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Emerging Forms of Land Market Participation and Implications on Pastoralists' Livelihoods in Kenya

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Abstract

This study aimed to characterize the forms of emerging land market participation and how they impact on pastoralists livelihoods in Kenya. A sample of 336 Agro-pastoralists was used to obtain information on the forms of land market participation and the transactions in place occurring in the counties of West Pokot and Laikipia. From the findings, land sales, and land rentals were the common emerging forms of market participation. However, land rental markets were more prevalent since its timeline was only one year and the agreements were mostly oral, based on friendship and trust. Moreover, it equalized land access between the land-rich and those with less land holdings. In addition, they acted as an avenue of income diversification for the households who rented out land for pasture and cultivation. To increase land markets vibrancy, which will stimulate the local economy and hence sustainable livelihoods, policies like tenure security should be made a priority.

Key Words: Agro-pastoralists, Kenya, Land markets, Livelihoods, Transactions

Background Information

Land access in any developing country, even if through use rights is a major factor in determining the household food security as well as its vulnerability to shocks (Chamberlin and Ricker-Gilbert, 2016). Moreover, equitable land access has been shown to increase the agricultural growth pace and reduce poverty among households. In the recent past, most households especially the pastoralist communities have been accessing land through land markets. These communities live in the dry areas of Kenya which have traditionally been used and managed by them for their livelihoods through communal property rights-based land tenure system (McDermott et al., 2010).

According to Opiyo et al., (2011), pastoralists face a myriad of challenges including political marginalization, resources conflicts and recurrent famines and poverty. In addition, pressure from human population growth and the expansion of agriculture into grazing lands has brought about major changes in land tenure from communal land management towards more of individual holdings. Today several pastoralists can actually buy their own land and settle down.

Land privatisation is further fueled by the need of the pastoral people to settle to avoid the ever recurring disputes over grazing rights, drought and the increasing school enrolment among the children (Mureithi and Opiyo 2010; Greiner et al., 2013). It has also led to land commoditisation which involves investing in fencing which allows an individual grow crops or pasture, get payment from grazing and also lease the piece to other pastoralists (Flintan, 2011). This phenomenon has given rise to land markets which allows



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the land constrained residents to access land and get a source of livelihood through such exchange. Today, for instance, a great majority of agro-pastoralists in the Chepareria Division have enclosed plots for food and feed production near their houses (Engstrom, 2016).

Land markets which are mostly informal, operate in customary settings which are often outside the legal framework. The contractual agreements within the markets whether rentals, sales or even inheritance are always not sanctioned by law. However, they have a social importance since they act as an avenue through which rural households access land as reported by Ainembabazi and Angelsen (2016), who found out that individuals in Uganda, with little or no land inheritance used land markets to gain access to farm lands. Burgess (2001), showed that land access even if only through use rights had an impact on the households' nutritional status and family labour utilization. Nyagena (2010) on the other hand supported land accessibility to be an important element in reducing poverty and food insecurity. Equal land access implies proper land distribution and has been associated with improved household income and poverty reduction (Jayne et al., 2003; Muyanga and Jayne 2014).

In comparing land rentals versus sales markets, the former is seen as a better and easier way of transferring land to the poor households since it doesn't require large sums of capital. The rental arrangements do not need household savings immobilization (Yamano et al., 2009). They contribute to greater equity in land holdings as land sales markets are seen to be less active, since its procedures are cumbersome, long and expensive (Holden et al., 2009). Moreover, agricultural rental markets could help in increasing households' agricultural income since the unused agricultural land can be utilized properly (Jin and Jayne, 2013; Chamberlin and Ricker-Gilbert, 2016).

Despite the positive effects shown by participation in the land markets, the market is still relatively weak in the chosen counties. In addition little is known on the forms of market participation existing and the nature of transactions in the counties. Given the poverty in this agricultural and livestock dependent rural areas, like West Pokot County (Kandji, 2006, Makokha et al., 1999), the question of long-term sustainable livelihoods and an increased efficiency in overall agriculture is important to discuss.

Therefore, this paper aims at contributing to the body of knowledge in the subject matter by characterizing the forms of land market participation found in West Pokot and Laikipia Counties respectively.



