ONLINE LEARNING ALLIANCE ON LAND TENURE IN PASTORALIST SOCIETIES

Enhancing sustainability of pastoral productive systems

A review of best practices in land tenure policy for pastoralist societies in Latin America and sub-Saharan Africa

The ELLA Learning Alliances bring together peers from across the global South from government, civil society, the private sector, the academic community and the wider development community to learn from each other, drawing on rigorous, evidence-based research.

Participants of the Online Learning Alliance on Land Tenure in Pastoralist Societies came from 30 different countries across 4 continents. Participants learned and shared experiences on current practices in land tenure policy for pastoralist societies in Latin America and sub-Saharan Africa, identified, discussed and compared the dynamics of transformation of land tenure regimes in pastoralist societies, the key drivers of these changes, and their implication for public policy and the sustainability of pastoralist productive systems. Comparative analysis between the two regions, facilitated by the moderators, supported this inter-regional lesson learning.

This Online Learning Alliance on Land Tenure in Pastoralist Societies was designed and moderated jointly by the Group for the Analysis of Development (GRADE) from Peru and the TEGEMEO Institute from Kenya. Based in Lima, GRADE is a leading Latin American think tank that specialises in social and economic issues, and has vast expertise in agriculture and rural development policy research. Based in Nairobi, TEGEMEO is a leading research institute that specialises in agricultural policy, research and analysis, and has vast experience in providing evidence-based information to inform and influence policies for the agriculture and rural sectors in Kenya.

The Online Learning Alliance discussions were based on and drew from existing literature, and on new research conducted by the research centres for the ELLA Programme.


Content

This Learning Alliance promoted analysis and discussion around how land regimes and policies affecting Latin American and East African pastoralist societies have performed and evolved over time, and the public policy challenges for achieving sustainability and rural poverty reduction.

A comparative analysis of case studies from Latin America and East Africa was presented and reviewed by participants, who were invited to present experiences and examples from their own countries based on this comparative framework. The goal was to identify alternative strategies for land tenure policy that allow pastoralist societies to escape poverty and displacement.

The Learning Alliance ran from May until September 2016 and covered the following 6 topics:

- Introduction: Land tenure, access and property in pastoralist societies
- The Characteristics of Pastoralist Societies
- Change and Public Policy in Pastoralist Societies
- Evolution of Land tenure in Pastoralist Societies
- Implications for the Sustainability of Pastoralist Productive Systems
- Land Tenure Policy Discussion

Key Conclusions

- Pastoralist communities in Latin America and sub-Saharan Africa face similar challenges regarding the sustainability of their production systems despite living in different geographic and ecological regions.
- However, both regions are characterised by harsh weather such as low rainfall and extreme temperatures, either very cold or very hot. As such, pastoralism is well-adapted to these ecological environments.
- Public policy in both regions has not promoted the sustainability of pastoral systems. This has being aggravated by misconceptions about pastoralism as a productive system.
- Collective land tenure regimes are key for sustaining pastoral production systems in both regions. However, there has been rising individualisation of land tenure in pastoralist societies. This should be reversed.
- Other complementary interventions halting degradation of land and promoting investment in improving productivity, such as breeding, are necessary to facilitate transformation of pastoral communities.
Topic 1: Introduction: Land tenure, access, and property in pastoralist societies

Focus of the Topic

The Learning Alliance began with an examination of the key theoretical concepts in the analysis of access to, use and control of land. A common characteristic of traditional pastoralist societies is that land is held as a common resource.

The importance of long-term land tenure security is widely recognised as a key condition for rural households to enjoy sustainable livelihoods, and is also considered an important dimension of sustainable development. However, there are different means through which households attain tenure security, and, more importantly, what constitutes secure access to land may change in different historical and political contexts. Grazing land - the resource base of pastoralist societies - is a typical example of a common-pool resource (CPR), and its management needs to avoid overgrazing and other constraints found in the so-called tragedy of the commons.

To address these issues in the context of pastoral societies, during the first topic participants discussed the key concepts and definitions surrounding land tenure, access and ownership.

The discussion was supported by the following main reference materials.


To help participants understand the paper and its implications, the moderators provided two brief summary notes - one on definitions of land tenure, access and property, and the other on the main dilemmas for the study of the commons - as well as additional material on policy debates on the implementation of liberalisation policies.

- GRADE and TEGEMEO Institute, 2016. *Summary Note. The Study of the Commons Definition of Common-pool Resources (CPRs)*.
To guide the discussion and exchange, the following questions were posted:

1. In your countries, what mechanisms do rural households use to attain secure access to land? Is this principally through formal, informal, customary or other means?
2. What examples are there in your countries where the distinction between access and property rights is generating tension or frictions for rural households?
3. What are the main (sustainability) challenges for the management of common-pool resources in your region or country?

**Discussion**

*Mechanisms for attaining secure access to land*

Regarding mechanisms for attaining secure access to land, several participants stressed the importance of property rights that facilitate investment and ensure sustainable use of natural resources (Amos Musyoka, Kenya). The coexistence of different ways of securing access to land is clear and three main strategies were described by participants, namely customary land rights, government adjudication policies and formal land transactions. André Le Doux Wamba (Cameroon) added specific policies for direct redistribution of land property rights as a measure for overcoming inequality (besides other forms of tenancy like sharecropping, inheritance and squatting illegally on land). Public policies promoting formal “group ranching” for ensuring property rights (mentioned by various participants including Monica Yator, Kenya and Pius Loupa, Uganda) have been described as “inconsistent with pastoral communities cultural norms” (Yator). Customary land systems used by pastoralist communities in northern Kenya to access land were described by Ibrahim Jarso (Kenya), and Ana Lucia Araujo (Peru) described similar systems amongst native communities in the Peruvian Amazon.

“Rural households throughout most of the country have very little opportunity to attain land tenure security.” Kevin Doyle, Kenya

Governments have given priority to land privatisation policies as a means of securing land tenure. This was pointed out by several participants from Kenya who stressed that these policies were implemented by the colonial government from the 1950s up until 1966 and were maintained by post-independence governments thereafter. Similar processes were described in Uganda and Sudan where land privatisation policies immediately generated common problems, such as overgrazing (Pius Loupa, Uganda), disenfranchisement of women, land concentration (Manal Mohammed Salih, Sudan), and lack of regulation (Rochelle Dean, Bahamas).

*Access, property rights and tension*

The specific question of how the distinction between access and property rights is generating tensions was not directly assessed by participants, who leaned towards a more
general response around conflicts in pastoralist societies. However, the answers that are closer to the original question suggest a conflict between access rights of herders and private property rights of farmers, and vice versa (Manal Mohammed, Sudan and Pius Loupa, Uganda). This conflict can also be observed in the case of landless herders and the few individuals that hold large acres of land in Kenya, as pointed out by Susie Kidemi (Kenya). In relation to gender, we can also identify conflicts related to the differentiated allocation of rights depending on sex. Usually women in pastoralist societies hold access rights through their husbands, but do not hold control rights over land, aggravating their vulnerability.

On the other hand, there is a deeper conflict that lies at the core of how land tenure works in some African countries, where the state is the ultimate landowner. In Kenya, the state holds management rights over communal land, and there is no clarity regarding community ownership over the land. This results in forced eviction and dispossession of pastoralist families, besides other problems.

