



The Abandoned Lands of Laikipia Land Use Options Study

REPORT SUMMARY

LAIKIPIA UNITY AND LAND INITIATIVE

January 2013



Contributors:

John Mburu, Michael Odhiambo, Albert Wachira, Njenga Kahiro and Andrew Williams
with John Lodisana and John Gachigi

Edited by:

Andrew Williams

Commissioned by:

The Laikipia Wildlife Forum, P.O. Box 764-10400, Nanyuki, Kenya.

Website: www.laikipia.org

The Nature Conservancy, P.O. Box 728-00606, Nairobi, Kenya.

Website: www.tnc.org

The Zeitz Foundation, P.O. Box 180-10400, Nanyuki, Kenya.

Website: www.zeitzfoundation.org

Supported by:

Maliasili Initiatives, PO Box 293, Underhill VT 05489, United States of America

Website: www.maliasili.org

African Wildlife Foundation, Ngong Road, Karen, P.O. Box 310- 00502. Nairobi, Kenya.

Website: www.awf.org

Mpala Research Centre, PO Box 555-10400, Nanyuki, Kenya.

Website: www.mpala.org

For and on behalf of:

Laikipia County Council, Rumuruti, Kenya.

Disclaimer:

The data analysis provided and opinions set out in this report are expressly those of the contributors, and can in no way be taken to reflect the official views of the Laikipia Wildlife Forum, The Nature Conservancy, The Zeitz Foundation, Maliasili Initiatives, the African Wildlife Foundation and Mpala Research Centre, their members, supporters and/or donors.

Contents

Introduction	1
1. Key principles and assumptions	2
2. A brief synopsis of the legal context.....	3
3. The stakeholders	3
4. The rights of the land owners and land occupiers	5
5. Representation of the absentee landowners, the land occupiers and other stakeholders.....	5
7. The importance of understanding the socio-economic profile of the land occupying communities	8
8. The land use options investigated	8
9. Plausible land tenure and institutional change scenarios	9
10. A concept for the future of the laikipia unity and land initiative	12
Recommendations.....	13

Report Summary

Introduction

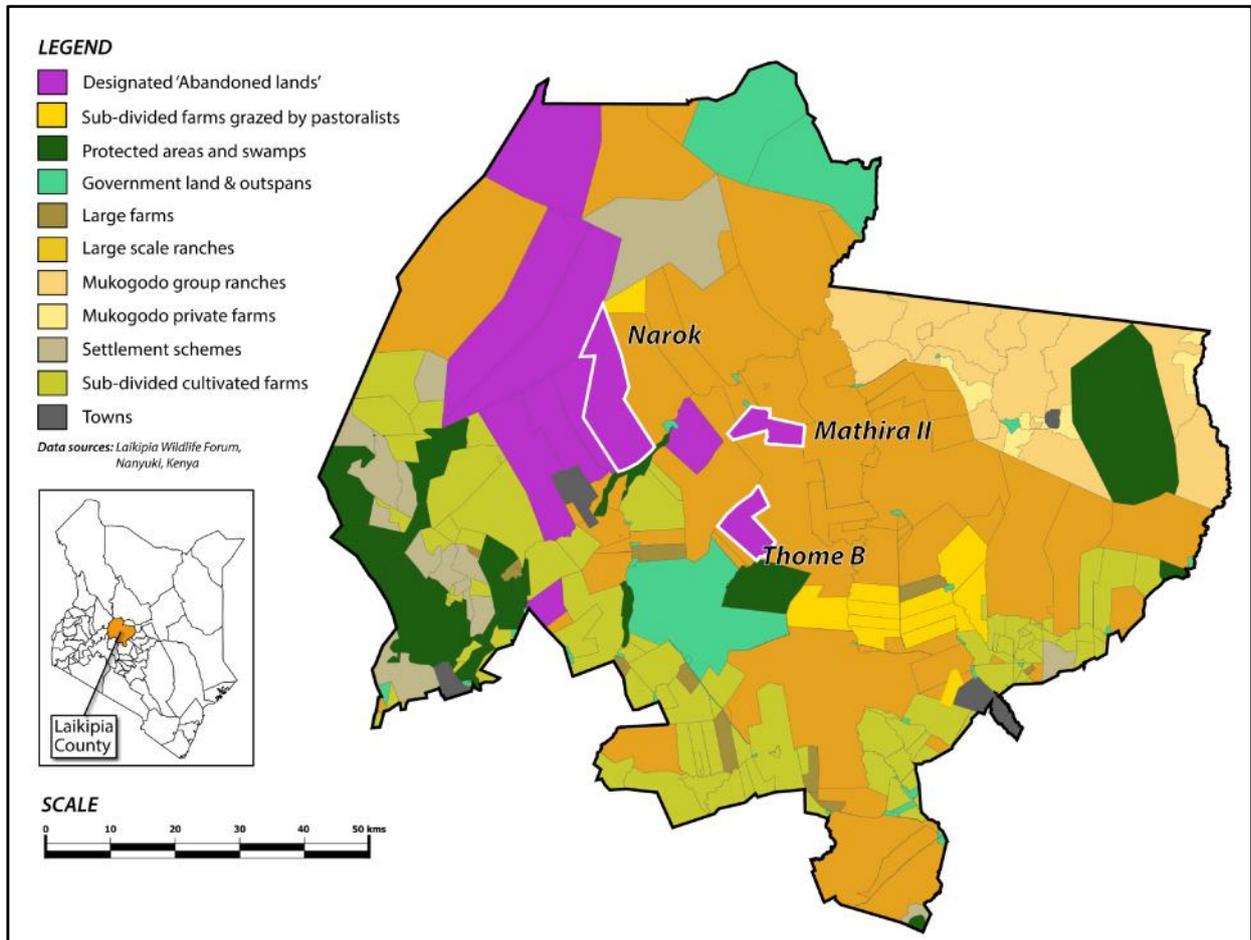
The abandoned lands of Laikipia County comprise ten sub-divided ranches covering some 239,000 acres, with some 85,000 titleholders, the great majority of whom are not resident on the land. Instead a range of mostly pastoralist groups, including Samburu, Turkana, Maasai and Pokot occupy the land, which is dry / semi-arid rangeland, and therefore largely unsuitable for cultivation. The ranches were purchased by land holding companies in the 1960s and 1970s that subsequently subdivided and sold the plots during the 1980s and early 1990s to small farmers from Central Province who are now the absentee landholders. While a relatively small number of households have been resident on the land since this time, there have been successive arrivals of pastoralists since the land was divided up to the present. The resulting arrangement of approximately 85,000 subdivisions has meant that the land has become largely unusable, as the resulting plots of land are far too small to be viable farming land units, given the semi-arid climate of the area. While the majority of the land owners have not been able to successfully settle, the pastoralists who today use the lands for grazing their herds have little security of tenure, and thus little incentive to manage the land sustainably, or to develop / improve the land and its productivity. As a result the lands remain in a poor state of management and economic development, and the pastoralist communities suffer from under-development and recurring conflict and tension, as different pastoral groups seek to secure access to these lands for their livestock, particularly in drought years.

