THE LAND WE GRAZE:

A SYNTHESIS OF CASE STUDIES ABOUT HOW PASTORALISTS' ORGANIZATIONS DEFEND THEIR LAND RIGHTS

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A global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue, knowledge sharing and capacity building.

Our Vision

Secure and equitable access to and control over land reduces poverty and contributes to identity, dignity and inclusion.

About the World Initiative for Sustainable Pastoralism

The World Initiative for Sustainable Pastoralism (WISP) is an advocacy and capacity building platform that seeks a greater recognition of the importance of sustainable pastoral development for both poverty reduction and environmental management. WISP is a global network that is designed to empower pastoralists to sustainably manage drylands resources and to demonstrate that their land use and production system is an effective and efficient way of harnessing the natural resources of the world's drylands.

WISP is hosted by IUCN, International Union for Conservation of Nature, and is funded by grants of the Global Environment Facility (GEF) implemented by UNDP, as well as from grants of the International Fund for Agricultural Development (IFAD), the Ford Foundation, ASARECA and NWO. WISP works through partnerships at global, regional and national levels to promote knowledge sharing that leads to policies, legal mechanisms and support systems for sustainable pastoral development. WISP provides the social, economic and environmental arguments for pastoralism to improve perceptions of pastoralism as a viable and sustainable resource management system.

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January 2011

Published by: IUCN ESARO office, Nairobi, Kenya

Citation: IUCN (2011). *The land we graze: A synthesis of case studies about how pastoralists' organizations defend their land rights.* IUCN ESARO office, Nairobi, Kenya. viii + 48pp.

ISBN: 978-2-8317-1344-1

Cover photo: © Orietta

Design and layout: Gordon O. Arara

Available from: IUCN - ESARO Publications Unit, P. O. Box 68200 - 00200,
Nairobi, Kenya;
E-mail: info.esaro@iucn.org

WISP and ILC would like to acknowledge the excellent input of Susette Biber-Klemm who mentored the contributors to this study, facilitated the workshop where the experiences were shared and analysed, and wrote the preliminary draft of this publication.

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FOREWORD

This report is the result of the co-operation of seventeen partners from four continents—all of them engaged in activities to improve the livelihoods of mobile livestock keepers. The organizing question of this collaboration was, how do mobile livestock keepers—i.e. pastoralists—succeed to organize themselves and to defend and secure their land rights.

The project focussed on successes in securing pastoralists' land rights that include, for example, mechanisms to assert and successfully manage common property and techniques for insuring legal recognition of customary management arrangements. Organization of pastoralists to assert their rights has proven to be essential to assert other rights too. The project looked beyond land rights and took the basic right to associate and freely express one's opinion into consideration. The underlying idea is to learn from each country's experiences what are the key ingredients to success in securing pastoralists' resource rights.

The partners—most of them of a pastoralist background themselves—contributed their stories and grass root experiences on how they met the multifaceted challenges the land right issues confront them with. The report analyses and synthesizes these case-studies.

The partners' case-studies provide a wealth of helpful and valuable information and a general picture.

EXECUTIVE SUMMARY

This report, based on 21 case-studies, from 17 countries in four continents, describes how pastoralists successfully defended/asserted their land rights.

The question at the outset was what elements contribute to the success of pastoralists' securing land rights and resources. The goal is to make the knowledge resulting from the case-studies accessible to a broad audience, including those pastoralists and their organizations themselves, involved NGOs, policy-makers and governmental agencies on all levels.

The case-studies include different types of mobile livestock keeping—namely both transhumant and nomadic systems. Most are considered 'typical' pastoralist situations characterised by increasing competition on access to and use of resources; marginalization because of invisibility, prejudges and misunderstandings; and insecurity because of political and economic changes.

BACKGROUND

Pastoralist land use and the entailing property and use rights are highly complex. They consist of an assemblage of different rights regarding access, management and control each encompassing different aspects of 'property'. 'Access' includes the right to withdrawal, i.e. the right to use the land as a pasture; 'management' means the right to decide about the use made and to make improvements; 'control' in turn would include the right to decide about who may use the resource; but also absolute property as such. Accordingly, different rights on the same piece of land can be vested in different communities.

This leads to a complex set of overlapping rights that are continuously contested and renegotiated' (Scoones, 1995). The system is based on mutual trust and reciprocity and mediated through culture-specific institutional mechanisms and formal negotiations (Aredo, 2004).

Formal laws do not necessarily capture the nuances of such agreements. Formalization of pastoralist land use brings the focus on conflict resolution mechanisms and strong institutional mechanisms to deal with these (Scoones, 1995).

ANALYSIS OF CASE–STUDIES

SITUATION OF PASTORALISTS

In a great number of the case-study countries, relevant policy and legal changes have taken place in the last decades. The rise of modern nation states in Central Asia and Africa brought about new legal orders, together with a liberal doctrine that promotes privatization and commodification of land. The emergence of the global trading system, combined with demographic growth increased the demand in animal products (often referred to as livestock revolution), which influences decisions on priorities in the production systems.

In the majority of post-colonialist countries, pastures are in the ownership of the central state and subsequent organization depends on the policy of the state. Competition for access to and use of resources (land and water primarily) is one of the leitmotivs in the description of the pastoralist situation. Competition exists not only with sedentary farming, but also with industrial land uses, urbanization, tourism and nature conservation as well as land-grabbing for the sake of investment.

Another theme among the case-studies is reform—the processes that have taken place in all but the two European countries in the second half of the last century and in particular in the last twenty years. In many cases the processes included land reforms. As a rule they led to an improvement of the legal position of the population. Laws, in most cases, regulate institutional aspects—either as structures for their implementation and/or institutions for conflict resolutions. Problems arise due to the bad or non-implementation of the laws, in particular by decentralized bodies.

Mobile livestock keepers as a rule are in a politically and legally weak position. Their low visibility, and a lack of information on their rights, make lobbying and defence of their land rights difficult. In this context, no fundamental difference between transhumant and nomadic systems could be observed.

ELEMENTS OF SUCCESS

Pastoralists, due to their way of life and their traditions, are caught in a vicious cycle of marginalization, discrimination and loss of identity and confidence (Cameroon– CARPA). Yet, the basic message of the case-studies is that success can be attained.

A series of basic steps foster the process, namely awareness of the situation and of the rights and duties, organization and network building, visibility and participation in decision-making bodies.

Most case-studies contain descriptions of situation-specific awareness and capacity building as a precondition for informed and efficient action. Capacity building has various facets. It addresses the pastoralists themselves building awareness of rights and options of action, confidence and learning conflict resolution processes. It also needs to encompass the entire range of external stakeholders involved in the situation and to reach policy-makers and society as a whole. The last point entails information for and from the public, a communication strategy and participation in political and decision-making processes. It highlights the need for access to information, literacy and education. And it calls for the support and backing of gifted members by the pastoral community.

Another basic condition necessary for pastoralists to assert their land rights is to get organized. Pastoralists' organization may be based on empowering and reinforcing existing structures, or on creating new structures. Leadership to assure the sustainability of any such action is essential, as are internal equity, solidarity and fairness. The formalization of the organization is essential for being recognized by the state. It eases co-operation with governmental agencies and other organizations and helps build up networks to help with economic and technical support.

ACTIONS

The studies describe various methods for making legal claims and asserting rights that include negotiation/mediation to resolve resource competition; the initiation of administrative or court procedures in cases of corrupt or non-implementation of law; networking and lobbying to foster changes in legislation; and political demonstrations to raise awareness on deficiencies in policy, legislation and administration.

The type of action chosen depends on the given situation and the culture and traditions of the concerned communities. A careful assessment of the situation before deciding on the steps to be taken has proven to be essential.

Knowledge of the legal situation, encompassing rights, institutions and procedures of both, customary and formal law, was important, particularly in the cases of integrating customary rights and formal state institutions. Key elements here are the inclusion of all stakeholders and opinion leaders, and the effective use of state institutions and procedures to formalize the results of the process.

Regarding court cases, it is essential to have professional legal counsel that is unbiased and motivated. It may be necessary to take the case to higher courts that provide more objective jurisdiction than local legal frameworks. Networks can often help to find financial means for competent legal counsel.

The examples further show that legislation and implementation of law must not be a one-way, top-down processes. In order to integrate pastoral interests, several preconditions must be fulfilled; formal and customary norms, government and pastoralists' institutions should be mutually interdependent, representation of pastoralists in the institutions and processes is needed, and knowledge of the law and political and legal processes. Furthermore, it is important to have members or descendants of pastoralists sitting in legislative and administrative bodies.

Land Rights in the Pastoral Context

INTRODUCTION

BACKGROUND AND GOAL OF THE STUDY

The issues of pastoralists' organization to secure and assert legitimate claims and the right to self-organize were put forward as key concerns of pastoralists at the First Global Pastoralist Gathering in Turmi, Ethiopia in 2005. The World Initiative for Sustainable Pastoralism (WISP) has adopted them as thematic foci. These two issues are closely inter-related.

WISP is an advocacy and capacity building project that seeks greater recognition of the importance of sustainable pastoral development for both poverty reduction and environmental management. Such knowledge management implies more than just analysing facts; it is about collecting knowledge and making good use of it to influence decisions and to precipitate change. Knowledge management therefore implies advocacy and policy dialogue, based on strong factual arguments and experiences.

Given the fact that descriptions and analysis exist on mobile herders' difficulties in securing their land rights, this project aimed to gather and compile a series of case-studies in which pastoralists succeeded in establishing the rights to access, manage and secure their land.

METHOD

This report is based on case-studies contributed by international partners and the results of the partners' deliberations at a workshop. Partners from 17 countries in Africa, Asia, Europe and Latin America prepared case-studies describing how pastoralists' organizations succeeded to assert their land rights.

The gist of the studies was to describe a situation where pastoralists successfully secured their rights to access, manage and control land or land use, considering the following key questions:

1. What was the situation regarding pastoral resource rights prior to this success story—what problems were faced, or what other successes had been achieved?
2. What specific changes (in policy or practice, for example) created the space for success to be achieved?
3. What was the process of organization of pastoralists: who was involved, who had what responsibility and which agents started the process?
4. What were the legal and advocacy processes through which pastoralists made or defended their claim to resources?
5. What legal mechanisms through which rights have been upheld/formalized?

In a workshop the partners elaborated on the priorities and criteria for the analysis in a collaborative process. They concluded that land rights were composed of the following key elements: access to land, control over the land and management of the resources. Accordingly, the partners proposed criteria for the analysis of the case-studies at the March 2008 workshop in Arusha (see Annex II, Workshop Report from Organization of Pastoralists to Defend their Land Rights Arusha: 10th – 15th of March 2008).

One set of criteria is related to the analysis of the situation, and focus on resource rights. The following questions were considered relevant in this context. Are there specific rules, conditions and formalities to define access to the resources? Who is making management decisions about the resources and are pastoralists in a position to take decisions according to their priorities? Who has control over the land and over the rights for its use? Are there commonalities among the cases regarding policies regarding pastoralists' land use and conflicts with which they are confronted?

Analysis of the solutions found the following important questions. How did pastoralists organize to defend their rights; and what alliances with other stakeholders were useful? How did pastoralists succeed in participating in policy-making and legislation on all levels? What are successful mechanisms for demarcation and registration of land?

These points will be taken up in the analysis of the case-studies. The synthesis has two main parts: the analysis of the pastoralist situation and a description of commonalities and differences; and the study of the solutions revealed in the case-studies.

CONCEPTS AND SPECIFICS OF PASTORAL LAND TENURE

INTRODUCTION

Pastoralist land tenure—whether in transhumant or in nomadic systems—has specific characteristics. In order to understand the challenges encountered by pastoralist communities to assert their rights to land, some background knowledge is helpful. Therefore here, in a theoretical approach some relevant specifics of pastoral land tenure are presented and then illustrated with examples from the case-studies.

PASTORAL SITUATION

Pastoralism is practiced in over 100 countries worldwide by an estimated 100–200 million people. Pastoral systems are highly heterogeneous, but they have one outstanding commonality: mobility of livestock as an adaptive tool to the ecological conditions in which they reside. In arid and semi-arid regions as well as in mountainous regions, livestock mobility is the foundation of the pastoral system because it enables livestock to graze the diffuse and scattered vegetation of the regions' rangelands, or to take refuge to more favourable sites during droughts.

Although pastoral systems around the world share many characteristics, they also have important differences and there is no clear consensus on the definition itself. A useful description of pastoralism refers to its most characteristic features: a) the dependency on herbivorous livestock to generate food and income and b) the mobility of livestock.

The dependency on herbivorous livestock as a source of food production stems from the circumstance that agricultural farming is often not feasible nor sustainable in the rangelands, and thus herbivores remain the best means of transforming pasture and browse forage into food.

