




NOMADIC CUSTODIANS

A CASE FOR SECURING
PASTORALIST LAND RIGHTS

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PASTORALISTS HAVE BEEN WIDELY ACCUSED OF BEING ECONOMICALLY INEFFICIENT AND TURNING THEIR 'OVER-GRAZED' PASTURES INTO DESERTS. BUT THESE PRESUMPTIONS ARE NOT BASED ON EVIDENCE AND ARE USUALLY VERY WIDE OF THE MARK.

COMMON GROUND. SECURING LAND RIGHTS AND SAFEGUARDING THE EARTH

Oxfam, International Land Coalition, Rights and Resources Initiative, March 2016.

THE DIFFERENT PATHS PASTORALISTS TAKE

Mobility is central to pastoralism, allowing for adaptation to climatic seasonality, risk and uncertainty, and providing an efficient way of managing the sparse vegetation and relatively low fertility of dry land or mountain ecosystems.

Pastoralism is largely split into two broad types of mobility:

- » **TRANSHUMANCE:** highly regular, seasonal pattern of mobility, using demarcated or previously used corridors between pastoral lands. Often, a permanent household exists and includes small-scale agriculture. Includes vertical movement/mountain pastoralists, moving towards resources, and away from risks.
- » **NOMADIC:** highly irregular, seasonal migratory patterns depending on the needs of the herd animals for water and fodder and thus requiring flexibility. Often follow established migrations routes that have developed in response to knowledge of pasture, rainfall, disease, market access, national boundaries and political situation.

As part of the *Global Call to Action in Indigenous and Community Land Rights*, this brief puts the spotlight on the need to secure land rights for the world's pastoralists, as pastoralism is practised by an estimated 200-500 million people.¹ Pastoralists manage rangelands that cover a quarter of the world's land surface but have few advocates.²

Indigenous and community lands are used, managed or governed collectively, under community-based governance systems, often based on longstanding traditions defining, distributing and regulating rights to land, individually or collectively. Pastoralists are one of the groups, along with farmers, hunter-gatherers, fisher-folk and others using resources such as forests, water bodies and pastures as a common resource.

Pastoralists rarely have secure rights to land and resources, due to a number of factors, from political marginalisation to the inadequacy of existing land and resource governance systems and structures that do not take the complexities of pastoral land use, which is usually communal, into account. As a result of this insecurity, pastoral lands and resources are being fragmented if not lost completely to other land uses.

Climate change is likely to cause increased variability and stress on natural resources – because pastoralists have developed resource management practices to constantly adapt to variability and stress on natural resources. In the context of climate change, pastoralists can therefore be effective resource managers. Securing pastoralist land rights can enhance this capacity, and many local and national initiatives are now supporting pastoralist development to effectively mitigate, adapt to and build pastoralist resilience to the impacts of climate change.

1 McGahey et al. 2014. cited in *Common Ground. Securing Land Rights and Safeguarding the Earth*. Oxford:Oxfam

2 Oxfam, International Land Coalition, Rights and Resources Initiative. 2016. *Common Ground. Securing Land Rights and Safeguarding the Earth*. Oxford:Oxfam. Available at <http://www.landrightsnow.org/en/common-ground/>

RESOURCE SECURITY IN THE FACE OF UNCERTAINTY

For many of the nearly 500 million pastoralists globally³, some of the most vulnerable communities in the world, land and water, feed, land access security is poor. The livelihoods of pastoralists depend on their livestock, their mobility, and their access to land and water.

National governments have often had misconceptions about pastoralism, viewing it as a threat, as grazing land can cross state boundaries, can conflict with industrial, agricultural and commercial development,⁴ and because it is difficult to tax and track for the national census.⁵ Government policies often aim at settling communities (sedentarisation) to assign fixed grazing lands, which can lead to overgrazing, conflict, loss of biodiversity and increased consumption of natural resources.⁶ Moreover, weak land tenure rights due to lack of legal recognition are linked to increased resource dependency and resource competition, leading to conflict.⁷

Pastoral land use is complex and based on a bundle of rights,⁸ including, but not limited to: access, management, control, alienation, exclusion and withdrawal – all-encompassing different aspects of property within which these rights overlap and intersect, and are constantly being contested and re-negotiated. Many pastoral systems are based on mutual trust and reciprocity, enforced through local dispute resolution mechanisms. These nuances are often lost in statutory laws based on concepts of sedentary livelihoods which tend to formalize pastoralist land use and impose institutional mechanisms not appropriate for local complexities. Development agencies have also failed to adequately accommodate for the mobile nature of pastoral lifestyles.⁹ A recent evaluation of the engagement of FAO and IFAD in pastoral development found that support from both agencies has so far been packaged in the form of sedentary activities.¹⁰

3 FAO Pastoralist Knowledge Hub <http://www.fao.org/pastoralist-knowledge-hub/background/en/>

4 IIED, Issue Paper no. 148. 'Browsing on Fences: Pastoral land rights, livelihoods and adaptation to climate change.' Nori, M., Taylor, M., Sensi, A., May 2008. Russell Press, Nottingham UK.

