

# Lessons learned

## Pastoralism land rights and tenure

### Land tenure toolkit



The **Lessons Learned series** is prepared by the IFAD **Policy and Technical Advisory Division** and provides a compilation of past experiences on a particular topic and a reflection on evidence-based best practices and failures. “Best practices” refer to processes or methodologies that have been proven to produce good results and thus are recommended as examples to be replicated. These notes are “living” documents and will be updated periodically based on new experiences and your feedback.

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## List of acronyms

GSLRP	Gash Sustainable Livelihoods Regeneration Project
IUCN	International Union for Conservation of Nature
IUCN ESARO	IUCN Eastern and Southern Africa Regional Office
PRODAM	Agricultural Development Project in Matam (Senegal)
PROHYPA	Pastoral Water and Resource Management Project in Sahelian Areas (Projet d'Hydraulique Pastorale en Zone Sahélienne)
RECONCILE	Resource Conflict Institute
RB-COSOP	results-based country strategic opportunities programme
SRMP	Sustainable Rangeland Management Project (United Republic of Tanzania)
WSRMP	Western Sudan Resources Management Programme

## Introduction

This note aims to inform the design of results-based country strategic opportunities programmes (RB-COSOPs) and projects, as well as their implementation. It also describes the land tenure issues faced by pastoralists and how IFAD has dealt with some of these through its programmes and projects. The note provides elements on how to address pastoral land-related issues in RB-COSOPs and project design. It should be used at the strategy and design stages.

The note explains the land tenure issues faced by pastoralists, who are the main actors, and how some of these issues have been dealt with in the past by IFAD.

## Pastoralists

**Pastoralism** is practised in over 100 countries by an estimated 100-200 million people (IUCN ESARO 2011) on 25 per cent of the world's land area (IUCN ESARO 2012). Pastoralist systems vary considerably across the many countries concerned. However, they do share some common characteristics, most notably their mobility. Whether transhumant or nomadic, the practice allows pastoralists to overcome the ecologically diverse and difficult conditions they encounter over the course of the year. Their movements may be linked to seeking resources (e.g. seasonally available resources), to escaping from seasonal diseases, conflicts or natural disasters, to taking advantage of periodic opportunities such as markets or political events or to managing uncertainty about the availability of pasture.



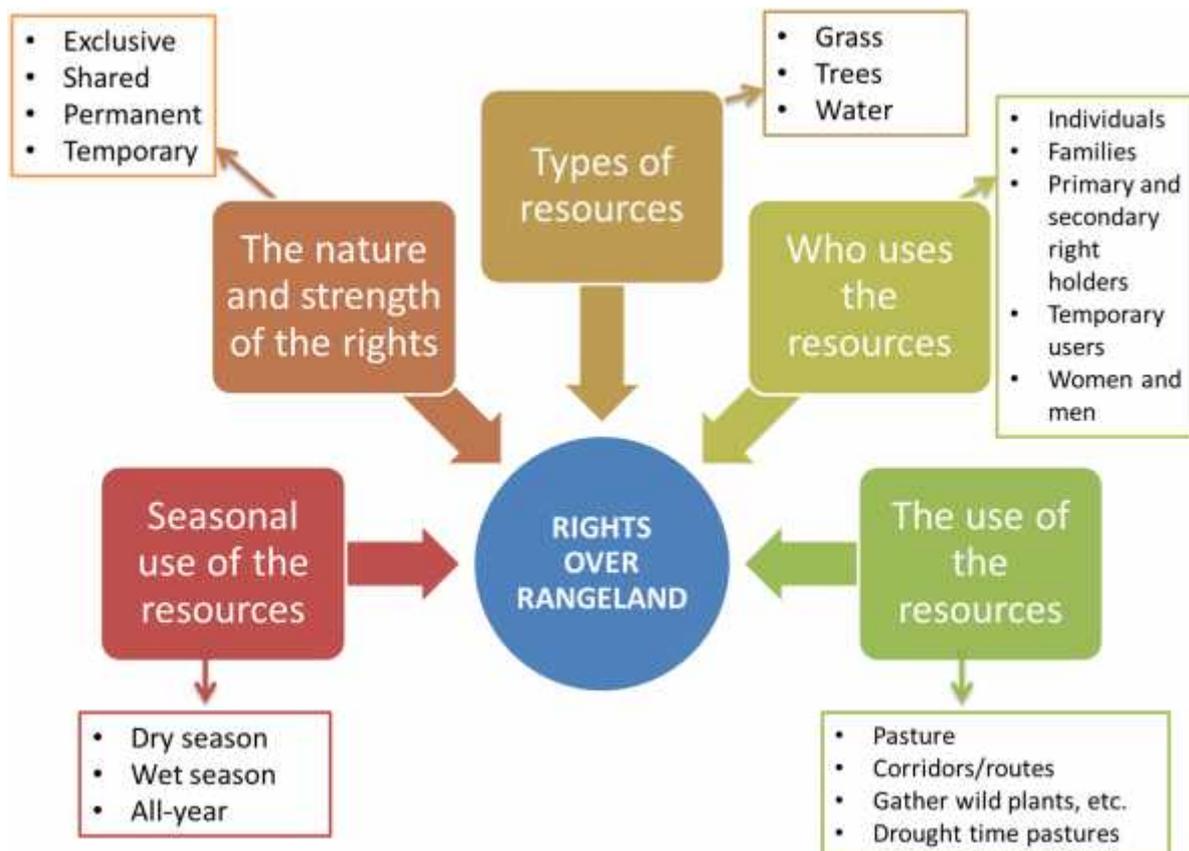
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China - Yunnan-Simao Minorities Area Agricultural Development Project