Mobility describes the greatest subset of pastoralism. The central management strategy of mobile pastoralism is herd mobility—mostly on common property. Mobile pastoralism is an adaptation to extremes in terms of climatic seasonality, risk and uncertainty, and it provides an efficient way of managing the sparse vegetation and relatively low fertility of dryland soils or mountain ecosystems. Cold highland regions are similarly well suited to livestock production as in the cold steppe of Central Asia and Western China, or the South American Andes, where temperatures frequently drop below -30°C and where severe droughts and catastrophic snow-storms occur with regularity.

There are many types and degrees of pastoral mobility. One distinction between transhumant and nomadic pastoralism is that transhumant pastoralism is highly regular, following a seasonal pattern, using clearly demarcated corridors between well-defined pasture areas that have been fixed for centuries. Transhumant pastoralists have often a permanent homestead, where the older members and the younger children remain throughout the year. The so-called 'vertical movement' is the specific form of transhumance occurring in mountain regions. In fact, different types of, or reasons for, transhumance can be found, including movements towards resources (e.g. water, pasture and salt), movements away from risks (e.g. seasonal diseases or flooding) and movement for economic motives (such as to seek milk markets) (Aredo, 2004).

Nomadic Pastoralism is characterised by high mobility and often irregular movement of people and livestock. In general nomadic pastoralists follow established migration routes that have developed in response to their knowledge of pasture, rainfall, disease, market access, national boundaries and political situations. However, erratic rainfall and dynamic external conditions require flexibility, which often leads nomadic pastoralists to follow different migration routes (Biber-Klemm & Rass 2008; Aredo, 2004).

RIGHTS TO LAND

BASIC CONCEPTS

The term 'rights to land' may be understood in a variety of ways. In the analysis of the case-studies, 'right to land' may be linked to the term 'land tenure' or associated with the concept of property.

The term land tenure originally was used to describe the relationship between tenant and proprietor of land. Land tenure systems regulate the terms and conditions on which natural resources are held (by the proprietor) and used (by the tenant) (Bruce, 1986). The concept of land tenure is thus closely linked to the concept of property.

In this context, 'property' means not only the ownership of an object such as land, but can include rights to various benefits flowing from a property. The ancient 'bundle of rights' metaphor might help to illustrate this fact. Ostrom and Schlager (1996) differentiate among five classes of such rights:

1) the right of access to a resource, i.e. the right to enter a defined physical area and enjoy non-subtractive benefits, as, for instance, at a spiritual place;

2) the right to withdrawal, i.e. the right to obtain 'products of a resource', according to set rules, such as fodder for livestock or use of land as a pasture;

3) the right of management that authorizes the holder to regulate internal use patterns and transform the resource by making improvements, as in a council of elders deciding on pasture use;

4) the right to exclusion, i.e. to manage the resource by determining who will have right of access or to obtain products of the resource; and

5) the right of alienation, i.e. the right to sell or lease the right to management and/or the right to exclude others, which corresponds to the concept of private property.

To compare these 'layers' of property rights with the aforementioned criteria for analysis regarding access, management and control, the following correlations emerge. In access the right to withdrawal, i.e. the right to use the land as a pasture is included; management means the right to decide about the use made and to make improvements; control includes the right to decide about who may use the resource but also implies property ownership.

'Property' is by no means a uniform right. The scope of the right is adapted to the social needs and the political decisions of a constituency. In many contemporary states, a plurality of property ideologies, systems and legal institutions exist. Such plurality has its roots in different sources of authority and/or legitimacy, such as local or traditional law, official state legal systems, international and transnational law and religious systems. As a consequence, different property structures may exist simultaneously (Von Benda-Beckman et al., 2006). This is a well-known phenomenon in pastoralist situations.

Another important point is—as Ostrom and Schlager (1996) point out—that rights are always the product of rules. For every right, rules exist that authorize or require particular actions in exercising that right. These rules don't need to be formalized; they may also be embedded in the society as customary norms. Yet, an important fact is that if one individual has a right, someone else has a commensurate duty to observe that right. This means that rights are only as secure as the duty of all others to respect them, and as this obligation is effectively implemented (Bromley & Cernea, 1989).

SPECIFICS OF PASTORALIST LAND TENURE

There are manifold variations of 'property' as a concept that are closely related to social, economic and ecological processes, and to the perception of land, its productivity and use. The complexities of the concept and their close relation to land tenure arrangements are particularly obvious in pastoralist land tenure, especially in nomadic systems.

Over centuries pastoralists have developed elaborate systems of customary resource management to enable them to manage the heterogeneity of their resource base. Such management systems are adapted to the specific features of pastoralist resources such as their fluctuating availability, uncertainty based on external influences like meteorological conditions, armed conflicts, demographic changes such as immigration and emigration, and risks such as animal diseases and natural disasters.

A key feature of nomadic pastoralist land-use—as is well researched in Africa (Scoones, I. ed., 1996)—is the management of extensive areas of rangelands in a mosaic of co-existing and overlapping claims to resources.

In Africa, bundles of rights and duties as referred to above, are disaggregated by the type of resource (grass, trees, water), how the resources are utilized, who uses the resources (individuals, families, primary and secondary right-holders or temporary users, men, women), the season of use and the nature and strength of rights and duties (exclusive, shared, permanent, temporary rights etc.) (Cousins, 2000 in Aredo 2004). Niamir-Fuller (1994) distinguishes between different types of territorial units when describing multiple rights to resources: 1) the customary territory, belonging to the tribe; 2) flexibly defined annual grazing areas within the territory with priority use by several clans, sections or sub-sections; 3) dry season bases where a specific group is the primary user and other are secondary or tertiary users; 4) key sites within the dry season base; 5) Group or individual resource/areas, such as trees, where a household or group of households are primary users (cited in Aredo, 2004).

Aredo (2004), in citing Scoones (1994), speaks of 'fuzzy access rights', which are characterised by multiple flexible rights and overlapping claims that are partial and asymmetric. In customary tenure systems, shared and overlapping tenure rights are operated in settings where maintaining strict boundaries is usually untenable (Scoones, 1995). Flexible boundaries may be clearly demarcated, yet remain flexible to allow groups to access resources during times of hardship.

This leads to a high degree of complexity of the property and use rights. Scoones (1995) speaks of a 'complex set of overlapping rights that are continuously contested and renegotiated'. Accordingly, the entire system is based on mutual trust and reciprocity, mediated through culture-specific institutional mechanisms and through formal negotiations (Aredo, 2004).

Because formal laws rarely capture this level of flexibility, it is important for actors to focus on conflict resolution mechanisms, such as mediation and arbitration, and strong institutional mechanisms to deal with these (Scoones, 1995).

As Ostrom and Schlager (1996) put it, such 'systems of property rights and rules defined, implemented, monitored and enforced by resource users are likely to perform better than systems of property rights and rules defined, implemented and enforced by and external authority. …Not only are the rules well matched to the physical environment, but they are also well matched to the social and cultural environment of the resource users.'

Overview of the Pastoralist Situation—21 case–studies from 17 countries

CASE–STUDIES: THE SITUATION IN GENERAL

The following sections are based solely on the case-studies—no additional sources have been consulted or integrated. The goal is to reflect the reported experiences and to closely follow the arguments and analysis of the authors.

TYPES OF PASTORALISM

The study is based on a broad concept of pastoralism, including both transhumant and nomadic systems. To some degree, also mixed systems of agro-pastoralism are described, which can be understood as activities such as crop cultivation and livestock production that generate income. However, transhumance usually remains a central management strategy, albeit often over shorter distances.

TRANSHUMANCE

Transhumant systems, which involve the movement from wintering areas in the valleys to summer quarters in the mountain areas, are described in the case-studies of Switzerland, France, Pakistan, Argentina, India–Van Gujjars, Nepal, Kyrgyzstan and Kazakhstan. In some cases the migration takes place from the coast to the inland (France, and in historic times, Bulgaria). In most cases, the herders have their main quarters in the valleys. However, there are examples (Italy and France) where the main living centre is in the mountains and people move down to the coast in winter. The Bulgarian Karakachans do not have any fixed homestead at all.

Different situations of transhumant pastoralism are described in the case-studies. There are traditional or 'archaic' transhumant systems where vertical transhumance from valleys to mountain pastures seems to be firmly established and practiced (Switzerland, Nepal and partly France). However, in some transhumant systems, the migration of the herds faces problems due to blocked routes. In France and Argentina for example, the migration routes are increasingly blocked or contested by competing land uses (farming, urbanization and large-scale landed property). In other cases, migration has been blocked by shifting borders and/or political controversies (Bulgaria and in part Central Asia).

The Bulgarian government's policy of pastoralists' settlement and centralization of livestock management, accompanied by pooling the means of production (expropriation of animals) destroyed the traditional socio-professional structures of Karakachans in Bulgaria.

In other cases the presence of transhumant pastoralists and their rights to the pastures is contested, as for instance the rights to pasture use of the Gujars in Pakistan (in competition with the former feudal landowner), and of the Van Gujjars in Northern India (in competition with the creation of a national park).

In the Central Asian states, the planned economy had transformed the formerly nomadic lifestyle into a transhumant system that was heavily subsidised and backed by technical means (transportation, infrastructure and fertiliser). This transhumance is at present taking place only to a small extent, due in part to reasons such as lacking economic means to invest in infrastructure and transportation, privatization of livestock and pastures (Kazakhstan).

NOMADIC

Several studies describe nomadic situations, mainly in the arid and semi-arid areas of Africa (Burkina-Faso, Cameroon, Ethiopia, Niger and Uganda) and Western India (Gujarat). Most of the described situations face severe problems, due to increasing pressure on pastoralists and pastureland from various causes. An important factor is the state policy of sedentarization. In Central Asia (Kyrgyzstan), for instance the state policy of sedentarization, in combination with the reorganization of the production systems, transformed the formerly nomadic system into transhumant pastoralism. In recent times, these strategies have been reinforced by the promotion of agricultural production under the label of providing for food security (Niger) and/or production for export markets (e.g. cotton in Burkina-Faso and tea in Cameroon). Further, initiatives for industrialization in combination with the promotion of agricultural production led to a break-down of the common pool resources in parts of India.

Reduction of the pastoral areas is a common feature among the case-studies. There are external factors that cannot easily be influenced, such as demographic changes like increasing population, which is often reinforced by immigration. This leads to increased use of land for agriculture (Burkina Faso). This trend can be intensified by decreasing soil fertility due to unsustainable agricultural practices in extensive production systems, which leads to a higher demand for land to achieve a constant level of production (Cameroon) and by increasing livestock numbers, as surplus income from agricultural production is invested in livestock. Another factor beyond the control of pastoralists is climate change, such as the severe reduction of rainfalls and the decrease of important resources like water and feed (Burkina Faso). Development projects, such as irrigation of farmland (Burkina Faso), the promotion of alternate resources use such as fishing (Cameroon), the development of industrial projects that compete for land and water resources (Kenya–Kitengela and India) or the development of water resources that lead to enclosure of pastures (Ethiopia). Conservation efforts are another important factor (wildlife, forests) (Kenya–Kitengela, India–Van Gujjars and Pakistan).

POLITICAL AND LEGAL SITUATION AND RECENT CHANGES

GENERAL

In many of the countries, important changes have taken place in the last decades, particularly among the countries of the former Soviet Union, which changed from communism to capitalism and largely from a planned economy and state administration to a more liberal system. The rise of modern nation States in Central Asia and also in Africa brought about new legal orders with a liberal doctrine that promotes the privatization and commodification of land.

The emergence of a global trading system, combined with demographic growth, increased the demand in animal products (often referred to as the livestock revolution), which influences priorities within the production systems. In combination with aspects of food security, this can lead to state policies promoting sedentary, more intensive farming.

These processes will be analysed under different aspects of relevance for pastoral land tenure: common features of the pastoralist land rights, changes in the political and legal background and commonalities and differences in the present legal and institutional situation.

SYSTEMS OF PASTORAL LAND RIGHTS

Different systems of pastoral land rights are described in the case-studies. They range from private property to various types of communally held property; from formalized rights to customary rights; and from state property to property rights of individuals.

After decolonization, most countries considered rangelands to be state property. Accordingly, the state has the authority to decide about the system of property rights.

As previously differentiated, the 'layers' of property include the rights of access, the right to use, the right of management or control and dispose. All these types of property appear in the case-studies. In the case-studies, the scope of the rights vested in communities or individuals was not always clear. In particular it remained open whether the rights also encompass the right to dispose of the property. Yet, according to the case-studies of Kitengela, Kenya and Marag, India, the communities have the right to dispose of common lands (after subdivision of land in Kenya) including selling the land to non-pastoral users.

