with the community leaders.

Therefore, the Maasai women have passivity on land subdivision hence becoming a derailment of future access as well as women's rights to land accessibility. Therefore, this has led to the county government becoming the communal trust land custodian, however, the challenge is that some of the government officials take advantage of the situation to misappropriate land and property of the community.

On the contrary, the government officials indicate that the government takes a paradoxical role in the land subdivision process as per the Group Lands Representative Lands Act, where they take a passive role in the whole process. In this context, mismanagement by group ranch personnel and the group ranch subdivision has participated in increasing agriculture as well as the human population and diminishing land for livestock and wildlife. The subdivision approach of the group ranches might possess a negative impact on conservation measures put in place to secure the wellbeing of the community.

County Administrators CA/ Olgulului Administrator AO indicated that: the work of the government is to give consent on land ownership and subdivision, especially in group ranches, and engages in collaboration with elders to solve land-related conflicts. This is advocated through the department within the Ministry of Land and Settlement to provide a legal government arm on issues associated with group ranch dissolution.

The Count Administrators ad local administrators indicated that though the group ranches formation was not in line with the pastoral communities' cultural norms, the community never

contested the formation of the group ranches as this was an approach to secure their ancestral land from outsiders. However, the community still used customary law to government/ manage their land despite the presence of group ranches. This report is a clear indication of the strong role of the Maasai elders in managing land and dispute in the region. In addition, the mismanagement of the ranches facilitated by lack of accountability approaches was evident where there was the adjudication of land and the local government allocated parcels of land to individuals for private utility without engaging the community.

The WO/MO/ AO: the ranches were the first preference for the community; however, the community land management laws still took control of the land issues. This is because most ranches lacked proper management and this led to some county government officials allocating parcels of land to individuals for private usage without consultation with the community. This increased the community's confidence in the community land management system over the government.

The increase in population in urban areas led to the disintegration of communal land ownership system especially in regions such as Namanga sub-district Matapato administrative ward where Maasai land has been titled allowing privatization of land. This led to the pastoralists facing pressure on their land which reduces with time and thus affects the livestock as available limited grazing land is overgrazed impeding livestock improvement. This affects productivity as well income for the pastoral households. Matapato ward respondents noting that the land privatization transforms the residents to concentrate on short term economic gains(interest) while undermining the wider long term gains(interests) .

The local administrator in Matapato ward encouraged change of lifestyle in order for the locals to keep up with the foreigner's level of development and wellbeing.

AM: The Maasai community should embrace modernity, while trying to adjust their livelihood to fit in the modern urbanization platform in Namanga county. Urbanization has led to influx of foreigners from neighboring states and local investors who have already adopted elements such as education, employment, among other things apart from livestock rearing. Our children and youths living within the urban areas, such Namanga, should embrace the modernity form of livelihoods.

In support of the local administrator's response the women at Matapato ward noted that:

WM: In order to live a healthy livelihood, my husband opted for a casual job as a watchman where he is paid monthly by his boss. The little money he gets is able to provide our daily upkeep and take children to school as well as support other errands on top of supporting our vision of securing our own livestock.

On the other hand, most women at Olgololoi group ranch believed in their men's capability to manage their land owned communally for grazing and securing water points. This ensures that the livelihood of the locals is secured, as the children will be in a position to attend school as some cows are sold to raise school fees for the children. This is the reason why the respondents noted that the youths forced the ranch management to allocate them with land which they can utilize in the process of supporting their livelihood. The respondents in Oloitokitok the 6 groups of ranches ( Tikondo/Kimana, Olgulului/Olalarrashi, Eselemkei, and Imbirikani covers approximately 506,329 hectares comprising about 3.1 percent of the area of the total district. This is in addition to the other

48 individual ranches which later were converted into crop farming regions. This promoted conflict between the large-scale farmers and the pastoral communities who seek extensive land for grazing their animals and to provide them with water.

