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Private Property and Social Capital: Dynamics of Exclusion and Sharing in the Subdivided Pastoral Rangelands of Kajiado, Kenya

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ABSTRACT
Pastoral livelihoods are presented with new challenges as access to land is altered by climate change and privatization. Pastoralist livelihoods however continue to be reliant on mobility and pastoralists, therefore, continue to negotiate access to land in the privatized and subdivided rangelands. Various dynamics enable and constrain pastoralists' access under this new form of land tenure, but little work has investigated the underlying power structures of access and the importance of private property for this. Based on field work in the subdivided rangelands of Kajiado county in Kenya, we argue that social structures and formal land ownership both enable and hinder pastoralists' access to land. Moreover, while social capital is one of the most important factors for accessing pastures in subdivided rangelands, private property rights have an overarching importance for relations of access. As a result, the group ranches' uneven allocation of land to its members has deepened inequalities in the community.

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Introduction

Access to natural resources is crucial for the many people relying on land for survival in Africa such as pastoralists. However, access is subject to many considerations, including the economic and socio-political organization of society (Ribot and Peluso 2009; Elmhirst 2011). Theoretical debates on access have mainly focused on ownership and rights (See, for example, Ostrom 2009). In pastoral communities, the question of communal versus individual property rights is similarly prevalent and for the past few decades, there has been a growing tendency among pastoralists to shift from communally managed land to individual private tenure (Mwangi 2007). Goetter and Neudert (2016) cite this shift in land tenure as among the main challenges of access to resources for pastoralists.

Other factors further restricting pastoralists' access to land are the constitution of protected areas and national parks (Fratkin 1994), land grabbing and land sales to non-pastoralist farmers (Galaty 2013), and the emergence of large-scale investments,

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transport corridors and energy plants (Lind, Okenwa, and Scoones 2020). Climate change moreover affects pastoralists disproportionately by diminishing pastures (Waila et al. 2018).

The arid and semi-arid lands that pastoralists often inhabit experience frequent droughts and erratic rain patterns, making mobility a crucial factor for pastoralists' access to pastures (Amwata, Nyariki, and Musimba 2016). The unpredictable and dispersed availability of grass makes it necessary for pastoralists to move with their livestock in the search of pasture and water, which makes it crucial to explore how pastoralist mobility is affected by individual private land tenure.

In Kenya, the subdivision of the commonly managed pastoralist rangelands into private holdings is not new (Kimani and Pickard 1998; Galaty 1992; Veit 2011) and most community land holdings in Kajiado County are already subdivided into private parcels (Mwangi 2007). This, nevertheless, does not alter the need for mobility as rain is indifferent to boundaries. On the contrary, recurrent droughts (Gebremeskel et al. 2019) make mobility ever more crucial as pastoralists are forced to move longer distances in the search for pastures.

Ribot and Peluso's influential work, "A Theory of Access" (2003), has established that having formal rights to a resource is neither the only nor necessarily most important factor defining access. Instead, different social mechanisms are crucial in defining it. This has also been found to be the case in the subdivided rangelands in Kenya, where pastoralists employ a system of resource sharing based on social relations that allows for mobility and flexibility (Galaty 2016; Archambault 2016; Lesorogol 2008a). However, apart from research stating that social relations are important to accessing privatized rangelands, structures of access in this form of tenure remain largely unexplored. What mechanisms determine access to pastures in the subdivided rangelands? Are property rights only one among many factors or do they alter access significantly? And how does social differentiation among the communities affect access and sharing of land?

In this article, we examine how the introduction of individual private property rights has changed access to pastures for pastoralists in Kenya. Based on fieldwork in Elangata Wuas group ranch in Kajiado County, we explore the factors enabling and restricting access by drawing on Bourdieu's concepts of *economic*, *social,* and *cultural capital* to examine how these are linked to private ownership of land. In this paper, private ownership of land and private property rights—which are used interchangeably—are defined as the exclusive and legitimized claim to land with a clearly defined owner, person or company (von Benda-Beckmann, Benda-Beckmann, and Wiber 2006), which is sanctioned by a politico-legal authority (Sikor and Lund 2010). We refer to ownership as the right to access, manage, alienate, and exclude people from the land (Schlager and Ostrom 1992).