5 Wunder et al (2013): "Governance screening of global land use", discussion paper produced within the research project "GLOBALANDS – Global Land Use and Sustainability", , October 2013

6 Oxfam Briefing Paper: Survival of the fittest; Pastoralism and climate change in Eastern Africa

7 Independent Office of Evaluation (2016),. FAO's And IFAD's Engagement In Pastoral Development Joint Evaluation Synthesis. Rome: N.p., Print. Overview And FAO And IFAD Management's Responses.

8 Barry, Deborah and Ruth Meinzen-Dick. "The Invisible Map: Community Tenure Rights".The Social Life Of Forests. Susanna Hecht, Kathleen Morrison and Christine Padoch. 1st ed. Chicago: University of Chicago Press, 2010. Available at http://iasc2008.glos.ac.uk/conference%20papers/papers/B/Barry_138902.pdf.

9 Independent Office of Evaluation,. FAO's And IFAD's Engagement In Pastoral Development Joint Evaluation Synthesis. Rome: N.p., 2016. Print. Overview And FAO And IFAD Management's Responses.

10 Ibid

PASTORALISM AND LAND-USE

Stewards and custodians of grasslands, mountain ranges, meadows, rangelands, cold areas and dry lands, pastoralists are a community of livestock keepers or tenders of domesticated livestock on natural pastures whose livelihoods are interconnected with their environment their livestock's mobility.

Pastoralism is an efficient low-input, low-output production system that takes advantage of vast rangelands to achieve economies of scale. Pastoralists are small-scale producers, producing milk, meat, fibre, and hides, but also engage in extensive agriculture to harvest grains and vegetables for consumption. Pastoralists are essentially ecosystem service providers, protecting local biodiversity and counteracting degradation of the environment in extreme climate events. With livelihoods based on intricate, complex land rights arrangements ranging from claimed commons rights to exclusive ownership rights, pastoralists are the definition of **COMMUNITY**.





LOSS AND FRAGMENTATION OF PASTORAL LANDS AND BLOCKING OF LIVESTOCK ROUTES

A 2011 review of trends in Uganda, Ethiopia and Kenya¹¹ identified significant loss and fragmentation of rangelands in the region, and an increasing concentration of wealth and competition over resources, leading to conflict and vulnerability, particularly among women pastoralists. Accompanied by weak control over resources by customary institutions, these trends threaten the resilience of pastoral livelihoods.¹²

Similar trends are found in many other parts of the world, including in Mongolia from 2000 to 2010. 0.3 million hectares of pastureland were conceded to mining companies, with limited access to another 10 million hectares while mining exploration took place. By late 2012, almost 14% of the country was either under license for mining exploitation or already being explored. In India, since 2002, mass eviction from protected areas and forests continues despite policy and legislation aimed at supporting community conservation and secure land rights. In 2006, the landmark act was passed, The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, that offers opportunities for upholding the rights of forest users, including pastoralists. However, implementation has been wrought with challenges, and many feel it has not been utilised to its full potential.¹³

11 Regional Learning & Advocacy Programme for Vulnerable Dryland Communities (REGLAP). 2012. Key Statistics on the Drylands of Kenya, Uganda and Ethiopia, October 2012.

12 Flintan, F. (2011) Broken Lands: Broken Lives? Causes, processes and impacts of land fragmentation in the rangelands of Ethiopia, Kenya and Uganda. REGLAP, Oxfam Nairobi. <https://landportal.info/library/resources/broken-lands-broken-lives-causes-processes-and-impacts-land-fragmentation>

13 Yhankbai, H., R. Garg, A. Singh, S. Moiko, C. Beyene, D. Roe, F. Nelson, T. Blomley and F. Flintan (2013) Conservation and "Land Grabbing" in the Rangelands: Part of the Problem or Part of the Solution? Issue Paper No. 5, ILC Rome. Internet: <http://www.landcoalition.org/en/resources/conservation-and-land-grabbing-rangelands-part-problem-or-part-solution-0>

IN ONE DISTRICT ALONE IN TANZANIA, KITETO, MORE THAN 34 PEOPLE WERE KILLED IN A SERIES OF CONFLICTS BETWEEN PASTORALISTS AND CROP FARMERS OVER ACCESS TO LAND BETWEEN 2013-2015.