Sustainability challenges for the management of common-pool resources

Pastoralism has been deemed by governments and development agencies as backwards. The neglect of pastoralism as a possibility for development has led to the implementation of policies that have not taken the particularities and realities of pastoralist societies into account. On the one hand, policies have been designed following templates made for agricultural societies. On the other, policies for pastoralist societies have failed to capture the interrelation and interdependence of pastoralist productive systems and their environments, which usually follow non-equilibrium dynamics (this is discussed at greater length in Topic 3).

Thus, the main challenge for managing common-pool resources in pastoralist areas lies in incorporating the particularities of pastoralist land use and management. As Pius Loupa (Uganda) pointed out, this challenge arises because two basic characteristics of pastoral societies are not clearly embedded in public policy:

1. **Mobility** allows herders to exploit multiple resources distributed across different spaces at different times in order to manage fluctuations in production. Mobility enables herders to engage in opportunistic grazing strategies that at once increase average herd productivity and reduce the riskiness of production resulting from climatic variability. Mobility gives rise to a second characteristic:

2. **Fuzzy access** refers to fluid boundaries and different degrees of access rights (Goodhue and McCarthy 2009\(^1\); Ngaido and McCarthy 2003\(^2\)). This is evident, for example, in how communities grant each other access to their territories in order to overcome feed shortages and to strengthen their traditional social relations and

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networks. Fuzzy access is also evident in the tendency to have undifferentiated rights over outlying areas during the rainy season, while rights to pasture in home areas during the dry season are much more nuanced. In most pastoral areas, differing categories of rights over resources coexist, ranging from those that are more private (such as dry season wells), to those which are communal in nature, including access to dry season forests or grazing around a water point.

These two characteristics have been completely left out of the main land policy directed at pastoralist areas around the globe, namely land privatisation. As participants from Kenya suggested, land privatisation policies have failed in pastoralist contexts. Gabriel Palmili (Argentina) explained why land privatisation has failed in Argentina. On the one hand, it has caused conflict between users as the fencing associated with individual property has prevented the mobility of herds. On the other hand, the process of privatisation fails to recognise seasonal grazing and herd management, constraining access to a diverse material base that herders need in order to survive.

Pedro Herrera (Spain) summarised how, although in apparent contradiction, granting individual property rights can result in tenure insecurity, “property rights can become a threat to other land users by facilitating the encroachment and accumulation of properties in powerful hands, so pastoralists would be uncertain about the future of the resources they use and their interest to invest would be lower.”

Thus, a central lesson is that land policy should be designed following customary land tenure. However, as was pointed out by Pedro Herrera (Spain), translating nested tenure rights into legal frameworks is a highly complex process and constitutes a major constraint to their recognition. Hence, it is important to develop participatory institutions and mechanisms for ruling tenure rights at the local level, as well as foster the participation of pastoralists in land planning and land management at bigger territorial scales, as was pointed out by Gabriel Palmili (Argentina) and Alejandro Flores (Peru). Participation in land policy design can also help avoid the contradictions that exist between the design of legal common-property schemes and customary property rights, as Ibrahim Jarso (Kenya) and Monika Yator (Kenya) highlighted in the case of Group Ranches in Kenya.

This brings to the forefront a concern that is so commonly forgotten by more economistic approaches: the importance of institutions. Here, it is worth mentioning the discussion that took place in Topic 1 around the case of range mismanagement, analysed by Francisco Barbarán and C.J. Saravia in the semi-arid Chaco of Argentina. According to the authors, this is case of “tragedy of the commons” and the problem of range mismanagement is understood as an economic one: herders do not have access to the necessary capital and technology that would allow them to invest in wire fencing. As a large body of research has shown, Hardin’s thesis that the only way to avert the tragedy of the commons is through government regulation or exclusive private ownership of resources, is deeply flawed. As this research has shown, communities and users groups can, under specific conditions, become organised and successfully govern their common-pool resources without having to resort to individual private property. Hence, the management of common-pool resources can be seen as an institutional problem.
Regarding the institutional dimension, there are a number of issues that were raised by participants, such as the absence of tenure security and government corruption. The absence of tenure security for pastoralist communities can easily result in forced evictions and displacement as many participants have demonstrated. Displacement of herders from their land is taking place not only due to extractive industries and infrastructure projects, as in the cases mentioned by Monika Yator and Amos Musyoka (both from Kenya) and Manal Mohammed (Sudan), but also due to conservation initiatives.

Another important challenge raised by participants was the relationship between increasing pressure over land, caused by a series of factors including population growth, and environmental degradation. This was addressed in more depth in the following topics.

The majority of pastoral communities collectively access and manage land by use of customary systems. Yet misconceptions about pastoralism, which regard this ancient way of live as a retrogressive practice, continue to exist despite a lack of evidence to support this assertion. As such, formal land systems have often ignored customary laws for accessing and managing land. To remove these tensions and improve management, deliberate effort should be made to incorporate customary law into formal land systems.
Topic 2: The Characteristics of Pastoralist Societies

Focus of the Topic

This topic enabled participants to contextualise pastoralist societies in the Andean Altiplano and East African Savanna. A brief characterisation of traditional pastoralist societies including ecology, society, politics and economics was presented, after which participants deliberated the main commonalities and differences between the pastoralist societies of the two regions.

Pastoralist societies mainly inhabit dry lands, where they practice livestock keeping under extensive production systems due to climatic conditions characterised by scarce rainfall and extreme temperatures. The climatic conditions in these drylands differ between regions. The Andean Altiplano is characterised by high altitude, long dry seasons, irregular precipitation and low temperatures with frequent frosts creating severe limitations for crop agriculture. The East African Savanna, on the other hand, is characterised by low altitude, expansive plains, long dry seasons with high temperatures and low rainfall. The Andean Altiplano is home to approximately 17 million inhabitants, while the East African Savanna is home to approximately 30 million inhabitants.

Ecological characteristics play a key role in the production systems adopted by pastoralist societies. A major constraint facing pastoral communities in both regions is water deficiency, hazards such as insects, diseases, hail, high winds and intense rains. This causes pastoralists to became mobile and diversify their livestock holdings. It has also led to the dominance of indigenous animal breeds that are best adapted to the harsh conditions. However, due to local weather fluctuations plant and animal populations vary greatly in number and mass from season to season and year to year.

In both the Andean Altiplano and the East Africa Savanna, pastoral communities are facing challenges ranging from political and economic exclusion/underdevelopment to pressures on land tenure security.

The discussion was supported by the following main reference materials:

- Blench, R. 2001. ODI. *‘You Can’t Go Home Again’ Pastoralism in the New Millennium*
- GRADE, 2016. *Summary Note 1. Regional Overview of Pastoralism in the Andean Altiplano*
- TEGEMEO Institute, 2016. *Summary Note 2: Regional Overview of Pastoralism in the East African Savanna*
To guide the discussion and exchange, the following questions were posted:

1. What do you see as the main similarities and differences in pastoralist societies in your country/region and those in other regions (the Andean Altiplano and/or the East African Savannah)?
2. How do you think that the ecosystem has influenced pastoralist communities’ productive systems in your country/region?
3. What factors are shaping pastoralism currently in your country and how do they compare with Table 13 “Key factors shaping twentieth century pastoralism” by Blench 2001?

