

Green appropriations through shifting contours of authority and property on a pastoralist commons

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The dynamics of customary land rights and displacement among east African pastoralists have been the subject of extensive scholarly inquiry. Displacement to make way for other land uses, government-led privatization schemes, endogenous subdivision to defend land against outsiders, and progressive enclosure of private land in the context of the recent ‘land rush’ are some of the documented trajectories of land tenure change. Less explored is how exogenous authority systems gain traction within common property regimes to re-shape the contours of property. Laikipia, Kenya presents an ideal context for this research given the uniquely ambitious effort to conserve globally significant wildlife on private land. We focus on a group ranch owned collectively by Maa-speaking pastoralists for whom formal title was secured with the support of outside actors vested in conservation, and coupled with efforts to provide financial incentives for conservation. Findings suggest the new governance structure established in the context of land titling has become a pathway through which outside authority gains traction – with consequences for property, sovereignty and the traction of green agendas. Findings deepen understanding of how shifting authority shapes processes of alienation and legitimation, and contribute to ongoing debates about land grabs, tenure formalization and neoliberal approaches to conservation.

Keywords: green grabs; authority; pastoralism; Maasai; land titling; neoliberal conservation; property

Introduction

In the northern rangelands of Kenya, ambitious efforts have been made to conserve globally significant wildlife, much of which is both threatened and threatening to humans and livestock. The paucity of protected areas in the prime migratory routes within the northern rangelands has meant that conservation must occur in partnership with local landowners and users, including large ranches and pastoralist communities (NRT 2013).¹ Conservation agencies, private ranches (recently diversified into high-end ecotourism) and donors have partnered with pastoralist communities to support the establishment of community wildlife conservancies and ecotourism ventures as a means to incentivize conservation (Sachedina et al. 2009; Sachedina and Nelson 2009, 2010). Some of these efforts have also included

¹See also: <http://www.nature.org/ourinitiatives/regions/africa/wherewework/northern-kenya-rangelands.xml>; <http://www.awf.org/wildlife-conservation> (accessed 12 December 2014).

land titling as a mechanism to give juridical weight to community-level governance structures, thereby facilitating contractual relations with outside entities.

This paper explores the shifting dynamics of property and institutional authority under the parallel processes of land titling (and the formalization of group ranch governance structures that accompanies titling by law) and the birth of a new era of conservation partnerships on a pastoralist commons in Laikipia County, Kenya. We ask, ‘How have these twin histories of tenure formalization and conservation helped to constitute new contours of authority in the rangelands of eastern Africa, and with what consequences for property?’ The exploration of the shifting contours of authority and its relationship to property in this context speaks to a number of ongoing debates in the literature: the relationship between land tenure formalization and livelihood security (Deininger 1999; De Soto 2000; Platteau 2000; Riddell 2000); the relationship between authority and property (Ribot and Peluso 2003; Sikor and Lund 2009); and the processes and effects of green imperialism and the neoliberal conservation era (Fairhead, Leach, and Scoones 2012; Grove 1996; Igoe and Brockington 2007; West 2006). We seek to query the assumption that tenure and livelihood security are automatic outcomes of tenure formalization (see also Brown 2005; Lastarria-Cornhiel 1997). While security of communal tenure has been argued to create the *possibility of* inducing a shift from open-access situations to common-property regimes (Ostrom 1990), formalization of property rights under colonial and post-colonial governments has undermined the long-run viability of the commons by disrupting highly adaptive local institutions among east African pastoralists (Blewett 1995; Rutten 1992). We also seek to add to the growing literature on neoliberal conservation in the east African rangelands (Igoe and Brockington 2007; Sachedina and Nelson 2010; Western 1982) an understanding of the role of authority within processes of alienation and the role of tenure formalization in entrenching legally plural normative orders.

The paper starts with an historical account of the institutional factors mediating access to Kenyan rangeland and a review of the scholarly literature on the dynamic interplay of institutions, authority and property. After presenting the methodology, we describe the livelihood changes induced by the conservation era and explore how shifting contours of norms and authority – and their effects on property – have helped bring these about. The paper concludes with a discussion of the complex material and political effects that are both contested and legitimated through their multi-faceted effects on authority and livelihoods.

Institutional factors shaping rangeland access and adaptive capacity in Maasailand

Pastoralism is widely understood to be a successful adaptation to a rainfall regime in arid and semi-arid lands that is highly variable both spatially and temporally, where mobility is essential for ensuring access to critical resources such as forage and water while also providing space for the rangeland to regenerate (Fratkin 1997; Galvin 2009). Historically, Maa-speaking pastoralists occupying the Rift Valley ensured the survival of themselves and their livestock through a host of institutional mechanisms. They maintained access to grazing and water, and thus the survival of their stock, by coming together in small, mobile herding units while maintaining far-reaching social relations throughout pastoralist society and beyond (Spear 1993).

Within pastoralist society, nested spheres of economic action and political organization provided mechanisms for cooperation in the allocation of pasture, water and herding labor (Galaty 1993). Multi-family camps formed the basis for herding coordination, labor sharing and food redistribution; neighborhoods provided the basis for allocating local resources between camps and local defense; and territorial sections facilitated higher level political

and economic cooperation. At the end of the 1900s, territory in Maasailand came to be defined in terms of resources controlled by sections, yet dry season grazing orbits reached beyond the security of the section (Galaty 1993). Inter-sectional alliances, built on clan and age-set affiliations, allowed for shared access to pasture outside ‘home’ sections, yet sections from alien alliances often shared resources peacefully (Goldman 2013; Spear and Waller 1993). Age-sets also united all men of a given age into a single social institution, with the exigencies of *murranhood* inculcating common values and social identities, and major ceremonies linked to the age-set system uniting all Maasai sections throughout their territory (Spencer 1993). With the structural hierarchy of the age system paralleling the segments of territorial sections, age-sets also offered ‘a structure for sectional politics and a system of leadership’ (Galaty 1993, 85). It should be noted that authority in Maasai society has historically rested with the elders, ‘the controllers of property, who dominate the community, and whose view, emphasizing ... the gravitas of individual and collective authority is implicitly accepted as “the Maasai way”’ (Waller 1993, 299). As a system that demands a high degree of respect for older men, some have described Maasai gerontocracy as ‘the dominant premise of Maasai society’ (Spencer 1993, 141). At various levels of sociopolitical organization, it is the elders who have historically made decisions (individually and collectively) on where to graze, established social norms, and doled out fines and punishments for infractions – with the ultimate threat being the curse (Homewood et al. 2004; Spencer 1993). Elders would set aside certain areas as ‘drought reserves’ to conserve pasture for use only in exceptionally dry years, and smaller reserves for grazing by sick cattle and calves (*alalili* or *olapololi*), and ensure adherence to restrictions on their use (Goldman 2011).

Beyond pastoralist society, economic interdependencies with those practicing complementary modes of subsistence (farmers, hunter-gatherers) were established through individual networks of exchange and obligation with agnates, affines and stock partners – providing a defense against drought, disease and warfare (Galaty 1993; Sobania 1993; Waller 1993). These mechanisms and the tendency for language, culture and institutions (e.g. clans and age-sets) to cut across ethnic boundaries lent a high degree of cultural homogeneity to the region despite a growing economic specialization and cognitive differentiation of ethnic groups. ‘Mutually exclusive symbolic identities arrayed around differential access to resources ... integrated [Maa-speaking pastoralists and their neighbors] into an enduring complementary regional system of production and exchange’ (Spear 1993, 6). Ethnic mobility and fluidity was itself a crucial adaptive strategy (Sobania 1993; Waller 1984, 1993). In Laikipia, this fluidity was documented surrounding the defeat of the Laikipiak in the late 1800s, when individuals and groups were assimilated by their Maasai victors or took refuge among agricultural and hunting and gathering communities (Sobania 1993; Waller 1985; Weatherby 1967). It was also documented for Mukogodo forest dwellers who underwent a wholesale shift in ethnic identity from Cushitic-speaking hunter-gatherers to Maa-speaking pastoralists in the 1930s (Cronk 2004).