The Rumuruti Process, or the Laikipia Unity and Land Initiative as it has come to be known, is a long-term undertaking to resolve the major land tenure conundrum of the abandoned lands in Laikipia County, a reality that is adversely affecting the development and quality of local citizens' livelihoods, the security and economic development of the county, and the productivity and sustainability of the county's rangelands. The Initiative seeks to bring about a new dispensation which results in these lands being managed as larger more ecologically sustainable and economically productive units. An underlying concern is that the rights and interests of both the absentee landowners as well as the local pastoralist communities, who are now dependent on these ranch lands, should be safeguarded. In short, the Initiative aims to resolve the pressing land tenure problem faced by over 100,000 people through developing new tenure arrangements for 238,000 acres of abandoned land, through a participatory, transparent and voluntary process. The lessons learned and insights gained will also help to inform and advance progress in the national land reform transformation process. The Laikipia Unity and Land Initiative, if successful, stands to make a useful contribution to helping address Kenya's deeply rooted land problems that have been a key factor in the country's recurring outbreaks of violence and ethnic tensions.

This report was commissioned by the Laikipia District (now County) Council Steering Committee formed to develop solutions to address the future use of the abandoned lands of Laikipia. The field work for the report was carried out by a small research team between June and August

2012, guided by a Technical Advisory Committee comprised of senior representatives from five organisations that co-funded the study. Three properties were selected by the District Steering Committee as pilot areas for addressing the future of all of the abandoned land of Laikipia. In addition the findings might also provide solutions for a number of similar areas of land designated subdivided farms as shown on the map below:

Summary Map: The different landholding types of Laikipia County.



The overall purpose of this study is to provide the requisite underlying legal and socio-economic baseline data, analysis and recommendations for a set of land-use options for the three pilot areas of land. The report also sets out recommendations for how the Laikipia Unity and Land Initiative can be further developed.