<http://www.tanzaniatoday.co.tz/news/60-people-arrested-over-killings-in-kiteto>

MANAGING CLIMATIC VARIABILITY AND CLIMATE CHANGE

Dry lands including rangelands are known for their unpredictable and variable climates, particularly low and erratic rainfall. It has been proven that climate change will affect variability and particularly rainfall, with an increased likelihood of extreme climatic events such as drought and flood in some areas.^{14 15 16 17 18}

Pastoralists are able to exploit patchy resources efficiently, due to their flexibility, low costs, freedom of movement, light regulatory environment and location in areas not suitable for agriculture.¹⁹ There is clear evidence that the more nomadic pastoralists are, the better they are able to survive climatic catastrophes such as droughts and blizzards.²⁰

In 2016, Mongolia was hit particularly hard by a climate disaster unique to the country known as “dzud” - summer drought followed by heavy winter snow and particularly cold temperatures in the winter and spring.²¹ As 76% of the nation’s pastureland is subject to overgrazing and desertification, as a result of this year’s dzud almost 700,000 animals were lost to the extreme conditions – and it is estimated that this could reach as high as 1.2 million by the end of summer.²² Previous dzuds have been equally devastating, resulting in an average loss of 51% of livestock for those who moved their animals to non-traditional grazing areas, and 69% loss for those who did not move in 2009-10.²³ As such phenomena become more frequent and severe due to climate change, the pressure on natural resources for mobile livelihoods will increase. Sustainable management over remaining pastureland in Mongolia is fundamental in order for pastoralism to continue to be viable.

14 Nassef, M., Anderson, S., and Hesse, C. 2009. Pastoralism and Climate Change: Enabling adaptive capacity. Humanitarian Policy Group, Regional Pastoral Livelihoods Advocacy Project. ODI, London. available at <http://pubs.iied.org/pdfs/G02497.pdf>.

15 McCarthy, J., Canziani, O., Leary, N., Dokken, D., and White, K. 2001. Climate Change 2001: Impacts, Adaptation, and Vulnerability. IPCC. Cambridge University Press. Cambridge. Available at <http://www.ipcc.ch/ipccreports/tar/wg2/pdf/wg2TARfrontmatter.pdf>.

16 Herrera, P., Davies, J., and Baena, P. The Governance of the Rangelands: Collective Action for Sustainable Pastoralism. Oxon: Earthscan for Routledge, 2014. Print.

17 Humanitarian Policy Group. Synthesis Paper. Pastoralism and climate change: Enabling adaptive capacity. April 2009.

18 IIED Briefing Paper, Climate resilient drylands development. ‘Pastoralism: the custodian of China’s Grasslands. April 2013. Available at <http://pubs.iied.org/10042IIED.html> & ‘Global Public Policy Narratives on the Drylands and Pastoralism. April 2013. Available at <http://pubs.iied.org/10040IIED.html>.

19 <http://www.fao.org/docrep/005/y2647e/y2647e14.htm>

20 Ibid.

21 Fernandez-Gimenez, M., Batkhishig, B. and B. Batbuyan. 2012. Cross-boundary and cross-level dynamics increase vulnerability to severe winter disasters (dzud) in Mongolia. Global Environmental Change. 22:836-851.

22 International Land Coalition <http://www.landcoalition.org/en/regions/asia>

23 Middleton, N., Rueff, H., Sternberg, T., Batbuyan, B. and D. Thomas. 2014. Explaining spatial variations in climate hazard impacts in western Mongolia. Landscape Ecology, (in press).

ON THE WAY

INITIATIVES FOR SECURING PASTORALISTS RIGHTS TO LAND

MONGOLIA

A member of the International Land Coalition (ILC), the Environment and Development Association “JASIL”, has been working to reduce overgrazing by advocating for pastureland ownership by nomadic herders. JASIL has also spearheaded community-based natural resource management (CBNRM) in which herder families and local government enter into contracts defining clear roles and responsibilities for the management and use of state-owned pastureland.

