

What Happens during the Creation of Private Property? Subdividing Group Ranches in Kenya's Maasailand

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This case study discusses the internal processes and decisions that characterized the transition from collectively held group ranches to individualized property systems among the Maasai pastoralists of the Kajiado district in Kenya. It examines who the main actors were during subdivision, their interactions (including their degree of latitude in crafting and changing rules), as well as the outcomes of these interactions.

Although scholars have focused quite extensively on the motivations and outcomes of such change, much less has been done to explain and illustrate *how* property rights change (see Chapter 13 for some preliminary explanations). More particularly, the significance of politics and power relations in the assignment of property rights is increasingly acknowledged (Libecap 1989, 1998, 2003; Eggertson 1990; North 1990; Knight 1992; Firmin-Sellers 1995, 1996). In this regard the role of state enforcement (often assumed) and other interactions in the political arena are also analyzed in processes of transformation, over and above the initial economic motivations for institutional change. Understanding the process of change is important, because the process may itself influence outcomes. Protracted conflict over distribution may, for instance, undermine the efficiency gains that are often anticipated in property-rights transformations (Banner 2002). Tracking processes of change also provides insights into the design of future reforms.

15.1 Context

The Maasai are located in Kajiado and Narok Districts of southwestern Kenya. They have for a long time practiced transhumant pastoralism: livestock forms the basis of their economic livelihoods. It is the focus of their social relations and a critical element of their ethnic self-definition. Prior to major transformational changes, the Maasai sociopolitical structure comprised an age-set system, and decisionmaking authority was vested in the council of elders. Economically, the Maasai livestock enterprise was defined by collective use and ownership of pasture and water, with individual ownership of livestock.

15.1.1 Maasai Group Ranches

A group ranch is land that has been demarcated and legally allocated to a group, such as a tribe, clan, section, family, or other group of persons (Republic of Kenya 1968). It is composed of a body of members to whom legal title has been jointly awarded and a management committee that is elected by the members. Group ranches were introduced in 1968 by the government of Kenya. By shifting land tenure from traditional common ownership to smaller portions owned by groups under a common title, group ranches were anticipated to provide tenure security, create incentives for the Maasai to invest in range improvement, and ultimately reduce the tendency to overaccumulate livestock (Republic of Kenya 1974). These objectives were to be achieved by implementing the following:

- registration of permanent members in each ranch, who were to be excluded from other ranches;
- allocation of grazing quotas to ranch members;
- development of shared ranch infrastructure (such as water points, dips, stock-handling facilities, and fire breaks) using loans;
- management of their own livestock by members, who have access to loans for purchasing breeding stock; and
- election of a group-ranch committee to manage all affairs of the group ranch, including infrastructure development, loan repayments, enforcement of grazing quotas, grazing management, and exclusion of nonmembers.

A separate law, the Land (Group Representatives) Act of 1968 (Republic of Kenya 1968), was passed to provide a legal framework for ranch operation. Under

this law the entire group holds the title to the ranch, which cannot be sold by any of its members. Each individual has residency rights, but the group as a corporate body, through an elected group-ranch committee, controls resource use (that is, grazing, water, and tillage) and may establish mechanisms for resource allocation. The Department of Land Adjudication and the Registrar of Group Representatives (subsequently referred to as the registrar of group ranches), both in the Ministry of Lands and Settlement, were extensively involved in the initial establishment of group ranches. The Range Management division of the Ministry of Agriculture played a key role in drawing up group-ranch development plans. The Ministry of Water Development coordinated water development. The Agricultural Finance Corporation administered the loans provided by donors.

The group-ranch concept is now close to its fourth decade, yet there is consensus among scholars and planners that it has been a dismal failure (Munei 1987; Rutten 1992; Galaty and Ole Munei 1999). Not only has it failed to meet its stated objectives, but it has also jeopardized the socioeconomic welfare of the Maasai (Kipuri 1989; Kituyi 1990; Fratkin 1994). There is a growing trend toward subdivision of group ranches into individual plots and frequent sale of portions of individual holdings to prevent foreclosure on development loans (Kimani and Pickard 1998).

