



**Pastoralist Goals**

FOUNDATION

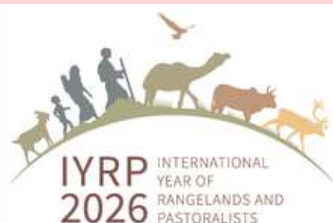


# Policy Brief

## A Call to Fastrack the Registration of Community Land in Northern Kenya



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# Policy Brief



## A Path to Prosperity and Stability through the Community Land Act, 2016

The Community Land Act of 2016 presents a landmark opportunity for the communities of Northern Kenya to formally secure their ancestral lands, preserve their unique cultural heritage, and unlock immense potential for sustainable development. This policy brief outlines the critical importance of registering community land and addresses key thematic areas crucial for the region's prosperity and stability. By embracing this legislation, we can empower local communities, mitigate conflict, and foster a future where indigenous knowledge and modern governance work hand-in-hand.

## The Foundation

### Understanding the Community Land Act, 2016

The Community Land Act, 2016, is a transformative piece of legislation that provides a legal framework for the recognition, protection, and registration of community land rights. For the first time in Kenya's history, the law formally acknowledges and provides for the documentation and titling of lands held and managed by communities on the basis of ethnicity, culture, or similar interests.

## Key Provisions of the Act

- **Recognition of Community Land:** The Act defines community land as land lawfully held, managed, or used by specific communities, including ancestral lands of hunter-gatherer communities and trust lands held by county governments.
- **Community as a Legal Entity:** It provides for the registration of a community as a legal entity, with a Community Assembly comprising all adult members and a Community Land Management Committee to govern the land.
- **Registration Process:** The Act outlines a clear process for communities to register their land, which includes defining the community, documenting membership, mapping boundaries, and adopting by-laws for land governance.
- **Issuance of Title Deeds:** Upon successful registration, a single title deed for the entire community land is issued in the name of the community, legally securing their ownership.



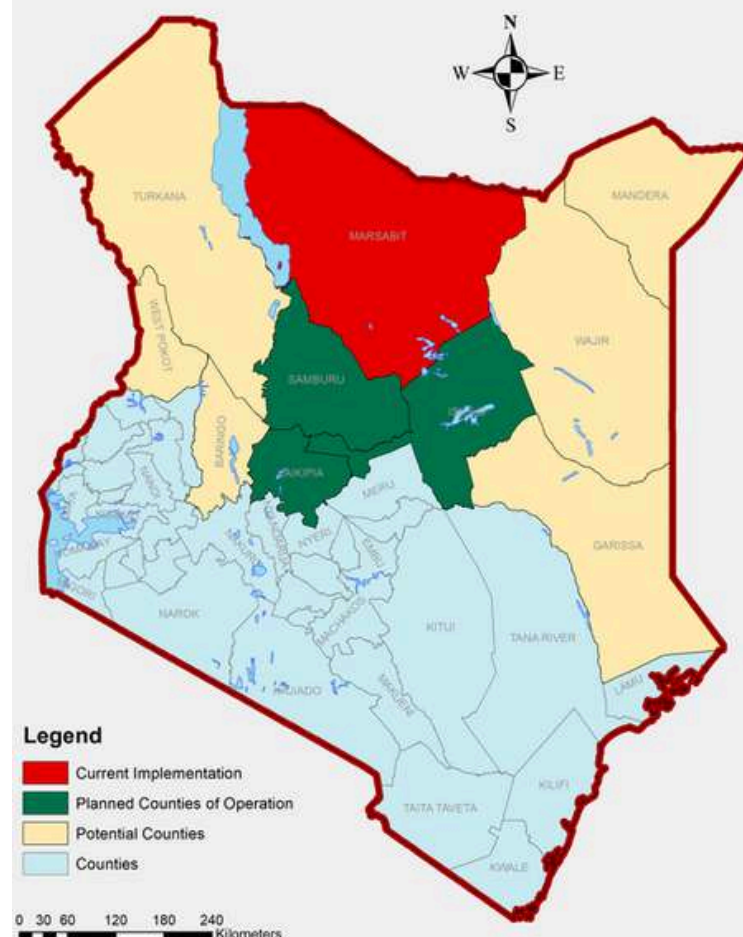


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# The Northern Kenya Context

