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Supporting Pastoralism and Agriculture in Recurrent and Protracted Crises

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TECHNICAL REPORT

INFLUENCING COLLECTIVE LAND TENURE INDICATORS

Burkina Faso, Kenya and Sudan case studies

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About SPARC

Climate change, armed conflict, environmental fragility and weak governance and the impact these have on natural resource-based livelihoods are among the key drivers of both crisis and poverty for communities in some of the world's most vulnerable and conflict-affected countries.

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We strive to create impact by using research and evidence to develop knowledge that improves how the UK Foreign, Commonwealth and Development Office (FCDO), donors, nongovernmental organisations, local and national governments and civil society can empower these communities in the context of climate change.

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Burkinabese farmers in a focus group discussion under a giant areca nut tree in Pogoro Silimossi village, Burkina Faso © ILRI/Jo Cadilhon

1. INTRODUCTION

Pastoral collective tenure and perceptions of pastoral tenure security are not well understood. As a result, they are not currently being captured in global land tenure monitoring, such as that done by Prindex (Prindex, 2024) on individual perceptions of land tenure security. To fill some of these gaps, a study was undertaken on collective pastoral land tenure systems, deriving case studies in Burkina Faso, Kenya and Sudan, to guide the future development of tenure security indicators in communal settings.

The objectives of the study were to better comprehend pastoral collective (communal) tenure, explicitly focusing on perceived tenure security, and developing characteristics and indicators for measuring it. Two layers of tenure and tenure security were considered: that of the group and that of individuals within the group, recognising that groups are not homogenous.

The following questions were posed to guide the research:

1. How do pastoralist communities and their members access grazing land? What are the terms of that access, and what happens in the case of disputes?
2. What aspects of the tenure system are most important for pastoralist communities?
3. What are the main drivers that threaten tenure security for pastoralist communities and their members?

2. METHODOLOGY

The researchers of the study engaged with 'typical' pastoralist groups in settings where collective tenure and governance were understood to be relatively strong, and the pastoralist system including mobility was functioning well.

In Burkina Faso, the study focused on the Wakilé Allah pastoralist community of Tigre, Binde Commune, Zoundweogo Province; in Kenya, the Waldaa in Marsabit County, northeastern Kenya; and in Sudan, the Bagagir in Jabrat Elsheikh Locality, North Kordofan State. A total of 35 pastoralists (23 men and 12 women) of varying ages and status participated in the focus group discussions in Burkina Faso; in Kenya, 25 men and 11 women participated; and in Sudan, 28 men and 16 women.

The study was conducted between 2022 and 2023. It began with a context-setting literature review, followed by key informant interviews (KIIs) of key stakeholders and focus group discussions (FGDs) with the pastoralist groups. These considered perceptions (of the group and of the collective itself) of tenure security, as well as the perceptions of individuals (as members of the group) of security of access to land and resources.

Researchers adapted the Prindex methodology[1] to assess perceived tenure security, adding a systematic interval progression (present, 5 years, 10 years and over a lifetime) for respondents to gauge perceived potential land loss.

Questions also explored the likelihood of losing mobility and inheritance rights for future generations. Factors influencing tenure security and insecurity, impacts of rights loss and previous experiences were also assessed through FGDs. Community mapping of rangeland resources and grazing lands was used to initiate the discussion and produce a visual of the territory to be referred to during conversations.

This report provides a summary of the full study. The full reports for each individual case study can be found here:

- Characterising collective tenure security in pastoral systems in Burkina Faso, by I. Sawadogo, E. Illy, B. Ly, S. Diallo, I. Badini, J. Magnini and M. Nassef (2024)
- Perceptions of land tenure security in pastoral areas in Marsabit, Kenya, by K. Otieno, O. Lumumba, C. Odote, L. Akinyi, G. Wari and L. Ongesa (2024)
- Collective tenure of pastoral land in Sudan, by H. Sulieman, Y. Omar Adam and S. Naile (2024)

1 The Prindex assessment of tenure (in)security has at its core the question posed to survey respondents: "In the next five years, how likely or unlikely is it that you could lose the right to use this property, or part of this property, against your will?" Those at risk are classified as having insecure tenure and asked to explain their concerns. For more detail, see Methodology - Prindex. It was adapted to the collective nature of the tenure systems studied.