15.1.2 Recent Studies

Recent research on different group ranches in Kajiado District point to a diverse set of pressures that motivated Maasai to support the subdivision of their group ranches. These motivations are generally consistent with the efficiency and distributional explanations highlighted in Chapter 13. In the better watered areas of the district (more than 800 mm annual rainfall), for instance, individuals were eager to acquire individual land titles to access capital markets (Grandin 1986; Rutten 1992; Kimani and Pickard 1998; Galaty 1999a). Internal population increase in the face of a fixed land resource was also a motivator for subdivision (Galaty 1992, 1994, 1999b; Kimani and Pickard 1998). In other cases the allocation of group land to unauthorized individuals by the management committee prompted calls for subdivision (Galaty 1992; Rutten 1992; Simel 1999). Other factors motivating the transition included difficulties in enforcing the collective interest in resource allocation and a need for protecting individuals' land claims against threats of appropriation by both internal and external actors (Mwangi 2007). Although these studies provide useful insights into what may have motivated subdivision of the group ranches, the process of subdivision, the method of land allocation and distribution, the identity of the decisionmakers, and the outcomes need to be studied in more detail. This case study illustrates processes and interactions during subdivision of the group ranches.

15.2 Research Sites and Methods

Four group ranches were selected to represent variations in size, location (in terms of proximity to the main livestock marketing center of Bissel), and progression in the subdivision process (Table 15.1). Fieldwork was conducted from January 2001 to January 2002 and from June to August of 2002. Structured interviews were conducted with elders of different categories, youths, widows, and married women to find out whether they participated in the decision to subdivide, how parcel sizes and locations were determined and distributed, whether dissatisfied individuals contested committee allocations, how they organized such contestation, and with what success. Table 15.2 illustrates the individuals and categories interviewed. Those formally registered group-ranch members who were interviewed included retired elders (that is, those belonging to the Ilerito and Ilnyankusi age sets), senior elders (those belonging to the Iseuri and Ilkiseiya age sets), younger elders (of the Irang Irang and Ilkingonde age sets), and widows. Group-ranch nonmembers—those not registered as formal members (for example, married women and some youth in the Ilmajeshi and Ilkilaku age sets)—were also interviewed; however, this case study does not report on their findings.

Interviews were supplemented with archival material, such as records of group-ranch meetings and disputes files, which contained information on membership,

Table 15.1 Basic information on Enkaroni, Meto, Nentanai, and Torosei group ranches

Group ranch	Date group ranch was incorporated	Size (ha)	Number of members	Date of agreement to subdivide	Number of titles issued by October 2002	Distance from Bissel (km)
Enkaroni	April 1975	11,378	356	May 1988	310	8
Meto	December 1977	28,928	645	September 1989	400	65
Nentanai	December 1977	3,696	57	March 1987	42	18
Torosei	June 1977	45,445	300	September 1989	0	56

Table 15.2 Number of interviews by age set and gender

Group ranch	Irang							Widows	Married women	
	Ilerito	Ilnyankusi	Iseuri	Ilkiseiya	Irang	Ilkingonde	Ilmajeshi			Ilkilaku
Enkaroni	0	4	11	20	8	12	2	1	3	17
Meto	1	6	17	22	13	22	0	1	15	12
Nentanai	0	5	10	6	4	1	0	0	6	6
Torosei	0	1	16	13	12	33	11	1	4	15
Total (331)	1	16	54	61	37	68	13	3	28	50
Percentage of total	0.30	4.83	16.31	18.43	11.18	20.54	3.93	0.91	8.46	15.11

Note: Age sets are defined in the text.

minutes of annual general meetings, minutes of committee meetings, communications with the bureaucracy, boundary disputes, and complaints about the conduct of the subdivision.

15.3 Subdividing the Group Ranch: Decisions and Procedures

The four group ranches adopted similar decision rules and procedures for subdivision. One set of procedures originated from the registrar of group ranches, a government official in the Ministry of Lands and Settlement, whereas the other was crafted and authorized by group-ranch members when they resolved to subdivide at separate annual general meetings.