Colonial and post-colonial rule in Kenya had a profound effect on both rangeland access and the institutional arrangements shaping access. Major shifts included loss of territory, and the hardening of ethnic and territorial boundaries. In the late 1800s and early 1900s, efforts were made to settle pastoralists to pacify them and make way for settlers. The Crown Lands Ordinances of 1901 and 1902 declared all land in Kenya be ‘Crown Land’; supported by the Maasai ‘treaties’ of 1904 and 1911, these ordinances facilitated the eviction of Maasai from their traditional lands and their confinement in ‘native reserves’ (Campbell 1993; Veit 2011). One reserve was in Laikipia in the northern rangelands, and the other on the southern border with German East Africa (later Tanzania) where other

Maasai resided (Hughes 2007). Reserves not only restricted former range, but encompassed areas that were sub-optimal due to their aridity or susceptibility to cattle diseases (Hughes 2007; Lewis 1965). In 1914, the northern Maasai and other pastoralists from this area were deported to southern reserves in Narok and Kajaido, and subsequent legislation forced the remaining northern inhabitants onto the driest, most marginal portion of their former land (Herren 1989a). The creation and enforcement of Maasai land rights under British colonial rule also led to the creation of new ethnic identities to fill the categories marked out by the state, thereby hardening previously fluid ethnic boundaries (Blewett 1995; Klopp 2001; Waller 1984). The sharper territorial boundaries that resulted in the erosion of social institutions essential to making the pastoral commons work had both ideological and material consequences and created hardship for those at the margins, whose freedom of movement and resource access were severely curtailed (Blewett 1995; Campbell 1993; Waller 1984).

At the time the reserves were created, they were thought to be adequate to meet the needs of residents, whose numbers had been reduced by epidemics and drought (Campbell 1993). Yet by the 1930s, concerns were raised by colonial administrators about increasing herd size and land degradation (Campbell 1993). A host of interventions in subsequent decades sought to address the perceived land degradation problem. The Kenya Land Commission of 1932 paved the way for grazing schemes that failed in their aim to reduce livestock numbers through regulations and market access. Supported by the belief that communal tenure was the problem, subsequent commissions attempted to address degradation through land tenure reforms emphasizing a gradual move towards individualized tenure. In the mid to late 1950s, the first individual ranches were created by de-annexing portions of Maasai territory. With excised areas chosen for their more favorable rainfall and ranches receiving close supervision by the veterinary department, ranch owners became relatively affluent (Campbell 1993). Yet they did so at the expense of the majority, who saw the quality and size of their communal resource base decline. It is around this time that an ideological shift began to take root in portions of Maasai society, from land as communal territory to land as a resource for individual appropriation and advancement, and towards the recognition of land as an economic resource on par with cattle (Campbell 1993).

A shift in policy following independence arguably changed the form of tenure reforms in Kenyan rangelands more than their consequences. The Lawrence Report, the result of a government-commissioned inquiry in the mid-1960s, provided the official justification for a seemingly radical departure from earlier policy, recommending group rather than individual land ownership under collective freehold title. The Land Adjudication Act and Land (Group Representative) Act of June 1968 legalized group ownership and provided the legal basis for the establishment of group ranches and group representatives to oversee them. While the initial intention was to enclose sufficient resources to meet demand in both wet and dry seasons, the need for resident pastoralists to move beyond group ranch boundaries in the dry season was documented as early as 1972 (Halderman 1972). Pastoralists embraced the group ranch concept not because they supported the official views that it would help improve resource management, but to forestall further land loss to pastoralists, farmers and government (Campbell 1993).² Yet in the southern reaches of Maasai territory, this

²Factors involved in the dissolution of group ranches, a subject explored in another paper (German et al. *in review*), have included growing land markets; the bias shown by land adjudication officers towards individual title; and efforts to defend rights against further expropriation by outsiders and by other group ranch members (Galaty 1993; Lesogorol 2008; Mwangi 2007).

experiment was similar in its effects to earlier policies: subdivision into individual, titled units favoring first movers; ecological deterioration and reductions in rangeland productivity; growing inequality; and challenges to the pastoralist way of life (Boone, BurnSilver et al. 2005; Njoka 1979; Rutten 1992).

The fragmentation of these semi-arid lands has led to a marked reduction in mobility, straining customary livelihoods and the response capacity of herders. This has led to shifts in both herding strategies and household livelihood portfolios. Many Maasai continue to access pasture through social networks and kinship ties across village (and group ranch) lines (Goldman 2011). While many drought reserves have been lost to conservation areas, private ranches and farms, there is some coordination of dry and wet season pastures, and reserves for grazing sick livestock remain scattered across village space in many pastoralist communities (Goldman 2011; Verdoodt et al. 2008). While smallstock had far less social and symbolic value than cattle historically, they are gaining in economic value in the efforts of pastoralist households to weather change (Herren 1989a; Little, Smith et al. 2001). Small ruminants, particularly goats, are biologically better adapted to arid and semi-arid environments (Silanikove 2000). This, together with their small size and high reproductive rates, is understood as key to the resilience of pastoralist households: enhancing herd resistance to drought, facilitating rapid post-drought recovery, and representing the 'small change' in social and market transactions (Herren 1989a; Lesogorol 2008). Yet pastoralist households have proven to be highly uneven in their capacity to weather change, resulting in a marked increase in social stratification (Herren 1989b). Diversification of the household economy may be seen among the poorest households who now struggle to survive from pastoralism, and also among wealthier and more educated households, for whom education and employment are often a means to reinvest in livestock.

Conservation histories in the east African rangelands

The semiarid conditions and uncertain rainfall characterizing African savannahs have made mobility a key adaptive trait not just for human societies and livestock, but also for wildlife (Scoones 1994). And just as restrictions on mobility have affected the adaptive capacities of pastoralists, limitations on wildlife movement are believed to have caused major declines in large mammal populations (Homewood et al. 2001; Newmark 2008). Early approaches to wildlife conservation in the east African savannahs did not aim to disrupt prevailing relations between pastoralists and wildlife. While the primary objective behind the establishment of the Southern Reserve is often referred to as one of safeguarding pastoralist land rights, its primary purpose was purportedly the protection of wildlife from hunting (Western 1982). At the time these two objectives were viewed as commensurate, and it was not until the protected areas established in the 1940s and 1960s were 'upgraded' to national parks that pastoralists were evicted (Hughes 2007). Amboseli, for instance, was designated a reserve in 1946 and did not become a national park until 1974, after which Maasai herders vacated in 1977 (Western 1982). The conception of national parks as land 'devoted to wildlife under alien control' (Western 1982, 303) was the direct result of colonial-era environmental ideologies, in particular Western notions of wilderness that viewed nature as pristine and untouched by humans (Neumann 2002). This points to the failure of policy-makers and conservationists at the time to recognize how these landscapes were created through the joint action of humans, livestock and wildlife, and through complex interactions between fire and herbivory that are both anthropogenic and natural (Butt 2014; Butt and Turner 2012; Niamir-Fuller et al. 2012; Shetler 2007). Game laws further eroded pastoralist rights over natural resources, while increasing their economic

burden (e.g. through stock losses) (Western 1982). This resulted in some cases in revenge killings of wildlife in reaction to loss of land and resources, to increases in livestock predation linked to conservation (Goldman 2013; Western 1982), and likely also to the way in which policies violate the local moral economy (Neumann 2002; Scott 1977).

Policies began to change in the 1970s in recognition that protected areas cover only a small portion of total areas used by migratory wildlife, whose survival depended upon their safe dispersal onto private lands (Myers 1972; Thirgood et al. 2004). Official government recognition of this fact was first enshrined in the notion of ‘dispersal areas’ in the Wildlife (Conservation and Management) Act of 1976. Amboseli National Park, where efforts to ensure local benefits from conservation had facilitated the reversal in population declines for elephants and rhinos, became a model justifying an official commitment to bringing local development benefits from tourism (Western 1982).