Discussion

Similarities and differences between pastoral communities in different regions

1. Pastoralists are found in extensive rangelands characterised by arid and semi-arid conditions such as high temperatures and low rainfall.
2. Due to adverse weather, crop production is not favourable in the majority of these regions. However, in some countries such as the Bahamas and Cameroon, agro-pastoralism - pastoralism with crop production - is practiced.
3. Pastoral areas have faced economic exclusion leading to underdevelopment and lack of social amenities.
4. Customary land access rights have been maintained in most pastoral areas. This has enhanced identity among pastoralist communities.
5. Pastoral communities in different regions face similar threats, including population growth, urbanisation, individualisation of land tenure and limited supply of public goods, as well as misconceptions about pastoralism in the public policy.

“The country has a good climate for pastoralist societies. It is, however, perceived as an indignant means of economic sustainability which has left the Bahamas at a place where it cannot sustain itself and is underdeveloped.”

Rochelle Dean, Bahamas

How the ecosystem has influenced pastoralist communities’ productive systems

Pastoralist communities have developed adaptive strategies to cope with the environment of the rangelands they live in. Adaptive strategies include mobility i.e. nomadism, and breed improvement. Mobility allows for migration, animals or both human and animals, to areas with adequate pasture and water. Breed improvement helps improve productivity through obtaining animals that are better suited to the environment.
Extreme weather, ranging from extreme cold in the Andean Altiplano to high temperatures found in the East African Savanna, coupled with irregular rainfall, contribute largely to decisions about adaptive strategies in both regions. The weather not only affects availability of water and pasture, but also the prevalence of pests and diseases. Access to markets also influences production decisions.

Some of the key challenges relating to pastoral productive systems include overgrazing and increasing incidence of disease and pests. Overgrazing is caused by a decline in grazing land due to population increase and a lack of restrictions on animal quotas. The emergence of individual and private land tenure in pastoral areas also contributes to a decline in the availability of land that pastoralists can access. Increased incidence of climate and weather variability also limits resources such as pasture. Furthermore, weather variability leads to water scarcity. Extreme weather increases pest and disease outbreaks which affect livestock production and pastoral livelihoods.

On factors that shape pastoralism in the 21st Century, participants agreed that the majority of factors raised by Blench (2001) are relevant for their country and region. Encroachment of rangelands, by private individuals, firms and government for alternate uses such as tourism, minerals, oil and gas exploration, construction of mega projects and urban settlements, is reducing the land available to pastoralists. Further, the land appropriated for alternative activities tends to be advantageous in terms of access to water, natural salts and markets.

Pastoral communities are also facing increased incidence of insecurity. Although pastoral communities in East Africa practice cattle rustling, the form practiced now is more akin to organised crime, in some cases perpetrated by people outside these communities. Traditional cattle rustling was practiced to restock animals lost through drought or disease or to pay the dowry for a bride. Current cattle rustling, in contrast, is done in order to sell animals to urban slaughterhouses. War, which has broken out in zones such as the Niger Delta or Somalia where armed terror groups and militia have gained control, has led to the proliferation of arms to the detriment of pastoral communities.

Weather related shocks continue to be a major factor affecting pastoral productive systems in the 21st Century (Pius Loupa, Uganda and André Le Doux Wamba, Cameroon). Adverse weather not only affects pastoralists directly through reducing available pasture and water, and by increasing incidence of pests and disease, but also indirectly through fuelling conflict over scarce resources.

Conflict over resources, such as water, occurs among pastoral communities (Manal Salih, Sudan and Amos Mulí, Kenya) and between pastoral communities and farming communities, with incidence escalating during famine or drought. Another form of conflict is human/wildlife conflict which affects pastoral communities mainly because they live near natural reserves and game parks. During lean periods, the interaction between pastoralists and wild animals increases by either pastoralists driving their animals into the reserves in search of pasture or because carnivores move out of the reserves to hunt (Pius Loupa, Uganda).
Access to veterinary services, livestock markets, infrastructure and other public goods such as education and health will continue to be key factors affecting pastoralist societies. This is because many public sector policies promote sedentarisation of pastoralist communities even when this is not the best option. However, areas where they live continue to be underdeveloped. To cope with the changes, pastoralist communities are forced to diversify their income sources, which also helps them cope with weather shocks. However, pastoral communities still face challenges relating to market access due to poor transport networks and increased regulations for livestock products such as dairy products or slaughter and the handling of meat products. In order to transform pastoralism to be fully market oriented, use of technology such as mobile phones, which can be used to provide or access extension and veterinary services as well as market information, or the mechanization of pastoralism, will become important.

In conclusion, pastoralist communities are now facing increasing pressure on their land due to the increases in demand for land resources. This is due to population increase, increases in herd numbers or to a decline in access to land due to privatisation of tenure and change in land use. Land degradation has emerged as a key constraint for pastoralists compounded by climate and weather variability, whose shock incidence has increased in recent years. Access to public goods is also limited in pastoral areas and has affected production decisions made by pastoralists. Adaptable behaviour demonstrated by pastoralists in order to mitigate against these shocks include herd mobility and change in breeds.
Topic 3: Change and Public Policy in Pastoralist Societies

Focus of the Topic

With a better understanding of the main characteristics of pastoralist societies, participants moved on to a brief review of the dynamics of transformation in pastoralist societies, and a reflection on the evolution of public policy aimed at developing pastoralist societies, analysing impacts, successes and failures.

The discussion was supported by the following main reference materials:

- Dong et al. 2011. *Vulnerability of Worldwide Pastoralism to Global Changes*. In this paper, the authors compare and contrast seven major pastoral regions across the globe using a three-dimensional vulnerability framework to provide a detailed analysis of how socio-ecological systems of pastoralism worldwide are affected by global change. The Learning Alliance discussion focused on two of the seven case studies provided: i) The decline of pastoral systems with agricultural expansion in the African Sahel, and ii) The decline of pastoral systems due to the ‘modernising’ of agricultural reform in the Bolivian and Peruvian Andes.

- Scoones, I. and Graham, O. Oxfam GB. 1994. *New Directions for Pastoral Development in Africa*. This article provides a summary of the introduction to “Living with Uncertainty - New directions in pastoral development” a book edited by Scoones and published in 1995. This book is regarded as a milestone in the study of pastoralist development because it brings together research that analyses the management implications of the major rethinking in range ecology that took place in the 1980s. The book highlights the importance of elaborating a new development approach concerned with variability, uncertainty and flexible responses, and focused on how government policies can encourage the efficient tracking of the environment by pastoralists through opportunistic management.

- McGahey, D. et al. IUCN. 2014. *Pastoralism and the Green Economy - A Natural Nexus?* This publication provides an overview of recent trends in pastoralist development. While Scoones and Graham (1994) highlight the adaptive responses of pastoralist societies to non-equilibrium dynamics in rangelands, this paper draws attention to the idea of inter-dependence and co-evolution of pastoralist societies and their environments. Thus, this article - one of many products of the World Initiative on Sustainable Pastoralism - brings to the forefront the role of pastoralism in the conservation of natural resources and biodiversity. Suggested chapters were the Executive Summary, the Maintenance of Natural Capital and Enabling Pastoralism for a Green Economy.
To guide the discussion and exchange, the following questions were posted:

1. How have public policies towards pastoralist societies evolved in your country or region? Which ones have succeeded and which ones have failed and how do you think they differ from those policies implemented in other regions?
2. Extensive production, herd mobility and opportunistic management are widely recognised as basic to pastoralism, however public policy has failed to take these factors fully into account in most regions of the world. Which do you think have been the major constraints to bridge this gap between research and public policy in your country or region?