#### **4.5 Available coping mechanism by victims of land dispossession**

The pastoralists have been using the large tracks of lands to shift from one area to the other in search of pasture and water for their livestock depending on the season. However, the emergence of land dispossession by local and foreign investors has led to the community devising various modern approaches to solve the issue of land competition and secure their land. This reflected with the Olgulului ranch male respondents who identified that the youths had to resort to traditional songs and use word of mouth to compel the group ranch management to include them into membership and sub-divide the land. However, the elders do believe that though the youths are demanding to be allocated land, the initial vision of forming the group ranches was to protect the Maasai community land from encroachment by outsiders, mostly the Kambas and the Kikuyus who engaged in farming.

M/O: We have been pressurizing the management of the Olgulului group ranch to include us in the programme as members and allocate us land as youths who are the future of the community. The absence of a package of land limits one's capability to practice cultural practices despite depending on the parent's and elders' land. Owning land means that I can build and start a family and grow my wealth with secure grazing and access to water resources.

However, the MO who are the elders in Olgururui group ranch pointed out that:

Though the youths are right in their demand for land, the community has a right to manage the land ownership as not only the outsiders increase level of land ownership competition but some county government officials corruptly allocate pieces of land to Maasai individuals or investors without consulting with the community. This is the main reason for us using community laws to manage the group ranches.

In the Matapato ward, the respondents noted that due to loss of substantial space for grazing and limited space for movement, the number of livestock being kept has been reduced greatly while some opt to abandon pastoralism and engage in modern activities.

WM: Our men have been forced to engage in different modes of livelihood, engaging in employment in the city as watchmen and for the learned ones getting employed in big positions. This is how we get our daily income. Women get engaged in sewing necklaces and bangles with beads and to some levels engage in basket sewing for sale in the market. The income acquired supplements the man's income and this enables the family to purchase food and other basic necessity

However, the Women in Olgururui ranch believed that those women who engaged in agricultural practices did well in some seasons, however, the drought impact led to most of them plunging into poverty as their crops dried up and the rivers and wells depended on dried up. This has increased the women's' faith in the traditional livestock herding practices and protection of their land from infringement by outsiders and the corrupt government officials.

The men, however, indicated that the income acquired from informal employment is not enough to cater for the family needs and this subjects the family into further strains

economically and thus affect their social wellbeing such as access to better health cover, access to learning institutions among others and payment of land rates which is 280 per annum,

The locals of the two Maasai clans from Matapato Ward in Kajiado and Olgulului ranch in Oloitokitok have changed their way of livelihood due to the change of land ownership. The traditional way of living among the Maasai community has been dependent on livestock keeping which heavily relied on large tracks of land for grazing and watering their animals. The large tracks enabled the pastoral communities to reserve some areas for grazing during the dry season thus giving the vegetation in the overgrazed area to regenerate before it offers pasture for the pastoral livestock.

The respondent from Matapato ward (MN/WN) indicated that:

Rearing livestock has been very challenging due to the growth of Namanaga town which has increased division of land into plots that are individually or privately owned. This has led us to abandon livestock keeping, which is our source of livelihood and food, to seek formal or informal employment or engage in trade to acquire income that will enable us to purchase food.

The respondents in Matapato Ward were highly affected by a change in land ownership from communal or trust land ownership to private or individual land ownership that limited the movement of livestock through fencing the acquired plots. Land dispossession, therefore, has a high impact on the local's livelihood as locals are forced to shift their behavior from traditional practices to a more modern way of living.

The respondents from Olgulului ranch (MO/WO) in Oloitokitok indicated that:

We have tried to maintain our livestock wellbeing by protecting the communal land and trust land by forming group ranches. This ensured that our livestock has enough grazing land and protect our foreigners from encroaching from our land.

In addition, the women from Olgololoi Ranch further noted that the livestock provided an income when they sell milk products and as well when the cows or goats are sold. The income acquired from the livestock or animal products is used to purchase other food products which are cannot be acquired at the local level.

Therefore, the capacity to self-determinism among the pastoral communities is promoted through communal land ownership which secures their food security. However, dispossession of land through a change in ownership from communal or trust land to private land ownership or division of land in regions initially occupied by the pastoral communities has forced them to alter their way of life by abandoning pastoral life to engaging in formal or informal activities to acquire income to purchase food. This makes the altered lifestyle among the pastoral communities to expose them to hardship presented by extreme climatic conditions in the arid areas where they inhabit.