1. Key principles and assumptions

The study adopts some key principles and makes some important assumptions that frame its approach, content and findings. Fundamentally, the study recognizes that historical land injustices and iniquities have strongly contributed to the political, class and ethnic tensions that divide Kenya today. While the new constitution provides a departure point for beginning to address this legacy countrywide, equally, any local initiative pertaining to land must also ensure that it does not repeat the errors and malfeasances of the past. This study therefore recognizes that while the absentee title holders are the *bona fide* owners of the 'abandoned lands', other groups of mainly pastoralist people have developed and maintain a strong interest in the land. In

previous years, a not unusual course of action may have been to evict these groups, most of who can be regarded as squatters. While perhaps legally justifiable, this course of action is not naturally just. Moreover eviction is likely only to lead to greater levels of insecurity, instability and hardship, if not in Laikipia then in neighbouring counties, in the future. The eviction and displacement of pastoralist groups from the abandoned lands may ultimately create more problems for the future, as displaced, marginalised and alienated people struggle to find a secure foothold and livelihood in an increasingly crowded landscape, compounded by the challenges of increasing climate variability. Failing to solve this social, economic and ecological challenge will have increasingly harmful impacts on the livelihoods, businesses and lands of many of Laikipia's citizens in the future. This study therefore develops ideas for finding win-win solutions that afford the land owners their legal right to benefit from or dispose of their land as they wish, while enabling the existing land occupiers, wherever possible, to become legally legitimate tenants or owners of the land.

2. A brief synopsis of the legal context

The Government has through the Constitution of Kenya and the National Land Policy signalled an intention to undertake substantive transformation of the land sector and land tenure. Specifically, the proposals to address historical land injustices on the one hand, and the articulation of community land as a category of land holding at par with private and public land on the other, are two developments that potentially have significant implications for Laikipia and the abandoned lands. The implications will however only become manifest in the long term, and much remains to be done to translate the policy statements into actions by way of implementation. The legislation process remains a work in progress, with key pieces of legislation passed such as the National Land Commission Act and the Land Act. Other laws remain under development such as the Community Land Bill and the. Both these Bills, once finalised and enacted may be particularly relevant for Laikipia and the abandoned lands.

As laws are enacted to implement the National Land Policy and the land provisions of the Constitution, it will become clearer what kind of legal and institutional options are available for addressing the issue of the abandoned lands within the framework of the emerging policy context of the country as it is implemented. However, the Constitution sets out key values and norms for land access in terms of equitable, efficient, productive and sustainable land management. Key principles include security of land rights, sustainable and productive management of land resources, and sound conservation and protection of ecologically sensitive areas – all of which are directly relevant to the situation in Laikipia.

3. The Stakeholders

There are currently three sets of competing claims to the land:

1. **The landowners** – most of whom through circumstance are absentee titleholders. These titleholders derive little or mostly no income from their plots, which are too small to be sustainably exploited in a dryland setting. Where plots occur next to or in wetland areas, they have been taken up and are farmed.

2. **The land occupier households and communities** –comprised of people identifying themselves as Samburu, Ndorobo, Pokot and Turkana who do not have, with some exceptions, substantive legally established rights to the land. At least one of these communities has created a CBO to represent and further their interests, in terms of both their socio-economic development and the collective purchase of individual plots from their current absentee owners.
3. **The Purko diaspora and remnant Laikipiak Maasai** – that lay historical claim to the land from which they were notoriously excluded as a result of the 1911 agreement with the British colonial authorities. Groups of Maasai have recurrently aired their grievance and desire for the return of the land. The historical claims of the Maasai groups are certainly morally legitimate and in this regard the new Land Policy provides for a resolution process for these claims. However, arguably their legal claims lie with the Kenyan Government as successor to the British Colonial Government, and not with the individual landowners who are *bona fide* purchasers of the land and whose rights are protected by law. Therefore, while recognising the moral legitimacy of the historical Maasai claims, this study assumes that the interests of the existing landowners and current land occupiers should take precedence, and remain the focus of the study and the larger Laikipia Unity and Land Initiative.

In addition, there are five key sets of organizations or groups with interests in the land:

1. **Local government** – which would ostensibly like to see the land returned to ‘productive’ use so that the new county government can derive economic gain / fiscal returns from the land, and also finally put to rest a history of recurring violence and insecurity often associated with pastoralist-driven conflict and unplanned mobility.
2. **Large scale ranch properties** – many of which pursue mixed livestock and wildlife production systems dependent on good range condition and security: the presence of poorly managed abandoned land increases the cost of security and detracts from the overall value of their properties.
3. **Wildlife conservation and development organizations** – both local and international– with varied interests in working with local property owners and communities (often regardless of whether they are legal landowners or tenants) to enhance the overall functioning and conservation value of the Laikipia and larger Ewaso ecosystem. Organisations working with communities also often have a dual mission of supporting sustainable ecosystem and local livelihood development.
4. **Long distance migrant (LDM) pastoralist communities** - repeatedly rely on the abandoned and other lands of Laikipia for seasonal grazing and sometimes for improved security, particularly during years of drought or heightened insecurity elsewhere, for example in Baringo District to the west: their arrival often causes increased competition for grazing resources and there have been deteriorations in security, albeit simultaneously linked to other factors, in the past.
5. **Central government** – with potentially competing /conflicting interests – for example, between the Ministry of Livestock and its continued interest in developing an export-led livestock trade and associated feedlots in Laikipia (as part of a larger national initiative) and

