
BRIEFING PAPER:

Community land registration & pastoral livelihoods in Kenya

**Insights from Marsabit,
Isiolo, Samburu,
and Laikipia**

August 2025

The Study at a Glance

This briefing paper summarizes a report, [*Community Land Registration in Kenya's Rangelands: Prospects and Dilemmas for Pastoral Mobility and Resource-Sharing*](#), co-authored by Namati and four pastoralist-led organisations: IMPACT, PWHE, CRDD, and ISID. The report offers a detailed discussion of how the core components of the community land registration process—including the legal recognition of a community, mapping and adjudication of its land, drafting of rules and regulations, and formation of new institutions, among others—affect pastoral resource-governance systems and, as a result, pastoral mobility and resource-sharing.

This learning initiative grew out of the involved organizations' work on community land registration and pastoral livelihoods in northern Kenya. **The goal of the research was to assess whether and how the registration and titling of land under the Community Land Act and its Regulations might affect pastoralists' access to and sharing of resources, especially water and pasture, that are important to pastoral production systems.** The initiative was conceptualized as a case-study-based look at communities' diverse experiences with registration and mobility.

Based on interviews and focus-group discussions with members of pastoralist communities in Marsabit, Laikipia, Isiolo, and Samburu counties in northern Kenya, the study found that:

1. Most community members support community land registration but disagree about whether and how registration will affect their mobility;
2. Registration seems, at this early stage, to place too much emphasis on communities' power to regulate or exclude non-members;
3. Registration has yet to formalize any access or user rights that pastoralists establish based on negotiation, seasonality, or reciprocity;
4. Mapping processes are overreliant on administrative borders and ground-based surveys, without enough regard for community-defined boundaries;
5. Registration has been an elite-driven process and, as a result, many affected resource users—especially women, young people, and people who herd livestock—have not been adequately involved in rule- or decision-making;
6. The rules and institutions formed by communities under the CLA are still new and have not yet created strong checks on the decision-making powers of elites; and,
7. Further study of registration, land, and livelihoods is essential.

These findings are prospective. In all parts of the study area, participants emphasized that community land registration is a new, unfamiliar process with requirements and effects that

are not yet well understood. Further study of the diverse relationships between registration, land, and livelihoods is essential.

We hope this study will provide a basis for further research and discussion, rooted in the community perspectives that are quoted directly in the report. We encourage joint efforts by communities, duty bearers, and other stakeholders to ensure that the Community Land Act and its Regulations are used to recognize not only community lands, but also the unique, highly specialised governance systems that provide productive livelihoods for hundreds of diverse communities in Kenya’s rangelands.

Methodology

The research team designed the study around four clusters of neighboring communities—**Nkaroni, Lpus, and Ltirimin** in Samburu county; **Shulmai, Moropusi, and Maiyannat** in Laikipia county; **Chari, Cherab, and Kinna** in Isiolo county; and **Ambalo, Rawana, Walda, and Turbi** in Marsabit county—that have historically shared access to critical water points or prime grazing areas, like the Walda borehole, the Barsilinga plateau, or the floodplains of the Ewaso Nyiro river. The study included **six registered communities** which had completed the transition from the group ranch model to community land, as well as **eight unregistered communities** with lands held in trust, at the time of the study, by county governments.