Engaging with the debate about complex forms of tenure and land control in pastoral areas interrogate the multiple and shifting of ways in which pastoralists gain access. This is critical in engaging the discussion of property as a thing and exploring the relationships at the center of land control. This paper shows that while social capital is one of the most important factors for accessing pastures, the land is not managed by principles of commonage. Based on fieldwork in Kajiado, Kenya, we argue that private property rights mediate the social mechanisms of access. This is because owning land is a

crucial factor in establishing relations of reciprocity between landowners. Together with-the fact that the allocation of land has been highly shaped by people's ability to draw on different capitals, it means that the allocation of property rights has reproduced inequalities between pastoralists in Elangata Wuas.

Pastoral Access and Land Tenure

Pastoralists have traditionally inhabited rangelands based on commonage systems, a form of land tenure especially suited for a mobile and nomadic lifestyle. Much literature dealing with pastoralists and land access has therefore focused on the ways in which the commons are managed (Lengoiboni, van der Molen, and Bregt 2011; Butt 2011). Theoretical debates on the tragedy of commons (Hardin 1968) have deemed pastoral systems to be deficient and prone to overgrazing while literature on governing commons (Ostrom 1990) recognizes how commons can be managed sustainably. Recent literature even sees potential for learning from pastoralists, such as Scoones (2021) who considers the complex reciprocity processes among pastoralists as their strength in coping with uncertainty. Conventional common property debates have not fully captured how pastoral systems in Africa are arranged (Behnke 2018). Instead, social processes and governance mechanisms play a critical role in pastoral systems, and property rights are only one aspect of the resource governance systems found in the pastoral rangelands (Robinson 2019).

Because free and flexible movement has been and is perceived to be crucial for the pastoralist lifestyle (Moritz 2016), several scholars have warned that the increasing restriction on pastoralist mobility and access to resources is damaging for pastoralist livelihoods and way of life. Among the reasons for this are policies sedentarizing pastoralists (Abbink et al. 2014; Liao et al. 2017), loss of land to agriculture (Sulieman and Ahmed 2017) land sales (Galaty 2013) and changing access rights (Wario, Roba, and Kaufmann 2016). Studies suggest that the semi-nomadic pastoralist lifestyle can conflict with formal boundaries and sedentary forms of living (Saeed 2009; Olaniyi 2015). However, recent studies also note that pastoralists often make agreements with private landowners (Pas Schrijver 2019; Bogale and Korf 2009; Lengoiboni 2011) suggesting that pastoral mobility is not necessarily impaired by areas formally restricted from their use. In a study from Ethiopia, Bogale and Korf (2009) argue that pastoralists enter mutually beneficial arrangements in times of drought, trading resources for grazing land. Butt (2011) investigates the influences of protected areas on pastoralists in Southern Kenya and finds that pastoralists access protected areas regularly regardless of seasonality and herd size. Formally restricted land is, therefore, not always restricted in practice: there is a difference between "state-of-law" and "state-of-practice" (Galaty 2016).

Changes in land tenure are also occurring *within* the pastoral rangelands. Bollig and Lesorogol (2016) point out a tendency in Southern and Eastern Africa of "new pastoral commons," which emerge from new legislation or government programs or through the re-assertation of commonage on freehold or state land. These are commons in the making and the institutions can be characterized by more instability and unpredictability because they have not had the time to gradually evolve and create workable

relationships between people, the environment, livestock, and wildlife (Bollig and Lesorogol 2016).

Reconfiguring the Commons in Kenya

In Kenya, the pastoralist commons have been rearranged since 1904 when the Maasai were forcibly relocated by the British colonial government (Hughes 2006). Another relocation in 1911 moved the Maasai people from Laikipia to the Southern Maasai Reserve in the south of Kenya (Hughes 2013), an area later administered as the Kajiado and Narok districts (Fratkin 2001). Based on the assumption that smaller formal properties are more productive and rational than the non-delineated areas of communal tenure, and to marketize Maasai livestock and minimize perceived environmental degradation, the Kenya government initiated the Group Ranch Project in 1968 (Rutten 1992). The World Bank-supported project adjudicated the communal rangelands into clearly defined territories called group ranches, which were communally managed and owned with open access for its members (Mwangi 2007).

Since they were formed in the 1970s, many group ranches have been subdivided into private plots for each official member (Mwangi 2006; Kimani and Pickard 1998). The pastoralists themselves have been the driving force behind subdivision, using it as a way of securing their claims to the land, to gain from their plot and reduce the distributional disadvantages of the group ranch (Mwangi 2007). However, external pressure from the government is also an important factor (Homewood, Kristjanson, and Trench 2009).