the Kenya Wildlife Service, with its interest in securing and further enhancing the conservation of the wildlife of Laikipia (as part of the larger national resource base).

4. The rights of the land owners and land occupiers

The laws of Kenya protect the rights of the absentee land owners as set out in the Land Registration Act of 2012 and under Sections 40 and 68 of the Constitution. Legal – or *bona fide* – owners of the abandoned lands cannot be summarily deprived of their land unless for a public purpose as set out in an act of Parliament, with prompt payment in full of just compensation and with right of access to a court of law. Even so, the Land Act sets out elaborate procedures in the event that land is compulsorily acquired by the government. This is considered unlikely in the short-term for the abandoned lands of Laikipia. In summary, given the fact that the absentee landowners lawfully obtained their interests in the land, the most desirable and only remaining recourse for them, were they to wish to give up ownership of their land, is through sale on a willing buyer – willing seller basis.

While a minority of land occupiers have reached out to the absentee land owners and acquired small amounts of land from them, the majority remain *de facto* squatters on the land as defined by the Trespass Act of 2009 (1982) under Section 3(1). The land occupiers are technically at risk of being evicted and strictly may have no defensible rights to occupancy under the current law. The chances of them being able to successfully seek adverse possession under the Limitation of Actions Act of 2007 (2003) as a means to secure legal right to the land they continue to occupy, is remote. This is because the land occupiers would have to prove their continuous occupation of (hundreds or thousands of) individual plots of land for periods in excess of twelve years with the knowledge of the rightful owners but without their authority or consent. Establishing this proof is likely to be extremely difficult.

It is clear that while the absentee titleholders have by far the strongest legal rights to the abandoned lands, their physical ability to secure their right of occupancy and exclusive benefit to their properties is currently far more limited. Instead the land occupiers, who largely have no enforceable legal rights to the land, have the greatest ability to occupy and benefit from the abandoned lands of Laikipia. It appears therefore that at least in principle both the landowners and land occupiers could view it as in their interests to work together to achieve the voluntary transformation of the ownership of the abandoned lands of Laikipia, or perhaps minimally derivative rights of access. In keeping with the principles and assumptions guiding this study, a major opportunity therefore exists for both parties to develop agreements about how the current landowners can (terminally) benefit from their land, and the land occupiers benefit from securer legal occupancy of the land.

5. Representation of the absentee landowners, the land occupiers and other stakeholders

One of the major challenges in trying to resolve the issue of the abandoned lands of Laikipia is how to identify, contact and negotiate with the many absentee titleholders. The number of

absentee titleholders is estimated at 85,000. Nearly half of the title deeds (35,807) have never been collected, which creates a serious challenge for any effort to trace the owners. That the title deed owners have not collected their title deeds all this time could mean that they have no interest in the land or that they are deceased. Even for the nearly 50,000 title deeds that have been collected, the exact location of the vast majority of the owners remains unknown. Yet because they are the legal proprietors of the land, no decision can be made and no action can be taken over the land without their participation and agreement.

Regardless of whether the titles have been collected or not, once the land is subdivided, all rights to the land are transferred to the new titleholders, and the landholding companies no longer have the legal authority to represent the interests of the titleholders, or to act on their behalf, unless expressly empowered to do so by them. Instead however, at least some of the surviving directors of the landholding companies are likely to remain influential, and therefore may retain at least some ability to convene former shareholders (and now titleholders) to discuss the future of their plots in Laikipia. Even so, there is no guarantee that all titleholders or their undisputed successors would attend, leaving unanswered the question of whether a complete consensus of all titleholders over the future disposal of the plots of each ranch would be possible or is even necessary, or whether a simple majority decision-making process would be sufficient. It is possible that the forthcoming Community Land Bill or the Evictions and Settlement Procedures Bill may address this issue.