The 1990s witnessed a wider call to bring government closer to the people in a bid to enhance accountability to local needs, and greater efficiency and equity in the allocation of resources – ushering in a wave of decentralization reforms throughout developing and transitional countries (Ribot 2004). This spilled over into the natural resource sector as a growing number of actors argued that natural resource management is unlikely to be sustainable, and wildlife conservation unlikely to succeed, unless it is capable of enlisting the support of adjacent communities (IIED 1994; Ribot 2004). Early conservation initiatives and scholarship focused on democratic forms of natural resource decentralization, in which rights to natural resources are transferred to local communities to incentivize their sustained use (Ribot and Larson 2005; Martin 1986). Despite the hype surrounding these forms of decentralization, recent reviews have argued that they are rarely implemented in practice. Reforms granting local landholders rights over wildlife, timber and other resources are at odds with the interests of governments to maintain centralized control over valuable resources, and with the profit interests of local elites and national commercial interests (Ribot et al. 2010; Tacconi 2007).

More recently, the conversation has turned to ‘neoliberal’ approaches to conservation in a bid to provide incentives for local people to protect nature through ‘value added to nature through various kinds of for-profit investment and finance’ (Igoe, Sullivan, and Brockington 2009, 4). Payments for ecosystem services have thereby entered the community-based conservation sphere, and been argued to be an effective means to reconcile conservation interests with local livelihoods (Nelson et al. 2009; see also Western 1982). Yet a growing body of literature demonstrates why neoliberal approaches to conservation are not the silver bullets they are made out to be in Africa’s rangelands and elsewhere. Incommensurability between environmental aims and commodification; absence of democratic process; and elite capture of the economic value of wildlife at all levels, undermining local support for conservation, are among the primary critiques (Goldman 2011; Igoe, Sullivan, and Brockington 2009; Nelson and Agrawal 2008; Robertson 2007; Sachedina and Nelson 2010; Thompson and Homewood 2002).

In the case of community-based ecotourism in pastoralist areas of eastern Africa, mechanisms for enhancing local benefits from wildlife have included benefit-sharing arrangements with national parks; community-based ecotourism ventures (with revenues from site lease payments and bed-night fees); revenues from game viewing fees or trophy hunting; employment (in lodges or as scouts); and direct payments to villages or group ranches in exchange for agreements not to farm or settle in areas of interest to conservation, and assistance with the prevention of illegal wildlife use (Sachedina and Nelson 2010; Thompson and Homewood 2002). Some research has found tourism to provide a major source of income for group ranches and villages (Sachedina and Nelson 2010; Thompson

and Homewood 2002). However, several studies show that the majority of group ranch members receive little or no income from tourism, and that for most households, these income streams pale in comparison with returns from livestock, cultivation and off-farm work (Homewood et al. 2012; Thompson and Homewood 2002). These studies point to problems of financial mismanagement among group ranch committees and elite capture of collective benefits (employment, village or group ranch revenues). Funds disbursed at the group-ranch level are also generally for medical expenses or bursaries, not income generation (Thompson and Homewood 2002) – making ecotourism a poor substitute for the economic activities curtailed in the name of wildlife conservation. On the other hand, income from tourism has been shown to exceed that which could be obtained from alternative land uses for local elites, supporting the notion of access as a social and political process (Ribot and Peluso 2003) while raising the question of whether the conservation era has driven a wedge between the interests of local elites and other community members. Thompson and Homewood's (2002) study, in particular, illustrates how land and revenue allocation is achieved through social influence, insider knowledge, access to official administrative channels, legal enforcement, and manipulation of administrative and governance processes and documentation. Further critiques of neoliberal approaches to conservation in the region focus on the participation gap; the failure to address complex power dynamics (including the role of local elites); tenuous linkages between the benefits received and the health of the resource; the exacerbation of poverty through alienation from resources on which livelihoods depend; and exacerbation of conflict through the creation and capture of new value or changing entitlements to access and control (Gibson and Marks 1995; Goldman 2011; Greiner 2012; Igoe and Croucher 2007; Infield and Namara 2001).

Property and authority: scholarly renderings

Struggles over property are as much about the scope and constitution of authority as about access to resources The institutional contestants' pursuit of control over natural resources involves them unavoidably, in the competition for authority – Sikor and Lund (2010, 2)

The above narrative places in sharp relief the profound effects of pastoralist relations with the state and other powerful actors on resource access, property and livelihoods, but also the profound transformations that have occurred over time in the relationships involved. While ongoing enclosures of dry-season range suggest far more continuity with the past in land relations than is generally acknowledged (Letai 2011), relationships with a bearing on property *within* group ranch boundaries have been marked by growing intimacies and *rapprochement* with a multitude of actors. To explore the role of this new era of conservation partnerships on the local normative order governing both rights and access, it is necessary to explore the shifting contours of authority and its bearing on property. We employ Sikor and Lund's definition of property as 'relationships among social actors with regard to objects of value' (Sikor and Lund 2010, 3). This definition encompasses bundles of both powers and rights (see discussion on this in Ribot and Peluso 2003) which exist 'at the level of laws and regulations, cultural norms and social values, actual social relationships and property practices' (Sikor and Lund 2010, 3).³

³The most commonly cited definition of property is that of Bromley (1991, 22), who defines it as 'a right to a benefit stream that is only as secure as the duty of all others to respect the conditions that

The literature on legal and institutional pluralism acknowledges the multiple, overlapping normative orders and sources of authority that often characterize rural spaces, particularly in contexts shaped by post-colonial histories and the neoliberal present (Chiba 2002; von Benda-Beckmann and von Benda-Beckmann 2006). The growing recognition of the role of non-governmental agencies and normative orders shaped by development and conservation projects (Fuys, Mwangi, and Dohrn 2010; West 2006) adds complexity to the more longstanding recognition of overlapping customary, religious, state and international legal regimes among scholars of legal pluralism. These overlapping normative systems shape the pathways through which individuals and groups gain access to, and seek to legitimize claims to, natural resources in places characterized by plural normative orders – engaging in ‘forum shopping’ to appeal to the authority they perceive to be most supportive of their interests or claims (von Benda-Beckmann 1981). This resonates with Cleaver’s notions of bricolage – the everyday improvisation and informal negotiations (e.g. between states and citizens) which produce hybrid governance arrangements and local institutions that are neither entirely customary nor wholly bureaucratic (Cleaver 2012, 167). Institutional arrangements involved in the governance of natural resources (including property) thereby assume a more dynamic character, being both negotiated *and* structured, proactively legitimated by reference to tradition, socially acceptable ways of doing things and existing relations of (endogenous and exogenous) authority.

The work of Sikor and Lund (2009, 2010) is a logical extension of this work. They argue that attempts by individuals to have their access claims be recognized as legitimate property by a recognized political-legal entity work in parallel with efforts of these same entities to have their power recognized as legitimate authority by having their interpretation of social norms heeded. The dynamic interaction between these two sets of relationships amounts to what they call the ‘recursive constitution of property and institutional authority’ (Sikor and Lund 2010, 2).⁴ Thus, as Fairhead, Leach, and Scoones (2012) point out, wholesale alienation of land is not the only pathway through which green agendas are furthered on customary land in the global South; they may also be advanced through ‘participatory’ processes which induce a ‘restructuring of rules and authority in the access, use and management of resources’. These dynamics may have ‘profoundly alienating effects’ (Fairhead, Leach, and Scoones 2012, 237) and produce institutional outcomes with uneven effects (Cleaver 2012), as guaranteeing property rights for some cannot occur without denying the same for others (Sikor and Lund 2009).

While the above review of conservation histories in the east African rangelands speaks to the uneven outcomes of encounters between group ranches and conservation actors, and

protect that stream’. Ribot and Peluso (2003) make a case for broadening this classical definition of property-as-*right* to property-as-*ability* to derive benefits from things’ by substituting a focus on property with a focus on access. It is true that when employing the classical definition of property, ‘a wider range of social relationships ... constrain or enable benefits from resource use than property relations alone’. Yet ‘access’ may be a poor substitute for situations involving indirect influence over both the rights and the actual behaviors of otherwise autonomous local actors – such as through the appropriation of local spaces of authority or the enlisting of local environmental subjects to exogenous causes (Agrawal 2005; West 2006).