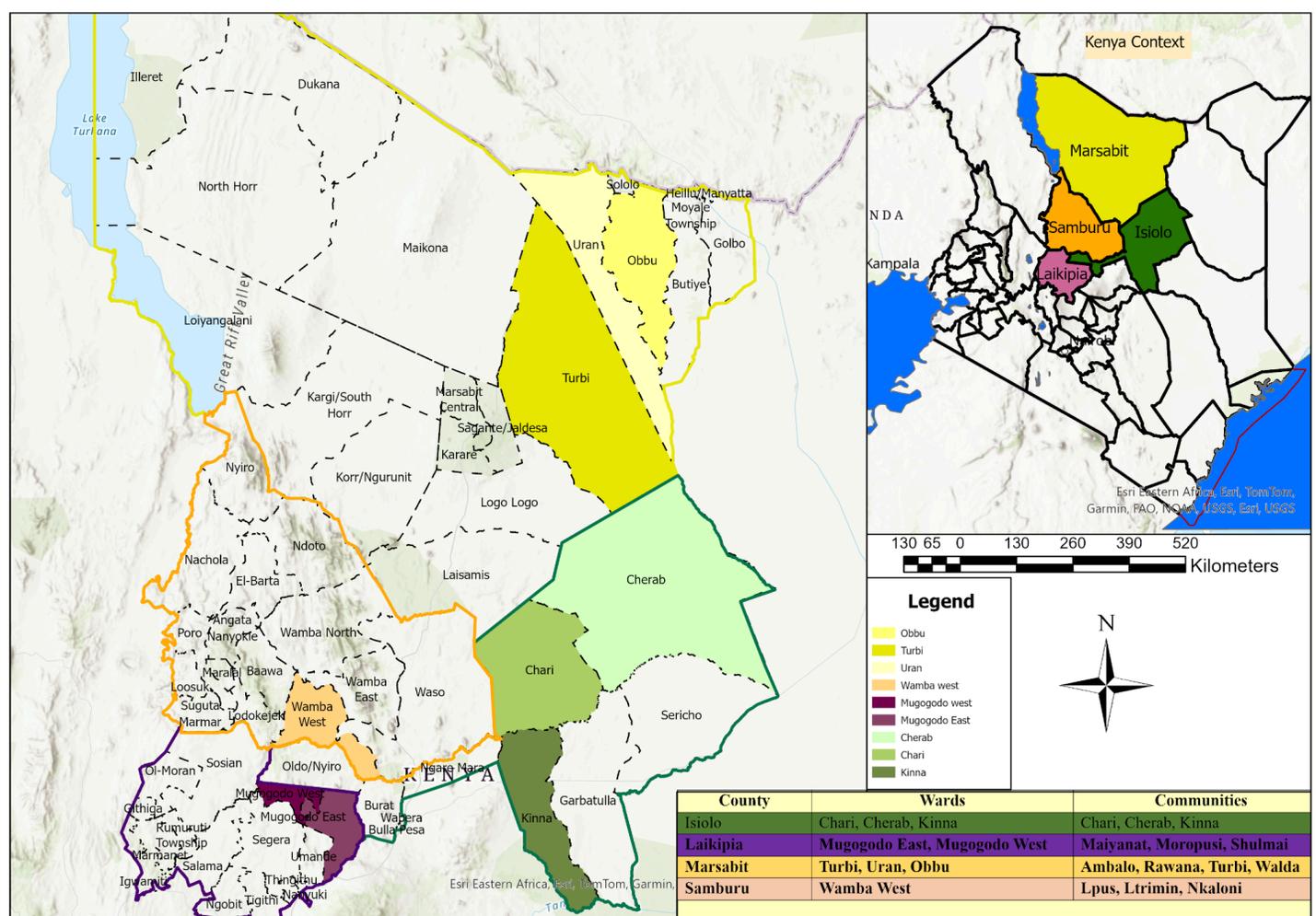
Data collection took place between August and October 2024. The study included 364 people as participants in 44 focus-group discussions and 24 individual interviews. Most participants in Samburu and Laikipia were from the Samburu and Maasai ethnic groups; in Isiolo and Marsabit, most participants were Borana or Gabra. The study also



included some Yiaku, Sakuye, Turkana, Rendille, and Somali participants. Interviews were conducted in Kiswahili, Maa, or the Borana dialect of Afaan Oromo.

The research team did not seek to reach statistically significant sample sizes or establish causal relationships between community land titling, resource governance, and mobility in the assessed areas. The involved organisations aimed, instead, to understand implementation of the Community Land Act in more detail, gather community perspectives on how registration might affect mobility and pastoral production, and identify priority areas for further study.