## Challenges and Opportunities

Northern Kenya, with its vast rangelands and predominantly pastoralist communities, faces unique challenges in land tenure. The FCDC (Frontier Counties Development Council) and PPG (Pastoralist Parliamentary Group) counties that are known to have substantial unregistered community land include Turkana, Marsabit, Wajir, Isiolo, Garissa, Mandera, Tana River, West Pokot, and Lamu, with Samburu, Baringo, Laikipia, Narok, Kajiado, and Elgeyo Marakwet. Historical marginalization, lack of awareness about the law, and the high cost of the registration process have slowed the process of securing community titles under Community Land Act. This has left communities vulnerable to land grabbing, resource conflicts, and exclusion from the benefits of their ancestral lands.



# Key Thematic Areas for Action

## 1. Community-Based and Participatory Mapping

Community-based mapping is a cornerstone of the registration process. It empowers communities to document their own understanding of their land, including boundaries, resources, and important sites. This participatory approach ensures that the resulting maps reflect the community's collective knowledge and priorities.

### Policy Recommendations

- **Invest in Capacity Building**  
Provide technical and financial support to communities for participatory mapping exercises.
- **Integrate Traditional Knowledge**  
Ensure that mapping processes incorporate indigenous spatial knowledge and land use patterns.
- **Utilize Technology** - Employ accessible GIS technologies to create accurate and legally defensible maps.

## 2. Clarifying Land Use and Ownership Rights

The Community Land Act recognizes that community land can be held under various tenure systems, including customary, freehold, and leasehold. It also allows for land to be held as communal land, family or clan land, or allocated to individual members for their use. This flexibility is vital for accommodating the diverse needs of communities in Northern Kenya.

### Policy Recommendations

- **Develop Clear By-laws**  
Communities must be supported in developing clear and equitable by-laws that govern land allocation, use, and transfer within the community.
- **Protect Communal Grazing Lands**  
Ensure that the registration process safeguards critical grazing areas and traditional livestock mobility routes.
- **Secure Women's Land Rights** By-laws must explicitly protect the land rights of women, ensuring they have equal access to and control over land.

## 3. Securing Traditional Grazing and Sacred Sites

Pastoralism is the backbone of the economy and culture in Northern Kenya. Securing traditional grazing routes and access to key pastoral resources is essential for the livelihoods of millions. Similarly, sacred sites hold immense cultural and spiritual significance and must be protected. The Community Land Act allows communities to reserve special areas for cultural and religious sites.

### Policy Recommendations

- **Map and Protect Grazing Corridors**  
Identify and legally protect traditional grazing routes to prevent their blockage or encroachment.
- **Document and Register Sacred Sites**  
Communities should document their sacred sites and ensure their protection is enshrined in their community by-laws and land management plans.
- **Promote Cross-Community Grazing Agreements**  
Facilitate dialogue and agreements between communities to ensure peaceful sharing of grazing resources.



#### 4. Indigenous Integrated Conservation

Indigenous communities in Northern Kenya have long been stewards of their environment, possessing invaluable traditional ecological knowledge. The registration of community land provides a unique opportunity to integrate this knowledge with modern conservation practices. When communities secure their land rights, they are incentivized to manage their natural resources sustainably.

##### Policy Recommendations

- **Integrate Traditional Knowledge in Management Plans** Community land management plans should be informed by indigenous conservation practices.
- **Promote Benefit Sharing:** Ensure that communities derive tangible benefits from conservation efforts on their land, such as through ecotourism, carbon trading and sustainable resource harvesting.

#### 5. Sustainable Sharing of Water Resources

Water is a critical and often scarce resource in Northern Kenya. The registration of community land must be accompanied by clear agreements on the sharing and management of water resources, both within and between communities. Water Resource Users Associations (WRUAs) play a key role in the cooperative management of common water resources.