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Historical Trends in Land Markets Development

West Pokot County

Tracing how land markets have developed in West Pokot County starts way in the early 1980s when the area was a degraded landscape with nothing to pride in. However towards the late 1980s, enclosures and agroforestry were introduced in the county for the purpose of rehabilitating degraded land and intensification of grazing, fodder and crop production (Nyberg et al., 2015). The move was driven by livestock diseases, droughts and subsequent famine facing the residents in this areas. With the initial adaptation being slow, nowadays enclosures dominate the vast landscape especially the upper areas while the adoption is low in the lower areas of the county (**Figure 1**). This transition has not only saw a shift in the local tenure regime away from a communal tenure towards individual tenure rights but change in land use and landscape respectively.

Enclosures have made livelihoods less dependent on livestock mobility due to easy pasture access and that livestock production is being complemented by crop production (**Figure 2**). Moreover, they have enabled households to use land for commercial livestock and agricultural production as well as in some instances sell, buy and or rent in/out of land. Land market activity has increased as a result of enclosures since they have been used as a method of property demarcation. After the emergence of land transfers, land prices rose by at least 40% in between 2007-2010. People are now able to sell or lease out parts of their land to earn money to cover school or medical costs, to purchase food during droughts or famine, or when they have few animals. Others often decide to sell, in order to start a business, or to settle in town and other especially in areas with title deeds, lease out their land to sustain themselves through financial means rather than cultivate for subsistence. Geutjes (2013), adds that with increasing importance of agriculture, importance of having a cultivatable land increases and claims on what used to be communal land, are made and the land is privatized quickly.

In addition land is being officially registered into different tenures with individual title deeds, group ranches and trust land. While the upper areas of Chepareria hold individual title deeds, the group ranches and trust land of the lower areas are continuously being sub-divided into privately enclosed land based on informal contractual agreements to secure their properties. Despite the positives, some residents still face the negative part of it. Those who can't access the already enclosed land are always in conflicts due to boundary fights, livestock trespassing on enclosed land and internal family disputes related to land use and land ownership. In addition, the erosion of traditional values and lifestyles is on the rise (Napier and Desta 2011).



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Laikipia County

The first land transition in Laikipia County occurred between 1904 and 1911 after the Anglo-Maasai treaties which saw the transition from pastoral rangelands governed by customary tenure to large scale private ownership in form of cattle ranches (Hughes 2005, 2006). The treaties saw the Maasai removed from their productive areas to other two reserves paving way for European settlement in the Rift valley (Hughes 2005, 2006). The move saw an establishment of large land holdings under their ownership in form of private cattle ranches and happens to be areas where wildlife are most concentrated.

The second transition occurred following Kenya's independence between 1963 and 1980s. This saw land change from European ownership to small holdings distributed to indigenous Africans. The redistribution was conducted through the government's settlement schemes and land buying companies (Letai and Lind 2013). This took place through a willing buyer/seller that accommodated the Europeans leaving the country, and the aspirations of indigenous Kenyans who wished to own land (Onoma 2010). The indigenous Kenyans who got the plots were squatters on Laikipia ranches and residents from the central highlands who were experiencing high land pressures. In addition, this sub-divisions saw the emergence of 'abandoned lands' which were left by the legal owners due to insecurity, crop failures and human wildlife conflicts.

Settlement by semi nomadic pastoralists and small holder farmers has been on the rise in these abandoned lands for them to graze and practice subsistence livelihoods (**Figure 3**). These areas also operate as open access patches for pastoralists from both within and outside Laikipia (LWF, 2012)

Due to lack of proper management, formal policies in the abandoned lands, pastoralists are now living in fear from the possibility of government evictions. This has seen a number of pastoralists adopting private titles from the legal owners who could be identified and contacted. This is a move to improve their tenure security to avoid being evicted and still enable them access other rangeland resources (**Figure 4**). Other motives for pastoralists purchasing this lands were for them to engage in agricultural production (near water sources), inheritance purposes, to gain a residential base near educational opportunities for children, and access to markets in Rumuruti (Wade, 2015)

However, some pastoralists are still experiencing the negative side of the whole process. Conflicts arising from illegal grazing is on the rise especially during the droughts. Most pastoralists tend to trespass to the ranches to graze their animals and in return, once caught, their animals are either captured till a fine is paid. Small holder farmers near water source also suffer from crop destruction especially from the elephants.