JASIL has collaborated with various stakeholders to create a draft of ‘Pastureland Law’ which requires engagement with and seeking support of pastureland users and the wider community prior to decisions being taken (active, free, meaningful and informed participation), but also ensures that adaptation and mitigation measures are undertaken to manage the impacts of climate change and natural disasters. It is hoped the law will serve to support co-management practices, to give control to communities and enable them to address extreme climate shocks.

BUILDING THE RESILIENCE OF PASTORAL COMMUNITIES TO CLIMATE CHANGE IN ORDER TO IMPROVE LIVELIHOODS, INITIATIVES ACROSS THE WORLD AIM AT SECURING RIGHTS TO RANGELANDS.

NIGER

In Niger the ILC, through Réseau Billital Maroobé (RBM) a local CSO, is working with the Secretariat of the Rural Code in Niger to improve implementation of the Code Rurale, a law developed through a participatory approach which is considered a benchmark for the governance of land and natural resources – including laws limiting agricultural development in pastoral areas and facilitating movement of livestock.

TANZANIA

In Tanzania, the Government of Tanzania with support from International Fund for Agriculture and Development (IFAD) and ILC has been piloting joint village land use planning in order to protect resources such as grazing that are shared by several villages. In Kiteto District, three villages – Lahoda, Olkititiki, and Ngapapa – developed a joint village land use agreement called OLENGAPA (a name made up from the three village names) in order to protect shared pastoral resources including 20,706.73 hectares of grazing land. The process is now being scaled up by the Government of Tanzania with additional support from IFAD and Irish Aid, and technical input from ILC members including International Livestock Research Institute (ILRI), Parakuiyo Pastoralists Indigenous Community Development Organisation (PAICODEO), Maliasili Initiatives, Tanzania Natural Resource Forum (TNR) and Ujamaa Community Resource Team (UCRT).

INDIA

In order to address loss of access to land and general disempowerment, ILC member Maldhari Rural Action Group (MARAG), has assisted pastoralist women to mobilize into village-level groups as part of forming the Pastoral Women's Alliance (PWA) which seeks to re-empower women such that they are once again capable and confident to participate in decision making in village, community and development initiatives. By increasing women's land tenure security, access to markets, and reviving traditional skills, the network has helped women build their asset-base and become financially independent. The PWA also aims to improve women's role in local judiciary systems. As of 2015, 437 women from diverse geo-cultural groups were members of the PWA. The PWA is also playing a role in consultations on the drafting of a state policy for grazing land, which will help communities to access and use common land: to date thirteen memorandums to save grazing lands have been submitted to Gujarat State, and groups in other states are following suit. In addition a memorandum opposing the existing Land Bill has also been submitted.²⁴

24 Vora, F. (2015) "Empowerment of Women through the Pastoral Women's Alliance, India" in Making Rangelands Secure Bulletin No. 6 Internet: <http://www.landcoalition.org/en/resources/making-rangelands-secure-bulletin-no-6>



INSIGHTS FROM AFAR

BY CHRIS FLOWER, PHD CANDIDATE UNIVERSITY OF SHEFFIELD, UK

In Africa, drylands make up 43 percent of the continent's land surface, account for 75 percent of land used for agriculture, and are home to about 50 percent of the population²⁵. In areas such as the Afar region of Ethiopia, pastoralist groups reliant on drylands for their way of life account for as much as 92 percent of the population²⁶.

In Afar, a combination of desertification due to climate change and fragmentation of rangelands due to competing land uses, are constraining pastoralists' ability to utilise dryland resources to maximum effect. With livestock grazing routes being interrupted and pasture less abundant than ever before, the mobility of these nomadic pastoralists—critical to their climate resilience, food security and existence as a social group—is being undermined.

As Muhammad, one Afar pastoralist told me: "I am a pastoralist. My ancestors were pastoralists. This is the only way we know how to use the land, and is the only way we wish to use the land. Unless the problems we are facing are resolved, our future is not one we look forward to".

Despite the abundant challenges, progress is being made. The Ethiopian Ministry of Agriculture, with assistance from the ILC's Rangelands Initiative, GIZ and Oxfam, are piloting participatory land use planning in the Chifra woreda of Afar. Complementing this, USAID's Land Administration to Nurture Development programme is piloting the titling of communal land in the region. As a result, for the first time pastoralists, non-pastoralists, men, women, clan and customary leaders, local and regional government, and international organisations, are working together for the protection and promotion of Afar pastoralists' access to land.

Progress such as this in Afar is characteristic of a wider momentum towards legal recognition of pastoralist rights across the Horn and East Africa - a momentum which must be capitalised upon and increased if pastoralists are to continue to survive and prosper in increasingly climate-affected environments.