Fig. 1 - Map of the Study Area



Key Insights

01

Most participants in the study view community land registration as a positive process that will benefit pastoralists — but disagree about whether and how registration will affect their mobility

- In general, people in all parts of the study are strongly in favor of community land registration. Participants in all of the former group ranches spoke positively about their community’s decision to register; in trust lands, participants spoke optimistically about registration’s anticipated effects on tenure security and resource management.
 - At the same time, some participants, especially in trust lands, associate registration with “closing” or “locking” land and expressed fears about losing access to important resources located in other community lands.
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02

Registration seems, at this early stage, to place too much emphasis on communities' power to regulate or exclude non-members

- The study identified some trends associated with registration that seem likely to restrict mobility and intercommunal reciprocity. Most communities' bylaws are silent on the rights or decision-making powers of neighbors, for example, and some new rules—communities in Laikipia and Samburu now require outsiders to stay in a member's homestead instead of making a temporary settlement (*laleta*), for one—could cut off access by non-members who lack linguistic or kinship ties to registered communities.
- At the same time, the study also found ways in which registration will enhance resource-sharing and inclusivity over time: by including women and young people in the community's register of members, for example, or allowing communities to try to reclaim previously privatized land or resources.

- Many participants in the study expect or hope that registration will strengthen their community's external borders and prevent outsiders from violating the community's rules and overexploiting resources. Many duty bearers in both county and national government made similar arguments. As a result, participants said, pastoral mobility will decline, but only because improved resource management will reduce community members' need to move.
- On the other hand, most participants in the study reported that, in a typical year, they move their livestock to access resources outside of their community lands at least once or twice. None of the assessed community lands could be described as ecologically self-contained. In trust lands, many participants expressed resistance to measures that would restrict their mobility.

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Everybody should be given their place. After registration, everyone will have a border, and everyone will have their own part where they can graze.

—Herder in Biliqo, Chari

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Registration has not yet formalized any access or user rights that pastoralists establish based on negotiation, seasonality, or reciprocity

- Kenya's National Land Policy requires duty bearers to implement laws in ways that "allow[] pastoralists to maintain their unique land systems and livelihoods." When registering community land, the government must, under the National Land Policy as well as international human rights standards, "[p]rovide for flexible and negotiated cross-border access" to water, pasture, and other grazing resources. The CLA also explicitly recognizes customary user rights and, in Section 20, requires that CLMCs take steps to "facilitate the access, use and comanagement of" resources with non-members who have recognized customary rights to those resources.
 - Registration is falling short of these standards. For example, provisions of the CLA and Regulations which require or allow for the adjudication and documentation of pastoralists' customary use or access rights—CLA s. 5(2) and CLA Forms 9 and 10, for example—are not well known and have not been utilized by any communities.
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- None of the assessed bylaws make more than a nominal mention of non-members' secondary access or use rights, and none provide ways for non-members to participate in the community's resource-governance processes. Similarly, none of the registered CLMCs in the study area have taken identifiable steps towards formalizing access and co-management, as required by CLA s. 20, aside from continuing to use the *enata nkop* or *dedha* systems.
- Many community members, especially elders, hope registration will strengthen traditional systems like *dedha*. Yet in their maps and bylaws, the assessed communities have only codified a small portion of the property rights they hold under customary law. The long-term effects of this choice—to formalize members' ownership rights while managing customary user or access rights informally—are debated and not yet clear.



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Registration has not affected our neighbors badly. People from Lpus are welcomed, if they follow rules. They can access water, but they can't overgraze and exploit our land. We can't chase them away entirely, because we might also need to go to their community next time.