Discussion

Public policies and pastoralist societies

Thorough the discussions in the Learning Alliance it was widely recognised that, in most cases, public policies relating to pastoralist have not in fact been supportive of pastoral livelihoods, and contain little or no regulation on land tenure, cattle corridors or routes, and forest reserves (Rilwanu Muahammad Faralu, Nigeria, Gabriel Palmili, Argentina and Pius Loupa, Uganda). As Oscar Obasi (Nigeria) indicated, pastoralist policies related to land use have been at most been based around customary ownership and freehold.

“I would like to place the blame on two main issues: the top-down approach of policy formulation and implementation and ‘agricultural’ (read crop cultivation) mind set of policy formulators and implementers.”

Hussein Wario, Kenya

Despite some isolated improvements, including the recognition of pastoralists' livelihoods in the 2012 ASAL policy in Kenya, the enhancement of communal tenure security in Kenya resulting from National Land Policy and Constitution, and the increased engagement of governments in the management of pastoralist affairs (Amos Musyoka, Kenya), public policy has predominantly promoted land individualisation and the disintegration of Group Ranches, in the cases of Kenya and Uganda. Yet privatisation of pastoral land has not led to better resource management nor to an improvement in herders' livelihoods, nor indeed to greater equity or efficiency for pastoralist communities. The failure of this approach, partially due to a lack of coordination between research and public policy, has led in many cases to social and political resistance from pastoralists due to the unquestionable negative impacts on their livelihoods (Amos Musyoka, Kenya and Pius Loupa, Uganda).

Conflicts between large-scale investments and pastoralism

The trade-offs between enhancing pastoralist productive systems and promoting alternative economic activities with greater (macro) economic impact has been a key subject in our exchange. Several participants described how pastoralism has been
excluded from public policy, and more critically, from national development plans which have instead prioritised large-scale investment or mega projects and industry. Public policies have ignored the fact that these mega investment projects restrict the ability of pastoralist societies to access and use their natural resource base, and that they damage pastoralists’ livelihoods (Abdia Muhamud, Kenya).

“Mega projects, in my view impact, negatively on pastoralists’ adaptation strategies and this continuous exclusion of pastoralists from their own affairs weaken resilience. If pastoralists stand up for their rights and survival you will immediately hear or see headlines such as Pastoralists Resist Development and Change at their own Backyard.”

Abdia Muhamud, Kenya

A common policy has been the implementation of a “voluntary resettlement programme in pastoralist areas with the objective of assisting those affected to access public services. However, these policies have been imposed on pastoralist communities without their consent (Lemma Belay, Ethiopia). When conflicts have arisen concerning access to and use of land resources, public policy has clearly benefitted other activities considered as providing better economic returns (Rochelle Dean, Bahamas). Agricultural activity has received special attention in public policy, yet official rules and regulations often overshadow pastoral livelihoods (Lemma Belay, Ethiopia). Also, in countries like Kenya and Uganda, governments policy has aimed at encouraging pastoralist societies to engage in agriculture as a solution to their problems (poverty, low access to basic services, degradation of their resources, inefficiency, conflicts arising from the use of common lands, amongst others) (Pius Loupa, Uganda and Hussein Tadicha, Kenya). In Argentina, for over 20 years public policy has encouraged herders to abandon their livelihood and move to urban areas (Gabriel Palmili, Argentina).

The invisibility of pastoral activity in public policy is related to insufficient knowledge that policy makers and many researchers have about pastoralist societies, their territory, the natural resources that they use to sustain their livelihoods and the way that they manage these resources. Because of this limited knowledge, policy makers have been unsuccessful in identifying the real needs of pastoralist societies (like the protection of grazing lands, cattle corridors and other natural resources, as well as security of land tenure). Pius Loupa (Uganda) explained how authorities did not recognise the importance of herd mobility and interpreted it as consequence of poverty; hence policies were imposed aimed at settling pastoral communities. Also, André Le Doux (Cameroon) commented that because of herders’ transhumance authorities have not invested in infrastructure in pastoralist areas, arguing that they only live there for a short duration.

Finally, despite the fact that pastoral productive systems play an important role in ecosystem conservation, government conservation plans have failed to recognise that pastoralist societies should play a key role in tackling this challenge. Instead, in many cases they have been banned from these areas (Pedro María Herrera, Spain). This happened in Karamoja, Uganda, where the government excluded pastoralists from a
conservation role, created conservation areas in their territories and displaced them from their grazing lands. Nevertheless, over the last decade or more, the engagement of local communities in conservation activities has improved. One case is northern Kenya where the Northern Rangelands Trust has succeeded in including pastoralist communities in the conformation of wildlife communities.

**Gap between research and public policy**

Regarding the question about the constraints on bridging the gap between research and public policy, participants gave some possible answers. In the first place, this seems to be related to a lack of government capacity determined by structural factors, one of them being poor funding, as suggested by Amos Muskoya (Kenya). This problem is aggravated in the case of pastoralist areas, as they tend to be isolated and marginal within their national contexts. Secondly, governments have failed to link policies across different scales. The implementation of top-down policies that are designed at national or regional level by an elite of practitioners are often not aligned with local realities. André Le Doux (Cameroon) highlighted the fact that policies fail to take into account the diverse interests of different groups. In Cameroon, farmers have been poorly represented in the process of delimiting pastoral corridors, leading to a scenario of potential conflict. Top-down policies are more likely to fail to incorporate local (and divergent) perspectives or to understand the logic and rationality behind customary range management practices. Finally, policies and development projects aimed at pastoralists are often isolated initiatives, as Pius (Uganda) suggested. This implies that development projects respond to specific problems (the lack of water availability, for example), and are not part of a more holistic and systemic intervention based on sustainability criteria and a territorial or landscape framework.

Finally, policy makers do not appreciate pastoralism as a production system, instead viewing it as a retrogressive and inefficient practice. However, this misconception can be shown to be false when these systems are put into context. As such, public policies have pursued objectives that harm pastoralism. For instance, curtailing mobility of pastoralist communities and advocating for change in use of land to activities that are considered more profitable. Cultivating a better understanding of pastoralism and involving communities in policy making can assist in the development of policies that will actually promote pastoralism.
Topic 4: Evolution of Land Tenure in Pastoralist Societies

Focus of the Topic

Having characterised pastoral societies and looked at how public policy on pastoral communities has evolved, the fourth topic of the Learning Alliance described and contrasted land tenure regimes in the East African Savanna and the Andean Altiplano and traced how they have evolved over time in order to identify which key developments have shaped the outcomes. Land tenure regimes in the two regions were defined based on the bundle of rights. Participants reviewed how these regimes have changed over time and the drivers behind these changes.

The discussion was supported by the following main reference materials:

- TEGEMEO Institute, 2016. *Collective Land Access Regimes in Pastoralist Societies: Lessons from East African Countries*, (ELLA Regional Evidence Paper). The Regional Evidence Papers describe the land tenure regimes in each region, as well as the evolution of land tenure and the drivers behind these changes to the current period. Participants were urged in particular to review the typologies of land tenure discussed in section two of both papers. The land tenure regimes have been defined following the bundle of rights proposed by Schlager and Ostrom (1992) for each region. Section four of these papers describes the cases studies as well as changes in the land tenure regimes and explains how and why the changes took place.
- Rota, A., Calvet, C. and Liversage, H. 2009. IFAD. *Livestock and Land*. This brief looks at cross-cutting issues that affect access to land for pastoralist societies using different case studies, mainly in sub-Saharan Africa. The brief provided a great comparison to the discussion on land tenure changes in the two Regional Evidence Papers.