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25 Cervigni, R. and Morris, M. (eds.) (2015) *Confronting Drought in Africa's Drylands: Opportunities for Enhancing Resilience*. IBRD/World Bank: Washington.

26 Government of Ethiopia (2009) *Rural Land Administration and Use Proclamation No. 49/2009*. Afar National Regional State: Semera, Ethiopia



WHAT CAN BE DONE TO SECURE PASTORALIST LAND RIGHTS?

Along with a recognition of the positive role pastoralists can play in managing natural resource, attention to pastoralist land rights is increasing, although more support is needed

From global to local, opportunities are arising to influence policy processes and actors. From being a major critic, UNEP has become a promoter of pastoralism as 'one of the most sustainable food systems on the planet [...] between two and 10 times more productive per unit of land than the capital-intensive alternatives that have been put forward'.²⁷ Similar recognition for the importance of secure tenure rights for pastoralists has been given by the *UNEA2 resolution L.24 Combating desertification—promoting sustainable pastoralism*; in a call for an International Year of Pastoralists and Rangelands; and the soon-to-be-released FAO VGGT Technical Guide on Governance of Tenure in Pastoral Rangelands, offering a diverse range of materials and practical know-how for pastoralists and organizations working to support them. Last but not least, at the local level, there are more and more reports of pastoralists standing up for their rights, with pastoralist organisations and networks amplifying their voices.

RECOMMENDATIONS FOR ACTION

Pastoralists have historically been the stewards of pastureland and livestock, however they continue to lack secure land and resource tenure both due to political marginalization and the difficulty of implementing resource governance that addresses the complex, diverse and communal land use exercised by pastoralists. This leaves pastoralist communities in a situation of vulnerability that will likely be exacerbated by climate change, especially in arid and semi-arid areas.

At the same time, pastoralist communities, like those in Mongolia, Niger, Tanzania and India are effectively managing the risks to climatic change and increasing resilience, but they need secure rights to land and natural resources to do so.

27 Oxfam, International Land Coalition, Rights and Resources Initiative. 2016. Common Ground. Securing Land Rights and Safeguarding the Earth. Oxford:Oxfam.(Endnote 52)

More support to pastoralists is necessary, both in terms of securing land and resource rights and through investment, so that they can better mitigate, adapt to and build resilience to the impacts of climate changes through their relationship with landscapes and traditional methods of natural resource management many communities have been practicing for centuries. As stated in a recent FAO-IFAD evaluation of these agencies approach to pastoralism, "strengthening, creating better and more inclusive adaptive institutions, including customary institutions and formal organisations is a more proactive approach to providing pastoralists communities support for combating drastic climate shocks and harsh economic fluctuations."²⁸

The Global Call to Action on Indigenous and community land rights includes **A LIST OF RECOMMENDATIONS FOR ACTIONS AT ALL LEVELS**, including a specific demand to governments to:

*"Include the protection of indigenous peoples and community land rights – especially for forest-dependent people, small-scale food producers, fisher-folk and pastoralists – as a pillar of national sustainable development strategies, including those related to climate change, agriculture, environmental conservation, energy, tourism, economic growth and trade."*²⁹

This means that governments, in particular in countries with large areas of pasture land, should ensure that laws and policies address the flexible property rights arrangements of pastoral communities, but also that formal institutions are inclusive and adaptive to the needs of pastoralists.

Both national and local governments, as well as development partners, intergovernmental or non-governmental, should also ensure in their interventions in pastoralist areas to:

- » Respect mobility as a fundamental feature of pastoralist livelihoods and supporting pastoralist communities accordingly
- » Ensure pastoralists are fully participating in decision-making over pasture lands
- » Recognise the value of traditional approaches to pasture management, including their customary institutions
- » Document existing good practices and their dissemination across pastoralist networks
- » Support pastoralist livelihoods by strengthening traditional pastoral production systems and pastoralists as small-scale producers.

28 Independent Office of Evaluation, FAO's And IFAD's Engagement In Pastoral Development Joint Evaluation Synthesis. Rome: N.p., 2016. Print. Overview And FAO And IFAD Management's Responses.

29 'Policy Asks' from landrightsnow.org



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UNITED FOR LAND RIGHTS

ILC is a global alliance of civil society and intergovernmental organisations working together to put people at the centre of land governance. The shared goal of ILC's 207 members is to realise land governance for and with people at country level, responding to the needs and protecting the rights of women, men and communities who live on and from the land.

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