Social relations are critical for pastoralist access to land even where the land has been subdivided. Studies on the subdivided group ranches in Kenya show that the pastoralists still share the land in different ways, with social relations being key for gaining access to pastures (Lesorogol 2008b; Archambault 2016). One example is a study from Elangata Wuas, where Archambault (2016) points to how social relations gain increased importance for access under private tenure because people share land within their social networks, creating de facto commons.

Much is still unknown about the consequences of the subdivision. Pastoralists keep sharing land through social relations (Lesorogol 2008a, Archambault 2016) and boundaries in times of drought become less strict (Galaty 2016). But for whom and to what extent privatization restricts pastoral mobility remains largely unexplored.

Situating the Role of Power and Property Rights in "A Theory of Access"

Since Ribot and Peluso's *A Theory of Access* (2003), much literature on access to natural resources has recognized that access to resources is about more than formal rights. Particularly, Ribot and Peluso's definition of access to resources as "the ability to derive benefit from things—including material objects, institutions, and symbols" has been widely cited (2003, 153). The theory broadened the discussion of access to natural resources from previously being characterized by a narrower focus on rights, to encompassing all means by which people gain, maintain and control access to resources. Ribot and Peluso use Ghani's (1995) concept of "a bundle of powers" to argue that people's

ability to derive benefit from resources is affected by a range of powers, which are embodied in and exercised through different mechanisms, processes and social relations. These powers make up the "material, cultural and political-economic structures within the "bundles" and "webs" of powers that configure resource access" (Ribot and Peluso 2009, 154). Ribot and Peluso place access in a context of social relations and dynamic power structures, moving the question of resource access above law and rights to all modes and pathways of access. Access becomes situated as structural and relational; people can hold a bundle of powers with different means of controlling and maintaining access and may be in a dominant position or subordinate position depending on the actors they are facing (Ribot and Peluso 2009).

A Theory of Access moves property from the center in the access discussion to being one factor among many defining access. However, some authors building on the theory suggest that property does have a certain importance for access. Sikor and Lund (2010) argue that claims of access are often a struggle over property; people attempt to secure their rights to natural resources through recognizing them as property by a politico-legal institution. Moreover, holding rights, regardless how ineffective they are, is different from having no rights at all because rights enshrined in legislation can be an important claim if the circumstances change (Sikor and Lund 2010). Similarly, controlling access to a resource can produce legitimacy and recognition as authority, which then reinforces the ability to control the resource (Sikor and Lund 2010; Lund 2017). Building on this, Milgroom and Ribot (2020) argue that when access relations are reconfigured, such as through changes in the resource base, the social hierarchies and relations of authority are reconfigured as well. Relations of access are, therefore, not only structured by these hierarchies but are inherent in power relations.

A Theory of Access leaves the understanding of power open, making it available for interpretations of how to examine the power aspect of an access analysis. As both Westermann (2007) and Myers and Pilegaard Hansen (2020) point out, an important step of the theory's access analysis, the aspect of power shaping the mechanisms of access, remains underexplored. Myers and Pilegaard Hansen suggest that the theory is missing a more explicit discussion of power perspectives, and that there is scope for further elaboration of the mapping of power relations underlying mechanisms of access (Myers and Pilegaard Hansen 2020). Specifically, questions of how people get in the position to pursue certain mechanisms of access and why certain people obtain certain "bundles of powers" are pertinent. These power relations underlying the mechanisms of access are something we explore in this paper by examining which powers are essential to gain access to pastures in the privatized and subdivided commons.

Capitals of Access in Examining Consequences of Subdivision

For Ribot and Peluso, power is relational, something that exists in the dynamics between people and not something they objectively possess. However, examining subdivision of the commons is to examine what happens when people acquire a formal individual right to the land. Could we not assume that those with title deeds have an advantage, if not a tangible form of power, in relation to those who do not? As Sikor and Lund (2010) state, having ineffectively enforced rights to a resource is better than

having no rights at all. Inspired by Bourdieu's capitals, we examine the power of formal recognition in understanding access by exploring how the "social powers" captured by the capitals are intertwined with access and property.

Bourdieu formulated the concept of *capitals*, or certain "social powers" people draw on which are acknowledged differently depending on the situation (Bourdieu 1989). Where Ribot and Peluso see their "mechanisms" as relational and dynamic, Bourdieu's capitals establish a social hierarchy where some people are objectively more powerful than others (in a specific field). The capitals are capacities desired in a specific context and granting social recognition defined by three overarching categories: economic, cultural, and social capital (Bourdieu and Collier 2020). Economic capital covers material wealth in its different forms, social capital is primarily social networks and cultural capital can be widely defined as the knowledge, skills and preferences that affect social mobility.