3. LAND POLICY AND TENURE CONTEXTS

3.1 Burkina Faso

In Burkina Faso, the Law of Orientation Relative to Pastoralism No. 034-2002 grants important rights of access to herders and a flexible dispute resolution. The 2012 Agrarian and Land Reorganisation Law and 2009 Rural Land Tenure Law provide a more focused land policy framework and protect collective customary land rights, at least on paper.[2] However, implementation is inconsistent, often lacking, and collective tenure does not sit easily with the government's drive for a more 'modern' tenure system dependent on formalising individual rights. A decentralised political system means rural communes, through village land commissions, are responsible for day-to-day decision-making on land issues (Sawadogo, 2011).

Pastoralists, mainly Fulani, are found across the country, with some settled in or near the country's 28 state pastoral zones, and others jostling for access to resources in village spaces. Terrorism-related activity from 2015, particularly in the north of the country, severely limited pastoralist mobility and weakened customary governance (SNV and RECONCILE, 2020). The Wakilé Allah of Tigre occupy around 12,000 hectares in one of the community pastoral areas of Zoundweogo Province in the south of the country close to the border and with fewer incidences of violent conflict. Droughts in the north in the 1970s led many pastoralists and farmers to settle in the south (Robert, 2010). They were welcomed and established on their current site by the chief of the indigenous community of Bissa (the ancestor of the current chief of Tigre). This includes the four districts of Tigre Peul, Tigre Bissa, Tigre Pissila and Tigre Yarce, the chiefs of which have overall authority of their territory.

KIIs revealed access to land is under growing pressure. This is from increased human settlement, farmer encroachment, land monetisation and land and water depletion through unregulated extraction aggravated by climate change, with increasing conflicts between pastoralists and farmers. Because of this pressure, many youth have turned to panning gold. Both men and women may own livestock. Laws governing pastoral land tenure and natural resource management are generally poorly known or completely unfamiliar to stakeholders, including supervisory agents. The area has seen less terrorist activity than other parts of the country and is relatively secure.

The 3,000 or so Wakilé Allah comprise around 300 households in seven camps (or *wuro*). They practice pastoralism and a little agriculture through a governance structure that includes a president (*diandé passiba*), an assistant to the president (*diandé oumarou*), an information officer (*bikienga salif*), a women's officer (*diandé fatoumata*) and her assistant (*diandé adama*), under the overall oversight and authority of the Tigre Peul chief. The group has informal consultative bodies that meet occasionally and depending on the issues that need to be addressed. Although women have a presence in the governance structure, in general they do not play an active role in community-level decision-making processes.

2 In February 2025 this law was replaced by Projet de loi portant Réorganisation agraire et foncière (RAF) au Burkina Faso, but implications for pastoral tenure are not yet clear.

Initial discussions and resource mapping with the community revealed that transhumance during the dry season sees most pastoralists moving south of Burkina and into northern Ghana. The research team therefore agreed this study would focus on the local wet season grazing land, it being early 2023. Wet season grazing is open access, including for pastoralists from outside the Wakilé Allah community, with some unwritten rules about not cutting trees, not converting land for crops, and allowing access to large visiting herds as established by the pastoralist leaders or the chief.

Conflict over access to resources within the group tends to be rare and quickly resolved either between two parties or with the assistance of a local mediator. Resolving conflicts between pastoralists and farmers normally requires greater intervention from the village development council, with payment for damaged crops or animals as necessary. FGD participants highlighted that open access had worked in the past. However, as land pressures have grown there is an increasing need for more structured governance with surveillance and monitoring, and pasture improvement.