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Methodology

The study was conducted in West Pokot and Laikipia counties. West Pokot County was chosen due to its recent changes in the land tenure system from communal to private leading to land subdivisions. Laikipia County was also chosen due to the fact that land buying companies who still exist in some areas, have subdivided the range-lands into uneconomical units. Moreover, through the land buying companies, there has been an increase in land squatters in the county. Faced with the fact that land productivity has been lowered, and that household's consumption needs have to be met, many small holders turn to land markets to increase their land holdings to meet their consumption needs. In addition, pastoralism is still the main source of livelihoods among the rural population who are the majority. They also are characterized by high poverty rates as well as instances of chronic food insecurity (Alinovi et al., 2010).

The study used a multistage sampling technique to obtain a sample size of 336 agro-pastoralists. The first stage, West Pokot, and Laikipia counties were chosen. In the second stage, Chepareria and Rumuruti wards in Pokot South constituency and Laikipia West Sub County respectively, were selected from each county. This is mainly due to high prevalence of agro-pastoralism livelihoods. Ywalateke, Kipkomo, Chepkopegh and Shelpogh locations in West Pokot and Matigari, Thome, Kandutura and Salama locations of Rumuruti were chosen since they had most participants in land markets transactions as per the information provided during preliminary surveys, which also established they had almost similar agro ecological conditions. Purposive and simple random sampling was used to select respondent household. This allowed a fair representation of the households renting in/out land, buying /selling and households not participating in the land market. Data was obtained using pre-tested semi structured questionnaires. The questionnaires provided information on the forms of land market participation occurring in the counties, on socioeconomic and institutional characteristics, household and contextual characteristics as well as the form of prevalent land-related conflicts.



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Results and Discussions

Characterization of the Forms of Land Market Participation.

The descriptive statistics in (**Table 1**) show that rate of participation was higher in Laikipia County at 70.81%. This could be attributed to the fact that the county is more of a settlement scheme due to the number of squatters in some areas (CIDP, 2013). Laikipia County has huge tracts of abandoned lands which pastoralists escaping drought from their various areas settle in, till drought subsides. In the process, they participated in land markets by renting in pasture and some renting in for cultivation. This is evidenced by the high rates of renting in/out of land together with sales. All this was attributed to the fact that land renting was way easier, cheaper and more common with few requirements unlike buying of land in African countries (Holden et al., 2009; Jabu et al., 2017).

The contractual agreement in the rental markets was informal mostly oral agreements, based on mutual trust between the two parties (tenant and landlord). The level of trust between the parties determined how the transaction would take place and agreements on the mode of payment whether cash, crop share or livestock. Land fertility and its distance to a road, or a shopping center or a water source dictated how much one paid for cultivation while the pasture quality and size determined how much one paid for grazing. This also was in line with what Saxer, (2014) found in West Pokot County.

Timeline for renting in land in the counties was one year (temporary) since most residents rented in for cultivation which was basically one season for annual crops only and grazing which was less than six months. This justified the fact that such arrangements do not offer the needed security of operation, and doesn't guarantee returns to tenants (Nyangena, 2010).

The main challenge faced in the both markets was default and breach of contracts especially in the sales market brought about by dishonoring the contract terms. Conflicts was also another challenge especially in rental markets brought by contested individual boundaries due to lack of clear demarcation of the pieces in question. Double renting is an issue which most residents complained and on much questioning most blamed in on poverty and especially family issues such as school fees and hospital bills. This happened mostly when the tenant is a bit far away, so due to low levels of trust from the landlord, he or she decides to give the same piece to someone who is near the homestead (Holden et al., 2009; Saxer, 2014).

In land sales markets, most transaction processes were informal but involved witnesses. The process involved the buyer, seller, village elders, and chiefs who would act as witnesses. In areas with title deeds, the process appeared more formal where after applying for a title deed, the process of document



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transmissions to Nairobi for Land Title preparation before the title would be formalized for collection. In both counties, majority of the participants had their land privatized but had no title deeds yet. The process of title acquisition was cumbersome hence most respondents stuck to their plot numbers/allotment letters. In areas with group ranches especially in West Pokot, sales were possible since each individual knew their boundaries and sale agreements were kept as proof of ownership as they awaited for title deeds issuance as evidenced by the 54% and 30.88% of the respondents. Tenure security is still an issue in both counties as evidenced by the low number of title deeds during the survey. This is practically the biggest reason why majority of the respondents opted for rental market since no documentation was needed to either rent in or out land. However, this scenario increased the transaction costs among the participants since majority of the individuals were not ready to let their land into the market since there was no guarantee of ownership.