To guide the discussion and exchange, the following questions were posted:

1. Using the bundle of rights proposed by Schalager and Ostrom (1992), how can you characterise the land tenure regimes found in pastoral communities in your country?
2. How have these land tenure regimes changed over time?
3. What explains these changes or what are the drivers of the changes explained in (2) above?
Discussion

**Characterisation of collective land tenure regimes in pastoralist societies**

Moderators followed Schalager and Ostrom (1992) and used the ‘bundles of rights’ concept, namely collective choice and operational choice bundles. These choice bundles are determined by how communities access and utilise land. As such the key elements in a bundle of choice are: access, withdrawal, management, exclusion and alienation rights. This conceptualisation helps to characterise land tenure regimes in pastoral communities. For example, land tenure regimes can be determined by how pastoral communities engage in both operational-choice and collective-choice actions, which are determined by the bundle of rights accessible.

Four categories of land tenure regimes were identified in different countries. In the first the community owns and accesses land collectively; in the second land is owned in family units and accessed by the family units; in the third is owned collectively but accessed individually; and in the fourth land is individually owned and accessed. Some variants of these broad categories were also identified, such as land that is owned externally, for instance by the government, but is accessed communally, or where land is owned privately and accessed communally through seasonal rights by way of lease.

Amos Musyoka (Kenya) and Abdia Mohamud (Kenya) noted that land policies allowed for conversion of tribal lands into individually registered land, although some communities such as the Borana wanted to maintain communal ownership and access. These regimes have undergone changes, mostly in a dynamic manner, although in some cases a linear pattern can be observed.

**How have land tenure regimes changes over time?**

Over time, collective land regimes have moved from communal ownership and access and are gravitating towards individual land tenure. One of the reasons behind this phenomenon is the protection/security of land tenure. Formal registration is seen as a means of guaranteeing tenure security. The evolution of collective land regimes, for example in the case of Kenya, has brought about the development of two new categories: un-adjudicated communal lands (non-registered) and group ranches (registered) (Susan Kidemi, Kenya).

In the Andean Altiplano, despite changes in external conditions, some land tenure regimes have persisted over the last 50 years. The two types of resilient land tenure system identified include the Condominium and the Communal Condomium, in which operational level rights are held on a family basis meaning that the legitimacy of any pastoralist’s access to land is based on belonging to a family corporate group. Likewise in both systems, collective-choice level rights, pertaining to management, exclusion and alienation issues, rest in the hands of collectives.

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3Collective-choice action refers to ownership or control of the common property resources and includes rights of management, exclusion and alienation; while operational-choice action refers to rights of access and withdrawal (use) of a common property resource.
In the East African case, the changes in collective land tenure regimes observed over time exhibit a trend that converges in individualisation and privatisation of land tenure. This is despite the existence of resilient practices of maintaining collective land tenure either through maintaining un-adjudicated land (where communities have opposed individualisation of land tenure) or by sustaining group ranches.

**Drivers of change in collective land regimes**

Several drivers of change in land regimes were identified by participants.

1. **Public policy**

   Public policy backed by government and donors has openly promoted individualisation and privatisation of land tenure. In Argentina, Gabriel Palmili noted that family owned land is changing following the introduction of a land titling plan after which most of the pastoralists sold their land to traders or people with high purchasing power.

2. **Misconceptions about pastoralism**

   Misconceptions about pastoralism have allowed governments and investors to discount the value of pastoralism and declare pastoral land to be unutilised. André Le Doux Wamba (Cameroon), drawing on the case of Cameroon, noted that such laws have led to governments acquiring pastoral land or pastoralists converting the land to other uses to avoid losing the land. The registration process, financial implications, the nomadic nature of pastoralists and the non-development status of their way of life are all factors that restrict them from acquiring formal registration. Furthermore, legislative provisions deny pastoral communities the right to property due to the nomadic nature of their life.

3. **Demographic change**

   Oscar Obasi (Nigeria) argued that land tenure has changed over time due to social dynamics such as communal and family land changing into individual ownership, increased population, investments in huge infrastructural developments and changes in land use. Some participants noted that there is a need for governments to recognise pastoralists' way of life and put in place policies that improve their livelihoods instead of exploiting them on account of factors such as illiteracy, nomadism, lack of formal ownership documents and failure to develop the range lands.

“**I know of many pastoralist societies living under the Peasant Community regime (basically created for farming families). This initiative was not encouraged by the state, but by the families themselves who saw in the community a defence mechanism for their land.”**

Ana Lucia Araujo Raurau, Peru
4. **Exploitation and mining of natural resources**

According to Pius Luopa (Uganda), much of the land is gazetted by the government for conservation especially where natural resources such as minerals have been discovered. In the case of Karamoja, pastoral communities have been forced to accommodate these activities which are perceived to bring greater economic returns.

5. **Collapse of indigenous/customary institutions**

Abdia Mohamud (Kenya) noted that the weakening of the authority of local indigenous institutions has led to the over-exploitation of resources; enhancing the view that pastoralism leads to environmental degradation, which can be corrected by individualising land tenure.

6. **Change in land use**

Change in land use to crop farming and to provide land for human settlement was also identified as a driver behind changes in pastoralist land tenure.

7. **Infrastructural developments**

Changes in pastoralist land tenure were also attributed to the creation of mega projects such as road infrastructure.
**Topic 5: Implications for the Sustainability of Pastoralist Productive System**

**Focus of the Topic**

This topic discussed the social and economic implications of land tenure changes for pastoralist productive systems and assessed their sustainability, focusing on a comparison between the Andean Altiplano and the East African Savanna.

The discussion and materials centred on addressing the relationship between land tenure regimes (LTR) and the sustainability of pastoralist production systems (SPP). As already discussed, pastoralism takes place mainly in low productive lands (drylands, rangelands, or marginalised territories). In order to make effective use of this land pastoralists have developed a series of production strategies that follow the principle of opportunistic and flexible management. These strategies are in need of certain institutional arrangements in order to operate, among which land tenure regimes are of central importance. According to Food and Agriculture Organisation (FAO), and various other authors, these land tenure regimes can be classified as private, communal, state and open access.

What sustainability does really mean? From the point of view of production systems, it refers to the ability of the system to reproduce, to face and recover from shocks, and mainly to provide opportunities for the next generation. The challenge thorough this topic was to understand the role of land tenure in ensuring sustainability of pastoral productive systems.

The reference materials for this topic were as follows:

- Herrera, P.\(^{4}\) et al. 2014. *The Governance of Rangelands. Collective Action for Sustainable Pastoralism*. Specifically, participants were invited to read chapters 1 (Principles of pastoralist governance and land management) and 2 (Governance of the rangelands in a changing world). This books shows that current evidence is strongly in favour of collective-based tenure regimes as the best institutional basis for the management of common-pool resources (CPR) in pastoral societies.


- Fratkin, E. and Mearns, R. 2003. *Sustainability and Pastoral Livelihoods: Lessons from East African Maasai and Mongolia*. In this article the authors compare lessons from the East African Maasai and Mongolia, and discuss what sustainability means for pastoral livelihoods and how this has changed over

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\(^{4}\) Pedro Herrera was also an active participant of the Learning Alliance.
time. For them, sustainability for pastoralists implies maintaining livestock productivity, defending their rights and access to water and grazing resources, and ensuring political and economic security.