FIGURE 1. MAP OF THE WAKILÉ ALLAH GROUP'S PASTORAL AREA

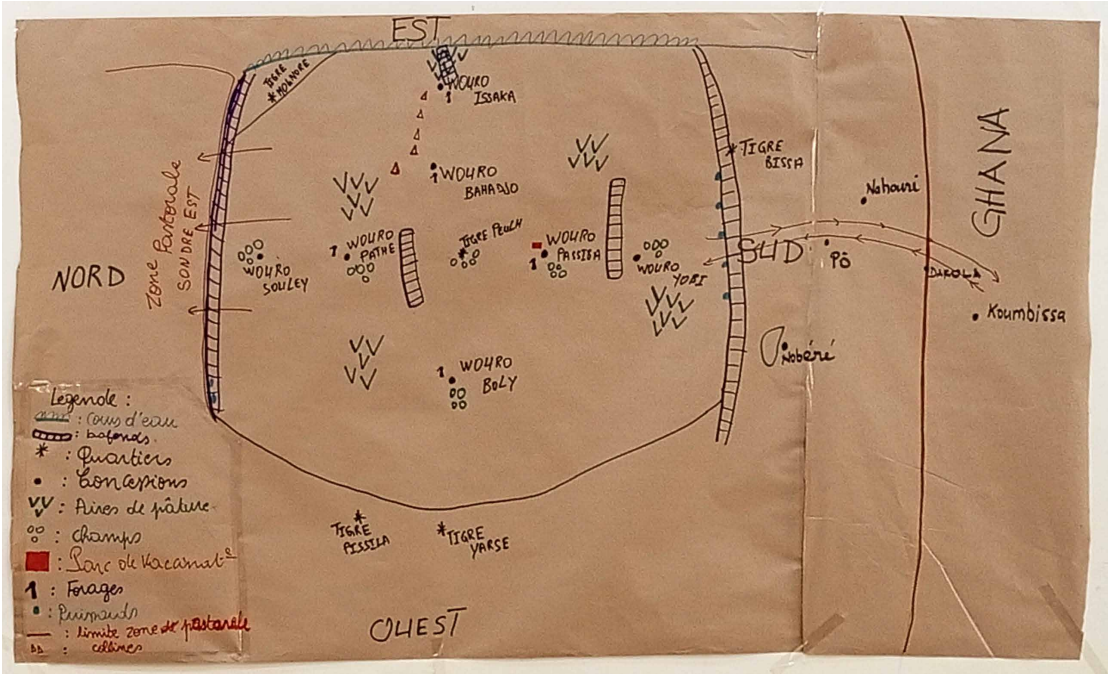

Photo credit: Issa Sawadogo

3.2 Kenya

Kenya has emerged from an intensive land reform process. This began with the 2009 National Land Policy followed by the 2010 Constitution of Kenya, which were largely citizen-driven. Both documents reorganised land categories, introducing the Community Land and subsequently, replaced trust lands, the idea of which was formalised and further explained under the Community Land Act 2016: unlike trust lands where communities were just land users, community land belongs to communities. The land is managed through Community Land Management Committees (CLMCs), elected through a general assembly and represented by all community groupings.

However, until communities formally register their land, it continues to be held in trust by the county government. The Community Land Act is seen as progressive legislation that could secure pastoralists' collective land rights, provided it avoids the pitfalls of the former Group Representatives Act (1968) and ensures the collective registration of both community members and their land. But operationalising the law has been slow, and there are questions about whether there is the true political will to implement it (Alden-Wily, 2018), or if the state has the necessary financial and technical capacity to do so (Odote and Kanyinga, 2021).

The Waldaa community of around 4,700 predominantly Borana people has been settled in 60,282 hectares area in Uran Ward, Marsabit County, northern Kenya, uninterruptedly since 1982. The area is divided in two, with 40,000 hectares of dry season grazing land with permanent water access from a river and boreholes.[3] This is considered the most valuable area, and it was chosen for this study. The dry season grazing land is also used heavily by other pastoralist groups.

Most of the land is collectively held, managed and governed as grazing land. De facto rights include managing, excluding and alienating land, alongside access and use; they are applied in ways that support flexibility and mobility but are not yet formally legalised. However, under the Community Land Act, in 2018, the community began formal land registration. Even though pastoralism is the main livelihood, climatic changes and other stresses have weakened the pastoral system, so that several community members have turned to alternative livelihoods, such as trading along the main roads.

FIGURE 2. COMMUNITY MAP DRAWN ON THE GROUND SHOWING GRAZING AREAS AND OTHER IMPORTANT RESOURCES

Photo credit: Ken Otieno

3 The remaining 20,282 hectares can only be used in the wet season when surface water accumulates, as it has no permanent water point and is thus less valuable.