⁴The recursive nature of this dynamic is not lost on the early pioneers of legal pluralism, with von Benda-Beckmann noting, ‘not only do parties shop, but the forums involved use disputes for their own, mainly local political ends ... [and] use the processing of disputes to pursue these interests’ (1981, 117). While not the subject of this paper, the ‘gray zone’ between claims and property on the one hand, and power and authority on the other, imbues property with a much-needed dynamic political dimension.

to the ideological and political processes involved, less is known about the normative and institutional dimensions of these processes. This paper aims to fill that gap by exploring how shifting contours of authority in group ranches have re-shaped the constituent components of property: laws, cultural norms, and property practices and relationships.

Methodology

The research methodology consists of a case study analysis of the institutional consequences of partnerships between conservation actors and a Maasai group ranch in Laikipia, Kenya. The case study is employed to illustrate how the uneven outcomes of encounters between group ranches and conservation actors result not just from ideological and political processes, but from the shifting contours of authority and its effects on the local normative order governing rights and access to rangeland.

Research site

Research was conducted on Koiya Group Ranch (KGR), one of nine group ranches in the Mukogodo Division of Laikipia County, Kenya. Koiya is home to an estimated 2270 Maa-speaking pastoralist descendants of predominantly LeUaso hunter-gatherers (based on 2009 figures). They follow most Maasai customs, including livestock husbandry, social organization of men into age sets (and use of age sets to order events in time), residential patterns and use of Maa language. Indicators of LeUaso heritage are seen in the practice of beekeeping, and oral historical references to subsistence elephant hunting (Cronk 2004). Koiya’s 7555-hectare territory borders Loisaba and Mpala private ranches across the Ewaso Nyiro River to the west, Maasai group ranches to the east and south, and trust land occupied by Samburu pastoralists to the north (Figure 1). All land and land-based resources within

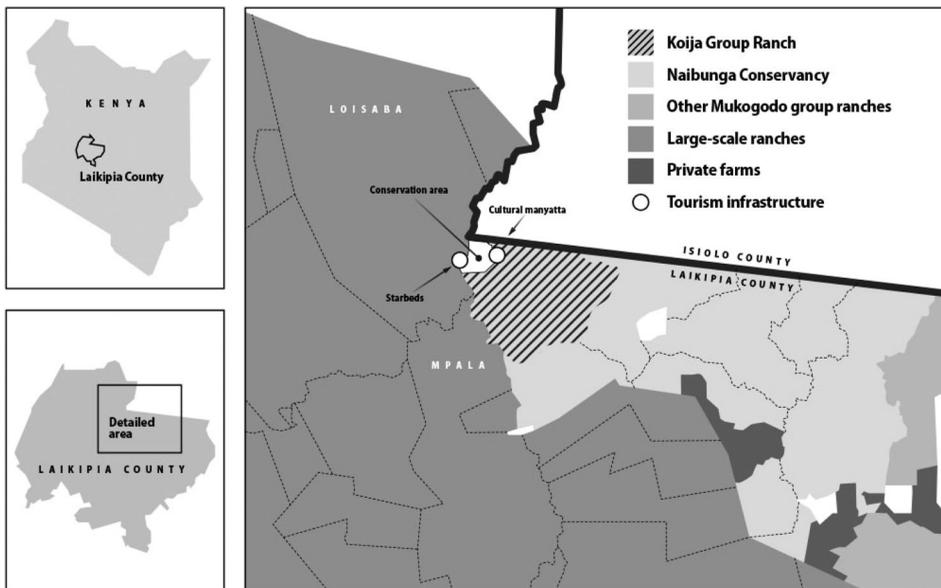


Figure 1. Map of study site.

Koiija are considered communal, with the exception of household-specific use rights to residential compounds, riverine trees used for beehives, small rangeland enclosures, and experimental farming plots for some households. Areas within each group ranch are designated as residential or grazing areas, with no residence or overnight livestock keeping officially permitted in the latter. Extended family compounds (*manyattas*) are found within one of four residential ‘clusters’.

Group ranches in the Mukogodo Division were established in the 1970s,⁵ but formal land title was issued only recently in the context of efforts by outside actors to establish a community wildlife conservancy (‘conservation area’) and ecotourism ventures in the Integrated Conservation and Development Project vein. According to Sumba et al. (2007), this effort was initiated by neighboring Loisaba Ranch, who wished to enter into partnership with Koiija in a bid to: (1) reduce or regulate walk-ons by neighboring pastoralists and the competition this induced with both wildlife and Loisaba’s own cattle; (2) help Koiija residents secure alternative income streams from tourism (and thereby to repay debts incurred during an extreme drought that decimated cattle); and (3) quell challenges to colonial-era land appropriations that were mounting from within pastoralist communities at the time. A June 2015 interview with Loisaba suggests the motive for land titling was the need for a legal framework through which joint projects could be developed and benefits could flow (in this case, the legal entity that accompanies titling⁶). Loisaba approached the African Wildlife Foundation (AWF) in 1999 to ‘act as an honest broker’ for a joint-venture partnership agreement with KGR. AWF had been working since 1998 to support ‘conservation enterprises’ as one of its strategies for supporting landscape-level wildlife conservation in Kenya and Tanzania, with the financial support of the Conservation of Resources through Enterprise program of the United States Agency for International Development (Goldman 2009; Muruthi 2005; Sumba et al. 2007). Since then, AWF and its African Heartlands Program have seen spectacular growth, with the financial support of The Nature Conservancy and the corporate sector (Sachedina et al. 2009). Such community-based ecotourism ventures are part of a widespread shift towards neoliberal approaches to conservation in Maasailand and beyond (Gardner 2012; Igoe and Brockington 2007; Nelson et al. 2009; Sachedina et al. 2009; Sachedina and Nelson 2010; Western 1982).

Koiija Starbeds,⁷ a high-end ecolodge, was built through the resulting partnership between AWF, Koiija and Loisaba (represented by Oryx Ltd.) (Lent, Fox et al. 2002). The agreement included the allocation of 500 hectares of near-river rangeland within Koiija to conservation (Sumba, Warinwa, et al., 2007) and community acceptance of AWF-inspired zoning of the group ranch into grazing, conservation, agricultural, settlement and ‘development’ areas. The Koiija Conservation Trust (KCT) was established as a corporate body to help legalize the partnership, including AWF, Loisaba and KGR as members. A five-person board of trustees representing the three partners governs the trust, with two trustees each from Koiija and Loisaba, and one from AWF (Sumba, Warinwa, et al. 2007). AWF and Loisaba supported Koiija to acquire title deed to their group ranch, a pursuit with the result, if not the intention, of conferring the required juridical status to the group ranch – thereby giving legal force to contractual relations with outsiders.

⁵Koiija Group Ranch was registered with the Ministry of Lands in 1976 (Sumba et al. 2007).

⁶The Land Adjudication Act and Land (Group Representatives) Act of June 1968 provide for group ownership of land and for the incorporation of representatives of groups who have been recorded as owners of land, respectively.

⁷See: http://www.loisaba.com/star_beds.php (accessed 16 December 2014).

Visitors to Loisaba have the option to spend one night or more at Koiya Starbeds, where a bed night levy (USD 80/tourist/night) is paid to KGR. Group ranch members do not participate in business decisions, but own the buildings funded by USAID and provide a core workforce for Starbeds. Of the proceeds going to KGR, 20 percent is allocated to a capital fund for maintenance of the facility, 20 percent caters for the management expenses of Koiya Group Ranch Management Committee (KGRMC) – the new Koiya governance structure that accompanied land titling – and the remaining 60 percent is deposited in the KCT bank account and primarily allocated to school bursaries and other community development projects. Also through partnership with Loisaba but independent of Starbeds, Koiya residents have organized three groups to sell cultural dances and beadwork at a ‘cultural manyatta’ established for this purpose (Muruthi 2005; Ramser 2007). KGRMC had also negotiated a separate lease of a section of riparian zone to a private operator to run a high-end ecotourism enterprise, Lemarti’s Camp, from 2006 to 2013.