To guide the discussion and exchange, the following questions were posted:

1. What are the main land tenure regimes in the pastoral societies in your country/region? (you can follow the typology of private, communal, state owned, and open access)
2. Please describe the relationships between the different land tenure regimes with livestock productivity, access rights to grazing and water resources, and political and economic security.
3. In your opinion, what are the main enabling conditions for enhancing the sustainability of pastoral productive systems?

Discussion

Main land tenure regimes in the pastoral societies in participants’ regions

As participants pointed out, land tenure in pastoralist societies can exist in various forms. Different tenure regimes coexist and in some cases they even overlap. But despite the complexity and heterogeneity, communal land tenure is still prevalent in many countries where pastoralists live. However, it is important to mention that within communities as customary or formally recognised organisations, rights over land are not necessarily community-based. Thus, within a community’s territory there can be areas where rights of access and control of land are more individualised than in others, as Ana Lucía (Peru) highlighted.

Regardless of the heterogeneity of land rights within communities, a common feature within common property regimes is that local institutions play a key role in the management of resources. Amos Musyoka (Kenya) illustrated this point by mentioning the Gada, an egalitarian socio-political form of organisation from northern Kenya, which was in charge of the allocation of resources between members and non-members, although its authority can overlap with and be contested by other actors from civil society.

“One feature that is very particular to African land tenure system is that in some countries land is ultimately owned by the state. According to Oscar Obasi (Nigeria), this situation empowers the state to take over any land if something deemed as important by the ruling government arises. Along the same line, Manal Mohammed Salih (Sudan) explained how in Sudan large tracts of land have been reallocated to public and private investors. This characteristic shapes the issue of tenure insecurity in African pastoralist areas under an entirely different light to the Latin American context. Tenure insecurity can actually be...”

Oscar Obasi Igwe, Nigeria
aggravated in pastoralist areas, as there is widespread misunderstanding about the social, economic and ecological importance of pastoralism, which ultimately leads to processes of expropriation aimed at changing the land use of rangelands, despite the threat this poses for such ecosystems.

**Relationship between the different land tenure regimes with livestock productivity, access rights to grazing and water resources, and political and economic security.**

The question of the relationship between land tenure regimes and sustainability was one of the main puzzles that the moderators focused on in the Learning Alliance. Participants provided two divergent types of answer to this question.

One the one hand, some participants pointed out the link between private land tenure regimes, limited productivity and ecological degradation. Oscar Obasi (Nigeria) explained that, although providing economic security, private regimes have productivity limitations due to the size of land that individuals can access through this type of regime and the impossibility of pooling resources collectively. Amos Musyoka (Kenya) pointed to the incompatibility of private regimes with mobility, a key tracking strategy of pastoralist production systems. Pedro Herrera (Spain) commented that mobile pastoralism is *clearly one of the most efficient and sustainable ways to use marginal lands.* In agreement with recent literature, Herrera argued that the outcomes of pastoralism are often higher than any alternative uses that could take place on the same land, and pastoralism is able to provide better food security, improve the resilience capacity of communities, and ensure the provision of better ecosystem services. The incompatibility that Amos finds between private regimes and sustainability is related to the effects private ownership has on the productive system as well as on the environment. As he pointed out, grass and pastures are unable to recover due to the lack of extensive lands where pastoralists can move their herds depending on food availability, while seeds deposited in the soil cannot germinate properly due to the constant treading of animals. Besides the productive and ecological consequences of privatisation, there are also social repercussions. Susie Kidemi (Kenya) highlighted how the privatisation of communal land has led to the exacerbation of conflicts between pastoralist and agricultural communities in some parts of Africa.

On the other hand, Usiel Seuakouje Kandjii (Namibia) and Emma Yovanna Quina (Peru) associated private regimes with increased productivity and better resource management. This link can be made for various reasons. First, Emma considered that private regimes—specifically private property—provide herders with the adequate incentives to reinvest in their productive unit, whether through investing in improvements in pastures or water infrastructure. Usiel viewed private regimes as a necessary condition for accessing financial loans since land can be used as collateral. Third, both participants pointed out that private regimes usually come hand-in-hand with the introduction of fences for land demarcation, which they believed to be a strategy that enhances herd and pasture management.
Moderators pointed out, however, that the arguments raised by Usiel and Emma had been deeply questioned by different researchers and studies. The premise that an automatic link exists between privatisation and increased productivity and economic efficiency has been guiding land policy for at least five decades. Yet, even the transnational organism that promoted it in the first place, the World Bank, has been dismantling the certainties provided by this policy recipe since the 1990s and is recognising the complexity of land tenure under different social contexts. The moderators understood that this is still an open debate, more within policy circles rather than within academic ones where there is broader consensus about how problematic this assumption has been, particularly for pastoralist societies where mobility is a key strategy for economic survival. This argument was followed-up in the following section.

**Enabling conditions for enhancing the sustainability of pastoral productive systems**

One of the roots of the problem with land tenure in pastoralist societies worldwide, as Pedro Herrera (Spain) identified, lies within the deep misunderstandings that the state and development organisations have regarding pastoralist societies. Pastoralism has been deemed as backwards and their characteristic mobility has been seen as primitive. This has led to two dominant responses: attempts to change the land use of rangelands or, alternatively, increase livestock productivity through land use intensification.

First, the attempt to change land use of marginal lands where pastoralists live has been motivated by the preconception that their extensive and mobile use of land is inefficient and unproductive. This attitude has led to the expropriation of lands and the eviction of pastoralist - and the consequent impoverishment of these groups - in developing countries in order to promote intensive agricultural schemes or extractive uses (such as gold mining in Sudan, as mentioned by Manal), and to the abandonment of this way of life in Europe.

Second, policies that have been directed at improving pastoralist productivity have originated from various misconceptions. The state and NGOs have failed to understand that pastoralist societies have developed an efficient and sustainable production system that has adapted to the uncertainty and variability of rangelands through the creation of flexible, extensive and mobile management strategies. Instead, state-ruling has favoured the sedentarisation of herders and the privatisation of their lands. Manal Mohammed Salih (Sudan), for example, explained how Sudanese policy promoted closed farming schemes and the introduction of exotic breeds in order to boost productivity. In other words, states and NGOs have been promoting strategies designed on the template of agricultural societies living in more balanced environments. As a consequence, as Pedro Herrera (Spain) pointed out, this misguidance threatens the sustainable management of rangelands which represent an enormous territory across the globe.

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Thus, one of the main concerns that emerged in the discussion was how to promote an adequate understanding of how pastoralism functions in practice at the policy design and implementation level. Policy advocacy is one the answers. Advocacy should aim to change negative perceptions and promote an understanding of pastoralism as a sustainable and modern-day occupation, thereby facilitating the development of laws, regulations and policies adapted to the needs of pastoralist societies.

Besides spreading the understanding of pastoralism not only as a viable, but also as an efficient and sustainable way of life, what else can policy makers do? One of the enabling conditions for the sustainability of pastoral production systems is guaranteeing their access to a diverse set of resources. And here, traditional institutions play a key role as Pedro Herrera (Spain) and Amos Musyoka (Kenya) highlighted. Local communities and grassroots organisations are crucial for maintaining land tenure schemes that are suitable for pastoralism. Amos mentioned the example of Gada, an egalitarian socio-political form of organisation from northern Kenya that is in charge of the allocation of resources between members and non-members. Gada is one of the best known examples of a traditional collective system for governing resources. However, traditional institutions such as Gada are currently facing many pressures and are losing their capacity to rule rights, enforce duties and apply sanctions over members. Pedro Herrera argued that their survival depends on how prepared they are to combine their traditional authority to rule while updating to modern principles of equity, human rights and gender equality. This last point, gender equality, was raised by many participants, who recognised that women are the most vulnerable group among pastoralist societies and that there is great potential for improving their condition.