Pastoralists are often marginalized by society and their rights and interests are consequently not always reflected in policies and legislation, although they make a significant contribution to the national economy. They are often in a politically and legally weak position due to their limited visibility and lack of information about their rights. At the same time, pastoralists are wrongly considered the main cause of land degradation (which leads to soil erosion).

### Pastoralism land rights and tenure

The uncertain and irregular availability of resources for pastoralists has led them to develop complex systems of resource management, regulated by customary norms that reflect this complexity.

The rights over land depend and vary according to who uses the resources, the types of resources, how these resources are used, when they are used, and the nature and strength of the use as indicated by the figure below.



Thus, the types of land rights that pastoralists may enjoy over land are:

- **Use rights:** such as the right to access the resource (e.g. to move livestock across land) and the right to withdraw from a resource (e.g. tap gums and resins) or to exploit a resource for economic benefit
- **Control or decision-making rights:** such as the right to manage (e.g. dig a well) or the right to exclude (e.g. prevent others from accessing the well)
- **Transfer, sale or alienation rights:** such as the right to rent pasture, sell firewood or charcoal, or produce honey (Flintan 2012).

Although pasture land in the majority of post-colonial countries belongs to the state, other forms of access, control and ownership of grassland resources, from communal to private, have been adopted by states as indicated in the table below.

Pastoralists' land rights are often interpenetrated with the rights of sedentary farmers, adding to this complexity. But, in fact, on land where pastoralists have rights of use and/or access, the land tenure is often characterized by a juxtaposition of various rights. In some places in Africa – around lakes in particular – there are customary land tenure rights for farmers, access rights for pastoralists (on a seasonal basis) and rights related to the tenure of fisheries. Then, the complexity is at several levels: in space, in time and in social aspects. This complexity must be carefully assessed during the design of a project dealing with pastoralism and the multiple rights must be taken into consideration in the related components or subcomponents (especially if the project includes land titling, demarcation, land consolidation, etc.).

**Examples of systems of allocating rights over grassland resources**

Rights of use given to communities	In Nepal, Kyrgyzstan and Kazakhstan, communities have the right to use and manage state land. The land remains in common use.
Commune owners of communal land	In India, communes have the right to sell parcels of land to private parties. Non-communal land remains under state ownership.
Customary use of state land	In Argentina, transhumant pastoralists have been historically using state land, with no formal regulation and no explicit recognition of their customary rights.
Rent state land	In Kyrgyzstan and Kazakhstan, pastures can be rented for a certain period of time.
Buy state land	In Kazakhstan, there is the option to buy pastures, up to a limited maximum size, to prevent land grabbing.
Private property of pasture land	In Kenya, group-owned ranches exist: in some cases this has led to subdivision and individual ownership.
Common property systems	In Kenya, pastoral communities can develop by-laws to formalize their natural resource governance arrangements. In Uganda, customary rights to land ownership and management can also be formalized by registration of the communities as communal land associations.

Source: IUCN ESARO 2012

**Coexisting and overlapping interests**

The areas of rangeland that pastoralists need to access are generally areas where different rights coexist and sometimes overlap: sedentary farming but also phenomenon of urbanization, tourism, nature conservation and investments over land may have coexisting, mutual but very often competing interests over the same piece of land and its resources.



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Turkey - Ordu-Giresun Rural Development Project

Pastoralists and the other actors, including states, may therefore contend rights on access to land – grazing land and rights of ways (livestock corridors/routes) – and on access to reliable resources of water.