From the survey conducted, majority of the households (54.24%) rented in land for grazing during the dry season (**Figure 5**). In West Pokot for instance, individuals who had invested in enclosures were the ones providing pasture at a fee to the other households as a way of diversifying their income sources. The enclosures came as a land rehabilitation program which most individuals have adopted as a land management strategy. Enclosures occur when a household decides to close or fence some piece of land for the purposes of pasture regeneration or cultivation. Beyene (2010), found out that individuals with enclosures in West pokot increased their income sources by selling in the pasture during the dry period or allowing other households to graze in the enclosure at a fee. This phenomenon is common in areas whose pasture productivity has been favored by good climatic conditions and large enclosure sizes as echoed by (Wairore et al., 2015)

Moreover, in Laikipia County, the majority of those who rented in pasture did so in the ranches which are mostly privatized. The ranch owner only allowed certain number of animals to graze thus limiting the individual who had a big number of animals to graze. Such a move most of times ignited conflicts since the pastoralist would forcefully drive his animals to the ranch or break through in order to get pasture. The rancher in turn would take action by either capturing the animals or in extreme cases killing the owner and even his animals.

Declining farming land was also a motive for renting in land at 20.34% which is in line with a study by (Jabu et al., 2017). After the subdivision of the communal lands which majority of the agro-pastoralists were relying on for survival, most households were left with very small parcels. Faced with the fact that they had children to feed and also livestock to graze, they looked for options of increasing their land holdings and rental markets was just their savior. Majority of the areas for cultivation were near the water



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bodies but they were only allowed to grow seasonal crops such as maize, beans and vegetables. In most cases, they were also allowed to carry the crop residues for their livestock after harvest or even allow the livestock to graze in the fields. Soil fertility was also assured since livestock dung was dropped during grazing. Households who were lucky enough to get surplus would sell to their neighbors or during market days and such they had diversified their incomes.

Conclusion and Policy Implications

This paper aimed to characterize the emerging forms of land market participation in West Pokot and Laikipia counties, Kenya. The results showed that land markets have been in existence but were not as active as they are now. Rental markets appeared most active among the forms available and majority of the households increased their land holdings through them. Moreover, they acted as an avenue of income diversification to those who rented out land for pasture and cultivation hence improved livelihoods. From the results, market-based mechanism of land allocation is becoming more prevalent owing to the rising population. Therefore, policies supporting the vibrancy of this markets such as tenure security, should be in place which will create a more flexible local economy as well as household's social mobility.

Tenure security is the main issue which came out as draw back to most respondents in the counties. Title deeds issuance was one hectic process and a bit expensive given the social status of the households. This reduced the level of investments among some households and encouraged distress land sales especially among the one who had to pay school fees and a times hospital bills. Lack of title deeds meant that the household couldn't secure a bank loan even if it needed one and some could succumb to their poverty states. Policies encouraging faster title deed issuance or application should be secured since this in turn will guarantee ownership and the security to invest in one's farm.



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Table 1. West Pokot verses Laikipia County

	West Pokot	Laikipia
Percentage of participants	62.86%	70.81%
Rentals	49.71%	55.28%
Sales	36%	43.48%
Contracts involved		
Rentals(Informal agreements)	79.78%	80.68%
Sales(Informal with witnesses)	50.82%	56.34%
Timeline		
Cultivation(One year)	55.13%	45.45%
Grazing(Less than one year)	34.09%	51.14%
Challenges(Default and breach of contract)	53.13%	43.10%
Institutional right over land		
Sales agreement	54%	30.88%
Title deeds	24%	36.70%
Tenure system (Ownership without title deeds)	68%	53.32%

Source: Survey Data (2018).



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Figure 1. Areas without Enclosures in West Pokot in 2018

Source: Survey Data (2018).