“Women play a crucial role in sustainable livelihoods. In most rural areas they raise small ruminants at household level and they are totally responsible for it and they have ownership rights over land which is always dominated by men whether they are fathers or husbands. In order for any community in our developing countries to move forwards we need to empower the women and to educate them.”

Manal Mohammed Salih, Sudan

“Since men are the ones who had access to training and work experience, they perform multiple activities; on the contrary, women remain in charge of the household and face limitations.”

Emma Yovana Quina, Peru

While fostering pastoralist forms of organisation and representation at national and state scales helps pastoralists groups to leverage their representational and political capacity it is important to keep in mind that the priority is to work at the community level and from there rise communities as interlocutors in peer to peer land management negotiations as Pedro Herrera asserted. Susie Kidemi (Kenya) mentioned an example that showed other ways the state can play its part in guaranteeing access to resources. In Chyulu Hills (Kenya) the government has reserved a catchment area, access to which is opened for pastoralists during severe drought seasons.
Another enabling condition for sustainable pastoralism that was underlined by participants was protecting and defending mobility. Mobile pastoralism has proven to be the most efficient and sustainable way to use marginal lands and is thus necessary to protect the ability of pastoralists to opportunistically manage resources. Participants also mentioned other important tracking strategies, such as herd diversification as a means to diversify economic outputs and as a risk management strategy. An important point raised by Pius Loupa (Uganda) relates to the provision of mobile services, mainly health, educational and social services, which are able to adapt to pastoralist needs without provoking, as has been the case in several countries, processes of sedentarisation and abandonment of pastoralist livelihoods.

In summary, participants identified common land tenure regimes in their regions and found similarities between land tenure regimes found in the Altiplano and the Savannah. In managing the land, communities mostly use customary systems. This has implications on the production practises employed. For instance, women are at a disadvantage due to customary norms. Collective land systems were found to be more sustainable for pastoralism. In addition, conserving the environment, correcting misconceptions about pastoralism and empowering pastoral communities were all factors that were considered to improve the sustainability of pastoralism.
Topic 6: Land Tenure Policy Discussion

Focus of the Topic

Through the Learning Alliance, moderators aimed to place land tenure at the centre of the discussion of pastoralist development and policy. Having analysed the relationship between land tenure and sustainability, the previous topic focused on land tenure policy, examining how public policy and external cooperation initiatives have approached land tenure. Based on the previous comparative analysis, the discussion centred mainly on how public policies and interventions have tackled the issue of land tenure.

The discussion was supported by the following main reference materials:


To guide the discussion and exchange, the following questions were posted:

1. In the current policy debate on land tenure in your country, what interventions (innovations) that are being discussed are likely to bring a positive change in pastoral livelihoods?
2. What key land policy recommendations can you suggest to enhance pastoral livelihoods in your country?
3. Which are the lessons that we could draw from Kenyan history of land policy intervention, specifically from those measures oriented to foster the sedentarisation of pastoralist societies and the privatisation of their lands?
Discussion

In the current policy debate on land tenure in your country, what interventions (innovations) that are being discussed are likely to bring a positive change in pastoral livelihoods?

Abdia Mohamud, Amos Musyoka and Susie Kidemi (Kenya) enumerated the following interventions by the government to address the issue of land tenure affecting pastoral communities. The formation of Kenya Pastoralist Parliamentary Group in 1998 aimed at mainstreaming the pastoralist agenda within national political, legislative and policy processes; the ratification and contextualisation of the Mifugo Protocol among East African countries (although not yet implemented by most member countries) which intends to identify, track and prevent cross-border cattle rustling, small arms proliferation and other crimes; the 2010 Kenya Constitution, especially Chapter 5 on land and environment; the Livestock Development Policy of 2012; and the Community Act which recognises customary laws and is in the process of being enacted.

Oscar Obasi Igwe (Nigeria) indicated that there two interventions still under discussion which aim to curb conflicts between farmers and pastoralists. They are the National Grazing Bill and a review of the Land Use Act to comply with current demands for land use. Oscar advocated for policies to assist in mainstreaming women in pastoral societies, who are currently discriminated in terms of land ownership.

Pius Loupa (Uganda) said that currently Uganda has no pastoral development policy except the Pastoralism and Rangeland Management Policy spearheaded by development partners and a coalition of pastoralist bodies, which is still in a draft form.

Gabriel Palmili (Argentina) advocated for a review and modification of policies that have adversely affected the interests of pastoralists as well as the creation of new norms to ensure the continuity of their way of life. He also supports the active participation of pastoralists in the whole process.

“In fact there are many challenges which are very difficult to face, but it is also true that within pastoralist societies there is a huge «human capital», a potential that can and must be used to find solutions for said challenges.”

Gabriel Palmili, Argentina

Rilwanu Muhammad Faralu (Nigeria) said that both the state and the federal government have proposed the establishment of a ranching system: urging the pastoral community to cooperate in disarming bandits for an amnesty, taking responsibility for the management of future developments in rangelands and accepting a cattle identification and registration system. A Nigerian CSO is taking the lead in this process and the government is acting as a facilitator.

Manal Mohammed Salih (Sudan) provided the following examples of interventions that are bringing meaningful changes to pastoral communities in his country: the 2005 Comprehensive Peace Agreement; the 2006 Darfur Peace Agreement; and the 2006 East
Peace Agreement. He further alluded to the fact that although there are a lot of internationally funded programmes which address the issues of security, poverty alleviation and development, pastoral communities are neglected despite the fact that Sudan’s economy depends mainly on livestock export.

“In order to bring about positive changes, whether social, economic or environmental, to pastoral communities you need to focus on participatory methods to capture the traditions, norms, culture and the people’s choices because they know better what suits them most without undermining their way of living and without eroding the habitat that supports their survival.”

Manal Mohammed Salih, Sudan

Usiel Seuakouje Kandjii (Namibia) listed the following policies which are still under debate in Namibia:

- National Rangeland Management Policy and Strategy which addresses the issue of sustainable rangeland management practices and principles
- National Drought Policy which is under review and deals with drought preparedness, resilience, early monitoring, vulnerability and impact assessment at national, regional and community levels
- Communal Land Reform Act which provides for the registration of customary land rights for a sizeable land of a maximum of 20 hectares. The Act deals with the registration of group rights for common land for grazing and specifies the way groups should be constituted as legitimate entities in order to gain rights over common land.

What key land policy recommendations can you suggest to enhance pastoral livelihoods in your country?

