



ILRI's scientist David Nkedianye and the chairman of the innovation land lease program Ogeli Ole Makui discuss fencing issues in the Kitengela.

Tool 4-2

Rangeland management and the 2016 Community Land Act

November 2018

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Objective

To assist members of the rangeland management institution, community members in general, and other stakeholders to understand key elements of the Community Land Act (2016) and how it relates to management of rangelands by communities

Anticipated output

Community members and other stakeholders have a basic understanding of the Community Land Act, how communities register under the Act, and different options for how registered communities might relate to the rangeland unit

Participants in this activity

- Members of the rangeland management institution
- Community members
- Other county, sub-county and community stakeholders: e.g. ward administrators, influential elders and traditional leaders, chiefs, etc.

Introduction

The Community Land Act 2016 is premised on three key pillars: registration, protection and recognition of communities and their land. The law in essence reinforces the notion that communities have the capacity to manage their resources, particularly land and natural resources. As part of the community land registration process, a certificate of registration is issued to communities by the community land registrar.

The Fourth Leg of participatory rangeland management is about how a rangeland unit, the community or communities within that unit, and

Three pillars of the Community Land Act:

Registration, protection and recognition of community land.

their planning processes relate to government and where applicable, traditional governance systems. Strengthening the Fourth Leg includes ensuring communities have legal recognition for their governance structures and their management efforts. Success in undertaking the registration process under the Community Land Act will strengthen the security of tenure over rangelands and the resources therein, and can be key to a strong Fourth Leg.

Key elements in registration, protection and recognition

1. General understanding of the legislation, policy and plans for the management of rangelands and resources at community levels in a partnership framework.
2. Registration (concepts and terms)
 - a. Defining a registration process, composition and nature of the community.
 - b. Defining the community in their institutions, types and composition.
 - c. Developing key guiding principles, values, norms and practices.
3. Preparing the community members
 - a. Creating awareness to foster better understanding of the process.
 - b. Facilitating a dialogue process towards confirmation and consensus on the individual roles, shared roles etc.
 - c. Defining capacity development frameworks and tools.
4. Institutional development
 - a. Involving both traditional and elected leadership (noting both want recognition and ownership) to facilitate growth of the diplomatic skills that are needed.
 - b. Building on existing institutions and identifying local initiatives to build on.
 - c. Building capacity within the institutional framework to ensure stakeholders are continually involved in all activities to secure support. This can be a foundation for resources and sustainability.
5. Resolution of disputes
 - a. Working with the communities on the role of the traditional institutions and mechanisms for conflict management.
 - b. Taking into account existing legislation, policies and institutions.
 - c. Generating an understanding of local-level conflict sources and trends (participatory conflict mapping and identification of solutions).

Steps

Step 1: Laying the groundwork

- *Defining the community*: an initial step would be to consult with relevant government officials and community members about how best to define and determine the level of “community” that will undertake the community identification for registration activities.

Community visioning

The community defines:

- their institutions;
- the structures, formation and leadership of these structures;

- *Community visioning*: community members reflect, visualize and analyse their situation.
- *Establishing expectations and terms of engagement*.
- *Defining the responsibilities of the community and the facilitating organization*: this includes clarifying how the community and the facilitating organization will interact throughout the community identification, defining and registration process, and their roles in protection of natural resources.

- systems of management in the past and present; and
- conditions of the past and present for rangelands and other natural resources.

Then the community begins its plan for a thriving and prosperous future.

The facilitating organization and the community

- Define specific roles and responsibilities.
- Establish clear expectations to reduce confusion, inefficiencies and delays.

Step 2: Documenting community lands

- Participatory community mapping
 - Identify groups of people to talk to about community lands and their perceptions of their local resources.
 - Cluster the groups as defined for the process of community mapping.
 - Define the areas and locations by geography and size.
- Boundary harmonization
 - Communities meet with their neighbours to negotiate and agree on shared boundaries.
- Shared resources
 - Identify and define resources for mapping, documenting and recording.
 - Identify and agree on the shared and cross-boundary resources.
- Dispute and conflict resolution
 - Define the different conflicts, trends and causes.
 - Train community members to resolve land conflicts peacefully and supported by respected and trusted local leaders, mediate disputes that communities cannot resolve on their own.
- Documentation of agreed boundaries.
 - Communities hold large ceremonies to draft and sign memoranda of understanding with their neighbours to formally document all boundary agreements.
 - They also plant boundary trees or lay down other locally accepted markers to indicate the limits of their lands.
 - Facilitators support communities to take technical measurements of their boundaries using coordinates collected with a Global Positioning System (GPS) device, by using high resolution satellite imagery, or through a land survey completed by a licensed surveyor.