15.3.1 Formal Procedures

The following points describe the formal procedures prescribed by the government for a subdivision application:

1. Formal application is made for group-ranch dissolution to the registrar of group ranches, which includes a KSh 100 (about US\$1.20) processing fee and the Minutes of the Annual General Meeting at which members voted to dissolve their group ranch.
2. The registrar verifies that the group ranch has no outstanding loans. If it does not, the registrar authorizes the subdivision and subsequent survey and demarcation of group ranch.
3. The group ranch then applies to the district's Land Control Board¹ for further consent to subdivide. The Land Control Board verifies that the title deed to the group ranch is not encumbered by loans, confirms the size of land to be subdivided and reasons for its proposed subdivision, establishes the number of parcels that will result from subdivision, and confirms which public utilities will be set aside from the land. If satisfied, the board gives its consent for the group ranch to undertake subdivision.
4. After the group ranch has completed demarcation, surveying, and mapping, the Land Control Board provides its consent for the collective title to the group ranch to be discontinued and converted into a series of individual titles by the District Land Registrar. However, before doing so the board must once again verify that all registered group members have been allocated parcels and that they

are relatively equal; it must determine that there are no disputes over the subdivision; and it must verify on the surveyor's site map that public utility areas, such as schools, trading centers, water points, health centers, and access roads, have been set aside. If satisfied, the board consents to the transfer of title from the collective to the individuals and the District Land Registrar is allowed to process the individual land titles.

5. Group-ranch representatives (that is, the committee chair, vice-chair, and secretary) sign the title transfers to individual members once each member has paid the necessary processing fees. The District Land Registrar bears witness to this transfer process.
6. Once all individuals' titles have been transferred to each member, the registrar of group ranches officially dissolves the incorporated group and its representatives. To date, however, this final step has not happened for any group ranch.

15.3.2 Procedures Internal to the Group Ranch

The procedures internal to the group ranch involve the following steps:

1. Members resolve that subdivision be conducted to ensure that all parcels are approximately equal in size, except where land is distinctly marginal, such as on hills or near stream beds, or for exceptionally large families, in which case larger parcels are to be issued. This allocation formula draws from the Group (Land Representatives) Act, which specifies that group-ranch land is the property of the registered collectivity, held by each member in equal, undivided shares. It also draws from shared customary understandings, which consider land an indivisible territory to which all recognized users have equal access.
2. Members select an additional group of up to 10 individuals to assist the official management committee in the physical task of demarcating the group ranch. This demarcation committee lasts only for as long as it takes to physically mark parcel boundaries.
3. Members indicate to the official committee their preferred parcel locations.
4. Members resolve to remain at their current locations until completion of subdivision to safeguard against opportunistic relocation to choice areas prior to subdivision.

5. After receiving consent to subdivide from the registrar, the group ranch engages a certified surveyor to conduct on-ground demarcation. Prior to formal survey, however, the official committee and the temporary demarcation committee mark out individual parcel boundaries using natural features, such as trees, rivers, rocks, and hills, as markers. Surveyors formalize these boundaries,² after which the management committee shows members the locations of their parcels. Individuals then obtain their titles, at a fee, from the District Land Registry.

15.4 The Subdivided Group Ranch

Table 15.3 below provides a synopsis of the parcel sizes and their distribution among members following subdivision. The results indicate that, contrary to members' expectations, the subdivision did not result in equal or nearly equal parcels.³ In the three group ranches where subdivision was completed (that is, in Enkaroni, Meto, and Nentanai) two-thirds or more of the registered members have parcel sizes that fall below the average parcel size in each group ranch. More than 25 percent of former group-ranch land is owned by 9 percent of its registered members. Moreover, committee members who spearheaded the subdivision exercise ended up with between 25 and 35 percent of the land that they were entrusted to subdivide. The average sizes of committee members' parcels following subdivision were 100 ha for

Table 15.3 Distribution of parcel sizes in Enkaroni, Meto, and Nentanai group ranches

Characteristic	Enkaroni ^a	Meto ^b	Nentanai ^c
Total area (ha)	11,802.5	27,358.02	4,038.48
Number of members	332	548	56
Average parcel size after subdivision	35.56	49.92	72.12
Largest parcel (ha)	200.5	152.79	214
Smallest parcel (ha)	3.6	4.27	14.21
Standard deviation	27.23	21.87	51.06

^aA total of 64 percent of members have less-than-average parcel sizes; 25 percent of former group-ranch land is now owned by 9 percent of the former members. Thirteen individuals have parcels less than 10 ha in size. Committee members (10 individuals) own 9 percent of former group-ranch land (average size of committee-member parcels: 100 ha).