Data collection methods

The methodology integrated ethnographic methods of data collection (key informant interviews, focus group discussions, participant observation) with household surveys to help quantify perceptions about key variables. This was supplemented by a review of documentation in the KGR office, including formal agreements and minutes of meetings between AWF and Koiya. Research began with focus group discussions to explore local perceptions of changes occurring at Koiya and local framings of the issues raised. Following a focus group discussion with the KGRMC, we conducted focus group discussions with male and female elders drawn from all four residential clusters on Koiya, to identify: (1) rules and norms governing resource access and governance; and (2) major institutional disjunctures over time, and corresponding social, economic and environmental changes. This was followed by key informant interviews with select elders to contextualize some of the findings and identify the circumstances associated with the emergence of identified rules. Finally, household interviews were conducted with 80 individuals using a purposive sampling approach designed to maximize the diversity and representativeness of responses. The sample consisted of 20 interviews per cluster, 10 men (five elders and five middle-aged) and 10 women (five elders and five middle-aged). These interviews were used to elicit perceived drivers of environmental changes identified in focus group discussions; to identify levels of awareness, legitimacy, adherence and enforcement of identified rules and norms; to solicit perceptions of group ranch governance; and to identify the perceived effects of group ranch formalization and ‘community-based’ conservation. Impacts reported from this survey are those *volunteered* by respondents in response to open-ended questions. While helping to capture the most salient impacts for different households, they are therefore a poor reflection of (and undoubtedly underestimate) the percentage of households actually perceiving each impact. A second survey was conducted with individuals considered to be the most knowledgeable about herding decisions, so as to fill in gaps in our understanding. For this survey, all households from all clusters were covered, for a total of 224 interviews.

Implications of the conservation era for property and livelihoods at Koiya

It is clear based on the triangulation of results that the ‘conservation era’ represents a significant shift in both access and property, while carrying significant trade-offs. These changes are explored by considering what Koiya residents have been asked to give up in

exchange for the benefits that have flowed from the conservation era and, where possible, the distributional consequences of each.

The conservation era has ushered in a number of significant changes in rangeland access as a consequence of the growing *rapprochement* with conservation partners – including AWF, the Kenya Wildlife Service (KWS) and neighboring ranches embracing conservation as they diversify into high-end ecotourism. Ethnographic data and official documentation highlight the overall emphasis of AWF programming on securing unfettered mobility for wildlife along priority migration corridors, and curtailing or influencing pastoralist land uses deemed to be harmful to wildlife or the environment. Following titling, AWF successfully advocated for placing a livestock-free conservation area along a prime elephant corridor along the river within KGR, effectively curtailing a host of customary uses of the area. They also reportedly pushed the group ranch to eliminate the small individual enclosures (*lokeres*) traditionally used exclusively for livestock that are sick or giving birth, in an effort to facilitate landscape connectivity. Third, Koiya adopted AWF-inspired zoning into separate conservation, grazing and residential areas and pushed for the adoption (in 2006) of a new grazing pattern for the group ranch as a whole.

While the 500-hectare conservation area constitutes only 6.6 percent of the 7555-hectare group ranch, it encompasses valuable dry season riverine grazing and multiple watering access points, two key resources that have disproportionately large roles in dryland pastoralist systems (Illius and O'Connor 1999). Establishment of 'no-take' zones on pastoralists' own land echoes Igoe and Croucher's observations of village wildlife management areas in Tanzania, whose effects include 'disciplining local people to exclude themselves from their own land' (Igoe and Croucher 2007, 538). The initial agreement with AWF specified the set-aside of a much larger conservation area (1497 hectares) along the group ranch border with Isiolo District, intended to be part of a multi-group ranch conservation strategy to serve as a buffer and wildlife corridor between group ranches and neighboring communities to the north. This arrangement proved unfeasible to maintain due to limited security personnel for patrols, and land-use pressure from within Koiya and from the north. While the smaller conservation area remains, the perceived legitimacy of and adherence to grazing restrictions wax and wane as a function of revenues from tourism, need (e.g. following drought), the prevalence of outside 'incursions' (a notion which is itself an artefact of Western conservation paradigms), and the degree of adherence to grazing restrictions among Koiya residents themselves. Declining revenues from tourism in the wake of recent attacks by Al Shabab militants in Kenya have undermined recent commitment to grazing restrictions due to the drop in benefits from tourism. Koiya elders were also observed to be some of the first to violate grazing restrictions in the conservation area, undermining the legitimacy of these restrictions in the eyes of others. While a culture of politeness prevails when discussing these issues, a young woman living near the conservation area voiced her dissatisfaction by emphasizing that the legitimacy of these restrictions rests on *everyone* adhering to them. People like her who had stronger customary claims to this area due to their places of residence were reportedly those most affected by the erosion of property brought by the conservation area.

While emphasizing mobility for wildlife, the conservation era has produced mixed effects on the mobility of pastoralists. Restrictions on *lokeres* would have the effect, if not the intention, of enhancing mobility for both wildlife and pastoralists. Yet adherence is variable at best, and governed more by the prevalence of conflict among Koiya residents than exogenous authority (see German et al. [in review](#)). Other interventions have had the effect of curtailing mobility for pastoralists. The AWF-inspired zoning of settlement and grazing areas (still largely in effect) and rotational grazing plan (largely defunct) involved

efforts to curtail mobility within the group ranch. Minutes of a conflict resolution meeting convened by AWF also document efforts to keep Samburu pastoralists out of the conservation area. Increased use of the conservation area by pastoralists from outside Koiya was repeatedly mentioned as a concern of Koiya residents as well, as the conservation area was re-purposed in their minds for its value as 'reserve pasture' during extreme drought and was instead found to be benefitting other groups. In pastoralist communities nearby, the diminished authority of customary institutions was found to be a key factor in the declining ability of elders to negotiate reciprocal access with neighboring groups, and thereby safeguard drought grazing reserves (Tari and Pattison 2014). It is unclear what role the conservation era has played within these dynamics. Ongoing efforts to strengthen relations between Koiya and Loisaba have also stressed the formalization of grazing access on Loisaba by Koiya residents in exchange for joint efforts to restrict access by Samburu and other pastoralists from drier areas to the north. In response to a question about what neighboring ranches Mpala and Loisaba gain from their relationship with Koiya, 29.9 percent of respondents volunteered that Koiya residents, 'act as security to their ranches'. These examples suggest a policy of 'selective connectivity' emphasizing unfettered mobility of elephants and other wildlife alongside a less porous landscape for pastoralists.

Establishment of the conservation area has had a number of indirect ecological and livelihood effects. In response to an open-ended question about impacts observed as a consequence of the establishment of the conservation area, 19.6 percent of respondents volunteered increases in livestock predation as a prominent outcome. Increased prevalence of ticks and livestock diseases, reduced nutritional value of grass in the conservation area for both wildlife and livestock (as a result of restricted grazing), and increased human-wildlife conflict were also perceived as direct consequences of the conservation area. Additionally, a number of herders stated that by setting the conservation area aside, livestock pressure had increased in the remaining area of the group ranch, a logical outcome that is consistent with the literature (Muthiani, Njoka et al. 2012). On the other hand, 39.3 percent of interviewees in the second survey agreed that 'reserve pasture' is a *benefit* of the conservation area. This new function (from 'conservation area' to 'reserve pasture') helps to explain the 36.1 percent of respondents reporting no negative impacts from the conservation trusts, a response commonly backed up by the benefits of 'reserve grazing'. This perception likely emerged following a mass walk-on in 2005 in an act of defiance against KCT, Loisaba and local elites who were informally grazing there. Since that time, conservation area governance has devolved to a more customary mode: flexible, ad-hoc and environmentally responsive. The patterns of benefit capture under this new 'regime' (to the extent that it has stabilized into something that might be labeled as such) are still unclear.