—Women in Ltirimim, Samburu

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04

Mapping processes are overreliant on administrative borders and ground-based surveys, without enough regard for community-defined boundaries

- Pastoralists' mental maps of their community lands are complex, blending geographic, historical, and administrative claims. Often, neighboring communities' claims overlap. The registration process, however, currently relies almost exclusively on administrative borders, while other types of claims go unaddressed and unresolved.
- In trust land communities, in particular, the process of defining communities as legal entities with claims to certain land areas has been contentious. Communities and duty bearers disagree about whether to register locations, wards, sub-counties, or other units.
- Duty bearers and other stakeholders also disagree about whether to use costly, ground-based surveys to produce fixed-boundary cadastral maps, or to use more accessible methods to record communities' mutually agreed borders with their neighbors. Adjudication plans have also failed to account for valid types of property interests, like access or user rights, in community lands.

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Registration has been an elite-driven process and, as a result, many affected resource users have not been adequately involved in rule- or decision-making

- Information about registration has been mainly disseminated through in-person meetings organized by area chiefs or recognized elders. As a result, among the study participants, male elders living in settlements or towns had considerably more information about registration than women, young people, or people keeping livestock in rural areas.
- Most of the women, young people, and livestock herders who participated in this study knew very little about registration and reported almost no knowledge of their community's registered borders or written bylaws. However, participants are well aware of their community's traditional resource-governance practices, which overlap, or are meant to overlap, with the written bylaws.
- Due to resource constraints, most assessed communities used zonal quotas or representatives, rather than direct participation by the whole community, to draft bylaws, sketch the community's land claims, and create the register of members. This adds to the disproportionate influence of recognized elites, especially male elders.

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If there is any law being implemented that concerns pastoralists, the people out here who are moving around with their cattle should be involved. People who come from outside do not come out here to the rural areas, where people are experiencing the real problems. The NGOs and conservancies just go to towns and hear from people there. When they do things that way, they make wrong laws, or laws that herders don't understand.

—Herder in Mulandanur, Cherab

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The rules and institutions that communities have formed under the CLA are still new and have not yet created strong checks on the decision-making powers of elites

- Communities' written bylaws are legalistic, jargon-heavy documents, written in English, that are heavily based on (and often identical to) provisions of the model rules in the Third Schedule of the Regulations. The written bylaws remain unfamiliar and inaccessible to the vast majority of community members. Bylaws are not regularly updated and, in some cases, are difficult for outsiders to access.
 - CLMCs are novel institutions taking shape within already-diverse governance landscapes. There is considerable overlap between CLMCs and other authoritative institutions, including councils of elders, conservancy boards, Community Forest Associations, Water Resource User Associations, and *mazingira* committees.
 - Community Assemblies are fledgling institutions that, for many communities, are difficult to operationalize. Less than half of the participants in this study recognized the Assembly, rather than the CLMC, as the highest authority in governing the community's land.
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Further study of registration, land, and livelihoods is essential

- Pastoralist communities differ significantly from one another and, internally, are made up of many diverse groups. Stakeholders should map the differentiated resource needs of communities and community members to ensure that registration is an equitable, participatory tool.
- Communities, CSOs, and duty bearers must continuously monitor registration's effects on pastoral production systems. This study recommends particular attention to:
 - 1) how communities regulate non-members' rights to access water and pasture, and how those regulations affect different resource user-groups;
 - 2) whether intra-community land management strategies can decrease herders' need for mobility, and with what effects; and
 - 3) whether and how Community Assemblies and CLMCs impact pastoralists' mobility practices or day-to-day governance of resources.

Key Recommendations

- The Ministry of Lands and the National Land Commission should support continuous study of the effects of community land registration on pastoral production systems, with disaggregated data about the differentiated resource needs of different groups.
 - The Parliament of Kenya should allocate more financial and technical resources to community land registration, including by ensuring sufficient budgets for the registration of community land and earmarking funding for intergovernmental processes.
 - County governments should resource and continuously undertake multi-modal public awareness campaigns about community land.
 - Civil society actors should continuously monitor institutions and processes required under the CLA, like CLMC elections and membership registers, and offer casework or referral pathways for individuals facing discrimination or other rights violations.
 - Communities should regularly dialogue with and involve neighbors in rule-making about shared resources and seasonal or reciprocal relationships.
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