## **Chapter Summary**

The land governance system in Kajiado and nation at large needs to engage the community in management and protection of land user rights by identifying compulsory clauses that protect the community. The pastoral tenure being effective in managing rangelands, however, has been subject to dispossession by the government to investors who view the

land as idle land hence the investors' measures limit the pastoral livelihood by restricting the movement of the herds.

The Maasai community though have trusted their lands to the county government, they protect and secure their land ownership from outsiders' competition through the development of group ranches, enacted under the Land Group Representative Act of 1968 Cap 287. This act though meant to protect the community from landlessness driven by outside community and investors, has further been misappropriated by corrupt county governments who allocate lands to individuals thus limiting the herds' movement. Moreover, the titling of land in neighboring urban areas has led to an increase in the potential to acquire capital or income while at the same time exposing families to being squatters as individuals take advantage to sell the piece of land without consultation. This may limit the wellbeing of the Maasai community in the twenty-first century.

The evolution of the communal land ownership and property rights among the Maasai community caused by population increase, urbanization, and market-driven investment mind, forces the community to use alternative coping mechanisms to sustain their livelihood. This has led to some opting for employment in urban areas as towns and engaging in agriculture, in which some of the approaches used as coping mechanisms are not long-lasting during drought thus plunging the individuals in the community into poverty.

Therefore, the government needs to integrate legislation that protects the pastoral communities grazing land and land ownership to secure their livelihood which is left out in the agriculture policy definition of food security. This will ensure that pastoral



communities not only access lands in rangeland but also in highlands where they can seek refuge during drought seasons.

## **CHAPTER FIVE:**

### **5.0 RECOMMENDATION AND CONCLUSION**

#### **5.1 Recommendation**

- The national and the county government ought to integrate the local's mode of land governance and food sustainability approaches into their policies. This will ensure that the formulated policies guiding land ownership and its impact on locals' food security secures the community's right to self-determinism.
- The local government should liaise with the community to sustain approaches used to secure livestock during extreme weather conditions, such as setting aside land for grazing livestock during the drought period.
- Pastoralists should embrace modern trading approaches such as commercial trading to integrate with the globalized world to get the market for their livestock product to boost their income and food security capacity beyond borders.
- The national government in collaboration with international organizations and non-governmental organizations should work towards protecting the local's heritage and food security through providing policy and laws that secure their right to self-determination through communal land ownership structure and local food security.

## 5.2 Conclusion

The pastoralist communities have been subjected to massive land dispossession as investors take advantage of their capability to assist the government in solving social challenges such as health and education. This assistance by the investors leads the government to allocate land to the investors without sometimes communicating with the locals as they mark the pastoral land as idle land. However, the investors never put into consideration the pastoral well being hindering their livelihood by limiting the herd's movement and reducing the grazing area.

Lack of control on their land has exposed the pastoral community to extreme risks of losing their livelihood and reducing their food security, hence opting for alternative measures to protect their rights. This is inclusive of reluctantly engaging in group ranches and not using the government management principles but applying their own traditional communal land ownership laws that guide user rights to the land. This ensures that everyone has some space to graze their livestock and water them while at the same time deterring competitors from other regions or investors from encroaching into their land.

However, for those pastoralists who have already been absorbed by modernity through urbanization of their land through titling, they have no option but to embrace the factors which will increase their wellbeing in the modern world as they shift from pastoral life to an employment life.

This makes it harder for them to sustain their food security which is livestock as land ownership becomes much challenging to own and as well use the title to access finances to boost their personal development. The government, therefore, should come up with laws that guide the

pastoral life and protect their livelihood from being eroded by the modern privatization and individual land ownership by marking some areas as specially set for the community.

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## APPENDICES

### APPENDIX 1: INTERVIEW QUESTIONNAIRE

Please answer every question as outlined by using either a cross(x) or(ticking) in the option that applies.

If any question does not apply to you, please do not answer

#### Section A: Demographic Data

1. Age

- Below 18 yrs   
20-30yrs   
30-35 yrs   
Above 35 yrs

2. Your gender. Please tick. Male  Female

3. Education level: Diploma  undergraduate

Graduate/Master  KCPE/KCSE

Others.....