Pius Loupa (Uganda), Oscar Obasi Igwe (Nigeria), Gabriel Palmili (Argentina) and Susan Kidemi and Amos Musyoka (Kenya) all made the following recommendations in terms of enhancing pastoral livelihoods through land policy:

- Provide mobile service delivery for mobile pastoralists;
- Increase the representation of pastoralists in all land and development decisions regarding their territory;
- Set up a National Grazing Reverse Commission to address challenges faced by pastoralists. The Commission would involve pastoralists, including women and children, in all consultation processes;
- Allow pastoralists to manage their grazing patterns;
- Policies should facilitate livestock movement, including cross-border mobility, for increasing access to pasture and water;
- Encourage cross-border relationships regarding pastoral movement, trade in veterinary services like vaccination and control of trans-boundary animal diseases;
- Improve marketing infrastructure within the cattle corridor;
- Develop land policy to protect rangelands and water resources;
• Land policy should recognise pastoralists as a community with no borders by respecting their corridors;
• Policy should promote gender equity in relation to land allocation (ownership);
• Reduce fragmentation of grazing areas/ranch lands;
• Develop other land resources in pastoral environments to attract investment and create jobs for pastoral family members as supplementary income;
• Reduce overriding government control on all lands;
• Conduct periodic land examinations/evaluations to check degradation;
• Incorporate vulnerable groups (women, children and youth) into land policy;
• Redefine leasehold in areas where there is conflict between pastoralists and farmers using home-grown strategies;
• Ensure there is a robust debate and involve pastoralists in talks around land reform;
• Transfer power from the state to the citizenry for citizen participation in land processes and structures;
• Policies should foster an economically efficient, socially acceptable and environmentally sustainable land tenure system;
• Institutional re-organisation of pastoralist land policies to enable women to access and inherit land;
• The awareness of pastoralists should be raised around existing land tenure systems and laws, so that they can make recommendations;
• Document existing good practices and disseminate across pastoralist networks;
• Support pastoralist livelihoods by strengthening traditional pastoral production systems and pastoralists as small-scale producers;
• Policies should aims to develop procedures for resolving land disputes, taking into consideration the local context and including the participation of all disputing parties in order to identify best methods for allocating lands; and
• Recognise and protect the diverse tenure and production systems upon which people’s livelihoods depend.

Usiel Seuakouje Kandjii (Namibia) said that in his country change of land tenure regimes is not possible because private ownership of properties is enshrined in the constitution. Therefore any land policy should focus on sustainable joint management and access rights to common land rather than privatisation. He advocated for policy which will lead to the formation of groups that could own livestock collectively and manage natural resources in common in a sustainable fashion based on the land potential. He also suggested policy should allow for registration and access to more than one grazing area in different parts of the land to secure herd mobility, extensive production and opportunistic management.
Which are the lessons that we could draw from Kenyan history of land policy intervention, specifically from those measures oriented to foster the sedentarization of pastoralist societies and the privatization of their lands?

Oscar Obasi Igwe (Nigeria) identified the following as the main lessons which can be drawn from Kenya’s experiences in land policy:

- Privatisation of land does not necessarily improve pastoralists’ livelihoods more than communal ownership
- Support is required from the Ministry of Lands in land management
- Land restitution or resettlement for those unjustly dispossessed over the years can help reduce conflicts, as can land registration for formal ownership status

Gabriel Palmili (Argentina) was of the view that more work and dedication is required from those who have responsibilities in relation to the sedentarisation of families and privatisation of pastoral lands, in order to ensure that pastoralist people have access rights to rangelands to preserve their mobility.

Susan Kidemi (Kenya) said that the policy makers ignored the traditional Maasai methods for regulating resource use and access and instead introduced the group ranch concept which was meant to reduce environmental degradation but failed miserably.

Rilwanu Muahammad Faralu (Nigeria) argued that due to a lack of community involvement, sedentarisation failed in northern Nigeria leading to vandalism of facilities in the rangelands. Although in Kenya pastoralists participated in the process, CSOs failed in their roles. He therefore advocates for the incorporation of traditional institutions in all state land governance initiatives in order to achieve sustainability.

Manal Mohammed Salih (Sudan) was of the opinion that:

- Sedentarisation has made no positive impact and in fact worsens the situation of pastoralists by limiting their mobility, which is crucial for their production system and for enhancing pasture viability. He therefore suggested that policies that support pastoralist access and control over natural resources should be strengthened and enforced, and that respect for customary and communal land management should be strengthened, as should pastoralist participation in decision making.
- Privatisation has proved to be a myth that has not worked positively except for large-scale investments which have been carried out to the detriment of pastoralists who inherited these territories from their ancestors and have been capable of managing them over time using transmitted knowledge and behaviours accumulated through positive experiences.
- Top-down policy and management may disrupt institutional adaptations that enable resource users to optimise the spatial and temporal distribution of resources to avoid excessive pressure on natural resources within larger ecosystems.
• Social systems that govern communities within the larger context of human-nature interaction should be considered when dealing with issues related to natural resource management at all levels.

Pius Loupa (Uganda) argued that sedentarisation cannot work without the involvement of all stakeholders, as demonstrated by the case of Karamoja where works carried out with the support of donors were abandoned because the beneficiary pastoralists were not involved in the process. For such a move to succeed, collective or collaborative decision making is required to ensure in-depth understanding of the lifestyle of the pastoralists.

Usiel Seuakouje Kandjii (Namibia) said that based on the Kenyan experience:

• Pastoralism as a production system is misunderstood in that policies are out of touch with the reality and therefore do not enhance pastoralist livelihoods at all.
• Sedentarisation of pastoralist societies in the name of development and service provision contributes to land degradation around the many artificial water sources that were developed for that purpose.
• Privatisation of land in the hands of influential and wealthy individuals deprived the majority of the people from the main sources of livelihood and exposed them to poverty, food insecurity and conflicts.
• Group ranches as an approach to secure land for pastoralist groups is good but sustainable management practices should have been included in order to secure and enhance the continued utilisation of natural resources by all.
• A curb on the number of livestock kept in group ranches should have been negotiated per group(s) member(s) in order to ensure stocking rates were in accordance with the land potential and addressed the needs of all members fairly.
• Community-based natural resource management in the form of conservancies provides an additional source of livelihood for pastoralists.

Gabriel Palmili (Argentina) wrapped-up the whole discussion by saying that most of the contributions were based on the negative aspects of pastoral societies, yet there are positive facets which can be emulated by other societies. They include autonomy, independence and freedom, ethical values (solidarity, empathy, hospitality, and companionship). He says there is a lot of potential within pastoralist societies in terms of huge human capital which can be utilised to find solutions for many challenges they face.
Conclusion

Over the course of the six topics, participants in the Online Learning Alliance from across Latin America and sub-Saharan Africa discussed and exchanged ideas on how to sustain pastoralism as a production system. The exchange involved a review of literature suggested by the moderators and discussions based on participants’ experiences working with pastoral communities. This sections highlights the key lessons drawn from these discussions.

There are similarities in land tenure systems between the Altiplano and the East Africa Savanna. Pressures on land tenure systems are similar, resulting in a convergence towards individual land tenure systems. The drivers of change in land tenure systems are also similar although unique drivers exist in different regions. For example, urbanisation is a key factor in land use change in Kenya, while it is not a factor in Peru.

The management of land in pastoral communities in both regions is mainly based on customary land systems. These systems play a fundamental role in the sustainability of pastoralist production systems. However, the potential of women in pastoral communities has remained untapped.

Pastoral communities have adapted to their environment by employing practices that sustain pastoralism in these environments. For example, improvements in animal breeds and practising mobility allow pastoralists to improve production. Pastoralists in the Altiplano are, however, more market oriented.

Finally, land degradation is increasing due to declining access to land. On the other hand, livestock numbers are increasing due to population increase among pastoral communities. This demonstrates the usefulness of a holistic approach in improving pastoral livelihoods.