Other livelihood costs have a history entwined with longer term conservation activities carried out in the late twentieth century when KWS began intensively enforcing hunting bans outside of protected areas. These costs were attributed by respondents to the recent era of conservation partnerships given the role of more formalized partnerships and group ranch governance in entrenching commitments to conservation and enhancing the effectiveness of anti-poaching efforts. The risks to life associated with herding amidst dense populations of elephants have caused Koiya residents to avoid daytime elephant sanctuaries near prime grazing areas along the river, with obvious consequences for livelihoods and property. This cost grew from the 1980s to the 2000s, when elephant populations rebounded and re-established migratory routes through highly productive land near the river. Conflict with elephants occurs in grazing and residential areas alike, with elephants foraging at night near residences and moving toward water sources during the day. This threat is reaffirmed by recent deaths due to elephants on neighboring group ranches, and

an incident in early 2014 in which a woman was killed in her home by an unusually aggressive elephant. An additional concern associated with increased wildlife populations is loss of livestock to jackals, hyenas, wild dogs and lions. As residents began experimenting with crop production near the river in 2011 as an adaptive response to a declining economic base, crop damage by elephants and other wildlife has induced additional economic losses and been a major factor in plot abandonment (King, Unks et al. in review). The perceived costs of wildlife may be compounded by residents' struggles with other environmental challenges that have intensified in recent decades. The invasive prickly pear (*Opuntia* spp.) poses growing costs to herders from damage to property (livestock and land productivity). Animals eating its sweet fruit, including elephants, baboons, birds and people, disperse seeds over long distances. While its proliferation is occurring in some dryland ecosystems with limited wildlife, Koiya residents attribute the plant's startling proliferation to baboons and elephants. While this is supported by the literature, it is identified as a proximate cause, with its initial spread (a full half-century after its initial introduction) linked to sedentarization of pastoralist communities (Strum et al. 2015). It was identified in all interviews as the environmental change of greatest concern to local residents, given its rapid proliferation and damage to small stock (most notably, blindness and inability to consume intestines) from the many hair-like spines that readily penetrate flesh and eyes.

Yet the new era of conservation partnerships has also ushered in a host of positive changes that are highly valued by Koiya residents. Cash dividends derived from the profits of Koiya Starbeds Ecolodge have been used to fund a local health clinic and provide bursaries to subsidize the cost of educating children beyond primary school. While the governance of these funds has been the subject of controversy at Koiya,⁸ KGRMC minutes also document funds being allocated to individual households to cater for their needs (e.g. to clear medical bills or establish a business) or to community projects (e.g. a nursery). Some residents have secured employment at Starbeds lodge⁹ or as wildlife scouts to police the conservation area. Finally, members of the women's groups benefit from the sale of beadwork and members of the warriors' group earn income from dance performances at the 'cultural *manyatta*' established for tourists at Koiya Starbeds and Loisaba.

A more nuanced picture of these complex effects requires a look at the *distribution* of benefits. Unequal distribution of benefits from conservation was an expressed concern by respondents, with more than a fifth *volunteering* unequal benefits (whether monetary, educational or reserve grazing) as a problem associated with conservation trusts – a percentage that would undoubtedly rise if asked as a structured question. Patterns of benefit distribution vary by project type and the metric used to evaluate access. For education benefits, the group ranch history documented by the manager states that in the initial six years of operation, the bursary funded 50 secondary school students, two students in tertiary colleges and seven at the university level.¹⁰ Yet these benefits are also uneven. The percentage of respondents reporting *any* education benefits to their families, current or past, varied between 31 and 39.3 percent in the two surveys (with all but a few households having children of

⁸KCT minutes document one such conflict, with the perception that 'few people [were] benefiting at the expense of the rest of the members'.

⁹These are reported at 10 in 2004 (Muruthi 2005) and 25 in 2007 (Sumba et al. 2007), but these numbers are likely to include jobs at Loisaba which help to staff Starbeds and vary depending on occupancy. 'Core' employees (guards) are closer to two.

¹⁰This is presumably measured in student-years, given processes of decision-making and accounting for the bursary fund.

school-going age). While the bursary account appears to be well governed through a multi-stakeholder committee, other revenues that fall outside of this mechanism appear to be poorly governed by the KGRMC – pointing to elite capture of some conservation benefits. Regarding economic benefits, only 9.8 percent of respondents in the second survey reported a member of their manyatta having gained employment at Starbeds or as a scout at any point in time. On the other hand, 68 percent of respondents reported at least one member of their manyatta involved in sales at the cultural *manyatta* (a figure that reduces to 11.6 percent when considering nuclear families/households). Benefits derived through informal social and patron-client networks with conservation actors may also weigh into people's perception of benefit. For example, 10.7 percent of respondents reported financial contributions by one or more of these actors to rite of passage ceremonies or medical expenses. Many respondents (39.3 percent) reported reserve grazing to be the only benefit from conservation to their extended family compound, while 23.0 percent of respondents reported no benefits at all.

Benefits were also found to vary by residential cluster. Those living closer to the conservation area and relevant tourism infrastructure reported higher benefits from reserve grazing and the cultural manyatta, as well as higher incidences of livestock predation. Respondents from these clusters also reported higher levels of concern over unequal access to the conservation area, views undoubtedly shaped by their loss of historical entitlements and the greater importance of these areas to their livelihoods. Respondents from more distant residential clusters were more likely to report no benefits at all from conservation.

It is important to ask to what extent identified benefits from conservation are *conditional* on compliance with the new conservation regime. The only formal conditionality identified during research was associated with repeat offenses of grazing in the conservation area. Minutes of a KGRMC meeting refer to a 'stakeholder' meeting in May 2006, when it was established that repeat offenders would be registered in a black book, which would disqualify the family from getting any benefits from Starbeds, such as school bursaries. Yet informal conditionalities also seem to exist around the perceived cooperativeness of the group ranch leadership, which has shaped the enthusiasm of Loisaba in channeling tourists to Starbeds.

Shifting contours of norms, authority and property at Koiya Group Ranch

In this section, we explore the institutional shifts underlying the aforementioned changes in property and livelihoods, through a look at the shifting contours of norms and authority and their bearing on property. We look first at the normative systems operating at Koiya by summarizing the rules and norms understood by group ranch members to be governing natural resource management and access, as well as those enshrined in the group ranch constitution. To explore the role of shifting contours of authority in norm production or assimilation, we identify actors with the authority to formulate rules governing natural resource access and use (having 'constitutional choice rights') or with a proven ability to influence endogenous rule-making at the group-ranch level. We also explore the patterning of involvement of these actors in rule formulation and enforcement in different 'normative spheres'.

Focus group discussions with group ranch leaders and male and female elders distilled 17 norms or rules governing natural resource access and use at Koiya (Table 1). These norms have been lumped into four 'normative spheres': grazing and browsing; agricultural production; respect for private and collective property; and biodiversity conservation. A look at the origins of identified norms shows how the authority to formulate and sanction

Table 1. The origin of identified norms and rules governing natural resource use and management at Koiya.

| Norm/rule | Origin | Timing and rationale |
|---|--|---|
| <i>Sphere I: Norms governing grazing/browsing</i> | | |
| 1. No shaking pods off the trees until the elders give permission | Borrowed from elders in Parkuruk, Ngasura and Ntepis | Norm originated during <i>lkimaniki</i> (the age set encompassing the Mau Mau rebellion), when there was frequent drought. Pods become available in June and July, and this norm prohibited them from exploiting pods until August, when fodder is most scarce. |
| 2. No cutting or shaking the branches of honey trees when flowering | Local elders | Norm originated during <i>lkileku</i> (two age sets prior to <i>Lkimaniki</i>), to preserve flowers and thereby guarantee the production of honey and pods. |
| 3. No grazing in restricted areas during the rainy season | Local elders | Very old practice. They used to divide open and restricted areas by drawing lines perpendicular to the river. The division of areas changed during <i>Lkiroro</i> (estimated at late 1970s) to 'lower' (close to river) and 'upper' Koiya (away from river) due to population growth and reduced movement of manyattas. |
| 4. No manyattas in dry season grazing area during the rainy season | Local elders | Following the onset of farming people began locating their manyattas near the river for the first time, undermining efforts to refrain from grazing to preserve the area for dry season grazing. Elders responded by asking them to move their livestock from the area during the rainy season. |
| 5. No permanent structures near river | Community | The first farmer at Koiya built a home near the river against the community's wishes, thereby providing privileged access to prime grazing areas and undermining its use as a dry-season grazing reserve. A baraza was called and the community agreed to forbid it. |
| <i>Sphere II: Rules governing agricultural production</i> | | |
| 6. Those who fell trees for farming must re-plant trees | Government of Kenya | These rules were introduced into Koiya when people started farming, resulting in growing awareness of the rule and efforts to enlist elders to help enforce it. Limited follow-up by government agencies and |
| 7. Farmers must leave a 30-m grass buffer along river | Government of Kenya | failure to water trees (where actually planted) resulted in few results on the ground, despite widespread awareness of the existence of these rules. |
| 8. No keeping of livestock in agricultural area | Elders proposed it, and it was adopted in a community baraza | The norm was proposed when people started farming, in response to farmers taking their livestock to graze in areas zoned as non-settlement areas. This practice violated restrictions on grazing during the rainy season, and caused conflict when livestock destroyed crops. |