^bA total of 60 percent of members have less-than-average parcel sizes; 35 percent of former group-ranch land is now owned by 9 percent of the former members. One individual has a parcel less than 10 ha in size. Committee members (10 individuals) own 4 percent of former group-ranch land (average size of committee-member parcels: 113 ha).

^cA total of 63 percent of members have less-than-average parcel sizes; 26 percent of the former group-ranch land is now owned by 9 percent of the former members. Committee members (10 individuals) own 30 percent of former group-ranch land (average size of committee-member parcels: 133 ha).

Enkaroni (compared to an Enkaroni average of 36 ha), 113 ha for Meto (compared to a Meto average of 50 ha), and 133 ha for Nentanai (compared to a Nentanai average of 72 ha). Committee parcels were more than twice the average size of ordinary members' parcels.

Committee members allocated larger parcels to themselves, to individuals with close ties to them, and to individuals rich in livestock. The latter were alleged to have given committee members gifts of livestock.⁴ Livestock-poor herders ended up with considerably smaller parcels. Widows also received small parcels, as they were unable to defend their claims.⁵ Those individuals that had prior disagreements with the committee had no space to negotiate—they were punished with smaller parcels. The outcome of the subdivision process clearly favored wealthy cattle owners and the committee members.

15.5 Contesting the Outcome

In Enkaroni, those dissatisfied with the outcome organized to challenge the committee's allocations. They included widows, men with small parcels, and others who had altogether missed being allocated parcels. This group of about 50 was referred to as the *kikundi cha malalamiko ya beacon* (or beacon complainants' group). They approached the committee to renegotiate parcel size but were told that "the fingers on one hand are not equal," so how then did they expect everyone to get equal-sized parcels? The committee was unwilling to discuss the complaints about unequal-sized parcels.

The complainants' group then approached the elders and asked them to appeal to the committee about the unequal allocations. The elders' *barazas* (public meetings) were unfruitful. The elders had insufficient powers to override committee decisions; in any case they had a vested interest in the outcome.

The complainants then appealed to officials in the Department of Lands Adjudication and Settlement. But the department adopted an attitude of noninterference in matters of group-ranch subdivision. On two prior occasions the district land adjudication officer had stated that the determination of parcel sizes depended entirely on the group ranch and that complaints be directed to the committee and not to his office because "all facts related to cases are present in Enkaroni."⁶ The district officer of Kajiado Central Division reiterated this position.

Many individuals believed that their appeals to government officials went unheeded because of a lack of accountability. One letter of 19 February 1990 from a widow to the district commissioner is instructive. Not only does she complain of an exceedingly small parcel size (her 15 ha compared to committee members' average of 300 ha), but she also states that "government officers are corrupt and take bribes."⁷

She also accused the committee of corruption and abuse of powers. General evidence of members' dissatisfaction comes from a letter dated 9 February 1990, written jointly by an unidentified number of members, which was addressed to a broad range of government officials, including the district range officer, the district commissioner, district officer of central division, member of parliament of Kajiado central, the location councillor, district land adjudication officer, and the chief of Enkaroni. In this letter the members alleged that:⁸

- People in leadership (that is, committee members and chiefs) allocated themselves huge chunks of land.
- Committee failed to subdivide the ranch in an equitable manner.
- Close friends, relatives, and in-laws of the committee were given bigger portions of land.
- Committee members are never ready to listen to members' complaints (heavy-handedness).
- Chiefs are blocking people from seeking redress at alternative forums.
- The chairman is demanding that those with personal differences with him must kneel down and beg for mercy.
- There is bribery.
- Some members are allowed to participate in committees' private meetings; others are not.
- Some unregistered people have been given ranches by the committee without members' knowledge.

This letter went unheeded, and the complainants appealed to the High Court as a final recourse. Six members out of the initial group of 50 eventually took their case against the group-ranch committee (the legal representatives of Enkaroni group ranch) to the High Court.⁹ They demanded the following:

- Land be allocated equally among all its members.

- The land subdivision that had been carried out on the group ranch be declared null and void.
- Subdivision should be halted until suit is heard.