Additionally, an important distinction must be made between rights that are vested in individuals and rights vested in communities. Systems of communally held land are described in many of the case-studies. In some cases, the rights to manage are vested in political communities or tribes. In Nepal, for example, the communities have the right to use and manage the state land. The same is true for the grasslands surrounding the communes in Kyrgyzstan and Kazakhstan. In these three cases the land remains in common use. In India the political communes are the owners of the communal land. They not only have the right to use and to manage, but also to sell parcels to private parties. Non-communal land is in state ownership; the state is seemingly following a policy to distribute and privatize land in the interest of landless farmers (India—MARAG).

In several African countries legal instruments that formalize systems of common property exist. In Ethiopia, for instance, communal rural land holdings can be given as property under the condition that there is a tribe-based communal landholding system in place (Proclamation No 456 Article 40, Sub Article 5). Similarly, in Uganda, customary rights to land can be formalized by registration of the respective communities as 'Communal Land Associations' (Uganda Land Act 1998, Sect. 16 (133)). In Kenya, specified areas are designated as 'Trust Land', which is a common property land tenure system whereby land is managed on behalf of people and by local governing authorities (Native Land Act 1904). Trust Lands are areas that were once occupied by 'natives' during the colonial period and which were not adjudicated, consolidated or registered by individuals or groups, and not taken over by the government. In Samburu, Kenya, for instance, tracts of land are allocated to groups.

Whereas in the above examples, customary rules are—at least to some extent—integrated in the formal legislation, there are examples where the customary use of State land by pastoralists is not formally recognized. In Argentina, the transhumant pastoralists have since time immemorial used land that is now state held land. As in the group of livestock producers, they are a small minority no formal regulation and no explicit recognition of their customary rights exist.

Systems of privately held pastures are traditional in European systems described. Owners are either individuals (France and in part Switzerland) or pasture-user societies. These societies define the management and use of the pastures, which means private or public property is managed and controlled either individually or communally. Private property pastures can be sold, but due to the land-use planning system, only for agricultural uses.

With the tendency of liberalization and privatization of land use, and state policies fostering mobile herders becoming sedentary, systems of private property either individual or in the community, are introduced. In the case of the ranching system in Kenya, subdivision of the land of the group ranch is possible (Kenya–Kitengela). In Cameroon, two schemes exist that allow the herders to acquire land titles either over land their families traditionally used, or by improving unoccupied or unexploited national lands (Cameroon–MBOSCUDA).

In some cases, systems of individual rights to access and use were introduced. This is described for the Central Asian States and in the Tibet Autonomous Region (AR) of China. In Kyrgyzstan and in Kazakhstan, individual herders can rent pastures for a certain time. In Kazakhstan there exists also the option to buy pastures, albeit, in order to prevent land grabbing, the maximum size is limited. In China, there is a process of legally contractual lease of all rangelands to households.

Corridors for livestock movement are in all cases specific issues; frequently they are on STATE owned land—with the known problems of encroachment, and blockages by private (agriculture) and public users (nature reserves). In Switzerland, the pathways are either in public property (political commune), or in the property of the pastoral association. In France, the corridors called *drailles* are privately owned, but the rights to passage are secured by a historic public servitude.

CHANGES IN THE POLITICAL AND LEGAL BACKGROUND, AND IN THE INSTITUTIONAL SETTING

Some of the important changes that have occurred within the last decades in several regions have led to land reforms that have been undertaken in many places—and in most case-study countries—in a more or less recent past, or are still ongoing. Exceptions are the two European cases—Switzerland and France—where similar processes occurred historically.

Colonization and de-colonization had a significant impact on pastoral land tenure. In the majority of cases, rangelands used by decolonized pastoralists were state held property (Argentina, China, Ethiopia, Uganda, Niger, Kyrgyzstan, Kazakhstan, Nepal and India).

Important changes took place in the 1990s, as characterised by the independence of Soviet states, China's changing communist system and constitutional reforms in many African states. These political changes also have an effect on pastoralists land rights.

AFRICA

In many African states, the emergence of modern nation states had a profound impact on pastoral areas, particularly legislative changes in property and free movement. Guarantees of basic human rights, civic and political freedoms (including the freedom of association), and the right of liberty of opinion were included. This set multi-party politics in motion (Cameroon and Ethiopia), and made the creation of associations and organizations to support rural development possible. In several states, pastoralists' organizations were then created (Cameroon, Uganda and Kenya).

Land reforms led to new legislation. In Ethiopia, the 2005 land administrative law granted states pastoralists' the right to free land for grazing and cultivation as well as the right not to be dispossessed from their land. In Niger all existing legislation regarding rural areas was integrated into a ' Rural Code' that formally secured traditional pathways and recognized several important pastoral rights such as the rights to free access to the natural resources.

Yet, in some cases the new administrative structures weakened the position of traditional leaders and led to the erosion of customary rangeland management systems and institutions (Ethiopia), and/or they did not succeed in creating strong alternate institutions that are necessary to manage pastoral land rights.

POST–COMMUNIST COUNTRIES AND CHINA

In the post-communist countries of Eastern Europe and Central Asia, political and agrarian reforms were initiated after independence. After years of Kolchos and Sovchoz system under the planned economy, they undertook to restructure the agrarian sector and the system of land ownership.

In Kazakhstan and Kyrgyzstan, independence led to constitutional and agricultural reforms and profound changes in land rights. For instance, Kazakhstan's 1995 constitution guaranteed private ownership. The former state farms were converted into private farms. Land Code and the law on agricultural Partnerships and their Associations made co-operative management models and associations possible (similar in Kyrgyzstan). The Farmers Foundation of Kazakhstan was registered in 1996.

The history of the Karakachans of the Balkan Peninsula illustrates the changing fortune of a pastoral tribe caused by political changes and, in particular, changes caused by the creation of new nations and new boundaries. Only in post-communist times guarantees of Human Rights such as freedom of religion, press, and association made the creation of a Culture-educative association of Karakachans in Bulgaria possible (registered 1995), and the Agrarian Reform allowed acquisition of farmland.

In China, land reforms were a consequence of the so-called democracy reformation in the late 1950s. Then all land formerly owned by tribes, nobles and monasteries was nationalized (Tibet AR). At a later stage, since the beginning of the 1980, processes of liberalization were initiated in agriculture too. In a first step, ownership of livestock was privatized. As there was no longer any common responsibility regarding stock density, everybody increased the number of livestock. This led to the 'tragedy of the commons', i.e. the number of animals increased and the grazing land degraded (Tibet AR). In a second step, a system to lease rangelands to individual households or contractual units was initiated, which led to the impoverishment of some members of the community in the case-study area.

LEGAL SOURCES AND RELEVANT INSTITUTIONS

Plurality of property ideologies, systems and legal institutions has its roots in different sources of authority and/or legitimacy. As a consequence, different property systems may exist simultaneously (Von Benda-Beckman et al., 2006). This is a well-known phenomenon in pastoralist situations where customary rights play an important role. Yet, it is difficult to capture in formal law the complexities of this customary system of overlapping and 'fuzzy rights' and duties and to provide for the flexibility needed. This implies the existence of strong institutions and effective mechanisms for negotiation, mediation and arbitration (Scones, 1995; Von Benda-Beckman et al., 2006). Therefore, the questions here are what type and level of laws take account of pastoralist land use and if customary rights have been integrated into formal law, what institutions are charged with its implementation.

The types of formal legislation on pastoral issues mentioned in the case-studies are described, examples of integration of customary and formal legislation are taken up and examples of institutions in pastoral communities and state administration are presented below.

LAND REFORMS AND TYPE OF LAWS

In most African countries constitutional reforms have taken place that generally contain human rights guarantees and norms regarding land use and pastoral organization. Uganda's constitution states that all land is vested in citizens and owned according to the four legally defined property systems. Cameroon's constitution guarantees rights to property and to free movement. Ethiopia's constitution contains a state obligation to administer land legally.

The constitutional rules are substantiated in laws such as Niger's Land Code (Rural Code of 1993), which assembles all formerly valid legislation on rural affairs and defines basic principles. Ethiopia enacted a land administration law (2005) that confirms the right to land for grazing and cultivation for pastoralists and their right not to be disposed from the land. It defines grazing lands as communal lands not to be owned by individuals. Cameroon issued a series of decrees governing land tenure and management, one specifically governing mobile herders practicing traditional grazing methods. Burkina Faso has a 'Loi d'orientation relative au pastoralisme burkinabé' (basic law on pastoralism of Burkina-Faso).

CO–EXISTENCE OF DIFFERENT SYSTEMS OF LAW

In the case-studies there are several examples of integration of customary norms into property right systems. One establishes different types of land ownership and use, as is the case in Kenya and Uganda. In the Kenyan legal system, three types of land ownership exist: the ranching system, private property and the so-called Trust Land that largely encompasses pastoralists' land. Trust Lands are allocated to groups (often indigenous) and consist of land that was occupied by 'natives' during the colonial period, and was later not adjudicated, consolidated or registered by individuals or groups, and not taken over by the government. It is a common property land tenure system whereby land is managed on behalf of people and is vested under local governing authorities in the form of District Councils. Each person owns land, but communally, and in theory, no one can be dispossessed of land (Kenya–Samburu). The Ugandan Land Act differentiates between four tenure systems, one of them being customary tenure that provides for the possibility of communal ownership and use of land.

Another approach is to formalize essential elements of a traditional system such as rights to access resources. Examples are found in India where rights to access harvested fields have been formalized. In Cameroon, customary land rights have been asserted through an award of the court that judged the appropriation of land customarily used by pastoralists as illegitimate (Cameroon–MBOSCUDA).

INSTITUTIONS

To a varying degree legal bodies integrate traditional institutions and mechanisms for management, mediation and conflict resolution. Sometimes pastoralists are integrated into decision-making bodies (Niger, Cameroon) or traditional methods of conflict management are institutionalized (Cameroon).

In Uganda, communal land associations can be created in order to formalize customary land use, ownership and management. The traditional leaders are organized in the 'age sets' of 'Mountains' (Ngimor), 'Gazelles' (Ngigetei) and 'Rats' (Ngidooi), which are represented in the communal land associations. These three categories represent the traditional policy makers and implementers in the Karamoja region.

An agro-pastoral commission, on the level of subdivision, has been composed in Cameroon; 10 members representing all interested parties are responsible for the allocation of rural areas to the different users (farming and livestock keeping). It defines terms and conditions for using mixed farming areas, including access to harvested fields, and is responsible for settling farmer-grazier disputes (Cameroon–MBOSCUDA and CARPA). In Ethiopia, a mapping project integrated the knowledge of the traditional leaders and succeeded in giving them a respected position in the local land administration.

ISSUES

Various incidences of competition and conflicts regarding access to resources are summarized, the topic of discrimination and marginalization is taken up and problems resulting from legal aspects, such as legislation and the implementation of the laws, are explored.

COMPETITION AND CONFLICTS REGARDING ACCESS TO RESOURCES

Competition and conflicts regarding access to resources are a leitmotif throughout the case-studies. On the one hand they are caused by competition over access to the natural resources—for instance with sedentary farming, or with conservation activities.

Also, increasing demand for land resources by the growing urbanized centres and by industrial users, or acquisition of the 'commodity land' as an investment lead to conflicts.

RESOURCE COMPETITION

Competition and conflicts over access to resources and resource use is a widespread issue among pastoralists. Various causes for resource competition and conflicts are given in the case-studies. There are both conflicts with the state—frequently because of its policy for conservation of natural resources and conflicts with other land users.

In several cases, competition with nature and biodiversity conservation is described. Pastoralists are sometimes excluded either from their traditional grazing areas or from the pathways by the creation and delimitation of forest reservations (Burkina Faso and India) for wildlife reserves (Kenya and Pakistan) by states. In the case of reservations of wildlife the gist is to avoid livestock-wildlife or wildlife-human conflicts (Kenya) or the prevention of disturbance of wildlife or illicit hunting in the trophy hunting reservations (Pakistan). In the case of forest reservations, particularly in India, there is anxiety that pastoralists overuse the resource.

Competition with other users may be due to industrial uses (India), such as mining, irrigated agriculture (Burkina Faso), and/or intensified agricultural utilization of dry-season grasslands; or (illegal) expansion of cash crops (Cameroon–MBOSCUDA). Further, access to pathways (Burkina Faso, Cameroon) and other strategic resources (Ethiopia, Kenya, Burkina Faso, Cameroon) is frequently blocked by encroachment or fencing for agricultural uses as well as for other uses. Problems exist also in Switzerland and France, where traditional pathways are blocked by infrastructure (motorways, railway tracks, urbanization). In Cameroon, for instance, channels constructed by fishermen leading through the grassland block the passage of the herders.