Distinguishing the capitals empirically is not a straight-forward task. However, our aim is not to categorize the pastoralists' access strategies according to different types of capital but rather to let them shed light on the different social powers defining access in the rangelands and explore how these are connected to formal rights to land.

Methods and Materials

Study Area

The primary research was done in Elangata Wuas, a former group ranch in Kajiado County around 90 km south of Nairobi. Elangata Wuas is in the Kajiado land office records estimated to stretch over 150,000 acres and was in 2016 estimated to be home to around 18,000 people (Archambault 2016).

Population growth puts an increasing pressure on the land in Kenya (Homewood, Kristjanson, and Trench 2009) and Elangata Wuas is no exception. It is becoming difficult for many families to continue with a pastoral livelihood as more people must share the family plot. More people are settling in the small but growing highway town of Elangata Wuas Mile 46, and diversifying their livelihoods by trading animals, making jewelry, selling sand, and engaging in petty trade and other small ventures. Despite this, pastoralism remains the main economic activity in the area. Kajiado is, as Kenya in general, extremely vulnerable to a changing climate because most livelihoods and economic activities are reliant on climate-sensitive natural resources (Leal Filho et al. 2017).

Methods

The article is based on fieldwork conducted in Kajiado between September 15 and December 21, 2019. The methods employed were semi-structured interviews, participatory rural appraisals (PRAs), informal talks and one day of participatory observation where the first author followed the daily grazing route in the area with a herder. Interviews conducted on people's land were moreover often accompanied by a walk around their plot. A total of 71 interviews were conducted. Of these, 10 were women and 61 men, around one-third of whom had been members of the group ranch. The remaining participants were residents with no official entitlements to land. The study

targeted men in the group ranch because of the roles and dynamics guiding access. Although women surely have interesting perspectives to offer in the study of pastoral access to land (see Furusa and Furusa 2014; Yurco 2018) it is primarily men who decide the migration routes and negotiate access.

Participants were identified through local assistants and walks within the community. Community water points and the dry riverbed where young men were found scooping sand as an extra income source were targeted as well. The first author lived in the community during the fieldwork period and through this received insights into the daily lives and issues raised by the pastoralists.

Responses from the field were arranged according to emerging themes. The second phase entailed merging common themes and aligning them to the focus of the paper. The rest of the findings were excluded from this paper. The final themes form the findings discussed in this paper. In Table 1, we show examples of questions asked during the interviews. We moreover provide an explanation of the two PRA exercises conducted in combination with some interviews (10 in total).

Results and Discussion

Our study site, Elangata Wuas, was subdivided between 2010 and 2012, after which title deeds were issued to the group ranch's 489 official members. Subdivision can be initiated after a majority vote by the group ranch members, and the land is then surveyed and demarcated by government officials (Mwangi 2007). In Elangata Wuas, the land was divided into 270 acres for each member, excluding community land and town plots for commercial use. In principle, all members of Elangata Wuas group ranch were entitled to 270 acres each after equal subdivision of the land. However, this did not happen in practice, as some did not receive the land, they were entitled to for various reasons we will describe in Section "Structural Inequalities and Access." As a result, the process of subdividing was contested and created conflicts and court cases that have continued to date (KBC, Channel 1 2020). According to erstwhile members of the group ranch committee, many group ranch officers kept extra land for themselves, either untitled community land or plots of deceased group ranch members, some of which was given back through a later court order. By then, however, others had already sold the land and today there are still plots of extra land which officials have issued or has been acquired through other means.

In Figure 1, we summarize the themes and findings discussed in this paper.

In this section, we outline the key factors we have found to enable and constrain the pastoralists in their access to pastures.

Social and Economic Capitals for Access

Maasai culture and society is built on social connections across vast spaces (Pas Schrijver 2019). Research on the subdivided commons in Kenya shows that social factors are crucial for access, be it social pressure to share one's land (Lesorogol 2014) or social relations enabling access (Archambault 2016). Among the Maasai, social capital and networks that support mutual assistance have also been found to be useful in

Table 1. Interviews question examples and PRA.