A ruling by the High Court dismissed, with cost, the plaintiffs' application for an injunction.¹⁰ The justice ruled that:

1. The plaintiffs should show, *prima facie*, why it was wrong that they had been allocated smaller land parcels than other members. The burden was on the plaintiffs to show that the discriminatory subdivision was for some cogent reason, for instance, wrong, unlawful, or contrary to the objections of the defendant. This had not been shown.
2. The annexure to the affidavit of the plaintiff seemed to show that it was rather the district land adjudication and survey officer, the surveyor, and the local chief who might be accused of unfair distribution of land.
3. The plaintiff must show beyond mere allegation that they had been given smaller portions of land than those given to others. No evidence on the actual sizes of the portions of land involved had been provided.
4. The plaintiffs had not made a *prima facie* case with a probability of success. They had shown no reason to support their allegation of discriminatory subdivision and why they should not have been allocated what they were given.

As a result, the plaintiffs' application for injunction was dismissed with cost. Following this defeat, the complainants did not reorganize to appeal the High Court's ruling. In fact, their advocate advised them to give up the case because "everybody was against them, including the Registrar of the High Court, who is a member of Enkaroni and whose *shamba* is among the big ones."¹¹

During this contestation, the committee threatened to withdraw land that had already been allocated to the complainants and their supporters, or to reduce further the size of parcels allocated to them. The committee also allegedly secretly increased the parcel sizes of some selected individuals within the group of complainants. These selective allocations eroded group cohesion and resulted in a systematic decline of the complainants' group size from about 50 individuals to about 6, who eventually launched the appeal to the courts.

In Meto, individuals dissatisfied with their parcel sizes complained individually. Those who confronted the committee were threatened with reduction or total loss of their parcels. Some individuals chose not to confront the committee, because they knew of other members with even smaller parcels and felt they were better off not complaining. The Meto group-ranch committee also reminded members that by raising objections, subdivision might be suspended as in several neighboring group ranches. Organizing to contest committee decisions was a big challenge in Meto, not only because of committee intimidation but also because it is a large group ranch over which people are thinly scattered.

In Nentanai individuals did not contest unequal allocation. The Nentanai group ranch borders on the Ilpartimaru group ranch, where the process of subdivision had been delayed for close to a decade owing to distributional conflict. Indeed, Nentanai has provided refuge to residents fleeing escalating conflict in Ilpartimaru. Even if discontented individuals wanted to organize, it would have been difficult. Many of those allocated small parcels were the poorest and had migrated to urban areas, where they were pursuing alternative livelihoods.

15.6 Discussion

Subdividing a total of about 90,000 ha of variously endowed group-ranch land among 1,400 registered members by about 40–80 committee members of the respective group ranches of Enkaroni, Meto, Nentanai, and Torosei, is a difficult task. However, when the exercise was completed, parcels were found to be unequal, with more than 60 percent of registered members having holdings substantially smaller than the average. Land was concentrated in the hands of committee members, their friends, relatives, and wealthy herders. Group members dissatisfied with this outcome contested the decision by local means of arbitration, such as through the council of elders or government administration, as well as in the courts. They did not win. Others, fearing retribution by a vengeful committee or lacking resources, did not organize to contest the outcome.

The process of group-ranch subdivision had components that were internal to the group ranch in which rules, procedures, and decisions were crafted by group members and/or their representatives. It also had an external component designed and controlled by state representatives and/or individuals selected by them. The external component included dispute resolution or arbitration by government officials, including the High Court.

The internal processes were set in motion by a members' majority vote to subdivide. There was a shared understanding of the principles of subdivision that would

lead to a desired outcome (an equal or nearly equal allocation of parcels), an endorsement of their management committee to oversee the process of subdivision, and the election of a temporary demarcation committee to assist it. Customary norms of trust, reputation, and a good track record led members to believe that their expectations would be fulfilled.

The subdivision component external to the group ranch involved acquiring consent from relevant actors (primarily government officials) to enable the formal survey and the registration and titling of individual parcels, to ensure that all registered members received parcels, and to provide arbitration in the event of disputes. The group-ranch committee mediated between the internal and external components. It is important to note that following the decision by group-ranch members to subdivide the ranch, most other critical decisions were made outside of the group ranch by government officials (verification of land sizes and elements of dispute resolution) and/or internally by the committee (parcel sizes and locations). The points of intersection between internal and external decisions were few, and in any case involved member representation by means of the group-ranch committee. The committee had legal recognition through the Group Ranch Act and state sponsorship. It also derived influence and authority from traditional institutions. In addition, it had privileged knowledge and understanding of the process—a process that is unprecedented in Maasai history.