The challenge of achieving the representation of the land occupiers is different: many of the pastoralist communities occupying the abandoned lands are not formally well organised as corporate groups (such as CBOs) and many communities are fluid, with families moving into and leaving different areas throughout the year depending on their grazing needs, the availability of water and the security situation. Because there are strong ties of kinship and reciprocity, even where communities have formed an organisation to represent their interests, membership of the organisation is likely to be fluid, with many families informally claiming or exercising customary rights to a particular ranch area. This means that a substantial amount of capacity building and institutional development will be required for pastoral communities to create and maintain sufficiently effective, legally recognised and competent member-based institutions to represent their interests.

The representation and participation of long distant migrants is not easily addressed given their diversity and itinerancy, other than to recognise their presence in the landscape, and to support local land owners and land occupiers in managing and working with them.

6. The pilot areas

The three pilot areas selected for study by the District Steering Committee are Mathira-II, Narok and Thome-B ranches (see the map). Each of these pilot areas presents a range of different tenurial, socio-economic and ecological conditions, useful for understanding the variety of scenarios potentially needed for addressing the abandoned lands scenario.

Summary table: An overview of the characteristics of the three pilot areas

	Mathira II	Narok	Thome-B
Tenure Status	Sub-divided	Sub-divided	Not sub-divided
Owner	Absentee small holders	Absentee small holders	Thome Farmers Company
Size	6,300 acres	31,440 acres	12,050 acres
Predominant habitat	Bushland and open bushland	Open bushland & grassland; farmlands	Wooded grassland
Number of landowners / shareholders	900 titleholders	13,139 titleholders	6,000 shareholders
Number of land occupiers	38 households 246 people	Unknown & variable	45 households 255 people
Current land-uses	Pastoralist grazing	Pastoralist grazing; Agro-pastoralist farming and grazing; Smallholder farming	Pastoralist grazing
Land occupier organisations	Registered CBO	Informal / customary	Informal / customary

1. **Mathira-II** –The community that occupies the ranch however is the most cohesive, and appears to be the best organised having formed an active community-based organisation (CBO) – Sukutan Naibor. Largely comprised of Ndorobo and Samburu pastoralists, the community practices a negligible amount of farming. The majority of the community have lived in the area for an average of 14 years and a minority have been resident for more than 25 years. In the past the community has clearly identified the uncertain land tenure situation as being their prime challenge in securing a better future for their current livestock and livelihoods. They expressed that they would consider any negotiated process with the landowners within their financial means, including diversifying the use of the land to increase its productivity. However, they did not perceive re-location as an option as they had ‘nowhere else to go’. A number of the owners have however sold their parcels to the CBO (reportedly 168 acres). In addition, Tariki Limited, a small private company, has acquired a central strip of land on the ranch.
2. **Thome-B**–Most of the households are Samburu and arrived on the ranch after 2008, although many are likely to have been longer resident in the wider general area (for example, on Eland Downs). Some households indicated that they had first settled in Mathira-II before moving to Thome-B, while others are itinerant members of the community. It is also understood that many of the households still graze their livestock in Eland Downs (recently taken over by the Kenya Wildlife Service). Thome-B potentially has the most straightforward situation in that while occupied by Samburu pastoralists at present, the existing land company and its shareholders have clear plans about how it would like to develop the area. Unfortunately these would involve the eviction of most of the land occupiers who do not possess the legal right to occupy the land, with ramifications for the wider ecosystem. For example, it is likely that many of the existing land occupiers

would move to Mathira-II, potentially interfering with and compounding the complexity of resolving the land issue there.

3. **Narok**– The greater part of the ranch is seasonally occupied and grazed by Samburu, Pokot and Tugen pastoralists who arrived in 1997, although some settled in the area during the recent (2009) ethnic clashes. While both Pokot and Samburu retain their customary corporate organization, these institutions appear to be currently only of weak relevance to the overall management of the ranch's resources. It appears that Samburu and Pokot herders come and go as they please, so long as they avoid straying into each other's domains. However, the security/peace situation remains complex and tenuous. There are indications that within the Samburu community of Lolora, an unknown number of individuals or families may have purchased titles for land within the ranch. Apart from a Secondary School located within the ranch there are no permanent settlements on the ranch. It is believed that prior to the recent drought of 2007-2009, 10,000 cattle were grazing in the ranch – of which 3,000 survived into 2010. In late 2010 the amount of livestock was estimated at 1,000 with 2,000 cattle having been shifted elsewhere.

7. The importance of understanding the socio-economic profile of the land occupying communities

Detailed socio-economic information has been varyingly collected on the demography, livelihoods and land-use practices of the current land occupiers in the three pilot areas in order to understand who is currently living on the land, how long they have been resident, how they use and manage the land, what reciprocal land use relations exist with other surrounding and migrant communities, what the status of their livelihoods is, and perhaps most importantly, what their aspirations are for their future. This information is important for understanding future land use options for each ranch area based on the principle that the land occupying communities should voluntarily remain on the land as far as possible, and that any land improvements / developments need, at least to some degree, to be based on the current realities of their livelihoods. The status of their livelihoods and their ability to collectively organize also has a direct bearing on the options possible for facilitating the resident communities to voluntarily purchase or lease the land they depend on from the existing and willing absentee titleholders.