The mobility of pastoralists over large tracts of land is fundamental for pastoral production and their livelihoods, in particular, in arid and semi-arid areas – where mobility is also an adaptation strategy vis-à-vis climate change and its increasing related constraints. When the rights to ways are not regulated and/or guaranteed, a situation of conflict may arise between nomadic and sedentary groups. Corridors often are on state-owned land and cases of encroachment for agricultural production or for nature reserves are frequent. In Burkina Faso and India, the creation and delimitation of forest reservations show how state interventions have limited access to traditional livestock pathways. Competing interests over land may also be linked to industrial uses, such as mining and irrigated agriculture, as in the case of India and Burkina Faso. Additional tensions often occur when water resources are scarce and access to them is limited.

Drought-time pastures also require specific attention. Particularly worrying is the tendency to identify these pastures as “no man’s land”. During normal periods, they are usually unsuitable for livestock use, such as the Tana Delta, because of tse-tse flies infestation; however, in case of drought, they become suitable for their use due to the lower insect load and as they are the only areas where green pasture is left.

Given that their use is occasional, no right is perceived for pastoralists to use it. However, their conversion into land uses incompatible with pastoralism has usually the most dramatic consequences both for biodiversity (as marginal lands are usually more biodiverse) and for food security, as these refuges are fundamental for the survival of pastoralist livelihoods.

The complexity of such situations is usually present on land where flexible boundaries – needed to allow the fluidity of the pastoralist customary system – allow any group in difficult situations during times of hardship to access it.

Increasing land tenure insecurity also leads to weakening of the pastoralist customary institutions that have traditionally managed natural resources: increasing competition over resources and weakening of traditional pastoralist institutions lowered the capacity of pastoralists to manage their resources and “defend” their rights.

The use of land by pastoralists and by the other actors is, therefore, complex: this complexity should be reflected in laws, norms and policies which regulate such use. However, if existing, these laws, norms and policies rarely capture such an intricate situation, leading to conflicts for the access and use of the land. Specific interventions, using conflict resolution mechanisms, need to be put in place to prevent and solve these conflicts.

### Pastoral women

Within the pastoral society not all groups enjoy the same rights and possibilities. In particular, women do not often have the same land rights as men: in fact, although pastoral societies may significantly differ among them, it can be generally said that women do not hold land rights and have less economic independence than men.

Women and men have different types of assets at their disposal for meeting their different needs. Women’s needs tend to be neglected within customary institutions as these institutions are normally male-dominated. Women’s rights



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Plurinational State of Bolivia - Enhancement of the Peasant  
Camelid Economy Support Project (Proyecto Vale)

over resources are channelled through their male relatives (husband, father, brother, etc.) limiting their actions and decision-making power.

There are cases where women enjoy an equal position and are well integrated in the decision-making process, as is the case in Nepal and the Plurinational State of Bolivia. In the Langtang community of Nepal, women make decisions over pasture land practices, as men are away most of the year. The same is true for the Plurinational State of Bolivia, where women shepherds in the Andes have a leading role in pasture management. However, decision-making power does not necessarily mean access to and/or control over resources.

The weak position of women hampers their capacity to manage in a sustainable way the resources that are nominally under their control. There is also the risk that in case of interventions to secure pastoralists' rights (e.g. through laws and norms), women's land rights tend to be ignored, so that their situation worsens.

## Lessons learned

IFAD has been dealing with pastoralists and their land tenure issues in several of its programmes and projects. Its interventions vary geographically and in terms of issues faced, actions taken and tools adopted. However, the complex and conflicting nature of these issues implies that the processes to be implemented will require a significant amount of time and that a very strategic approach needs to be put in place at the earliest stage possible – ideally at RB-COSOP level.

<p><b>Approach: community-based range management</b></p> <p>Tool: pastoral cooperatives</p>	<p><b>Morocco</b></p> <p>The traditional social systems of common management of resources can be successfully used to enhance governance and sustainable management of natural resources, as shown by IFAD experience in Morocco. Through the Livestock and Pasture Development Project in the Eastern Region, IFAD developed a community-based range management approach where cooperatives were created following the traditional rangeland governance systems, with positive impact on land use. The recognition, valorization and strengthening of the positive aspects of these traditional collective rights of tribes have been key for the success of this model.</p>
<p><b>Approach: participatory models</b></p> <p>Tool: participatory land-use planning</p>	<p><b>Tanzania</b></p> <p>Participatory models have been implemented to support pastoral and agro-pastoral development, as in the case of the Sustainable Rangeland Management Project (SRMP) in the United Republic of Tanzania, and to develop an integrated management of pastoral land, as in the case of the Agricultural Development Project in Matam (PRODAM) in Senegal (Rota, Calvosa, Liversage 2009a). In the United Republic of Tanzania, activities for landscape planning have been included thanks to the relative autonomy at village level. In the SRMP project area, conflicting interests of pastoralists and sedentary communities over access to grazing land and water resources lead to conflicts among the different users. Building on existing customary practices, participatory methodologies were adopted, including participatory land use planning, to develop village land use management plans which led to resolution of conflicts and registration of village land.</p>