##### Policy Recommendations

- **Map and Document Water Points:** Identify and map all key water sources during the community mapping process.
- **Establish Water Use Agreements:** Develop clear and equitable agreements for water sharing among different user groups.

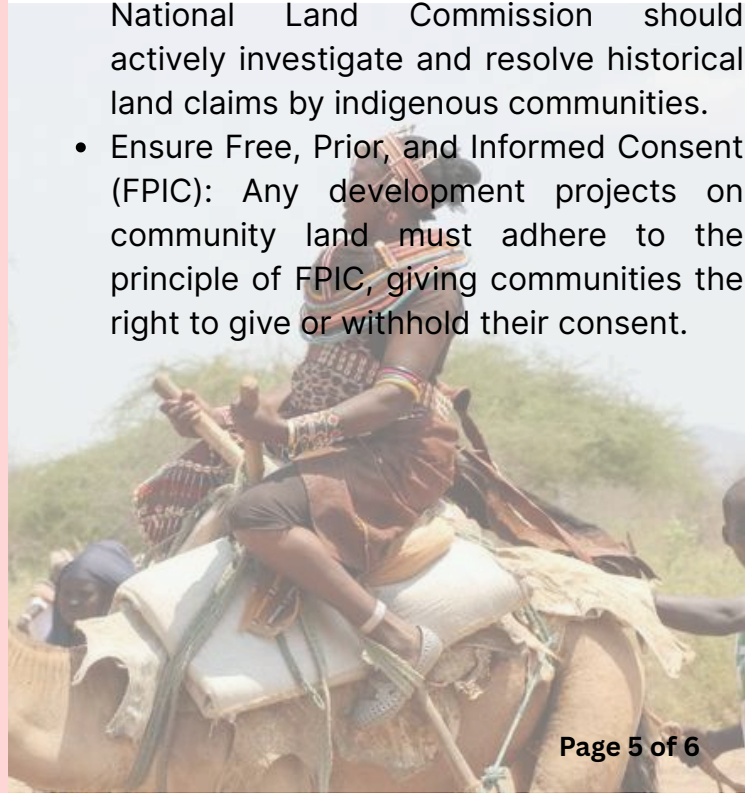
- **Invest in Water Infrastructure:** Support the development of sustainable water infrastructure, such as boreholes and sand dams, in consultation with communities.

#### 5. Upholding Indigenous Communities' Territorial Integrity

The Constitution of Kenya and subsequent land laws recognize the rights of indigenous peoples. The Community Land Act provides a crucial mechanism to translate this recognition into tangible protection of their territories. Securing community land titles is the most effective way to safeguard against encroachment and ensure that indigenous communities can maintain their unique cultural and spiritual connection to their land.

##### Policy Recommendations

- **Prioritize Registration of Indigenous Lands:** Fast-track the registration of lands belonging to historically marginalized indigenous communities.
- **Address Historical Land Injustices:** The National Land Commission should actively investigate and resolve historical land claims by indigenous communities.
- **Ensure Free, Prior, and Informed Consent (FPIC):** Any development projects on community land must adhere to the principle of FPIC, giving communities the right to give or withhold their consent.





## References

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## Disclaimer

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The views expressed in this brief are solely those of the authors and do not necessarily reflect the official position of the Pastoralist Goals Foundation.

## Dedication

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This document is dedicated to the courageous community members and land rights defenders whose resilience and commitment inspire and guide this work.

## Acknowledgement

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This discussion paper, developed under the Land Tenure Project, contributes to the conversation surrounding the International Year of Rangelands and Pastoralists (IYRP) 2026, with a focus on supporting the self-determination of Indigenous peoples.

## For more information, contact

The Pastoralist Goals Foundation  
Fahari House, 1st Floor,  
Above Family Bank Nanyuki  
Tel:(+254) 701 463 863  
E-mail: [info@pastoralistgoals.org](mailto:info@pastoralistgoals.org)  
Website: [www.pastoralistgoals.org](http://www.pastoralistgoals.org)