8. The land use options investigated

The options proposed for resolving the abandoned lands must address the concerns of the main stakeholders, must be seen to be legitimate by them, and must ensure a proper balance between equitability, productivity and sustainability. The land use options investigated for the pilot areas included different combinations of agriculture, livestock, wildlife tourism and developing natural products, based on existing land-use practices. More diversified land use practices generally result in more resilient, reliable and greater economic returns. The land use options assessment focuses most on the interests and land-use practices of the land occupiers, as with the exception of Thome-B, it is unlikely that the absentee titleholders would engage directly in land management themselves.

The most economically viable land use option for the land occupiers in Mathira-II and Thome-B ranches was assessed to be a combination of wildlife conservation and livestock production, followed by livestock production alone. For the land occupiers of these two ranches, wildlife conservation alone detracted from their livelihood interests. The combination of wildlife tourism and livestock-keeping favours the interests of most of the pilot areas' actors as this is also what is being practiced in the surrounding private ranches and group ranches in the larger Laikipia ecosystem.

Whereas livestock and crop production is an important option in Narok, it does not feature at all as an option for the other two ranches. This is important for the ranches neighbouring Mathira-II and Thome-B, as their main interest is to retain wildlife migratory / grazing routes in the system. In the areas surrounding Narok, however a number of neighbouring ranches have been involved in the cultivation of sorghum, Artemisia, maize and horticultural crops. Thus crop production in areas near Narok may be expanded in future, reducing grazing areas for both livestock and wildlife and potentially increasing degradation of the wetlands of Ewaso Narok and other rivers. It is however important to note that agro-pastoralism can only produce significantly higher overall returns than the 'wildlife and livestock' option if higher value irrigated agriculture is practiced. Thus the land occupiers in Mathira-II and Thome-B are still better off economically with the 'wildlife and livestock option' as irrigation is not feasible in their ranches.

Although wildlife conservation is mostly favoured by the Thome-B landowners, adopting this option would imply that current land occupiers would have to move to another area or be restricted to a much smaller area of this ranch. The implication of this scenario is that the surrounding ranches will bear the fallout of these 'unsettled' land occupiers arising from their efforts to secure their livelihood in the wider landscape. This is also likely to interfere with the current peace and reconciliation activities in the region as the land occupiers are likely to seek new grazing in areas that are already occupied by other pastoralists, potentially leading to tension and conflict.

Given the nascent state of the development of ecosystem service markets, where land managers / owners may be increasingly able to obtain payments for ecosystem services they provide from their land – such as for carbon dioxide sequestration, improved water management and perhaps biodiversity conservation, it was considered premature and too speculative to determine potential future revenues at this stage.

9. Plausible land tenure and institutional change options for the Pilot Areas

The section sets out some of the different land tenure transformation options and decision-making pathways for resolving the future land tenure and economic development of each of the pilot areas. The scenarios have been developed with the assumption that an ideal outcome for each area of abandoned land is likely to be one where the land holders and land occupiers work together towards a mutually agreeable outcome. However, this may not always be possible or desired by one or other party. The scenarios are summarily presented below for each of the three pilot areas together with an indication of some of the advantages and disadvantages to

each. For each scenario and potential outcome, the following questions were considered in detail in the main report:

1. **The landowners' perspective(s)** – how should or can the landowners proceed in terms of making decisions about the future of their land that are in their best economic interests while being socially and ecologically appropriate?
2. **The land occupiers' perspective(s)** – what actions can the land occupiers take to safeguard their access to the land they are currently living on in a lawful and affordable manner? What options are open to them?
3. **The facilitators' perspective(s)** – what options exist for a range of different institutions and organizations (for example, local and central government, NGOs, CBOs and other interest groups) in facilitating as equitable a set of outcomes as possible that are economically, socially and ecologically sustainable or optimal? This question is addressed in Section Six of this report.

A. Three scenarios have been identified for Mathira-II:

1. **Scenario One:** Working with the existing **landowners** to aggregate the sub-divided land under a shareholding company or similar arrangement, and then for reasons of social equity, lease grazing and occupancy rights to the current land occupiers on a long-term basis;
2. **Scenario Two:** Working with the existing **land occupiers** to acquire and concentrate the land under a trust, community association or company, together with inviting the existing few non-absentee land owners on the land to voluntarily sell any land assets they have on the ranch to the trust, community association or company at a (near-) market price.
3. **Scenario Three:** Maintaining the status quo, where the CBO on behalf of the community slowly purchases a limited number of plots of land from existing absentee land owners.