A series of general, external reasons may contribute to the scarcity of the resources and competition for access. One reason given is climatic conditions such as in Burkina Faso, where subsequent periods of low rainfall led to a decrease in water resources and reduction of productivity of the grazing area. This is combined with demographic developments including an increase in population, in some cases reinforced by non-organized immigration from conflict areas from neighbouring countries, and increasing numbers of livestock that is often used as an investment of economic gains (Burkina Faso, Cameroon–CARPA). The pressure is often amplified by the reduction of soil fertility by unsustainable, extensive agricultural practices as farmers increase the size of their fields to compensate for decreasing fertility (Cameroon–CARPA). The tendency might be reinforced by state policies that foster agricultural production to increase exportation or to decrease importation, and/or by a general policy to foster industrial production (cotton in Burkina Faso; tea in Cameroon, Uganda and Kenya; mining Industries in India).

LAND GRABBING AND URBANIZATION

Land-grabbing also causes fragmentation, deterioration and reduction of pastureland. Land-grabbing can be described as the purchase of pastoralist grasslands by powerful 'elites' to serve individual interests—and/or eviction of pastoralists from their traditional grasslands. In addition to the reduction of the pastoral area, this may lead to misuse of the pastoral land, as the elites are not accountable to customary institutions. In several cases, land-grabbing appears to be closely linked to urbanization and industrialization (Kenya–Kitengela and Samburu and India–MARAG) or to intensification of agriculture (Niger).

Disregard for pastoralists' customary rights and/or abuse of power positions appear as background mechanisms. This seems to be more frequently the case among lower level powers that decide about land use (a *gram panchayat* in India or a County Council in Kenya). It is also a consequence of pastoralists being marginalized, for instance due to their non-consideration in decision-making processes. For example, in Samburu, Kenya, in large portions of land covering urban, peri-urban and rural areas near Isiolo town, pastoralists who have customary access and use rights, but no legal documents, are considered to be 'squatters' by the County Council. In other cases, 'vacant plots' were sold by national (Uganda), or regional (Kenyan County Councils) government agencies,

without participation of the concerned pastoralists. There are examples of illegal eviction of pastoralists by 'land grabbers' (Cameroon–MBOSCUDA,Kenya–Samburu and Argentina). Yet, wealthy pastoralists grab land to the detriment of poor pastoralists (Kenya–Kitengela).

DISCRIMINATION, MARGINALIZATION

Pastoral communities frequently belong to a marginalized group of society. In some cases marginalization comes with changing state economies (India). In other cases, it has a historic precedent. Yet, discrimination and marginalization also occur within the pastoralists groups.

PASTORALISTS AS MARGINALIZED GROUPS

Pastoralists are in various cases reported as being marginalized by society. Several types of marginalization can be distinguished:

- Pastoralists belonging to a specific tribe since ancient times, e.g. the Karachans of the Balkan Peninsula; the Van Gujjars in Northern India; the Gujars in Pakistan; and the Maldharis in Gujarat in the west coast of India.

- Others, like the Mbororo in Cameroon, migrated into Cameroon in 1905, when all other tribes had settled on defined pieces of land. They were recognized by the colonial masters as Cameroonians; yet by their farming neighbours they were considered as strangers who should not own land (Cameroon–MBOSCUDA).

- In other cases the area where pastoralist tribes live was marginalized on the political and economic front already in colonial times, e.g. the Karamoja in Uganda.

Marginalization can be the consequence of state policy that aims at sedentarization of mobile herders and prioritizes agricultural production and/or increasing conservation areas, or by government agencies that privilege other seemingly more lucrative land uses (India, Uganda, Argentina).

In the Indian case-study it is argued that, as the customary use of resources is not recognized, pastoralists are not considered to be stakeholders in questions regarding land and resource rights. As the migrant pastoralists do not actively participate in village politics, they are not given priority when it comes to the use of common lands (India–MARAG).

Similarly the case-study from Burkina-Faso concludes that pastoral communities are the most vulnerable in rural society, being absent and/or barely organized and not represented in the institutions making decisions regarding development. Also, given the necessity to find feed for their livestock, pastoralists always settle outside agglomerations and agricultural areas, which leads to exclusion, as their camps are not accessible during certain periods of the year.

Marginalization makes securing land rights even more difficult. Pastoralists are caught in a vicious cycle that is in part the consequence of their traditional lifestyle. Marginalization leads to loss of pastoralists' identity and to insecurity (Cameroon–MBOSCUDA and India–MARAG). Combined with the lack of access to education and information, such marginalization leads to a diminished capacity to advocate for rights. Further, as the customary land rights are not recognized, pastoralists are not included as stakeholders

in decision-making processes regarding utilization of land, which leads to further marginalization, the diminution of grazing land and increasing insecurity. The Cameroon–CARPA case-study argues that 'pastoral rights are frequently threatened by other resource users and by the authorities.' Pastoralists have no means to defend themselves in legal cases because they are marginalized—as victims of their traditions—and do not have the adequate capacities. In order for pastoralists to be able to defend their rights, it is necessary to promote their integration into society whilst supporting their ancestral traditions. This calls for, as a short term measure, information for and sensitization of pastoralists on their rights and duties as well as information on steps they could take to defend themselves in legal procedures. As an intermediary measure, functional literacy of the adults and formal education of children must be fostered (Cameroon–CARPA).

INEQUALITY AND DISCRIMINATION WITHIN THE PASTORALISTS GROUPS

Discrimination also occurs within pastoralists' communities—such as the discrimination of women—that is a historical fact in many cultures. Changes in policy, corruption and abuse of power positions also lead to the impoverishment of members of pastoralist communities in general. In Kitengela, Kenya, where the land of ranches was subdivided to individual holders, several socio-economic problems were created, such as increased poverty and the widening of the socio-economic gap between Maasai elites and economically poorer Maasai women and men.

In women's access to land, the link to traditional societal stereotypes is evident. In both Kenya and Kyrgyzstan, men are considered to be the head of the family and property owners. This is true even if men have emigrated and women are the de facto heads of their households (Kenya–Samburu). Women have rights to land via their spouses; widows inherit land in trust for their children. (Kenya–Samburu and Kyrgyzstan). For instance, in Samburu, Kenya, according to dominant cultural norms, livestock is given to, owned and managed by men; and it is only brothers, sons and brothers-in-law who are meant to inherit property. In local governance and decision-making, women have no rights to speak in public discussions and debates (Kenya–Samburu).

This is true in the customary traditions of Kyrgyzstan, even though the Soviet administrative system provided for equality through its system of centralized control and the formal legislation of the Kyrgyz State is now liberal and gender sensitive. For instance, in the case of Kashka Shu, men represented families in the Pasture Management Community, even though it was the women who managed and utilized the summer pastures. In India, the deterioration of the position of women pastoralists goes hand-in-hand with the deterioration of the position of pastoralism in society (India–MARAG).

In some cultures women have an equal position and are integrated in the decision-making processes regarding access to land and land management. In Nepal, in the Langtang community, women usually make decisions about pastureland management practices as men are away most of the year. The Nepali system also succeeds in integrating poorer and socio-politically weaker individuals. Another example is the Tibet AR case-study that describes steps undertaken by a community specifically to mitigate the impoverishment of a part of the livestock-keepers.

LEGAL ASPECTS

Issues negatively influencing pastoral livelihoods may be rooted in legal systems. The degree to which a state's legal system takes account of pastoral issues is crucial to the context of any pastoralist group. Importantly, the case-studies examine how customary law, customary institutions and communal ownership are taken up by the formal legislation. The implementation of laws is shown to be a major shortcoming, even if legislation favours pastoralists' concerns.

NO LEGISLATION REGARDING PASTORALISTS LAND RIGHTS

There are few countries that report an absence of any legislation on mobile livestock keeping. Yet, for instance in Argentina, most livestock activities are carried out in sedentary patterns. Mobile pastoralists are a minority and their weak political position is reflected in the absence of specific legislation on national level. In Chitral, Pakistan, formal assignment of lands by land settlement procedures was initiated after the adherence of the former independent state to Pakistan in 1969. Presently, it is implemented only for agricultural land, whereas traditional grazing patterns are practiced for pasturelands. The only relevant law is a Government notification of 1975 that declares all wasteland as state property.

This does not mean that wherever a lack of explicit legislation on pastoralist land use exists, there are problems regarding land rights. In the two central European countries, France and Switzerland, rights to pastures are in private property, or rented from private owners or political communities. In Switzerland, where an ancient system of communal ownership exists, access is defined by societies of pasture users according to the carrying capacity of the pastures. Private ownership of agricultural land, including pastures, is regulated in the Code of Civil Law's specific regulations for agricultural property rights. Prescriptions for the management can be found in the agricultural legislation, yet management of pastures is ruled according to customs in many cases.

TENSION BETWEEN FORMAL AND CUSTOMARY LAW

There are many examples of customary laws having been integrated into formal legislation. Yet, the case-studies also show the difficulties in implementing such laws. Disregard of customary management and institutions, and/or inadequate legislation may be the reason for these tensions. Striving for legal recognition of customary laws or for the proper implementation of recognized laws are on the agenda of several pastoralist NGOs.

It seems that in most countries that have undertaken a land reform, livestock keepers have not (or have only marginally) been integrated in the process (Niger) or in its implementation (Nepal). Therefore the relevant body of laws does not always take account of customs and traditional uses on the grass root level, and omits to profit from the local populations' traditional knowledge on pasture management systems (Nepal).

In the Nepali case-study, the tale is of 'confusing and upsetting' local people by the government's land tenure policies 'resulting in the erosion of farmers' interests in the management of local natural resources.' Similarly for Kyrgyzstan, 'the system … leads to confusion or at best to inefficient use of the limited state resources and probable reduction of involvement of communities in pastures planning.'

'Top-down' legislation is apparent in former communist states. The Kyrgyz law on pastures is an abstract construct, inspired by liberal market theories and establishing complicated procedures that are completely impractical for farmers. In Tibet AR, privatization of livestock, and later land, led to degradation of pastures and impoverishment of livestock-keepers because they were not experienced in managing different types of livestock.

IMPLEMENTATION PROBLEMS

The existence of a law as such does not necessarily improve the condition of pastoralists. Its efficacy depends on the law's implementation 'on the ground'. Non-compliance of laws is where problems exist.

A common gap in enforcement comes from the lack of information on the law by local and regional governmental agencies and the pastoralists. For instance, in Kyrgyzstan the 'low level of legal understanding on behalf of owners of land and the state employees', are the principal causes of legal conflicts and in Kazakhstan '…the deficiency of all reforms… is the practically total lack of information about the reformations … in rural areas. ... Key participants of this process … have been fully estranged from the market reform processes in the field of land tenure'. This causes severe problems to implement the existing laws.

Pastoralists' lack of information of their own rights and obligations is common and widespread. It accompanies a lack of capacity to advocate for their rights and to promote conflict resolutions. This opens doors to abuse of rights by more powerful players (Cameroon) and to corrupt decisions by government agencies (India and Cameroon). For instance, the India–MARAG case-study describes how the communal grasslands are customarily a common resource for sedentary and passing pastoralists and under control of the village governing body know as a *gram panchayat*. The Minimum Grazing Land Act prescribes a specified correlation between livestock numbers in the community and grassland to be allocated for livestock. Excess grassland can be dedicated to other uses. The result is a faulty animal census and diminution of the grasslands at the expense of the livestock keepers.

A background problem may be found in an incomplete land reform, such as that in Uganda, where the economic means are lacking to register the communal land associations. In Niger, a multilayered decentralized structure for the management of rural land has been put in place. Yet the lack in economic means and competences of the commission members prevent their functioning. Decentralization, in the sense of giving power to local entities, without concrete guidelines, and without adequate control mechanisms, may promote abuse and corruption, as is the case with often illicit taxes for livestock-passage or charging fees at using public water points.

ANALYSIS

The following questions regarding the pastoralist situation and their rights to land and resources were asked at the outset: 1) what are the rules, conditions and formalities that define access to the resources; 2) who is making decisions on their management; 3) who has control over land and use rights; 4) are there commonalities regarding the policies on pastoralist land use and difficulties and conflicts pastoralists are confronted with.

These questions will inform the following analysis. In a comparative approach it will look at 1) similarities and differences in the legal and institutional situation of pastoral land use; 2) the types of property rights defining access to, and management and control of the resources; 3) state policies regarding pastoralist land use and the factors influencing these policies.

LAW AND INSTITUTIONS

No basic difference between transhumant and nomadic systems could be observed in the case-studies. The options and problems appearing in the case-studies are comparable within both types of pastoral situations. One commonality among the case-studies is that the reform processes that have taken place—in all but the two European countries—have been in the second half of the last century. As a rule they have led to an improvement of the legal position of the population.

In the African countries, constitutional reforms have led to assurances of human rights and political freedoms that include the right to property. The political freedoms make the creation and official recognition of pastoralist organization possible. The same is true for the former Soviet states. In addition, with independence the planned economy system was abolished and a system of liberal market economy introduced.