	Interview question examples				
Topic	Land situation and land needs	Migration	Restrictions for access	Capitals for access	Changes in community
Examples of questions	How much land do you have? (how big and how many plots) Where is it? For how many months a year is the land enough to sustain your animals? Do you have other plots of land where you know you can always be given access? How was this relation established? How many animals do you have? How many animals do people in the boma have? Do you ever buy feed or access to pastures?	Where have you migrated to in the past 5 years? What types of land are these? Do you know people all these places? What made you decide to come there? How long did you stay away last year? Which types of land do you prefer to migrate to? Why? How much of a difference does it make to have gotten access there before? Old/young, rich/poor—are some people easier to get access from than others?	Have you ever been rejected? How often? How many times last year? Do you ever reject people from your land? In which situations? What if it is a person with no land? Will you always allow family? Always allow clan members? When not?	Do you ever pay for pastures? In which situations? How much? Do you ever charge for access to your land? Which situations? How did you learn about the land scheme? From where do you know the man whose land you are on?	How has being a pastoralist changed the past 10 years? How has subdivision changed being a pastoralist? Do people still share land? How important is it that people share? Is there something you had to learn after subdivision? Will you have to teach your children how to graze and negotiate access to pastures differently than how you were taught?

Participatory rural appraisals (PRAs)

	Exercise description	Materials	Categories	Question examples
Ranking exercise 1: Types of land	Rank different types of land from easiest to most difficult to access and explain why	Four pictures symbolizing different types of land	1. Group ranches 2. Tanzanian land 3. Large private plot 4. Small private plot	Why is this type more difficult? Can you tell me about the last experience you had migrating to a private plot? Why is the plot size important for whether you gain access? Is this type of land generally easier to access or is it more for you personally?
Ranking exercise 2: Types of landowners	Please rank the types of owners from most to least likely to grant you access. Please explain your choices.	Eight pictures symbolizing different types of landowners	1. Family member 2. Clan member 3. Age mate 4. A male Maasai you do not know, not from clan or age group 5. A female Maasai you do not know, not from clan or age group 6. Non-Maasai 7. Someone you have given access before 8. Someone you have denied access before	Why is this above this? Are there some situations where it would be different? Will a family member always allow you on their land? Would you ever ask a non-Maasai, for example, a Kikuyu, for access?

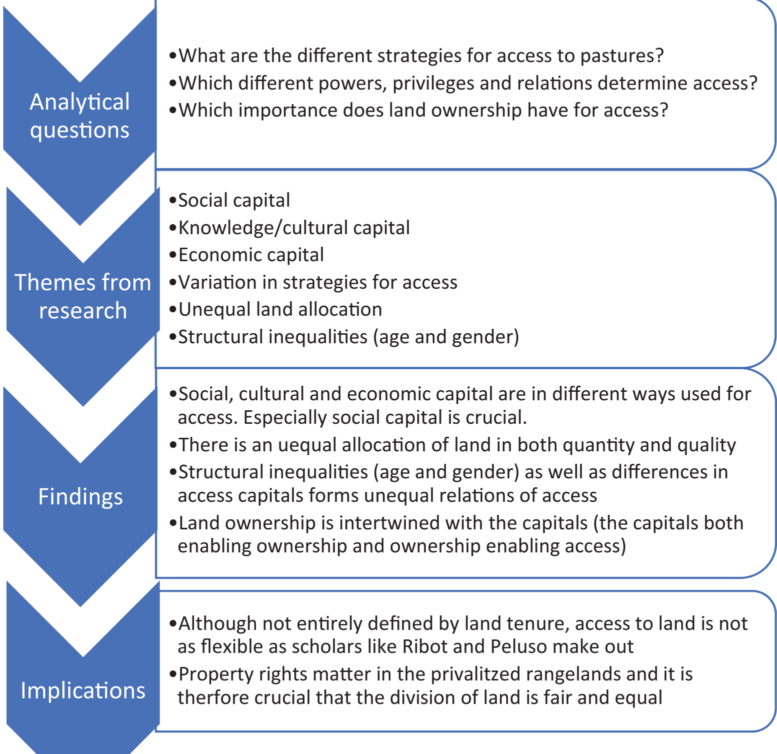

Figure 1. Analysis themes and findings.

accessing pastures (Galvin 2008) and we will, therefore, not go much into this point here. It is however crucial to underline it as it also proves important for access to land and pastures: "*Traditionally we [Maasai people] know each other. I would know who to ask [for access to land] in Singiraine [area in Elangata Wuas] for example. You know people everywhere*" (EM33, December 16, 2019). The reliance in relations and networks remains critical for Maasai pastoralists.