	<p><b>Senegal</b></p> <p>In Senegal, IFAD is developing synergies between its project and herders and other actors involved in natural resource management, such as local communities, technical experts and government authorities. The approach aims to protect the existing natural resources and rehabilitate degraded areas, making local people responsible for the implementation of the programmes for a sustainable management of natural resources. Pastoral management plans have been developed and management committees created. The approach is based on traditional practices in the management of natural resources.</p> <p>See How to do Note on Participatory Land Use Planning:  <a href="http://www.ifad.org/knotes">http://www.ifad.org/knotes</a></p>
<p><b>Approach: integration of forestry and livestock activities</b></p> <p>Tool: leasing agreements</p>	<p><b>Nepal</b></p> <p>Forestry and livestock activities have been integrated in Nepal through the Leasehold Forestry and Livestock Programme (Rota, Calvosa, Liversage 2009a), providing rural poor with leasing agreements over depredated forest land. These agreements have given long-term tenure security and, consequently, incentives to regenerate, protect and manage depredated forest land. People have developed confidence to improve their land and also to invest in livestock and rangeland infrastructure. Security of tenure over land has not only incentivized sustainable management of land and increased its productivity and soil fertility but has also fostered the development of innovative risk management strategies through alternative income-generation activities and drought strategies deriving from the inclusion of livestock-related activities. Conflict management training has also been provided to rangers and livestock technicians.</p>
<p><b>Approaches: holistic</b></p> <p>Tools:</p> <ul style="list-style-type: none"> <li>- corridor marking</li> <li>- land and water resource planning</li> </ul>	<p><b>Sudan</b></p> <p>The promotion of holistic approaches aimed at providing services to the pastoralists and, at the same time, organizing spatially the stock and transhumance routes. To protect stock routes from crop agriculture encroachment, the Western Sudan Natural Resources Management Programme (WSRMP) in The Sudan has designed various interventions, including land planning and corridor marking. In Chad, the experience of the Pastoral Water and Resource Management Project in Sahelian Areas [Projet d'Hydraulique Pastorale en Zone Sahélienne] (PROHYPA) experience shows that the positioning of water resources (wells and water ponds) was critical to organizing stock routes vis-à-vis the crops: indeed, the water resources positioning is a strong instrument to be used to channel the transhumance movements. Through the PROHYPA project, IFAD has constructed water facilities that have opened access to pastures that were made inaccessible due to land grabbing. However, the Fund has taken a broader approach towards rangeland systems, including actions on marking stock routes, improving service delivery to the mobile population, marketing and income diversification initiatives, education and improved governance.</p> <p>In The Sudan, through the Gash Sustainable Livelihoods Regeneration Project (GSLRP), interventions focused on increasing access to reliable sources of water and to capture flood waters (Rota, Calvosa, Liversage 2009a). In this project, a holistic approach to land and water was implemented which had positive effects on pastoralists as well as farmers. This intervention has allowed settlement of ongoing disputes</p>

	over the use of water resources between local communities and the GSLRP will be included in the country's land reform agenda as a successful initiative on integrated land and water governance.
<p><b>Approach: participation in policy dialogue</b></p> <p>Tool: Rangeland Observatory</p>	<p><b>East Africa</b></p> <p>IFAD has contributed to the Rangelands Governance Initiative (initially the learning initiative on Making Rangelands Secure), a partnership between IFAD, International Land Coalition, International Livestock Research Institute, IUCN-World Initiative for Sustainable Pastoralism, Procasur and the Resource Conflict Institute (RECONCILE), to improve work on land access in East Africa. Part of this initiative was the establishment of the Rangelands Observatory, an electronic platform enabling pastoralist organizations to monitor land-grabbing processes in rangelands worldwide. Activities have also included specific advocacy work to include the value of traditional rangeland tenure (especially commons) for preventing land degradation, mitigating climate change, adapting to it and boosting biodiversity.</p>

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