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PROPERTY RIGHTS

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In the late 1980s the Maasai pastoralists in Kajiado District of southwestern Kenya voted for the subdivision of their collectively held group ranches into individual, titled parcels. Viewed against the backdrop of Maasai pastoral livelihoods that have evolved in conditions of climatic variability and resource heterogeneity, the decision to subdivide is puzzling.

Rainfall over most of Kajiado District is low and variably distributed across space and time. The mobility of Maasai herds allows for maximum and equitable exploitation of patchily distributed water and pasture. Subdivision of collective holdings may severely impede mobility, and reduced mobility may in turn increase vulnerability to drought and threaten livestock viability. No doubt the Maasai are aware of this. So why have they pursued the subdivision of group ranches?

A framework for understanding the evolution of property rights suggests that under certain conditions individuals and groups may perceive the benefits anticipated from an individualized property rights structure as outweighing the costs of transforming the old one and of maintaining the new structure. Such conditions may include changes in factor or product prices, demographic pressures, perceptions of scarcity, and common-pool resource losses. Did the actions of the Maasai conform to property rights theory?



THE TRANSFORMATION OF PROPERTY RIGHTS IN KAJIADO DISTRICT

Group ranches were early experiments with land tenure reforms in Kenya's rangelands in Maasai territory in the late 1960s and 1970s. A group ranch is land that has been demarcated and legally allocated to a group such as a tribe, a clan, section, family, or other group of persons. It is now widely accepted that group ranches failed to meet their intended objectives. Barely 10 years after their creation there were demands for their dissolution and subsequent division into individual, titled units for distribution among registered members.

Several factors drove individuals' preferences for subdivision. One fundamental factor was members' concern about increasing human numbers in the context of a fixed, non-expanding land resource base.

Another factor was the success of other individual ranches. In the early 1960s to early 1970s, a number of individual ranches were established as part of a broader plan to commercialize land and livestock production in Maasailand. Because the individual ranches were to be used as a model for the rest of the Maasai to emulate, conditions were created to ensure their success, including provision of low-interest credit, construction of infrastructure, and support from livestock extension officers. With time, group ranch members began to

see individual ranching as a reasonable and viable alternative.

Group ranch members did, however, resent the individual ranchers' tendency to graze their livestock in group ranch pastures during the wet season and retreat into their fenced and exclusive ranches in the dry season. Individual ranchers were able to graze in group ranches primarily by exploiting their friendships with group ranch management committees or relationships with ordinary members.

An additional factor concerned grazing interactions inside the group ranches. Although the group ranches contained both livestock-poor and livestock-rich individuals, all group members grazed on the same pastures. Livestock-poor individuals felt they were subsidizing the livestock enterprise of the rich, with no apparent gain to themselves.

Collective decisionmaking in the group ranches also posed challenges. The group ranch committee members were facing endless frustration over several issues, such as enforcing livestock quotas. Without an agreement on a limit to herd size, the group ranch faced a tragedy of the commons.

The history of Maasailand has been one of dispossession: first, for the settlement of European immigrants, second, for the creation of wildlife parks and reserves, and third, for the

settlement of migrants from densely populated districts and more recently from among the Maasai themselves. Faced with this credible threat of land loss, the Maasai have responded over the years by seeking more exclusive rights, first for the collective and now for the individual. They thus view group ranch subdivision as a way to secure the individual's land rights against appropriation.

Yet this list of motivating factors obscures the struggles, bargains, and controversies between various age and gender groups that defined the subdivision process.

The Elders. In two group ranches, the most senior elders were strongly opposed to subdivision. To them, subdivision would reduce the amount of land available for livestock, leading to a reduction in the number of livestock and ultimately resulting in poverty. Poverty would motivate individuals to sell parts of their land in their effort to survive. Such sales, if to outsiders, would result in the loss of Maasai land to non-Maasai.

By contrast the senior elders in two other group ranches strongly supported the subdivision of their group ranches. Members of their age set owned the numerous individual ranches surrounding the group ranches, and most regretted their earlier failure to take individual ranches when they were up for grabs.

Rich and Poor Livestock Herders. Rich livestock herders initially disfavored subdivision. Their large herds would not be sustained under smaller-sized parcels. Free grazing of their herds within the group ranch made them the disproportionate beneficiaries of the group ranching system.

The poor on the other hand favored subdividing primarily because restricted grazing within the confines of their individ-

ual parcels was expected to enable them to better manage their small herds. Subdivision would also open up new income-generating opportunities for them, such as leasing excess pasture land, cultivating land, and selling charcoal, or even a part of their land.

The Women. Since women were not registered as group ranch members, most did not have decisionmaking powers. Widows, however, as the executors of their deceased husbands' shares in the group ranch, favored subdivision because it would allow them to become landowners through the inheritance of their deceased husbands' shares in the group ranch and assure their sons' futures.

Many married women favored subdivision on several grounds: inheritance for children, land ownership, and freedom to conduct independent decisions. The few that were wary of subdivision cited restricted access to grazing and a breakdown of shared life patterns as constraints.

The Youth. When the process of subdivision began, several groups of youths were eligible for registration as members in the group ranches, and these youths favored the idea of subdivision for reasons of individual progress and development and to attain some measure of independence from their fathers. Yet, even though the youths favored subdivision, they were excluded from membership at the time of subdivision across all group ranches on the basis that increasing the number of members would reduce the size of parcels that each would ultimately receive. The youths challenged their exclusion, seeking the intervention of elders, the local administration, government officials, and even Maasai politicians of national stature. They did not succeed.

CONCLUSION

The reasons why individuals supported group ranch subdivision—perceptions of land scarcity, failures of collective decisionmaking, and the promise of new income opportunities—are consistent with predictions made by property rights theorists. Privatization and individualization of collective tenure were also seen as reasonable responses to declining land tenure security over the years.

Studies show, however, that subdivision of land in semi-arid or arid environments is neither efficient nor sustainable. The Maasai experience thus points to the need to assure the security of collective tenures in such environments. In addition, the exclusion of women and youths from decisionmaking highlights the need for transparent and accountable oversight in decisionmaking processes.

This brief is based on:

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