As very few pastoralists can sustain their animals on their own land only, most rely on the land of family and friends for pastures. The larger extended social network you have, the easier it will be to gain access to pastures—especially when the network is scattered over a large area, making green pastures likely in at least one of those places. One respondent sharing 270 acres with his brother and relying heavily on access to the land of family and friends explains: "*You make friends according to the drought. Those who assist you give, you water and grass, that is your friend*" (EM25, December 16, 2019). In this way, pastoralists rely on reciprocal relations enabled by social capital to gain access to pasture and cope with the harsh climate conditions and diminishing pastures.

Economic Capital Gains Importance

As social capital is inherently intertwined with access to pastures in Maasailand, it would not be far-fetched to conclude that the state-of-practice management of land resembles a form of commonage. This is also what both Galaty (2016) and Archambault (2016) find in their respective studies on access in the subdivided rangelands. However, our findings suggest that there are other dynamics at play, contradicting the principle of the commons based on communal sharing and obligation (Bollig and Lesorogol 2016).

After subdivision, land access in Elangata Wuas has to a great extent become monetized. Consequently, economic capital has arisen as a new crucial resource to access pastures. Some pastoralists claim that they must always pay for access, but everyone agrees that monetary resources are particularly useful in times of drought, where those with grass usually charge for access to their land. One female participant explained that her family couldn't even access the land of friends for free during the dry season—which according to her is around five months of the year. The boundaries, therefore, seem to become particularly distinct in dry periods. This is rather surprising, considering Galaty's (2016) study from Elangata Wuas where he finds that during longer droughts, boundaries cease to exist within ethnic limits and pastoralists move freely with their animals.

All respondents agreed that people do care less about boundaries in times of drought, but this is only because there is no grass to defend. It may become easier to pass through the land, but access to *pastures* is no easier. One pastoralist explained it thus: "*It is easier to get access [in droughts] because there is nothing to take. You say yes to people so you can come to them. But those who do have pastures will charge more for them*" (EM30, December 5, 2019). This man, who also owns a business in Mile 46, explained that he was tired of migrating, which is why he now buys cows when they are cheap, fattens them up in the rainy season, and then sells them. His explanation points to the finding that land is only to a limited degree managed by principles of commonage during droughts, and it is rather market forces that drive access to pastures as economic capital gains greater importance alongside diminished grass supply. This is also described simply in this quote from a female pastoralist: "*In the drought it is harder to be given free range to graze. Most people buy pastures during that time. Some people even must buy water. You can pay 3,000 shillings to get access to a water point*" (EF26, December 4, 2019).

Thus, on the one hand, sharing land is a well-established practice defining access in Elangata Wuas, while on the other hand pastures become a resource that follows market dynamics and becomes more expensive the scarcer it gets. Both dynamics of private and communal land are at play, indicating that there is no strict dichotomy between collective and private rights (Lesorogol 2014). The importance of social and economic capitals both hinders and enables access to land for pastoralists, allowing those with economic resources to migrate to areas they may not have been able to go otherwise, but also restricts access for the more financially challenged. As such, we see that pastoral access is flexible (Scoones 2021) and negotiated in a dynamic space (Cousins et al. 2018), as it is adapted to tenure changes despite the continued operation of systems of sharing.

Structural Inequalities and Access

We found that direct access to land through ownership was very differentiated between pastoralists, a dynamic that deepened existing inequalities in the community. Differences in access among pastoralists have been linked to existing customary practices, gendered norms, and patriarchal traditions, which lead to the exclusion of some members in the process (Omolo 2011; Njuki et al. 2004). For example, though the 2010 Constitution entitles daughters to a share of the family land (Galaty 2013), the law faces challenges of implementation (Bassett 2017) and it is still not customary for women to inherit land. Moreover, we found that questions on the intergenerational transfer of land caused tensions. Land is shared among members recorded in the group ranch register. Those registered are older male members of the family who in turn share it with their wives and children. This implies that younger men are not direct beneficiaries of the subdivided land. Because of this, many young men have trouble sustaining sufficient animals with their small share of the family land.

Age and gender are both factors legally constraining some groups of society in their possibilities of owning land and thereby having direct access to pastures. However, as inherent in the idea of Bourdieu's capitals, the social constraints of individuals are not solely defined by law but also reside in the more informal social hierarchies. In Elangata Wuas, land ownership, even though officially divided equally between members, seems to have been defined by a hierarchy based on political and social connections as well as knowledge of how to work the system (cultural capital).