In many cases the processes included land reforms; some case-studies mention the explicit recognition of pastoralists' right to land, and in many of the countries legislation regulating or including land use by mobile livestock keepers was created. In part, the legislation includes traditional property systems or mechanisms and procedures for the recognition of customary land rights.

There are only a few cases where no legislation applies to pastoralists' land use. In the European states (France and Switzerland), land use and organization of pastoral communities are included in the bodies of agricultural and civil law. An unclear situation, based on informally recognized customary laws for access to and use of pastures, exists in Chitral, Pakistan. There, formalization of property rights by land settlement procedures is recognized only for agricultural land.

The laws in most cases also regulate institutional aspects—either structures for the implementation of the laws, and/or institutions for conflict resolutions. In several cases the integration of all involved stakeholders in such institutions is mentioned. Yet, in spite of the constitutional guarantees and legal foundations for pastoral land use, management and the existence of institutions for their implementation, this seems to be difficult in many cases. There are various reasons; for example, there seems to be a lack of clarity in allocating responsibilities (Ethiopia). In other cases, the administrative structures for implementation are not yet in place (Uganda). Another limitation is that in the modern state, administrators have—albeit inadvertently—failed to appreciate the elders' decision-making role and their considerable knowledge of indigenous grassland management systems (Ethiopia). Particularly decentralized state institutions seem to be at risk of being influenced by powerful players and/or by corruption.

PROPERTY RIGHTS

The following aspects of property rights can be considered: access and use, management and control and the autonomous capacity to dispose. Accordingly, this approach encompasses simple use rights (e.g. rent) to private ownership of the land. Another approach is to look at with whom the rights are vested. There are systems of communal property and individual rights. Both types can be included in one system, as in the Kyrgyz system, where pastures are state property and the rights to use and manage the pastures that are close to the villages are vested in local political communities, whilst rights to use the spring, autumn and summer pastures are rented to individuals. In the Kenyan group ranching system land ownership is vested in a pastoral communities with the option to subdivide the land to individual owners (heads of families).

In the majority of countries, pastures are state-owned and subsequent organization depends on state policy. The two general patterns in such cases are that pasture use and management is regulated by central legislation, as is the case in Kyrgyzstan, which means that control and management is with the state and use rights can be rented. Or, the competence of management and control is delegated to decentralized entities, or even to customary user groups, as in Nepal where a de facto property of communes to use, manage and control the pastures exists.

There are some exceptions, such as in India where political communities have ownership of the surrounding pastureland. In Kazakhstan, France and Switzerland private ownership or ownership of the communities exists. Yet the European laws on land use restrict the liberty of owners to change the mode of land use.

POLITICAL AND ECONOMIC DEVELOPMENT

Pastoral land use is to an increasing degree recognized in state legislation and institutions, primarily among African and Central Asian states. Yet this does not mean that the pastoral situation there is without problems. Global and regional political and economic developments lead to a variety of impacts on pastoralist livelihoods in all regions. The international trade system and its philosophy of liberal economy have led to policy changes and transformations in the livelihood of the populations that impact pastoralists.

The growing importance of external trade may lead to processes of industrialization in the primary industries such as mining, secondary industries in emerging economies, or in industrialization of agriculture for the production of cash crops or bio-secure animal products for exportation. The inflow of capital in many countries creates a new middle class living in urban centres that in turn creates an inflow of economic migrants from the countryside, creating an increase in urbanization.

Increasing industrialization, the policy of biodiversity conservation measures in the context of climate change and the economic potential of tourism have led to the creation of nature reserves and closed areas for trophy hunting. These policies withdraw parts of the territory from agricultural production. Demographic growth and impoverishment of a proportion of the population have led to policies that aim to increase food security and intensify agricultural production. Both tendencies reduce land area available for pastoral use. In addition there are external developments that exacerbate these impacts such as demographic changes caused by immigration from neighbouring countries due to conflicts and changes in the fertility of pastures, due to scarcity of rainfall.

As a consequence pastoralists are caught in an array of conflicts of interests in land uses that are incompatible with their needs. These conflicts may involve state and/or private players. The politically weak position of mobile livestock keepers, due to their low visibility, makes lobbying for and defence of their land rights difficult.

In a number of cases it is mentioned that the policy of the states is still biased against mobile pastoralism. Several reasons are given, including states' development policies that foster agriculture, intensive production of cash-crops for exportation and industrial uses such as mining. Some case-studies mention that there are policies for making pastoralists settle down, with pastoralist land use and culture being perceived as backwards. Another rationale given for adverse state policies is the lack of control over mobile herders, combined with the complexity of pastoral systems that outsiders find difficult to understand in its entirety.

CONCLUSION

In most cases some formal legal background regulating tenure of grazing lands exists that in part defines institutional responsibilities too. Customary rights, traditional institutions and common property institutions are considered to varying degrees. The land reforms that have taken place in both Central Asia and in African countries have brought both new options, but also additional insecurity.

In all of the case-studies there are indications of change towards more awareness of pastoralists' needs and recognition of pastoral land use in a part of the described situations. This is in particular true in regions or countries with extensive rangeland areas (the Sahel region of Africa and Central Asia). Yet in many cases, difficulties have their origin less in matters of the legislation as such, i.e. that and what kind of a formal legislation exists, but in the non- or not correct implementation of the existing laws.

INTRODUCTION

This report describes and analyzes how pastoralists succeeded in securing the rights to access and manage their land. The following are success stories of how pastoralists succeeded (partially or fully) in improving the recognition and assertion of their rights.

The analysis of the case-studies' results is organized according to the questions asked. The first question examined is how pastoralists organized to defend their rights and what alliances with other stakeholders were useful. Secondly, the legal and advocacy processes through which pastoralists made or defended their claim over resources are taken up. Thirdly, the legal mechanisms through which rights have been upheld and formalized are reviewed. In many cases education and capacity building are seen as basic requirements for moving forward.

There is a close link between a community's concrete situation—i.e. the given political, socio-economic and legal background, the conflict resolution tradition—and the solutions found in each case; pastoralists' strategies and actions that successfully resolve a problem and improve their situation are unique to the solutions found. For more contextual information see the individual case-studies at the WISP web site (http://www.iucn.org/wisp/resources/).

BASIC ELEMENTS

From the case-studies it became apparent that there are a series of basic elements fostering success in the assertion of pastoral land rights. To get organized is one important step that generally precedes concrete action. Participation in political processes and representation of pastoralists in state bodies/organizations are also important elements. Capacity and awareness building, as well as education, are essential to success in organizing and political participation.

EDUCATION, CAPACITY BUILDING, AWARENESS

The case-studies usually described rather short-term initiatives and successes; however, the recommendations elaborated at the workshop took up some long-term measures that are by no means to be neglected, such as education, literacy, access to modern means of communication and information.

Most case-studies contain descriptions of situation-specific awareness and capacity building initiatives as a precondition for informed and efficient action. This awareness raising may address the pastoralists themselves, or it may target civil and public society outside their groups. In some cases only specific stakeholder groups are addressed, in particular those that are in competition with pastoralists.

Different types of initiatives are described in the case-studies. There are farmers' associations that, in addition to awareness and capacity building regarding land rights, also include capacity building in good production practices in general (Kazakhstan and Niger). Other initiatives aim to build awareness outside the pastoralist community such as the civil society and governmental agencies among the Karakachans in Bulgaria and MARAG in India. Burkina Faso's case-study describes capacity building and sensitization

process with farming communities neighbouring the pastoral area. Some initiatives are explicitly directed at land rights and sometimes management issues to defend, assert and secure land rights, as in Mboscuda in Uganda and the Ak Terek in Kyrgyzstan.

Education of the young generation and capacity building of pastoral populations as a whole are an important prerequisite to improve the livelihoods of communities. The Cameroon CARPA case-study proposes a three step approach. Pastoralists, as 'victims of their traditions, are marginalized and don't dispose of adequate capacities. For the pastoralists, in order to be really capable to defend their rights, there is an urgent necessity to promote their integration into society, in preserving and respecting the traditions of their ancestors at the same time. In a short time perspective, this means to inform and sensitize pastoralists about their rights and duties on the one hand, and on the steps to undertake for defending their rights on the other hand. In a mid-range perspective, functional literacy of adults and formal education of their children are to be promoted'. In several case-studies, the educated members of among the pastoralists sustain their community in the assertion of their rights (Cameroon–CARPA and MBOSCUDA).

These initiatives can build a positive identity among pastoralists—as through the MARAG initiative in India—and help develop confidence in legal means to defend their rights, as seen in the case of the farmers' association in Kyrgyzstan, which experienced and increase in responsibility for their rented land. In Cameroon, for example, an NGO representative who became aware of the low-level of self-assuredness among the marginalized Mbororo people initiated a capacity building program on 'psycho-legal extension'. As a consequence, the Mbororos now challenge unjust treatment when the need arises.

PARTICIPATION AND REPRESENTATION

In order for pastoralists to assert their land rights it is fundamental that they become visible so they can participate and be represented in political processes, law-making and/or decision-making governmental agencies. The passage of Forest Rights Act in India, for example, came about when a member of parliament belonging to a tribal community played an important role as the Chairman of the Joint Parliamentary Committee in the passing of the 'Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006'. He was eager to address the issues of the forest grazing by livestock keepers and was able to convince other members about the role of livestock keepers in society and ultimately the grazing rights got included in the final bill. Further, the MARAG, India case-study states that because the pastoralist community does not actively participate in the village governing body that decides about the use of the grasslands, they are not given priority when it comes to the usage of common lands.

ORGANIZATION

The case-studies reveal that it is difficult for individuals to be heard whilst attempting to defend and assert land rights (India–MARAG and Argentina). One of the core objectives is therefore to get organized within the group or groups affected by the situation, and to find an adequate method for co-operation and common action. The term 'organization' is used here in the sense of a civil society association, formed in order to reach a common goal. Such an association can be formalized, or remain informal. As mentioned above in many cases, the right to create an organization was a basic condition for the pastoralists to get organized.

To get organized may include two types of actions—awareness raising and capacity building—for the empowerment and reinforcement of existing and/or the creation of new structures. In this context, leadership to assure the sustainability of the action is essential. Additionally, these processes aim to create awareness outside the pastoralist communities about the importance of solidarity and of the creation of networks to set common action in motion.

GOALS OF ORGANIZATIONS

The case-studies reveal a variety of goals set by organizations that were successfully achieved. There are organizations to ease access to and use of resources of the pastoral group itself. A basic and traditional type of organization is often simply the traditional community. Such traditional or customary organizations, frequently arranged along tribal lines, were at the centre of the activities in many cases. In some situations they gained momentum by being officially recognized and formalized (Karakachans in Bulgaria and Samburu herders in Kenya).

Several newly created organizations aim to achieve solidarity and identity for common action and to increase the political power. In other cases the creation of organizations was triggered by a specific, common problem such as the Gujars in Pakistan, the Van Gujjars in India, both of which organized to better defend their land rights. Other organizations were created to foster domestic rural development rather being directed by an 'outside' approach; for instance spin-offs from internationally sponsored development projects (Uganda); or as local initiatives by people with expert knowledge and capacities.

ORGANIZATION OF PASTORAL COMMUNITIES TO EASE ACCESS TO AND USE OF RESOURCES

In principle, each pastoral community is an organization to ease access to and use of resources. However, there are cases where organizations of communal property were explicitly created to this end only. This is the case in the ancient Swiss system of common use of mountain pastures. New models of this type of organization are emerging in some post-communist countries in order to answer some problematic effects of privatization. In Kyrgyzstan, as a result of a capacity building process fostered by a local NGO, the local livestock-keepers decided to organize themselves in an association of pasture users in order to facilitate the official registration of their land use rights and access to remote pastures. In Kazakhstan, a project has been developed by the 'Farmers' Foundation of Kazakhstan' to promote the joint utilization of pastures, as the privately owned parcels are too small to be used in a sustainable way, due to restrictions in acquisition of private land. In Tibet AR the leader of a commune took the initiative to create a co-operative system of pasture management as the privatization of land and animals had led to the impoverishment of part of the community members.

ORGANIZATION FOR SUPPORTING PASTORAL COMMUNITIES

There are local organizations that have been created with the goal of supporting the rural population. In part they were initiated by educated members of this same population. MBOSCUDA in Cameroon, for example, an NGO to foster the livelihood of the Mbororo people was established by educated members of the tribe and at present successfully provides legal support to members of the Mbororo tribe to defend their land rights in administrative procedures and in bringing them to court. CARPA, also in Cameroon, was

created by an educated tribal member for information, sensitization and capacity building of the pastoralists. The case-study tells of a successful mediation process to secure their access to pastures. Ak Terek in Kyrgyzstan works with communities of small farmers to empower them for the management of the state-owned pastures.