It is likely that the most preferable outcome would be **Scenario Two** as this: (i) Provides the best exit strategy for the absentee landowners who, having never benefited from their land, can recoup their original investment, and; (ii) Enables the land occupying pastoralist community represented by their CBO to permanently secure tenure over the land and invest in their future, and therefore is the most stable and lasting solution.

B. Four scenarios have been identified for Narok:

The four scenarios have been developed with the understanding that the land occupiers have not organised themselves into a formal association or corporate group, in part due to their relatively recent arrival in the area. The situation is further complicated by the potential for conflict between different ethnic groups vying for 'legitimate' control over access to the ranch. Resolving these issues is likely to require a considerable effort in local capacity and institution building and conflict resolution, and may be out overwhelmed by, for example, the occurrence of a drought or outbreak of conflict in a neighbouring county leading to the arrival of a large number of long distance migrant pastoralists.

1. **Scenario One:** Consolidating the land through its outright purchase from the absentee landowners at market prices by a cooperative, trust, private conservancy or company, through a process of willing buyer – willing seller. At least part of the ranch could be kept for livestock compatible use and leased to the pastoralist land-occupying communities at affordable rates.
2. **Scenario Two:** The landowners convert their individual titles into shares in a company created specifically for returning the ranch to a single business. Alternatively, an existing company might be willing to offer shares to the absentee landholders in exchange for the title deeds. With either option, the company would then raise capital to reinvest in the ranch to restart profitable operations, or lease the land to one or more third parties to run a profitable business.
3. **Scenario Three:** Over the medium-term working with the existing land-occupying communities to build their capacity and develop legitimate representative and registered community institutions with all key ethnic groups that are able to negotiate and come to agreement as to how they will work together to represent and manage their interests. Working with the new CBO(s) (or equivalent) to acquire and concentrate the land under a trust, community association or company from the existing absentee land owners at (or near) market prices.
4. **Scenario Four:** Maintaining the status quo, whereby the different communities using the ranch continue to co-exist and an uneasy tension remains over control of the ranch's grazing land. The ranch continues to be frequented by long distance migrant pastoralist seeking grazing and/ or improved security.

Currently, **Scenario One** may be the most plausible in that it is understood that one or more interests have previously shown at least a passing interest in the ranch. If there was a coalition of organisations willing to support the process set out by **Scenario Three**, then this would potentially lead to the most socially equitable outcome. It is not clear whether **Scenario Two** is likely to be easily achievable despite its likely advantages. An underlying question remains as to how more than thirteen thousand long-term absentee landowners can be mobilised and all agree to a single course of action – a challenge also present for Mathira-II.

C. A need to revisit the emerging single scenario for Thome-B?

Thome-B ranch is not sub-divided and remains under the management of Thome-B Farmer's Company despite being occupied by pastoralist families. The land holding company has plans, which it is understood have been approved by its shareholders, to develop the ranch as a private conservancy, without the presence of livestock. This means that the pastoralist families living on the land, except possibly for a minority who have purchased shares in the company (it is thought no more than ten), would probably face eviction from the land. This prospect raises questions of (i) What the impact of eviction would be for these households; and (ii) What the implication of eviction would be for the level of overall security and ability of other landowners and land-users in the surrounding landscape to optimally manage their range resources. If these questions were to be diligently answered, the benefits of eviction for the surrounding landowners would likely be much weaker.

An alternative, although potentially more challenging, pathway could be taken which recognises that any eviction process will build distrust between landowners and land occupiers, and compound already challenging range management and a range of security issues across the landscape. The more security existing land occupiers perceive and the greater the level of trust and cooperation between all parties, the more likely collaborative range management planning and practices can continue to be built up over time. Thome-B Farmer's Company could negotiate a compromise with the land occupying pastoralists in terms of which areas of the ranch they can use to graze, where else they can take their livestock to graze and water, where they can live and what rent they will have to pay.

Given Thome-B Ranch's proximity to Eland Downs, Segera Ranch and ADC Mutara, which are all managed for wildlife and livestock, a multiple-use approach to developing the conservancy would have a reasonable chance of success and help mitigate the risks of a volatile tourism market.