(Continued)

Table 1. Continued.

| Norm/rule | Origin | Timing and rationale |
|---|---|--|
| 9. No farming downstream from Lemarti's camp | The Koiya Group Ranch Management Committee proposed it by Lemarti's request; it was adopted in a community baraza | Rule was instated when people started clearing an area close to the tourist camp for farming. The justification for prohibiting it was that 'it is where he takes his guests for a walk' and connects Lemarti's camp to the conservation area. |
| <i>Sphere III: Rules governing (collective) property</i> | | |
| 10. No private land ownership | Local elders formulated the rule | Rule was established following group ranch establishment in 1976. While households have de facto exclusive control over <i>manyattas</i> , <i>lokeres</i> and the buildings housing small businesses in the local trading center, formal group ranch subdivision is prohibited to safeguard communal rangeland. |
| 11. No fencing of personal grazing areas (<i>lokeres</i>) | Local elders | This norm was proposed in 2003 due to conflicts between 'owners' and those whose livestock enter these areas. The prohibition is designed to avoid conflict and ensure the availability of communal rangeland ('people fence very big areas, denying others access to grazing'). |
| 12. Observed raiding of livestock must be reported | Government of Kenya | Koiya residents are unaware of the exact date, but recognize it as a relatively old practice. |
| <i>Sphere IV: Norms governing biodiversity conservation</i> | | |
| 13. No cutting of trees within the conservation area | Forest Department and the Koiya Group Ranch Management Committee | Establishment of these rules and enforcement efforts initiated when the conservation area was established in 2001. Depending on who you talk to, their purpose is to conserve biodiversity, to create an image of pristine nature for tourists staying at Koiya Starbeds, or to safeguard fodder for times of drought. |
| 14. No grazing in conservation area (unless formally permitted) | Laikipia Wildlife Forum, African Wildlife Forum and Loisaba | Enforcement was initially strict and supported by scouts hired to monitor and report on use, but subsequently loosened as a consequence of uneven adherence and need (e.g. severe droughts). |
| 15. No grazing in Loisaba without payment | Loisaba | An exclusionary policy on Loisaba was reportedly shifted to a paid grazing quota following land titling, a decision that is perceived by some Koiya residents to be driven by a desire to minimize livestock within the conservation area. It is also designed to formalize grazing access on Loisaba. |
| 16. No killing of wildlife in the conservation area | Kenya Wildlife Service | Local rule recognition and enforcement reportedly began with group ranch formalization in 2000. In the past, Koiya residents 'used to kill but never let Kenya Wildlife Service know'. |
| 17. No killing wildlife in grazing or settlement areas of Koiya | | |

rules rests with diverse actors – customary authorities (councils of elders), the KGRMC, group ranch members themselves (through community *barazas*), government agencies, and private entities with an interest in conservation. Yet the patterning of involvement of different actors in rule formulation and enforcement across identified normative spheres is perhaps most relevant to the exploration of shifting contours of authority and its bearing on property.

Those with the primary authority to establish rules governing grazing and browsing, and the movement of livestock within group ranch boundaries, are the elders. The identified rules emanated from elders, who formulated rules themselves or borrowed them from neighboring sections and proposed them for local adoption. In more recent times, rules proposed by elders – including the timing of the setting and lifting of annual grazing restrictions – have been channeled through the formal group ranch governance system established in the early 2000s. The rules in this sphere are still proposed by elders, but are debated and adopted in community *barazas* presided over by the KGRMC. On first appearance, the authority to establish norms governing respect for property is shared; however, when these norms govern communal property, authority appears to rest with the elders. When governing property relations across group ranch boundaries, in this case respect for the economic assets of individuals (e.g. controls on livestock theft), the primary authority rests with the government – with elders assisting with enforcement. According to one elder, prior to the penetration of statutory law enforcement there was little local concern about livestock raiding; local residents were ‘only concerned if the owner of the cows came and claimed them’. In fact, livestock raiding has been an integral part of pastoralist societies in the Rift Valley, motivated by retaliation, the prestige it engenders, stock expansion, the need for bridewealth and simple looting (Fleisher 1999). It has now become a ‘tradition’ that when tracks are spotted or seen in an area, the elders report it to the chief (a local government official), and at times the KGRMC chairman. The motivation to report seems to rest with their duty to respect the property of others (and to compensate for lost property) under Kenyan law: respondents were quick to mention instances when group ranch members were held accountable for livestock whose tracks disappeared within their customary jurisdictions. In these cases, elders must sit down together and agree how fines are to be paid.

Rules related to farming practices are more reflective of the legally plural normative environment of the group ranches. The government of Kenya has retained the authority to regulate the environmental consequences of productive activities within the group ranch – including the maintenance of forest cover, riparian zone protection and, as will be seen below, wildlife conservation. However, norms designed to safeguard the property of group ranch members still rest with the elders. It is interesting to note that decisions related to contracts with private entities (ecotourism and research camps) on group ranch land rests with the KGRMC, despite its implication for ongoing access to communal rangeland. This suggests a shift in authority from the elders to the KGRMC, with concrete implications for property: the erosion of customary rights to graze and use resources in riparian zones, to sell sand for construction ballast or to make charcoal, in exchange for monthly cash payments channeled through the KGRMC.

Another important finding is that customary authority has been partially appropriated in the domain of rule enforcement in the normative sphere governing farming. For rules 6, 7 and 9 (Table 1), elders were said to assist other actors or authorities in enforcement – the Forest Department in the case of tree felling in the conservation area, the local Water Users’ Association in the case of disturbances to riparian buffers, and Lemarti himself in the case of farming downstream from Lemarti’s camp. In these cases, it appears that the

monitoring is done by others, but the elders are called upon to assist with enforcement. It is telling that the KGRMC is nearly absent from this normative sphere, even for norms related to environmental conservation (reforestation, riparian zones). While their jurisdiction (as per Kenyan laws governing group ranches¹¹) extends to all group ranch governance matters, their involvement in rule formulation and enforcement and contractual relations with outside entities falls almost exclusively in the normative sphere of biodiversity conservation – a topic to which we now turn.

The normative sphere of biodiversity conservation is most interesting in terms of external authority to establish and enforce rules within group ranch boundaries. Departing from customary practices and distinct from all other normative spheres, none of the identified rules in this sphere was attributed to the elders. The KGRMC seems to have been intimately involved in rule formulation surrounding the cutting of trees in the conservation area; one elder indicated it was the committee members who ‘came up with that idea’. All other rules are perceived to have been established by public or private conservation actors who have appropriated or permeated spaces of authority within the group ranch: KWS, the Laikipia Wildlife Forum, AWF and Loisaba. Furthermore, these norms were locally assimilated (at least in terms of their cognitive salience) not when rules were formulated as national wildlife legislation in the 1970s,¹² but as those rules were promoted locally by conservation actors and the KGRMC itself during group ranch formalization and/or the establishment of the conservation area. According to one elder, ‘If it was not for the group ranch management committee, KWS cannot be successful in knowing that an animal has been killed, because it is the management committee that reports to KWS’. Here, authority that existed in purely *de jure* forms took on a *de facto* existence, curtailing hunting as an economic activity with roots in LeUaso lifeways practiced long before their transition to pastoralism (Cronk 2004). This penetration of exogenous authority has had concrete implications for property as well as livelihood (in)security, as discussed in relation to the livelihoods costs of conservation. It is worth noting that the role of elders in this sphere focuses not on rule formulation or enforcement, but on safeguarding communal property (e.g. appealing to the KGRMC to call a *baraza* when forage is scarce so as to open the conservation area for grazing) and governing the allocation of the grazing quota on Loisaba among Kojia residents.

