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Governing the new pastoral commons: Property rights and institutional dynamics in Kenya's transforming rangelands

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Abstract

Kenyan pastoral rangelands are undergoing profound transformations owing to fragmentation and privatization, resulting in shifts from communal to individual resource systems. These transformations undermine the structural foundation—like mobility and resource access—that make pastoralism viable systems in challenging environments. In response, pastoralist communities are establishing institutional arrangements through negotiations, overlapping authorities, and bricolage, creating what are termed "new pastoral commons."

Despite their growing prominence, critical research gaps remain in our understanding of new pastoral commons. Existing scholarships lack shared vocabularies and indicators to rigorously analyze, compare, and scale these emerging systems of shared resources. Additionally, we lack a systematic analysis of the institutional performance metrics that frame these commons. Importantly, how governance functions – like boundary definition, rulemaking, monitoring, and sanctioning – are executed, how institutional qualities – like legitimacy and enforcement capacities – shape the execution of governance functions, and the consequences of emerging institutional arrangements. Furthermore, while traditional pastoral commons historically relied on shared values, there is limited research into how new moral community can be established to support the emerging commons.

To bridge these gaps, this study adopts a mixed-methods approach incorporating rapid ethnographic assessments, case studies, household surveys, and experimental economics. This framing explores pastoralist strategies, fine-grained institutional processes, and behavioral responses within two Kenyan pastoral regions facing distinct rangeland transformations. The study identifies two pathways through which new pastoral commons unfold.

"Reasserted commons" arise when communities revive and reinterpret traditional norms and practices that had been weakened or replaced by more formal governance structures. Essentially, they re-establish customary authority and legitimacy within landscapes that had shifted towards privatized, enclosed, or externally regulated usage. It serves as a form of contestation against formal arrangements that fail to reflect community interests.

"Reconfigured or bricolage commons" emerge when communities recognize that neither customary nor formal arrangements alone can adequately address the rapidly changing realities of rangelands. Consequently, they assemble hybrid arrangements that blend traditional institutions, state regulations, market mechanisms, and non-governmental interventions.

The study's findings are particularly pertinent to understanding how layered and overlapping rights can be configured to overcome the paradox of pastoral tenure, which has challenged the implementation of Kenya's Community Land Act (CLA).

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