Even though all members of the group ranch were entitled to 270 acres of land each, there have been questions around the process of subdivision and unequal distribution. One of the major points of contention among members of the group ranch and other residents of the area is that land was not equally distributed. Arising from the dissatisfaction over the unfair allocation of land during subdivision, there have been complaints and cases in court. The first author met several pastoralists who through their friendship with officials had been allocated town plots reserved for commercial use in addition to their plots received on account of their group ranch membership. Moreover, we found a previously communally owned area where all land plots were issued by local politicians to their supporters a few years before the rest of the group ranch was subdivided. There were also reports of favoritism and unequal land allocation in the subdivision process. For example, some participants complained about being allocated remote or poor-quality pieces of land because they had opposed the subdivision or were not on good terms with the officials. We cannot assert the extent to which such allegations are true, however, the plots did vary greatly in quality, some being very eroded, hilly, or rocky, while others were more fit for grazing and/or close to public facilities. The grounds on which the plots were demarcated appeared unclear. Knowing influential people during the time of subdivision could in this way have been of importance. This sort of social and cultural capital that some pastoralists had was converted into larger and better-located holdings of land and ensured a more privileged position for their entire family.

Some of the people who have secured a particularly beneficial land situation are the pastoralists with cultural and social capital who managed to acquire land through a certain scheme allocating land to "groups." Before subdivision, an area on the outskirts of

Mile 46 was allocated to organized groups for livestock development. The first author met several pastoralists who had acquired extra land through this scheme. Members had often formed the groups with some age mates and once they were allocated the land, dissolved the group, and divided the land between them. The plots are between eight and twelve acres, which may not sound like much compared to the 270-acre family plots, but it enabled some pastoralists to be close to town (these plots are all located in the same area) and situated them closer to the communal grazing areas. This manner of securing land access relies heavily on cultural capital in the form of knowledge regarding the land scheme and application process, and social capital in the form of a social network to cooperate with in the scheme. Again, it is the more resourceful pastoralists who have managed to improve their land situation: those with a strong social network and knowledge regarding the land scheme and application process—in other words, those with more social and cultural capital.

Subdivision did not only strengthen the position of the most privileged pastoralists but has also crystallized the disadvantages of others. One pastoralist told the first author that because his family did not manage to mobilize the Ksh36,000 (around 334 USD) required to pay for the title deed, the land was sold to a nonmember. His father had to buy a 10-acre plot instead that he and his brother are now sharing. He explained that people do not come to him for access because his land is too small. This makes it more difficult for him to build reciprocal networks for access, and instead he concentrates on accessing the land of family and close friends. Being too poor to pay for the title deed at the time of subdivision has fixed the family in a disadvantaged position that is difficult to break out of.

As described, the differences in land endowments can be traced to differences in forms of capital. Those with sufficient economic capital can buy more land, those with the right social capital can convince influential friends to give them better or extra land, and those with the cultural capital to work the system could secure an extra plot. The structural inequalities, therefore, constrain access in instances where such capitals are required.

The Overarching Significance of Property Rights

We have shown how direct access to land through ownership is in different ways formed by structural inequalities as well as that social and economic capital are essential for gaining access to land. So, can people with little land not just buy access or ask their friends or family? It is often not that simple. Although it is not always the direct factor enabling access to pastures, we found that owning land is linked to the different social powers for access.

The institution of private property rights comes with some practical implications. The predominantly reciprocal nature of land-sharing grants private property a central role. If someone gives you access to their land, you are expected to be able to return the favor at some point. Accordingly, several pastoralists stated that they would not give someone access to their land knowing that the person did not own any land. One pastoralist who is sharing the 270-acre family plot with his five brothers and, therefore, knows about the challenges of owning a small plot, explained: "*It is more difficult [to*

get access to land] for those who have less. But those who have land can share with each other" (EM35, December 16, 2019).

The system of access is indeed complex and whether one can gain access to pastures with no land depends on a range of factors and on who you ask. For example, when asked whether he would allow a man with no land himself access to his land, another pastoralist replied: "*It depends. Maybe they are the same age as you. Then you cannot reject. Even if they are the same age set of someone in your family, you will have to allow them access*" (EM4, October 30, 2019). This man is sharing his father's land with six siblings, which may be a reason why he is more doubtful about rejecting anyone. On the other hand, a more well-off teacher states: "*Personally, I don't give people access who have sold their land. If you don't have any land, where do I go?*" (EM29, December 5, 201919). There are different opinions about whether you will obtain access if you have no land. It is also important to add that the need for access is diminished when you have less land because you will most likely also have a small herd. This is because you will need enough land to sustain your herd in the rainy season. This is explained here by one man: "*You must always go back. No matter where you go, you will be asked to leave when the rain comes in your area*" (EM40, December 18, 2019).