4. Specify your position in the community? Administrator  Elder/Chief   
Pastoralist's  investor

5. Do you have a source of income? YES  NO

b. If yes, what are your sources of financing?

Own company  employed   
Pastoralist  Farming

**SECTION B: LAND OWNERSHIP AND GOVERNANCE ACQUISITION**

What is the nature of tenure ownership in your Community?

1. Private ownership

2. Trust land

3. Communal land

Has the above-mentioned land ownership changed status over the years in your community?  
Please elaborate.

.....  
.....  
.....  
.....  
.....  
.....

Who is responsible for managing land ownership in the community and how does it affect your operation on land?

.....  
.....  
.....  
.....  
.....

**SECTION C: LARGE SCALE LAND ACQUISITION AND DISPOSITION**

How does land ownership support food security in your community?

.....  
.....  
.....

What is the relationship between an investor's mini and mega projects' impact on the local's food security?

.....  
.....  
.....  
.....

What measures have been taken to secure food security in areas affected by land dispossession practice (firms and ranches)

.....  
.....  
.....  
.....

**SECTION CE: LOCALS COPING MECHANISM TO REDUCE THE LAND DISPOSSESSION IMPACT ON THEIR WELLBEING**

To cope with the land ownership acquisition impact, what coping strategies have the community adopted to enhance their wellbeing?

.....  
.....  
.....

**Thank You for your Cooperation**

**APPENDIX 2:**

**PI AND OTHER RESEARCH CONFIDENTIALITY AGREEMENT**

PI Name Emmanuel Okode

Date: 2/03/2020

Title of Research:

In conducting this research project, I agree to the following:

1. Keep all the research information shared with me confidentially by not discussing or sharing the research information in any form or format.
2. Keep all research information in any form or format securely maintained daily, during the process of conducting and writing the research.
3. After the research, dispose of any documents that contain identification information, such as participant names or other information that could reveal the identity of the human subject.
4. Monitor all those who work with me, i.e. mobilizers, facilitators, etc., to ensure their compliance with confidentiality.

Any violation of this agreement would constitute a serious breach of ethical standards, and I pledge not to do so.

Principal Investigator

\_\_\_\_\_          \_\_\_\_\_          \_\_\_\_\_ Print Name  
Signature    Date

\_\_\_\_\_          \_\_\_\_\_          \_\_\_\_\_  
Signature    Date    Witness Name



### **APPENDIX 3**

#### **PARTICIPANT DEBRIEF FORM**

Thank you for participating in this research study. The purpose of the research is to:

Your participation will help researchers gain more insight into:

In the event you have any distressful reactions to the questions presented to you in this study, you are free to share any concerns with me or any of the adult facilitators.

If you have further questions about the study, please contact (**Students Name/Tel Number**). In addition, if you have any concerns about any aspect of the study, you may contact (**Insert your supervisor's name**), School of humanities and social sciences, off USIU road, off Thika road (Exit7), P.O. Box 14634-00800, Nairobi Kenya.

**Telephone: 0727 061619/ 0732 470 775**

**Email: emma.owuor@gmail.com**

**Website: [www.usiu.ac.ke](http://www.usiu.ac.ke)**

**APPENDIX 4**  
**CONSENT FORM**

**TITLE OF THE STUDY**

**PRINCIPAL INVESTIGATOR**

Name: Emmanuel Okode

Department; School of Arts and social sciences

Email: emma.owuor@gmail.com

Telephone: 0727061619

Purpose of the study: Education Purpose

**VOLUNTARY PARTICIPATION AND CONFIDENTIALITY**

Your participation in this study is voluntary, and your responses to this survey will be anonymous. Please do not write any identifying information on this questionnaire.

Participation data will be kept confidential except in the case where the researcher is legally obligated to report specific incidents. These incidents include, but may not be limited to, incidents of abuse and suicide risk.

**Consent**

I have read and understood the information provided and I wish to participate. I voluntarily agree to take part in this study.

Tick the box below:

Yes

No