10. A concept for the future of the Laikipia Unity and Land Initiative

Thus far, the Laikipia Unity and Land Initiative has been developed and implemented through the District Steering and Technical Advisory Committees with studies being commissioned financially supported by non-state partners. While these studies have provided useful information and thinking about how to resolve the complex and multi-dimensional issue of the abandoned lands, they have been restricted to discrete information gathering projects, designed to guide the future development of the Initiative. With the forthcoming general elections in March 2013, and the launch of the new county administration, the Initiative will need to move from a phase of research and design, to one of collaborative implementation. As far as it is understood, an undertaking of this nature has not been previously attempted, and so it is proposed that an initial two-year inception and learning phase be launched to take forward the recommendations set out in this land-use options study. This inception period will provide time to evaluate initial progress, and to develop the momentum required to mobilise the requisite resources and further stakeholder support for future phases of the initiative.

The two-year inception phase would achieve the following outcome for Laikipia County:

1. **Building county-level partnerships and coordination in support of a common vision for the resolution of the future of the abandoned lands:** building consensus about the vision for the abandoned lands at county level, in close coordination with its leadership, elected representatives, administration as well as with non-state actors, in relation to fully developing the county's economy in a way that brings closure to the years of insecurity and conflict in a socially equitable and environmentally sustainable manner.

Given the short duration of the inception phase, it is expected that following four outcomes would be accomplished for up to three pilot ranch areas:

1. **Proving a methodology for mobilising the dispersed landowners of each ranch to reach a collective consensus about their land:** the piloting of a methodology to enable the landowners of each ranch area to come together to collectively agree about what they

would like to do with their land, not least in relation to the expressed wishes of the resident land occupying communities:

2. **Proving a methodology for land-occupying communities to improve their legal access to land in cooperation with its owners:** the adaptation and scaling up of a methodology for enabling marginalised and conflict-prone communities residing on the abandoned lands to develop a sufficient level of corporate identity, cohesion and representation to make informed consensus-based decisions about how to improve their security of land tenure through legal and voluntary agreements with the absentee owners of the land;
3. **Proving a methodology for enabling land-occupying communities to improve their economic development and the productivity of the land:** the development of holistic land and livelihood development plans and their implementation with pastoralist communities as a means for creating and enabling them to realise their own vision of an enhanced state of well being and socio-economic development.
4. **Developing (a) scalable institutional arrangement(s) for ensuring the financing, sustainability and good governance of the emerging land tenure transformations at ranch level:** in coordination with the Initiative's key stakeholders (communities, local government, other state actors and non-state actors), developing the ground work for and potentially launching the requisite institutions and arrangements at community (ranch) and higher level to enable the successful financing of voluntary land transactions and the sustainable and wise management of new emergent blocks of land under community or other related ownership arrangements. Options include those of a community conservancy, company and trust.

A full-time coordinator responsible should be recruited to facilitate the inception phase by coordinating the Initiative's stakeholders.

Recommendations

The process for developing solutions for equitably and sustainably resolving the future of the abandoned lands of Laikipia will be often-times difficult and slow given the significant complexity and challenging nature of the issues at hand. However the initiative is timely and appropriate given the new impetus for land reform and transformation at national level.

- It is critical that the process be transparently managed, that it be implemented in a participatory and inclusive manner, and that it adopt a three dimensional approach of **promoting social inclusion** of both landowners and land occupiers, **facilitating local economic development** and **safeguarding ecological sustainability**. All three dimensions are equally important for securing a peaceful and prosperous future in a county heavily dependent on its natural resource base, vulnerable to climatic variability, and with a history of recurring social conflict.
- Partnerships between local government, local NGOs, community organisations and other organisations –including the private sector and large local landowners – will be critical for leveraging the resources and expertise required for the initiative to be successful. In addition,

a collaborative link should be established with the Ministry of Land's Land Reform Transformation Unit, to facilitate their support and advice.

- A clear and straightforward set of institutional arrangements will need to be confirmed after the March 2013 General Elections as a framework within which the resolution of the future of individual areas of abandoned lands can be pursued in a collaborative manner. In this regard the Laikipia Unity and Land Initiative should be anchored and governed from within the new county government through (re)convening the **County Steering Committee**. The Initiative should be advised by organisations and individuals with the requisite standing, expertise and local knowledge through a **Technical Advisory Committee**. And it should be managed on the ground by one or more **Management Groups** of organisations willing to invest over several years in creating innovative solutions for one or more of the areas of abandoned lands, and willing to be bound by a **set of agreed guidelines** that set out basic principles and practices underpinning their work.
- Given that there is a recent and recurring history of conflict and continuing tensions between different groups of land occupiers and communities, close attention should be paid to reducing the potential for further outbreaks of conflict. An impartial and representative body should be created for rapidly hearing and working to address stakeholder complaints arising from the Initiative's activities. In addition consideration should be given as to how future outbreaks of conflict over access to the abandoned lands are to be managed and resolved.