The government left extensive discretion to the committee, which unilaterally determined the size and location of each individual's parcel after subdivision, and most importantly, ensured the new owners' role as signatories to the emerging land titles. The Land Control Board in particular failed to discharge its obligation of ensuring an equitable allocation of resources. In addition, government administrators referred disputes and complaints back to the group-ranch committee, whose members were direct beneficiaries of the subdivision process. Moreover, the High Court placed the burden of proof on the complainants. Quite clearly, the state abrogated its enforcement role, recklessly vesting power in a self-interested management committee.

15.7 Conclusions

As suggested by property-rights theorists (Knight 1992), conflict is resolved by credible threats from powerful community actors directed against weaker individuals. The committee was able to threaten those complaining about the distribution with confiscation of their assets. But in some instances the committee was unable to sufficiently intimidate individuals, and some parties organized to contest the inequitable distribution through the judiciary. In this case the court ruled against the plaintiffs, and the power of the state was used to coerce the acquiescence of those opposed and

to insist on the implementation of the new property structure. This behavior conforms to the arguments of Firmin-Sellers (1995, 1996) that state coercion is crucial in terminating conflict.

What insights might this case offer for the conduct and/or reform of agricultural policy in Africa? That the process of land allocation would be captured by the elite in society is not new. Regardless of the reasons motivating individuals to seek a reassignment of rights, the process of reassignment itself is characterized by conflict over the eventual distribution of rights, because the losers will contest the outcome. Similarly, those with power and influence will employ these resources to ensure their preferred outcome. In the end, the powerful group wins, and prior collective resources become concentrated in the hands of a subset of the original claimants. Such an outcome is particularly likely when the state abandons its enforcement responsibilities and transfers decisionmaking powers to self-interested management committees. In sum, contrary to the vague, often unstated assumption in property-rights theory, state enforcement cannot be taken for granted. The activities (or lack thereof) of state actors may actively impede the attainment of equitable outcomes, regardless of whether ensuing property arrangements are efficient or not. Indeed, a strong case can be made for the involvement of multiple actors (such as the community, state, and development partners) in the design and implementation of land reforms, each of whom may serve as a check against arbitrary decisionmaking and opportunism. Finally, a lottery system for parcel allocation would have worked to maintain disinterest among the committee.

Notes

1. The Land Control Board, consisting of 8–12 individuals, is chaired by the district commissioner, who is also the head of government administration in the district. Other technical officials on the Land Control Board include the district land adjudication officer, the District Land Registrar, and a representative from the local Kajiado County Council. Landowners in the district must comprise three-quarters of the board, to include both men and women from the Maasai community.

2. Individuals are expected to pay surveyor fees as a precondition to being shown their parcels. The fees varied from 1,500 KSh (about US\$19), in Enkaroni (which was surveyed by a government surveyor) to 4,500 KSh in Meto and 5,000 KSh in Nentanai (both of which were surveyed by private surveyors). The committee and the surveyor negotiated survey fees.

3. Torosei is not included in these results, because they have not formally subdivided; thus parcel sizes are not confirmed.

4. Interviews, Enkaroni, July and August 2001.

5. Of the 17 widows that were allocated land in Enkaroni, 12 have land sizes below the group-ranch average. The committee members were hesitant to issue any land to widows because of the fear that if the widow were to remarry, their land would be lost to the deceased's family. This fear was more acute in the event that the widow remarried an outsider.

6. Minutes, Enkaroni Annual General Meeting, 10 July 1991. Meetings File, Enkaroni Group Ranch. Department of Land Adjudication, Kajiado District.

7. Letter written by Nenkitali ene Lolkinyei, 19 February 1990. Disputes File, Enkaroni Group Ranch. Department of Land Adjudication, Kajiado District.
8. Unnamed author, 9 February 1990. Disputes File, Enkaroni Group Ranch. Department of Land Adjudication, Kajiado District.
9. Plaintiff, Civil Suit 3956 of 1992, 22 July 1992. High Court of Kenya.
10. Ruling, Civil Case 3956 of 1992. 31 July 1992. High Court of Kenya.
11. Interview, Enkaroni, October 2002.