One thing is clear, however, and that is that if you have little land, you can accommodate fewer people and "access friendships" become more difficult. Owning land does not only facilitate access because people can reciprocate, it also makes it easier to invest in social capital. As described, access to land and social life is intertwined. Social relations make access possible, while access is simultaneously incremental to the formation of social relationships. Like one pastoralist said: "*The more you give your land, the more you make friends*" (EM29, December 5, 2019). As the participant quoted has 340 acres of land in the neighboring subdivided group ranch Kilonito, apart from two small plots in the center of Mile 46, "*giving land*" is less challenging for him than for most other pastoralists. Although he refers to how the Maasai share resources with each other, the fact that giving people access to your land is connected to building social relations has some broader ramifications, because to give, you need to have. Consequently, the pastoralists with less land are more constrained in terms of investing in social capital and the amount of land a pastoralist has thus determines his abilities to access, and strategies for accessing, land.

Relations of access in the subdivided Maasailand are permeated by private ownership, even though it is not a factor that single-handedly and explicitly defines access. Worth noting is that we do not assert that private ownership is ultimately connected to all forms of access. The pastoralists with no or little land can still find ways to gain access to pastures, for example, by going to the yet unsubdivided group ranches (though most pastoralists with no family there were hesitant to migrate to those ranches) or some of the natural reserves. Some pastoralists also explained that you can gain access to people's land by appealing to their sense of compassion. The moral dimension of sharing resources in the pastoral rangelands has also been stressed by Bollig and Lesorogol (2016). All factors enabling access are, therefore, not connected to land ownership; certain forms of knowledge, feelings and personal encounters are among the factors independently fostering access. But these are all insecure ways of achieving access. Unless a person has a close relative with much land to share, land is a crucial factor for

establishing stable relations of access. Thus, in line with Sikor and Lund's findings, property is intertwined with access (Sikor and Lund 2010).

We can conclude that private property is not only one among many factors, as Ribot and Peluso (2009) state, but a key factor enabling and restricting pastoralists in their access to pastures. This is not only because of the obvious fact that ownership for the most part is equal to access, but because land ownership also has importance for other access strategies.

Conclusion

We have, in this paper, shown that there is a complex web of negotiations, which must be examined to understand access in the "new pastoral commons" (Bollig and Lesorogol 2016). We have underlined Galaty's point of distinguishing between *state-of-practice* and *state-of-law* (Galaty 2016) in showing the continued importance of sharing land after subdivision, but we have also described how private land tenure has become intertwined with socially determined access strategies and capitals of access. Moreover, for pastoralists living in subdivided rangelands, structural inequalities present new hurdles in the processes leading to inclusion and exclusion in accessing land (Hall, Hirsch, and Li 2011). Thus, we see that different capitals, land ownership and structural inequalities enable and hinder access in the privatized rangelands. These multiple and overlapping institutions in the "new commons" is the norm rather than the exception and can be a way for pastoralists to remain adaptive in a highly variable environment (Bollig and Lesorogol 2016).

Another takeaway from this study is that the complex power structures in pastoralist communities should not be ignored. It has led to an unequal allocation of land which, because control over natural resources is deeply intertwined with power (Milgroom and Ribot 2020), has reified inequalities between the pastoralists. Therefore, power is not as fluid as Ribot and Peluso (2009) propose but it is vested in more rigid structures of society. Exaggerating the flexibility that resource users have in terms of access and downplaying the importance of the state-legitimized land allocation can, therefore, neglect some "objective" inequalities existing in the system of access. As the access practices of the Maasai pastoralists to a large extent are tied to their cultural identity, the implications of subdivision on access require further study in different pastoral contexts.

This paper presents policy issues critical in safeguarding sustainable access to land for pastoralists. The ongoing processes in favor of individual property do not address all challenges regarding access to pastures that pastoralists face. Although it secures the land for some, it excludes others. The dynamics presented in this paper illustrate the complex processes of access for pastoralists sharing privatized land.

It is crucial for studies on pastoral access to pay attention to the power structures that enable and hinder access to land for grazing. In the case of Kenya, the structure of the group ranches, which we find have led to unequal allocation of land, is pertinent. This is also highly relevant for the yet intact group ranches. In 2016 the Community Land Act was introduced in Kenya with the objective to protect and recognize communal rights through formalization (Government of Kenya [GOK] 2016), presenting new dynamics for land held communally in Kajiado. Further studies should explore the

power structures shaping its implementation and consequences for access to grazing land.

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