Other organizations aim to represent the interests of members, and also at raising their awareness and building their capacities. The case-studies mention farmers and/or livestock-keepers associations in Kazakhstan, Niger and Burkina Faso. Tribal organizations such are described in case-studies of the Karakachans in Bulgaria and the Gujars in Pakistan.

LEGAL RECOGNITION OF ORGANIZATIONS

It is advantageous for organizations to be legally recognized in order to reach the intended goals; in some cases this is even a requirement for getting a legal land title. For instance, the Waso Trustland Project in Samburu, Kenya was created to enable pastoralist to better defend land rights. The leaders registered it as an NGO once the members realized that such status opens political and funding avenues. In Pakistan, the Gujars created an organization for defending their customary rights.

In the legislation of some countries such as Uganda and in Ethiopia, the formal organization of a community or a tribe is the condition for the recognition and formalization of their customary land rights. In Uganda, the organization of the Communal Land Associations, and the functions, competences and obligations of their bodies is regulated in the Uganda Land Act (1998).

SUCCESS THROUGH NETWORKS AND CO–OPERATION

Depending on the concrete situation, different types of networks, strategic alliances and inter-organizational relations might be helpful. In some cases, networks and co-operation among organizations are necessary to reach goals such as to create political pressure for changing legislation. Some of the organizations mentioned in the case-studies built up important regional or national networks with decentralized sub-organizations that are co-ordinated by a central elected body or a general assembly taking decisions (Niger and India–MARAG). The networks contributed to the successes of AREN (Association pour la Redynamisation de l'Elevage au Niger, an association for the re-dynamization of livestock-keeping) in Niger as it represents significant proportion of the stakeholders. In India, the broad participation in MARAG gives the organization more political power and an increase in political participation, and allows for parallel, synchronized actions in an entire region.

Other organizations co-operated with a series of NGOs to join forces for increased political impact. For instance, the process that led to the issuance of the Forests Rights Act in India was spearheaded by a network of NGOs. In order to integrate competence and support, some local NGOs co-operated with development organizations from industrialized countries. Capacity building, making use of experiences and know-how and economic support are the advantages of such co-operation. Furthermore, an international partner might open doors in political negotiations.

The case-study from Argentina highlights the importance of seeking strategic alliances according to the social and political context. In the three cases that occurred at different times, separate alliances were sought: in one case, the Catholic Church had a relevant and leading role; in another, the rural population shared the initiative to protect land

rights for two communities; and in the third case other social groups (particularly unions) got involved with the support of local and provincial media. In two of the cases the involvement of the Provincial Government was essential.

LEARNINGS/ELEMENTS FOR SUCCESS

When getting organized it is beneficial for groups to be aware of different layers of action to take into account, such as the importance of leadership and its possible changing role and function and the significance of solidarity within and of building networks without a pastoral group. For instance, the authors of the Argentina case-study conclude that the convergence of three driving forces—the organization of pastoral communities, the political will of the provincial government and social mobilization—were essential for success. He considers three aspects to be essential for successful organization: 1) a combination of leadership within the customary organization and an adequate dialogue with the political and/or technical counterpart 2) adequate commitment at the technical level within the involved governmental organizations and agencies 3) adequate communication between the customary organization and other social partners.

CREATION OF SOLIDARITY, IDENTITY FOR COMMON ACTION

Some of the organizations described, through a process of information, capacity building and participation, created solidarity among their members who had previously been isolated and marginalized. Identity and confidence was built that led to common action to defend the rights. An example for this process is MARAG in India, which developed into a popular movement and, through common action, succeeded in righting faulty, discriminating and/or corrupt application of laws.

TO FIND OR TO CREATE AN ADEQUATE ORGANIZATIONAL STRUCTURE

An organization can be based on an existing structure that might be adapted to the current situation or a entirely new organization can be created that is practical for and adapted to the planned action. In the case of building on an existing structure, there may be a need to strengthen the customary institutions and to adapt them to current needs. It must be carefully evaluated to determine which stakeholders are to be integrated.

The following organizational structures are described in the case-studies:

- Core groups or groups of experts were created, for instance by educated members of a tribe, to initiate or accompany the process of advocating or defending rights.
- An initiative by a core group led to the creation of a decentralized organization, with regional and/or local sub-organizations that mobilized and solidified concerned livestock keepers. This helped to build capacities and to gain political influence.
- Some pastoralists formed targeted self-help organizations and got them formally registered as NGOs or co-operatives.
- Some initiatives by core groups aimed at a step-by-step integration of all involved stakeholders in an ad-hoc organization (that in part became formalized at a later stage) in order to resolve resource conflicts.

TO ASSURE LEGITIMATE LEADERSHIP

The question of leadership is important because leadership conflicts weaken an organization and hamper progress. Leadership includes responsibility for the process. Sometimes leadership is given to a core-group of initiators ('Alpha-leaders'), but usually during a transitional stage. There is a need to institutionalize and confirm leadership when the organization reaches a more advanced stage such as when an organized and democratically appointed leadership in a federalized structure might be put in place. There are also cases where the lead is taken by outside experts. In such cases, it is important to recognize and to integrate the existing leadership structures or to build up group internal leadership. Another option is to strengthen the position of traditional leaders. In some cases, an appointed governmental agent took leadership responsibility.

ASSERTING RIGHTS, LEGAL AND ADVOCACY PROCESSES

Conflict over land is a core problem for pastoralists. The case-studies present examples of a broad variety of situations where pastoralists were in need of asserting their rights. Frequently no official land title exists and access and use of resources is based on customary rights. Further, there are examples of rights, though recognized in formal legislation, which are not correctly implemented.

Two situations that may trigger conflict over land use and where rights need to be upheld are when other stakeholders (for instance over access to resources) are in conflict with government agencies over faulty or non-implementation of laws, or non-recognition of rights. The examples here exemplify the bottom-up approach, i.e. pastoralists defending and asserting their right by either taking steps within customary or non-judicial ways or defending their rights in making use of procedures established by law.

There are different options for the assertion of rights: negotiation between the involved parties as a first step could be followed by a more formalized mediation process, and finally culminate in building up political pressure (Niger). Yet, in several cases of faulty or non- implementation of laws, associations have been successful in making recourse to a superior administrative body and/or by bringing the case to court. This approach was either taken from the beginning, to correct an apparent injustice or after other means—such as negotiation, mediation and/or protest—had failed. The means chosen in concrete cases depend on the situation, the involved parties and the conflict resolution culture and political traditions in the given region.

BOTTOM–UP LEGAL CLAIMS

NEGOTIATION COMBINED WITH CUSTOMARY MEANS OF IMPLEMENTATION

In Niger the exercise of impounding of stray animals by some village leaders led to conflicts with the livestock owners. The village leaders abused of their right to impound stray animals, both for financial gain and to exert pressure on unwelcome pastoralists. To resolve the matter, the pastoralists' organization initiated mediation processes led by the traditional leaders, and took legal action against the faulty village leaders. This helped in all cases but one. There, the responsible village leader was well protected. An assembly of the elders of pastoralists then decided to apply a Daangol Pulaku, which is a traditional means of social control that consists of a complete social and economic boycott of the

person/community at fault by all pastoralists. It is upheld until the person excuses himself in a ceremony organized to this end (and paid for by him!). In this case it was decided to completely boycott the markets of the respective community. The action led to important economic losses for the community and a shortage of milk products. The Daangol Pulaku had to be upheld for one month.

MAKING USE OF FORMALIZED CUSTOMARY LAW

In the Samburu district of Kenya most of the land is classified as Trust Land, which is a common property tenure system whereby land is managed on behalf of the people and is vested under local governing authorities in the form of County Councils. Each person owns land, but communally. The County Councils award use rights pertaining to Trust Land. In the case of Umoja Women's Village, 15 women from different areas within Samburu approached the local council for land so they could live together within a village. They all escaped gender-based violence, inequitable gender relations and gender-based conflicts. Their intention was to help each other and to create a 'good life'. They convinced the Council that this was a genuine activity and were allocated a small piece of land on a collective basis.

MAKING USE OF CUSTOMARY INSTITUTIONS: VILLAGE LEADERS AND LEADERS OF PASTORALISTS

In the north of Cameroon, alluvial plains (*yaérés*) of the Logone River are an important grassland resource during the dry seasons. They host herds from within the province, but also from neighbouring countries. There are conflicts with farmers who obstruct the access ways and with fishermen digging canals in the grasslands. After a process of negotiation and mediation, a consensus between the parties was reached and formalized in a document signed by all stakeholders and the members of the Consultative Commission for the litigation of agro-pastoralist conflicts. Since this time, the entry into the *yaérés* is organized. Before the entrance, a meeting is held with leaders of all stakeholders involved in a village near the entry point. Pastoral leaders announce their coming; village leaders make sure the pathways are free. Another meeting is held during transhumance at a location in the *yaérés*, and a third one before leaving at the beginning of the rainy season.

BOTTOM UP MAKING USE OF LEGALLY DEFINED PROCEDURES

In several cases, pastoralists' organizations made use of state institutions and legally established procedures to assert, secure and formalize their rights. In Burkina-Faso, the results of a consensus building process regarding the delimitation and management of pastoral zones and pathways was formalized by a regional governance decision and an inter-ministerial decision recognizing and dedicating the zone to common pastoral use. In Cameroon, the result of the process to secure the pastoral access rights was recorded in proceedings signed by all stakeholders and the Consultative Commission that, according to the law, is responsible for litigation of agro-pastoralist conflicts. The document was then validated and published by decision of the territorial government. This corresponds to the procedure stipulated in the decree on the litigation of agro-pastoral conflicts. Later, the commission was involved in the litigation of conflicts resulting from non-respect of these decisions.

BRINGING THE CASE TO COURT

Legal, i.e. administrative and/or judicial action, is often employed to defend rights that have been denied to their legitimate holders. The claims range from the faulty law to the misapplication of the law. Sometimes conflicts over rights are put to judicial test (Gujars in Pakistan). In some cases judicial action has been taken as a last resort when administrative complaints and/or protests did not succeed, as within the Mbororo community in Cameroon, or after failed negotiation and mediation processes such as the 'Karadje' Land-grabbing case in Niger.

Claims may be based on formal and/or customary rights. For instance, the claim to pasture rights for the Gujars in Chitral, Pakistan was based on both customary pasture use and a relatively weak legal basis declaring all 'waste land above the channels' (i.e. pastures) to be state land and no longer under a feudal system. With the help of their national Gujar organization they managed to advance the case to higher levels of jurisdiction— leading to judgements that regularly contradicted the judgements of lower levels. Finally the parties agreed to an out-of-court settlement.

In Niger, pastoralists successfully defended a customary pastoral area that was not respected by large-scale farmers. The court classified the area as dedicated pastoral land, which excludes exclusive property rights. Similarly in Isiolo, Kenya, attempts to evict pastoralists from their customary lands were made.

In Cameroon, the court cases filed by the Mbororo tribe to assert the corrupt application of land rights. The actions were based on constitutional human rights guarantees. In India, the Van Gujjars successfully opposed their eviction from a forest reservation by demanding reconsideration of their case under the new 'Recognition of Forest Rights'.

Unbiased legal aid services and financial resources are needed if cases are taken to the court. This is easier if a background organization and a supporting network exist. The Van Gujjars in India, with the help of an NGO had previously organized as a pastoralists' membership organization. The leader of this organization contacted a lawyer that was a sympathizer of the Van Gujjars and the lawyer and members met the cost of filing the case together. The court cases for the Mbororo in Cameroon are filed by a local NGO created by educated members of the tribe that has created a specific 'access to justice' programme. The Gujars in Pakistan organized themselves mainly to defend their land rights. The intact tribal spirit and the common economic interest helped them to organize and contribute funds for contesting the court case.

SPECIFIC METHODS

NEGOTIATION, MEDIATION

In many pastoral societies conflict resolution by negotiation and mediation is firmly embedded. It has been practiced traditionally by pastoralists to define access to resources among multiple users of the same resource. Various case-studies describe successful negotiations between pastoral and non-pastoral users also. They include all involved stakeholders, or as the study of Burkina-Faso puts it, all 'sensibilities', including traditional leaders, farmers' associations, breeders' associations, religious leaders of all those present in the region and all other opinion leaders with influence on a consensus.

The gist of the process is to—step by step—build confidence among the various user groups in order to facilitate debate, negotiations and consensus among all involved stakeholders. Such a process is described in detail in the case-study from Burkina-Faso, where it took some time until the herders were confident enough to take up dialogue with farmers.

DEMARCATION AND REGISTRATION OF LAND

Demarcation and registration of land in many cases includes elements of negotiation and mediation processes. The delimitation and clarification of access rights is of prime importance in cases of resource competition and/or unclear situations. The Pakistan case-study illustrates the problems that emerge if this situation is not clarified. In Chitral, after the abolition of the feudal system, the delimitation of the agricultural land was undertaken, but the delimitation and allocation of the grassland was not. This led to insecurity and conflicts that, in each individual case, needs to be decided by courts.

