

GOVERNING THE NEW PASTORAL COMMONS: PROPERTY RIGHTS AND INSTITUTIONAL DYNAMICS IN KENYA’S TRANSFORMING RANGELANDS

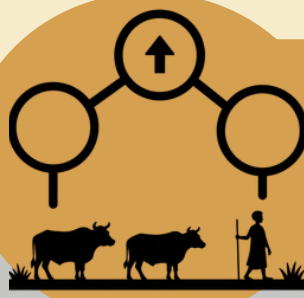


INTERNATIONAL YEAR OF
**RANGELANDS AND
PASTORALISTS**
2026



BACKGROUND

For decades, Kenyan rangelands have been profoundly transforming from communal to individual/private resource systems driven by fragmentation and privatization. This undermines foundational pillars of pastoralism, particularly resource access and mobility, prompting pastoralist communities to devise “new pastoral commons” that often lack pre-existing rules or clear institutional arrangements to govern resource users. Despite their growing prominence, significant research gaps remain in our understanding of these emerging resource-sharing systems. Existing scholarship lacks clear categories of strategies for creating “new pastoral commons,” which would improve understanding of their broader implications and potential scalability. Social sciences have not yet made in-depth efforts to systematically analyze the institutional arrangements that govern these emerging shared-resource systems. Furthermore, while traditional pastoral commons historically relied on shared values, there is a dearth of research on how new moral communities can be established to support emerging pastoral commons.



RESEARCH OBJECTIVES

- To systematically document and categorize the strategies pastoralists employ to access land and resources amid rangeland transformations, assessing how contextual factors shape their pursuit, effectiveness, and ultimate socio-ecological implications.
- To map how pastoralist strategies crystallize into institutional arrangements, assessing the rules, authority structures, and enforcement mechanisms that govern emerging systems of shared resources.
- To examine how behavioral tendencies emerging from new institutional arrangements underpin or undermine the long-term sustainability of “new pastoral commons”



METHODOLOGY

- **Rapid ethnographic assessments** captured insights into shifting local norms, cultural contexts, and community perspectives.
- **Case studies** provided in-depth mapping of the specific pastoralist strategies for creating new commons.
- **Experimental economics games** measured and statistically verified behavioral tendencies under simulated pastoralist realities.
- **Household surveys** provided socio-demographic information on the pastoralist communities.

- **Study regions:**
 - **Transmara West** (Narok County): Formally titled parcels have driven unprecedented enclosures.
 - **Tiaty East** (Baringo County): Economies of anticipation from the slow, selective rollout of **CLA (2016)** is fostering rampant informal enclosures.



KEY FINDINGS

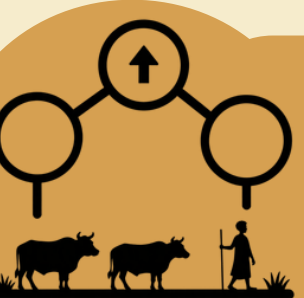
- New pastoral commons strategies:**
- Community-based conservation model
 - Voluntary pooling of private parcels
 - Relational mobility through socially mediated livestock hosting
 - Migration beyond ancestral territories
 - Market-based access
 - Grazing on “leakage areas”
 - Strategic purchase of private parcels
 - Individual enclosure
 - Communal enclosure
 - Commercialized crop residue usufruct
 - Illegal grazing as the last resort
 - Migration within ancestral territories

- Determinants of strategy choice**
- Herd size
 - Individual land size
 - Social capital
 - Environmental conditions
 - External pressure

- Socio-ecological consequences**
- Widened social disparities
 - Resource conflicts
 - Increased sedentarization
 - Rangeland degradation
 - Informal markets for grazing permit

- Institutional pathways for the new pastoral commons:**
- **Reasserted commons** emerge when communities revive and reinterpret traditional norms and practices within landscapes that have shifted to privatized, enclosed, or externally regulated usage.
 - **Bricolage commons** arise when communities blend traditional institutions with state regulations, market mechanisms, and NGO interventions to better address contemporary issues.

- Behavioral tendencies**
- Widespread free-riding
 - Undermined trust and reciprocity
 - Dominant self-preservation
 - Deterred norm enforcement
- Governance insights**
- Weakened local authority
 - Enduring cultural values
 - Collapsing social safety nets



DISCUSSION

Rangeland transformations such as fragmentation and privatization disrupt mobility and resource access, compelling pastoralists to deploy highly differentiated strategies. Households with greater resource endowments can diversify strategy portfolios, whereas disadvantaged households continue to rely on increasingly strained social networks. These differentiated pastoralist strategies crystallize into distinct institutional configurations with varying levels of effectiveness in resource governance. Ultimately, the resulting behavioral changes—characterized by free-riding, self-preservation, and weakened trust—fracture traditional moral communities, threatening institutional resilience and the long-term sustainability of the new pastoral commons.



CONCLUSION

This study underscores that rangeland transformations in Kenya do not simply collapse pastoral systems but rather catalyze complex restructuring in the governance of these common-pool resources. While reasserted and bricolage/reconfigured commons offer promising pathways for mobility and resource access amidst fragmentation and privatization, their long-term sustainability remains highly precarious. Empirical evidence from the study corroborates that the establishment of enclosures in rangelands poses a dangerous disconnect by sparking conflict over boundary trespassing, rewarding self-preservation, and accelerating ecological degradation, while concurrently eroding norms and values that underpin traditional moral communities. Consequently, the viability of emerging commonage hinges on a paradigm shift from rigid policy frameworks to flexible, inclusive ones that sufficiently accommodate the fluidity inherent to pastoral systems.



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PASTORALISM THRIVES ON FLEXIBILITY, NOT ENCLOSURES!