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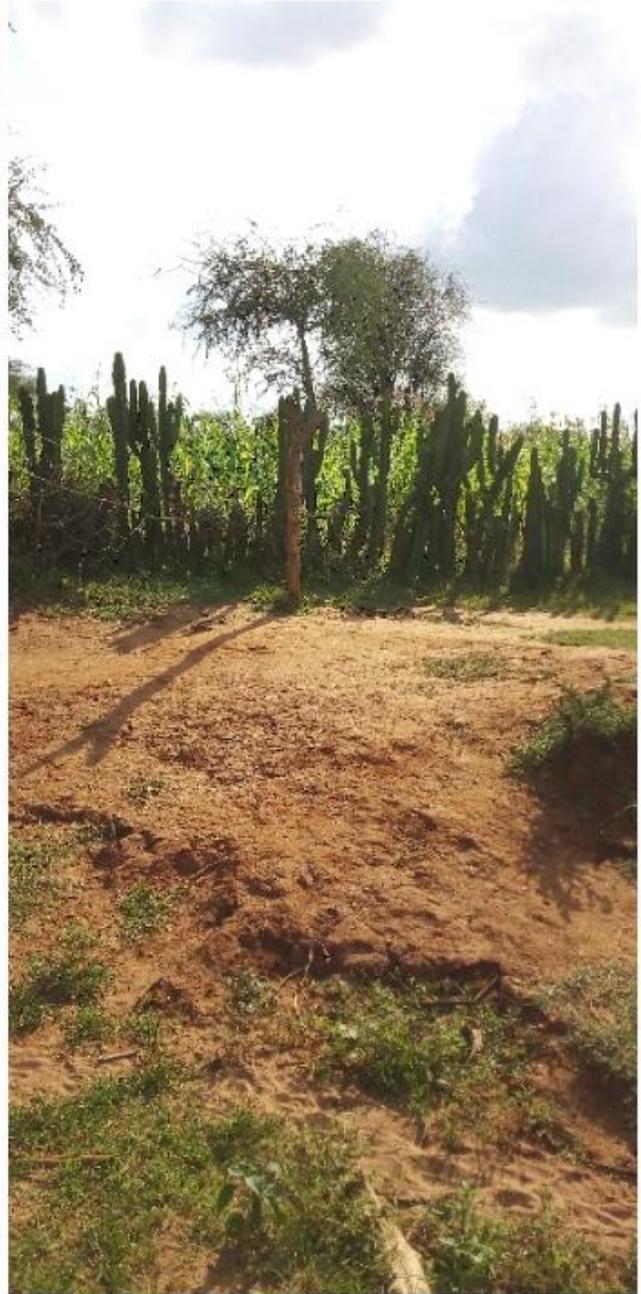


Figure 2. Enclosed Plots for Pasture and Crop Production in West Pokot

Source: Survey Data (2018).



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Figure 3. Livestock grazing in abandoned lands of Laikipia County

Source: Survey Data (2018).



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Figure 4. Enclosures/ 'Bomas' in Privatised Lands in Laikipia County

Source: Survey Data (2018).



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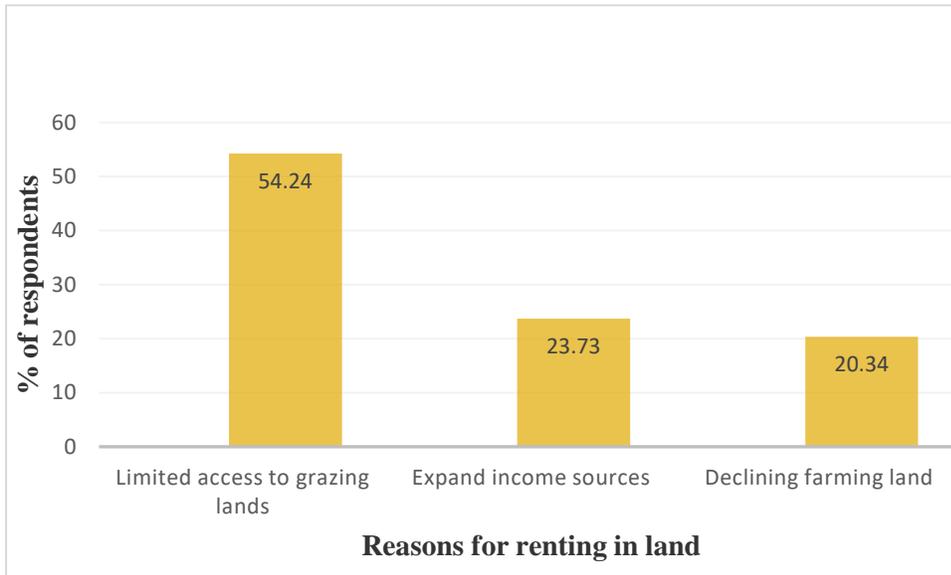


Figure 5. Reasons for renting in land

Source: Survey Data (2018).