References

- Banner, S. 2002. Transitions between property regimes. *Journal of Legal Studies* 31: S359–S371.
- Eggertson, T. 1990. *Economic behaviour and institutions*. Cambridge: Cambridge University Press.
- Firmin-Sellers, K. 1995. The politics of property rights. *American Political Science Review* 89 (4): 867–881.
- . 1996. *The transformation of property rights in the Gold Coast: An empirical analysis applying rational choice theory*. New York: Cambridge University Press.
- Fratkin, E. 1994. Problems of pastoral land tenure in Kenya: Demographic, economic and political process among the Maasai, Samburu, Boran and Rendille, 1950–1990. Working Paper 177. Boston: African Studies Center, Boston University.
- Galaty, J. G. 1992. The land is yours: Social and economic factors in the privatization, subdivision and sale of Maasai ranches. *Nomadic Peoples* 30: 26–40.
- . 1994. Ha(l)ving land in common: The subdivision of Maasai group ranches in Kenya. *Nomadic Peoples* 34/35: 109–121.
- . 1999a. Property in the strict sense of the term: The theory and rhetoric of land tenure in East Africa. Arid Lands and Resource Management Alarm Network in Eastern Africa Working Paper 4. August. Kampala, Uganda: Center for Basic Research.
- . 1999b. Grounding pastoralists: Law, politics and dispossession in East Africa. *Nomadic Peoples* 3 (2; special issue): 56–73.
- Galaty, J. G., and K. Ole Munei. 1999. Maasai, land, law and dispossession. *Cultural Survival Quarterly* 22 (4): 68–71.
- Grandin, B. E. 1986. Land tenure, subdivision and residential change on a Maasai group ranch. *Bulletin of the Institute for Development Anthropology* 4 (2): 9–13.
- Kimani, K., and J. Pickard. 1998. Recent trends and implications of group ranch subdivision and fragmentation in Kajiado District, Kenya. *Geographic Journal* 164 (2): 202–213.
- Kipuri, N. 1989. Maasai women in transition: Class and gender in the transformation of a pastoral society. Ph.D. dissertation, Temple University, Philadelphia.

- Kituyi, M. 1990. *Becoming Kenyans: Socio-economic transformation of the pastoral Maasai*. Nairobi: African Center for Technology Studies Press.
- Knight, J. 1992. *Institutions and social conflict*. New York: Cambridge University Press.
- Libecap, G. D. 1989. *Contracting for property rights*. New York: Cambridge University Press.
- . 1998. Distributional and political issues modifying traditional common-property institutions. In *Law and the governance of renewable resources: Studies from Northern Europe and Africa*, ed. E. Berge and C. Stenseth. Oakland, Calif., U.S.A.: ICS Press.
- . 2003. Contracting for property rights. In *Property rights: Cooperation, conflict, and law*, ed. T. L. Anderson and F. S. McChesney. Princeton, N.J., U.S.A.: Princeton University Press.
- Munci, K. 1987. Grazing schemes and group ranches as models for developing pastoral lands in Kenya. In *Property, poverty and people: Changing rights in property and problems of pastoral development*, ed. P. T. W. Baxter and R. Hogg. Manchester, U.K.: Department of Social Anthropology and International Development, University of Manchester.
- Mwangi, E. 2007. The puzzle of “perverse” property rights: Explaining property rights transitions in Kenya’s Maasailand. *Development and Change* 38 (5): 889–910.
- North, D. C. 1990. *Institutions, institutional change and economic performance*. Cambridge: Cambridge University Press.
- Republic of Kenya. 1968. Land (Group Representatives) Act. Chapter 287 of the Laws of Kenya. Nairobi: Government Printer.
- . 1974. *Development Plan 1974–1978*. Ministry of Finance and Planning. Nairobi: Government Printer.
- Rutten, M. M. E. M. 1992. *Selling wealth to buy poverty: The process of the individualization of landownership among the Maasai pastoralists of Kajiado District, Kenya, 1890–1900*. Nijmegen Studies in Development and Cultural Change 10. Saarbrücken, Germany: Verlag für Entwicklungspolitik.
- Simel, O. J. 1999. Premature land subdivision, encroachment of rights and manipulation in Maasailand—The Keekonyokie Clan Section. Arid Lands and Resource Management Alarm Network in Eastern Africa Working Paper 8. Kampala, Uganda: Center for Basic Research.