The case-studies describe several types of problems and solutions that vary according to the socio-cultural traditions and the capacities of the responsible state agencies. There are questions of the delimitation of rented pastures between different the users (Kyrgyzstan), of the pathways and grasslands (Cameroon and Burkina Faso) and of the pastoral resources under common management in the case of encroachment and enclosure by private users (Ethiopia).

COMMUNITY MAPPING FOR THE DELIMITATION OF PASTURES

In Kyrgyzstan, in principle, a state registry for landed property exists and in Soviet times, all Kolchos/Sovchos pastures were mapped. Yet they are outdated and the state institutions do not have the means to devise a current map. Documentation of the parcels is necessary for the registration of rights. Assisted by a local NGO, the State Institute for Land Planning Research and the leader of the commune, the Association of Pasture Users undertook to map the pasture parcels using a participatory approach. Boundaries were accurately identified and the area of the used land calculated. The pastures were officially registered and a renting contract signed. 'Securing rights to pasture lands for members of the Association has allowed [them] to raise their responsibility concerning the use of the lands and allowed for putting in order ...cattle grazing during the winter and summer periods, ...and provide means for ... their movement to summer pastures and return to winter pastures.'

In Liiban, Ethiopia, in order to identify grassland and grassland management problems, a program to map the natural resources and their management was initiated (see technical guide attached to the case study). A team of 40 NGO and local government staff was trained to guide the pastoralists through the mapping process within the *madda* (area of grazing surrounding a group of dry season wells) with the *madda* elders council. This process led to the documentation and confirmation of the customary rights and resource use. Enclosures were dismantled, stock routes to rivers, ponds and lick sites were re-established and degraded communal pasturelands were enclosed and rested.

MULTI–STAKEHOLDER PROCESSES FOR SECURING PATHWAYS

Similar processes are documented for Cameroon and Burkina Faso. In areas with mixed agro-pastoralist systems, negotiation and mediation processes involving all concerned stakeholders were carried out. In Cameroon (Province de l'Extreme Nord), a procedure for preparing the migration of a great number of herds through the land of communities to accede to important wet grasslands was developed. This included participative mapping, delimitation and GIS documentation of the pathways. The corresponding rights and duties

were documented in a resolution that was signed by all stakeholders that includes the obligation to keep the pathways free from agricultural production, and the creation of surveillance committees to control its implementation. The competent territorial authorities are responsible for its enforcement. A process of communication between community leaders and pastoralists to negotiate the entry into the grasslands was established.

A step-by-step multi-stakeholder process in Burkina Faso succeeded in negotiating, delimitating, flagging and legally securing two important pathways and a 'pastoral zone'. Importantly, the negotiation committee included all 'sensitivities' of the department and was formally appointed by a parliamentary assembly. The initiative succeeded in building confidence among the stakeholders (pastoralists and farmers) and on this basis, the delimitation and negotiation process became possible.

NEGOTIATIONS WITH GOVERNMENT AGENCIES

Maasai pastoralists in Kitengela, Kenya were dispossessed of their land when Nairobi National Park was created in 1946. The National Park has generated important revenue yet there is little revenue-sharing with the Maasai communities who still lack infrastructures for health, sanitation and education. In this situation, Maasai women and men have organized and lobbied for creative solutions. They are actively engaged in dialogue with Kenya Wildlife Service and other responsible agencies. One solution they achieved are the so-called 'consolation fees'. In order to compensate Maasai pastoralists for the negative impacts from the Park, the Kenya Wildlife Service in collaboration with the Friends of Nairobi National Park, began providing individuals with a monetary 'consolation fee' when one's livestock are killed by wildlife. Furthermore, the 'leasing programme' monetarily compensates pastoralists for not putting up fencing on pastoralist land, thereby economically valuing pastoralist land and creating a corridor for pastoralist movements as well as wildlife migrations.

LOBBYING AND PROTEST

Lobbying, protest and mass mobilization have been successful only in some cases. The success of protest and mass mobilization depends on the political culture in a country and could lead to reverse pressure by the government.

In India a network of NGOs lobbied for improving pastoralists' livelihoods. During five years, the last two years more intensively, the group articulated the pastoralists' issues to various political parties and to ministries. Once the issues had officially been taken to the Office of the Prime Minister they lobbied for the integration of pastoralists' grazing rights into a bill on tribal rights. They met with the involved Tribal Ministry and the Ministry of Environment and Forests and succeeded when the rights of forest pastoralists were included in the bill.

Also in India, a region-wide organization of pastoralists engaged in capacity building, information and advocacy work, organized rallies to protest against cases of bullying, arbitrary and corrupt implementation of laws regarding access to and use of common pool grasslands, the disregard of customary laws and unfair and illegal treatment of pastoralists by administration and police officers. MARAG undertook various capacity building and awareness raising programmes and mobilized the people to raise their voice collectively, 'as individually they will not be able to attain success'. MARAG gathered people from the villages and discussed this issue with them. After understanding the issue clearly and its possible impact on their lives, people decided to protest.

LEARNINGS, ELEMENTS FOR SUCCESS

A careful assessment of a given situation before deciding on the steps to be taken has proven essential in most cases. The examples presented demonstrate the importance of the basic elements described in the above section, namely of capacity building, organization and creating and strengthening networks.

In all cases, stakeholders' knowledge of the legal situation, encompassing rights, institutions—and both customary and formal law—was important. In particular in the cases where negotiation and mediation in a multi-stakeholder process were undertaken, the integration of customary rights and methods and institutions with formal procedures and state institutions led to effective and lasting success. Key elements here are the inclusion of all stakeholders and opinion leaders, and use of state institutions and procedures to formalize the results of the process.

In most cases, organization also proved to be important. This could consist either in a strengthening of traditional groups and/or the creation of new organizations. Organization helps to build confidence and a common identity, foster solidarity and awareness of a broader spectrum of options whilst creating a common voice, which is necessary to be heard.

Networks and co-operation, in addition to providing support—be it competence, political influence and/or financial means—can prove essential for successes. For instance, they can help to make use of novel technologies such as Geographic Information Systems. In several cases, co-operation with local or international NGOs was helpful.

It is always crucial to include traditional leaders and their traditional knowledge and to formalize the results. Regarding court cases, it is essential to have professional support and legal counsel that is unbiased, objective and motivated. When it becomes necessary to take cases to higher courts, objectivity is indispensible. Networks can help with competent legal counsel and securing financial means.

FORMALIZATION OF PASTORAL RIGHTS AND INSTITUTIONS

Improvement of pastoralists' situations has different facets, including the content and wording of the formal laws and what institutions are responsible for their implementation. An important aspect of pastoral land rights is how legal plurality is dealt with—i.e. whether customary rights are recognized in formal legislation, and if and how customary institutions and their traditional knowledge are taken into account in their implementation. The following section describes actions that could influence and change legislation and initiatives to create new laws and give examples of the successful integration of traditional institutions in the implementation process.

LEGISLATION

Most of the countries described in the case-studies have some land use legislation and in many cases there have been recent or ongoing reforms. But there are also quite ancient systems like in France and Switzerland where laws take account of, to varying degrees, pastoralists land use and customary rights.

The case-studies describe different ways in which pastoralists' organizations had an influence on formal legislation, either by active involvement in the legislation process or by intense lobbying of governmental and administrative authorities.

PASTORALISTS INFLUENCING LEGISLATIVE PROCESSES

In two cases, pastoralists' associations directly influenced the creation of new legislation: the 'Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act' in India, and the Draft Pastoral Code in Niger.

In India, due to intense lobbying by several local, national and international NGOs, the parliament passed a new act that recognizes traditional forest grazing rights for pastoralists. For five years, a network of NGOs articulated the issues of pastoralists to various political parties and ministries of the government. They succeeded in co-operating with the Tribal Ministry and the Ministry of Environment and Forests. The opinion of the NGOs was also solicited by the Joint Parliamentary Committee that pre-debated the bill (India–SEVA).

In Niger, the Pastoralist Organization AREN, a national network of pastoralists and agro-pastoralists, actively participated in the elaboration of a Pastoral Code. In co-operation with other organizations and resource people, it elaborated a common understanding of key concepts. These activities led to a majority representation of the pastoral civil society in the ad hoc working group, elaborating the Pastoral Code.

MINOR CHANGES/IMPROVEMENTS IN EXISTING LAWS

Minor improvements to existing laws can have a significant impact too. In Kyrgyzstan, the local NGO working with pastoralists' communities found that the two official versions of the Land Code in Kyrgyz and Russian contained a contradiction regarding the duration of periods of rent for pastures (less than five years versus more than five years), which led to insecurity. Local authorities made use of the contradiction for their own interests and rented pastures for only short periods of time (one year). This led to the overuse of some of the grasslands. The intervention by farmers and NGOs led to a correction of the Land Code and a clarification (Kyrgyzstan–Ak Terek).

ATTEMPTING TO CHANGE EXISTING LEGISLATION, AND RE–IMPLEMENTATION OF ABOLISHED LEGISLATION

Even if there is no possibility to influence the creation of laws, there may remain some leeway in the development of by-laws for their implementation. For instance, the pastoral organization AREN in Niger was just in its beginnings when the Rural Code was elaborated and could not impact its content. But the organization was later successful with its lobbying for more pastoral-friendly by-laws.

MARAG in India is engaging in political action to re-enact abolished legislation such as the government regulation regarding the development of so-called *vadas* (common grazing land). 'MARAG mobilized the people to raise their voice against a government resolution as individually they will not be able to attain success'. It also undertook actions against the biased implementation of laws, for instance against the abusive impounding of stray animals and it fostered the implementation of the law that recognizes pastoral land-owners as farmers and thus their right to own land.

INTEGRATION OF CUSTOMS, CUSTOMARY NORMS AND INSTITUTIONS

The following examples illustrate the integration of customary systems into formal legal systems. Sometimes traditional institutions and customary norms were successfully integrated into the implementation of formal law and in other cases, ancient customary institutions and traditional management of pastures are still functional. Some formal legislative institutions that integrate traditional patterns of conflict resolution exist.

The term 'institution' is used here in the sense of an organizational unit that includes a normative element and has given the competence to take decisions and steer its constituents in a specified direction. Well functioning institutions are basic for the implementation of rights. In the case of state institutions, a clear legal definition of competences and obligations, functioning internal and external control-mechanisms, the allocation of such functions according to capabilities and adequate economic means are essential. In many cases dysfunctional governmental agencies and low economic means are the reasons for the non-implementation of existing laws.

THE STRENGTHENING OF CUSTOMARY INSTITUTIONS AND INTEGRATION OF TRADITIONAL NORMS AND KNOWLEDGE INTO CONFLICT RESOLUTION

In Ethiopia, one of the main reasons for difficulties in implementing development projects to scale was that initiatives failed to recognize and work with local institutions and systems. Therefore Save the Children US and SoS Sahel piloted a new approach, based on dialogue with pastoral elders. These dialogues revealed a wealth of information concerning the development and management of water points.

The project then undertook to integrate the council of elders (*jaarsa madda*) in a project to map grasslands and grassland management systems. These councils had not been active for more than 30 years. The weakening of elders meetings due to lack of recognition for their decision-making processes had resulted in an increase in the number of private enclosures as individual pastoralists used their links to formal institutions and administrators to secure private grazing rights on formerly communal rangelands.

As a result of the mapping process, the *madda* elders decided to meet together on a regular basis and to discuss rangeland management issues. The local government representatives, who had been involved in the mapping project, decided to attend these meetings in order to maintain a dialogue with pastoral elders. Members of the district's Pastoral Development Office continue to attend the meetings too. The customary institutions are currently working with and on behalf of the local government to manage low-level conflict among different pastoralist communities.

ARCHAIC CUSTOMARY INSTITUTIONS

In some countries customary or archaic institutions for land management are in place at the community or tribal level. In Switzerland, for example, various types of institutions for the management of common pasture use exist. Similar to Nepal, the democratically elected members of the political communes administer access to and use of pastures and their management. In other cases, the farmers manage access and pasture use of in private-law associations.

In Nepal, the state management of grasslands has ignored traditional practices, which resulted in conflicts and resource degradation. Yet the traditional local management practices are highly differentiated and efficient. There are two sets of local organizations: community committees and civil associations. A community committee is elected by all community members and acts as the leader, decision-maker and representative for the whole community. Civil associations are self-identified groups of households with common interests or shared resource pools (e.g. livestock, vegetables, crops or forest). In most cases, an elected sub-committee is established under the community committee for each association. Both men and women normally serve in these local organizations, but women usually make decisions about pastureland management practices as men are usually away most of the year. The committees control and regulate access to pasturelands and fodder resources through enforcement of well-defined and mutually agreed upon rights and rules, backed by various social controls and sanctions. An association, backed by committee, manages the transhumant grazing system and mitigates conflicts within the same group. Co-ordination and co-operation among the different associations can ensure the integrated use of different resources related to rangeland management.