In order to explore the growing authority of conservation actors within Kojia and its potential embodiment within the new group ranch governance structure, we explore the relative authority of customary and emergent leadership and compare the Group Ranch Constitution with people’s everyday understandings of norms and their enforcement. For the former, residents were asked to evaluate the performance of the KGRMC and elders based on an array of indicators linked to key roles they fulfill (e.g. defending members’ interests with outside actors, making decisions in the community’s interests and concerns,

¹¹The Land Group Representatives Act of 1968 provides for the ‘adoption of rules regulating matters not regulated by the constitution and matters relating to the procedure of the group and its officers and the administration of its property and affairs’, provided that no business is conducted unless 60 percent of members (who vote) are present.

¹²In October 1963, the government of Kenya implemented a ban on elephant hunting and ivory trading in response to international outrage over the volume of ivory in official exports (Herne 1999). All animal hunting was subsequently banned in 1977 in an effort to control poaching, and the selling of all wildlife products was banned through an act of Parliament a year later (Akama 2008; GoK 1978).

conflict resolution). The vast majority (93 to 99 percent of respondents) ranked the performance of each ‘very good’, save for one indicator – the KGRMC’s management of group ranch finances. On the other hand, KCT minutes document an instance of the ‘community not giving support to KGRMC’, and ‘members avoiding the issues but the committee looking for support from the government’. This seems to be a classic case of forum shopping, and the KGRMC looking to government authority as a way to legitimate its actions. These instances and anecdotal data indicating the authority of the elders is waning among younger generations, particularly the more educated, suggests there is no simple answer to the question of who is the ‘legitimate authority’. Legitimacy in this case is context and role dependent, in the eye of the beholder, and very much in flux.

For the comparison of the Constitution with everyday understandings of norms, three features lend credence to the notion of the growing authority of conservation interests and actors. First, the group ranch mission statement is ‘To become the leading promoter of development and self-reliance to the group ranch members *through biodiversity conservation*’ [emphasis added]. This statement would suggest that biodiversity conservation has become the only means through which local aspirations are to be realized; while disconnected from reality, the text speaks volumes about outside influences on the formal governance structure established through group ranch titling. Some aspects of rule enforcement also support this trend, most notably the role enshrined for KWS in the enforcement of grazing restrictions within the conservation area: in cases of a third offence, the constitution states that offenders are to be taken to the court of law ‘under KWS law on game reserves and national park’. Having ‘collective choice rules’ on ‘community-based conservation’ enforced through procedures established for government-controlled game reserves and national parks contradicts the very essence of these terms.

The third feature, somewhat more ambiguous, is the overlap between rules enshrined in the constitution and those identified by group ranch members during interviews. Among the locally salient rules governing natural resource management in Koiya, those present in the constitution include rules 5 and 8 (which prohibit permanent structures and livestock keeping in the farming area), 6 and 7 (which require conservation actions in designated farming areas), 10 (which prohibits private land ownership), 14 (which prohibits grazing in the conservation area), and 16 and 17 (which prohibit hunting or poaching anywhere in the group ranch). While coverage of distinct normative spheres by the group ranch constitution is somewhat balanced, the level of detail of norms involving outside interests is greater than those involving customary practices. Norms related to the conservation area, for example, are spelled out in some detail, while those involving customary practices are vaguely defined – allowing for rules to be set which ‘govern the grazing areas or restricted areas set aside by the elders for grazing purposes’ and for their enactment through community-level meetings. While this can be argued to provide a beneficial discretionary space for customary authority, it is also suggestive of a normative bias within the newly constituted group ranch structure. It is also telling that the only acknowledged exception to grazing prohibitions in the conservation area is the ‘holistic grazing’ practices advocated for by the Laikipia Wildlife Forum for their presumed restorative potential, and not cases of extreme drought, as understood locally. The Constitution also commits to additional conservation-related norms: the aforementioned formal land use zoning; a minimum of 60 percent forest cover on the group ranch; and prohibitions on settlement within the conservation area. Together, these dimensions of the ‘de jure’ normative order suggest a growing allegiance of normative and judicial dimensions of group ranch governance to outside conservation interests.

Discussion and conclusions

This paper contributes to the growing literature on land grabs, tenure formalization and neoliberal approaches to conservation by exploring how exogenous authority systems gain traction within common property regimes to re-shape the contours of property. Findings lend credence to accounts of alienation in the context of green agendas by illustrating the consequences for property, livelihoods and sovereignty. Property at Koiya has been re-shaped through the negotiation of ‘selective landscape connectivity’ that differentiates patterns of access for wildlife and livestock; shifting access to land and related benefit streams (fodder, livestock, crops, fuel wood, land productivity, game meat); and ecological spin-offs of consequence to local livelihoods (e.g. increased livestock predation¹³). Findings also shed light on the dynamics through which this may occur in legally plural normative settings, in which the interests of new actors gain traction on the landscape by gaining rule-making authority. In Koiya, this is seen in the establishment of an entirely new normative sphere linked to biodiversity conservation, in which both the social sanctioning and enforcement of new norms and renewed traction of longstanding statutory rules at the local level were observed. It is also seen in the partial appropriation of the enforcement functions of customary and government authorities alike by conservation interests, in the normative spheres where the KGRMC is most involved, and in the very mission of the group ranch. These findings add to the growing literature on neoliberal conservation in the east African rangelands an understanding of the role of institutions and authority within processes of alienation.

The most far-reaching consequences for local sovereignty may, however, be seen in the land titling process itself, whose function extends far beyond questions of land tenure and livelihood security to the entrenchment of green agendas. The establishment of parallel governance structures and processes to the customary leadership has entrenched plural authority systems, normative orders and law enforcement processes (customary, non-governmental organization and state), and further eroded the authority of customary institutions (see also Tari and Pattison 2014). It has also extended juridical weight to the newly constituted group ranch governance structures and processes, thereby facilitating formalized relationships with outside entities and, through it, the penetration of conservation interests and the governability of people and place. Through these processes, the coupling of tenure formalization with conservation appears to have undermined the potential for formalized land tenure to unambiguously advance tenure and livelihood security – while at the same time advancing outside agendas through the re-shaping of authority, norms and property. This finding contributes to the growing literature on pastoralist institutions an understanding of the role of tenure formalization in entrenching legally plural normative orders.

Yet findings also nuance accounts of alienation by illustrating parallel processes of entanglement of customary and exogenous authority, customary and emergent lifeways, and the ways in which green agendas may be re-appropriated to serve local ends. Elders participate in the newly instated group ranch governance processes (albeit in roles with potentially ambiguous effects), and exhibit an ability to effectively contest them when needed to safeguard collective interests, and through it their own authority. The benefits

¹³We leave *Opuntia stricta* out of this, because while the best evidence to date points to sedentarization and wildlife dispersal as causal factors (Strum et al. 2015), no analysis has been done to link tenure formalization to sedentarization or conservation activities to dispersal by elephants and baboons.

of the conservation era are also valued by most residents as progressive enclosures and privatization of dry-season range outside of KGR strain customary lifeways. And many group ranch members willfully engage in conservation activities and have come to view them as in their interest – such as the emerging view of ‘reserve grazing’ as a benefit derived from setting aside a portion of their own diminished landholdings as a ‘conservation area’. Findings support but also nuance tales of land grabs and green imperialism by illustrating the twin processes of alienation and legitimation operating through ‘participatory’ processes on community land. Yet, undoubtedly, green agendas find fertile ground in the increasing economic and political fragmentation of pastoralist societies (King-Okumu 2015), a process seemingly enabled through land titling and its effect on the entrenchment of legally plural normative orders and authority systems.

Acknowledgements

Our thanks go to Jeff Walker for generating a map of the study site. The authors would like to acknowledge the efforts of anonymous reviewers, and the residents of Koija Group Ranch – whose knowledge, patience and generosity made this research possible.

Disclosure statement

No potential conflict of interest was reported by the authors.

Funding

This research was conducted with permission of the Government of Kenya [permit number NCST/ RRI/12/1/MAS/108], and with support from the US National Science Foundation’s Dynamics of Coupled Natural and Human Systems Program [grant number 1313659].

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