Points to note when documenting community lands

Decisions related to identifying and documenting community lands will be based on the community's objectives and on the depth of information required. For example, separate groups of men and women might be useful because women and men might use different resources; women will map the resources they think are important (such as water and firewood sources) and men will map the resources they think are important (such as grazing land and infrastructure). However, it might be necessary to break down the population into further categories (such as ethnicity, well-being, or caste). Groups of five to ten local analysts should reflect any relevant and important social divisions.

Factors to consider in defining a community

Community self-definition is challenging because of a range of complex, interacting factors:

- Overlapping definitions of authority, territory and identity.
- The nested quality of rural social organization, in which small spatial or social units of organization are contained within larger units, which themselves may make up components of even larger units.
- The structure of decentralized government, which may not always align with traditionally or locally recognized social structures.
- Differences between locally recognized or customary boundaries and boundaries recognized by the state or government administration.
- Historical fracturing and division of social units often based upon intra- and inter-family conflict or scarcity of resources.
- The existence of common areas shared between populations that identify themselves as separate communities.
- Historical migration patterns, ecological changes and infrastructure development.
- Competition over valuable or scarce natural resources.

The “community” and the rangeland unit

The Community Land Act is flexible regarding what may constitute a “community”. As described above, the geographic extent of the community is to be determined by the community members themselves in consultation and negotiation with their neighbours. In this toolkit, on the other hand, we refer to a rangeland unit which is to be the main geographic unit for the planning and implementation of rangeland management activities.

In some cases, it may be appropriate for the rangeland unit and the community to be the same thing. That is to say, where a group of people have already begun working together to manage a rangeland unit and have established a collective rangeland management institution, they may decide that the next step will be to register as a community under the Community Land Act. The other way around also works: if a community has registered under the Community Land Act, they may decide to treat their community as a rangeland unit and manage their resources according to the principles and methods described in the toolkit.

In many cases; however, the most effective scale for rangeland management may be larger than communities under the Community Land Act. Certain provisions of the Community Land Act require regular general meetings at which a minimum percentage of all adults in the community attend. It may be difficult to consistently adhere to provisions such as this if the community’s territory is very large, encompassing many settlements spread over a large area. Yet in some settings, large scale might be the ideal level for decision making on rangeland management. In such cases, the rangeland unit may be made up of several “communities” and the rangeland management institution could be made up of representatives from each community.

This is something to be decided on a case by case basis by the communities themselves based on their circumstances. Some of the factors to consider in deciding on the scale of the community and the the rangeland unit are listed in the text box above.

This document is part of the Participatory rangeland management toolkit for Kenya, an initiative led by the International Livestock Research Institute (ILRI). Development of this tool was led by the International Land Coalition (ILC) Rangelands Initiative Technical Coordinator, with support from Resource Conflict Institute (RECONCILE) and financial assistance from ILC. It was also supported by ILRI with financial assistance from the United States Agency for International Development Feed the Future Kenya Accelerated Value Chain Development (AVCD) program.

Photo credit: ILRI/Dave Elsworth (rangeland landscape); ILTI/Stevie Mann (land use map)

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RECONCILE is a regional policy research and advocacy NGO registered in Kenya and implementing programmes in Kenya, Uganda, Tanzania and Ethiopia through research on environmental and natural resources policy and law. RECONCILE coordinates ILC's Rangelands Initiative Africa, a programme that seeks to secure rangelands tenure security for rangelands users. The programme is actively supporting members and partners of ILC in eastern, Central and western Africa.



The International Land Coalition (ILC) is a global alliance of civil society and intergovernmental organisations working together to put people at the centre of land governance. The Rangelands Initiative of the ILC is a program seeking to make rangelands more secure through mobilizing and connecting stakeholders, and positively influencing policy and legislation. For more information see: <http://www.rangelandsinitiative.org>.



The main goal of the Kenya Accelerated Value Chain Development (AVCD) program under the Feed the Future initiative is to sustainably reduce poverty and hunger in the Feed the Future zones of influence in Kenya.



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