REPRESENTATION IN FORMAL–LAW COMMISSIONS FOR MANAGEMENT OF LAND RIGHTS

In some countries, in connection with land reform and decentralization, joint committees for management of land use and land rights and/or conflict resolution have been established. For instance in Kenya, local County Councils keep the Trust Land in trust for the people that own this land in common property. The County Councils are responsible for the allocation of land (Samburu). In India, the communes are owners of the common property land; the commune council has also the right to lease or to sell this land. In Cameroon a 'Consultative Commission' is responsible on the level of district or arondissement for delimitating agricultural and pastoral zones; for defining the use of mixed zones; and for the control and litigation of agro-pastoral conflicts. The decree prescribes the composition of the commission, and one member must be a pastoralist or a leader of pastoralists (Décret No. 76/166 du 27 avril 1997 and Décret No. 78/263 du 03 September 1978).

In Niger, the Land Code prescribes the creation of 'commissions foncières' (land-use commissions) at all levels (regions, communes and villages) and a by-law defines its composition. Professional associations, such as the livestock-keepers and farmers, must be included. The danger of such decentralized organizations is that they may frequently be biased and prone to corruption. To defend pastoralists' interests in such committees, it is essential that they participate and are well represented. In Niger, a pastoralist organization successfully defended its right to be represented by members chosen by the organization. Previously, livestock keepers had been represented by people chosen by the village authorities. The pastoralist organization would submit the case to the Permanent Secretary of the Land Code and today the criterion for the selection of the Pastoralist Commission Members is that the delegating organization truly represents pastoralists' interests.

LEARNINGS, ELEMENTS FOR SUCCESS

The examples show that legislation and legal implementation must not be one-way, top-down processes. Yet, in order to integrate pastoral interests, several preconditions must be fulfilled—formal and customary norms should be mutually interdependent. If efficient, sustainable management can be attained through co-operation between governmental agencies and pastoralists.

Because representation of pastoralists in the institutions and processes is needed, education and capacity building are important. It is essential to be 'connected' in order to know the political and legal processes, or at least where and how to get information.

In both the Niger case-study and with the Indian Forest Dwellers Act, government officials were involved in creating laws favourable to pastoralists. In India, a member of parliament belonging to a tribal community played an important role as the Chairman of the Joint Parliamentary Committee that passed the 'Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006'. He was eager to address the issues of the forest grazing by livestock keepers. Although many people in the committee objected, he was able to convince other members of the important role that livestock keepers play in society; ultimately grazing rights were included in the final bill. It is important that members or descendants of pastoralists participate in legislative and administrative bodies. This in turn shows the importance of education and indicates the need for the community members and leaders to back capable members.

Society as a whole should view pastoralists as an essential part of the economy and culture. This implies the necessity to be seen and heard as a politically relevant group, which implies the necessity of capacity building of state representatives and society as a whole. In Niger, the Permanent Secretary of the Rural Code is described as an open personality, sensitive to the preoccupations of civil society.

ANALYSIS

The above analysis of the case-studies has shown that appropriate actions were chosen to adapt to specific situations. The basic message is that success in defending and asserting pastoralist land rights is possible.

Mediation and negotiation are described in some cases; the results are then formalized according to the law. Negotiation may also be a first step when that process does not lead to a solution.

Other steps undertaken describe the submission of legal claims, particularly in cases of bad or non-implementation of laws. In one case, where all formal means failed, the pastoralists resorted to traditional sanctions and others to lobbying and protest.

In a great number of the case-studies, the actors—pastoralists themselves and often NGOs—transgressed some kind of threshold and they dared to enter new ground and to undertake inventive actions. For instance, the Samburu women in Kenya demanded land for their own use from the local District Council and the Indian Van Gujjar herders undertook the travel from the Himalayan Mountains to the state capital to protest against their eviction from the National Park. There are other examples, where pastoralists gained self-assurance and positive identity that enabled them to undertake steps against wrongful actions by third parties such as the Mbororos in Cameroon and the Maldhari in India. In other cases it was necessary to transgress mental barriers, as in the instance the pastoralists from Tapoa Boopo in Burkina Faso who, at the beginning of the mediation process were very sceptical and had little confidence about entering negotiations with the farmers; Ethiopian pastoralists whose success depended on the integration of the elders' knowledge and experience that had been neglected for a long time; or the herders of Kirgistan and Kasakhstan who undertook to build up confidence with the prospect of

co-operating in autonomous associations. Another example is the co-operation between state and traditional institutions, where both actor groups have to set aside prejudices and build up confidence.

In all cases, these processes were based on specific preconditions whereby education and capacity building were basic elements. Pastoralists need to be informed about their rights and about the options to assert them in the formal systems. Yet, importantly, with regard to the complexities of the pastoral system and the working of its institutions, the building of capacity of non-pastoralists is necessary too.

A second basic element is to become visible. Participation in public processes—to be represented in decision-making bodies and to get organized and to build networks—are other elements for success. This in turn points to the key role of education and the importance of acknowledging basic political and human rights and of fighting corruption and maintaining the rule of law.

RECOMMENDATIONS

The elements of success and lessons learnt in the case-studies were summarized within recommendations adopted by the partners during a workshop held in Arusha 8–10 March 2008.

The pastoralist system for land use and land tenure is highly complex and necessarily flexible. Customary communal tenure and rights cannot easily be integrated into the formal institutions and laws of the modern nation states. Therefore, the creation of procedural and institutional mechanisms for conflict resolution, such as mediation and arbitration, has gained momentum.

Because pastoralists frequently live on the margins and live in isolation from each other, initiatives, activities, and efforts are needed for co-operation, solidification, and the creation of networks in order to be integrated in societal and political processes, and to enable pastoralists to create consensual solutions in concrete cases.

The case-studies show that it is feasible, realistic and advantageous to enable pastoralists' to secure their land rights and to legally recognize grazing lands. Governments and their policies play an essential role in this process. The basic rationale is that traditional management practices—based on the experiences of generations—is an ecologically sound use of rangelands and an effective and economically sustainable adaptation to the variability of productive inputs; plus it helps to ascertain decentralized food security and income of an important part of the population.

Several basic activities for further action have proven to be essential for success. They include situation analysis, gathering of essential related information and defining the means and support required for further action.

The first step is the situation analysis, which includes both the context external to the pastoralists' community and the structures, needs and priorities within the group.

External situations require an assessment of power relations among the political, economic, legal, social, cultural and ecological actors in relation to securing rights. In order to find sustainable solutions, the external stakeholders and complementary users often need to be involved in the action. All stakeholders need to acknowledge the complementary and

competing users and uses of pastoral landscapes. Further, varying categories of rights need to be secured and harmonized (e.g. access, management and control).

Regarding the situation within pastoralists' communities, this entails taking the principles of solidarity, equity and fairness seriously, and to equally value and integrate all relevant information, competences and capacities available—including traditional knowledge on customary land uses, procedures and gender differentiated knowledge and priorities.

The following summarizes the activities based on such principles.

- Understand, respect and ensure equity (e.g. gender, ethnicity) and sustainability as the basis for securing rights.
- Understand and integrate gender differentiated knowledge, institutions and priorities.
- Respect and value the role of customary institutions, based on common identity (e.g. family, ethnicity, community).
- Understand, document and integrate traditional/indigenous knowledge, grass roots innovations and customary institutions as the foundation for land rights.

One of the core challenges is for groups to find an adequate form of co-operation and common action, including the empowerment of existing or the creation of new structures or institutions. It also calls for appropriate and equitable leadership to assure the sustainability of the action.

An important element to this end is for the state to recognize basic political rights such as the right to freely associate and the freedom of opinion. To be a formally recognized organization facilitates access to networks, information and possibly financial support.

A variety of case-studies described were successful because great attention was paid to involve all stakeholders concerned into the process. This is important, for example, in negotiating access to land and resources whereby stakeholders include other land users as well as government agencies involved in the land management.

This entails, as an essential element, the building of capacity of all stakeholders involved, which entails information sharing about their rights and duties of the pastoralists about the case at hand and the learning of procedures leading to a solution. Capacity building, applied in concrete cases, implies enhancing the capabilities of the other stakeholders involved such as neighbours, other land-users, policy-makers and administrative bodies that may need to be informed about the complexities of pastoral land use, the principles guiding their migration, and the entailing benefits and needs.

As pastoralists are frequently far from the centres where policy dialogue takes place, and moving between places, it is difficult for them to make themselves heard and seen in political processes. This is why pastoralists need to take an active stand in communicating with external organizations and institutions in their advocacy. In a more general sense, 'capacity building'—or better—active information of and dialogues with external organizations and institutions are key.

The ultimate goal is political participation and to be represented in political and administrative institutions.

This issue goes beyond capacity building; active political, economic and social commitment to educate pastoralist children and youth, the furthering the literacy of the entire population and the facilitation of access to information are needed too. For pastoralist communities this entails actively supporting gifted people to foster their education and membership in decision-making bodies. This support should be provided without disrupting their pastoralist livelihoods.

ACTIONS

In the case-studies different types of successful actions are described. Their choices depend on the particulars of each situation, the type of problem and the political and legal context.

The problem can be solved within a group, for example, as in the case in the post-Soviet countries, where the depletion of the structures of the planned economy lead to an organizational vacuum or in the case of the Kitengela Maasai in Kenya, where the privatization and urbanization has led to an increasing gap between rich and poor community members.

Further, different stakeholder groups need to be involved in the solution. This is the case in several examples from African countries where climatic and demographic conditions, and/or industrial or tourist development initiatives increase pressure on and competition for land where problem-solving by negotiation and consensus building is traditional.

In other situations, organization and co-ordinated action might be necessary to claim the implementation of the rights granted by laws. In some cases it may be necessary to exist as a recognized organization (private or public) to be able to claim the rights. In other cases, actions might take the form of political protest. Such actions were described in countries that maintain a relatively long and well established democratic tradition such as India. There public protests (with mass mobilization) were also used to influence the implement of the laws. In some cases, recourse to court decisions was successful to right unjust land rights situations.

Yet, even if the case-studies describe a variety of situations and solutions, there are basic elements for success that appear as a theme throughout. One of those is that the actors—pastoralists themselves and, in part, NGOs—transgressed some kind of cognitive threshold. They dared to enter new ground and to undertake novel actions. There are other examples of pastoralists gaining confidence and positive identity that enabled them to undertake steps against wrongful actions by third parties. In other cases it was necessary to transgress mental barriers for traditional institutions whereby actors from multiple groups have set aside prejudices and built up confidence. Building a positive identity and self-assuredness within pastoral communities, setting aside prejudices and building up confidence and trust among all players are the very basis for success.

WORKSHOP RECOMMENDATIONS

The following recommendations were put forward at the Arusha meeting.

General

- Recognize the value of pastoralism as a sustainable form of land use and economic development.
- Recognize that there are different categories of rights (sometimes overlapping), all of which need to be secured and harmonized, e.g. access, management and control by assessing the power relations—including political, economic, legal, social, cultural, ecological.

Knowledge

- Ensure adequate knowledge and capacity of all stakeholders (e.g. pastoralists, their neighbours, intermediary organizations) to responsibly negotiate and secure land rights.
- Understand and integrate gender differentiated knowledge (and institutions) and priorities.
- Understand, document and integrate traditional/indigenous knowledge, grassroots innovations and customary institutions as the foundation for land rights.

Capacity, Awareness and Communication

- Support educational and literacy initiatives and provide access to information about the rights and responsibilities of pastoralists.
- Promote dialogue between pastoralists and external organizations (e.g. NGOs, government departments, political groups).
- Strengthen pastoralists' communication strategies, particularly leveraging traditional and digital/mobile media, for advocacy, awareness and—where appropriate—mass mobilization and direct collective action.

Participation, Equity and Organization

- Ensure gender and ethnic equity by promoting active participation of all stakeholders (e.g. pastoralists, their neighbours) in land use planning and management.
- Respect and value the role of customary institutions, based on common identity (e.g. family, ethnicity, community) and discourage the privatization of common property and mitigate the negative consequences of privatizing common property resources.
- Organize both internally and externally to build alliances with related social and political movements by networking to implement policies and legislation to defend land rights.

Securing Rights

- Secure and defend rights via mediation, negotiation, protest, litigation and legislative/policy processes, as appropriate.
- Argue for rights from a suitable perspective; for example use economic principles for land rights and ecological rationale for political/legal recognition of grazing and rangeland resources.
- Ensure participation of pastoralists in decision-making processes and support equitable leadership development among pastoralists by involving both customary and legally recognized forms of leadership.

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ANNEX I: AUTHORS OF CASE–STUDIES

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