Collectively managed resources are vital for pastoralism – a traditional well in Marsabit, Kenya © ILRI/George Wamwere-Njoroge

In recent years, the grazing lands have been degraded by extreme weather patterns that vary from extreme and prolonged drought to intense rainfall followed by heightened wind and soil erosion. Furthermore, increased temperatures and the proliferation of drought-resilient livestock-unpalatable invasive plant species have inhibited pasture regeneration. Loss of grazing lands inevitably means more pressures on the land that is left. Moreover, with the increasing incidence and unpredictability of drought, livestock may be trucked rather than walked to other locations, which is very expensive and unaffordable for most of the community.

The community has clearly defined rules, regulations and responsibilities for use of the grazing land, currently being documented as part of the registration process. Community leadership is well established, functioning well and well respected. Two categories of leaders, religious leaders and village elders, sit under a community chief, and together, they constitute the council of elders.. Rules can also be changed by either the council or the community. Unusually, women are accepted as leaders based on their abilities and leadership qualities, thus playing a central role in community decision-making processes. Membership is flexible and outsiders can apply for it after meeting eligibility criteria, including a continuous three-year stay within the community.

Resource management committees implement community rules, regulations and monitoring. The land management committee is in charge of land allocations, for example, together with the community elders and the chief approving or rejecting ranch allocations for individuals and decisions related to land improvements. Committees also include younger members who are better able to move around for monitoring. Disputes are addressed and resolved through community mechanisms. Women stand in high regard and their rights to land and resources, considered a birthright within the Waldaa community, are protected and upheld in the same way as those of any other members.

In all affairs related to access and use of the community's dry season grazing area, priority is given to the Waldaa community, who enjoy unrestricted rights with regard to grazing land and water resources, provided people abide by the rules and carry out their obligations. If someone flouts the rules, community leaders can revoke higher-level rights such as management and participation in decision-making, and individuals will then be limited to access and use rights only. Visiting pastoralists from elsewhere are also openly welcomed on condition that they abide by the community's rules.

3.3 Sudan

In Sudan, two main types of tenure work in parallel: the state's formal legal system and communal traditional land regulated by customary laws and institutions. Customary laws refer to a community's unwritten social rules and structures derived from shared values and traditions. These were the main authority for pastoral lands until the 1970 Unregistered Lands Act took all pastoral lands under state control. Today, the Civil Transactions Act 1984 gives usufruct rights to communities while overall state control is maintained. The Range and Pasture Law 2015 gave state authorities the right to manage rangelands in coordination with users and to impose grazing restrictions.

Significant challenges in Sudan are driving tenure insecurity of pastoralists and shrinking the rangeland area available for livestock, including increasing privatisation and monetisation of rural land and violent conflict (UNEP, 2013; Sulieman, 2018; Sulieman and Young, 2023). Large-scale agricultural land grabbing and land acquisition for artisanal gold mining are widespread in many pastoral areas. While there are no comprehensive figures on the extent of rangeland loss and fragmentation, the trend is visible through satellite imagery (Sulieman, 2018).

Sudanese pastoral society is structured along tribe lines: the management of each tribe and tribal area is administered through hierarchical tribal systems or Native Administrations across Sudan. These systems are generally male-dominated. In most pastoral areas, a *nazir* heads the system and is in charge of all administrative affairs associated with the tribe. An *omda* is responsible for tribal subsections, and beneath him comes the sheik, who is responsible for his community at the village or smaller group level. Despite the massive political changes across the country since 2019, tribal administration remains the primary form of local customary governance (Sulieman and Young, 2023).

Overlapping rights for different users are common in communal grazing lands across Sudan. Although they are accepted in principle, there are rules defining how these rights are used or requested. While some tribes remain totally nomadic, there is a clear shift towards partial transhumance among Sudanese pastoralists. Coexistence and interaction with other land-use systems are considered part of resource management balance and mutual benefit exchange. One of the benefits is the practice of *taleg*, which involves allowing animals into agricultural fields after the harvest to benefit from crop residue. However, pastoralists need to pay to access large commercial agricultural schemes today.

Rahad El Tamor village which is located in the Sudan case study area extends over 70 km^2. The Bagagir community settled here over 100 years ago. They have used the land uninterruptedly ever since, even though it formally belongs to the state, and have strong de facto rights, including management, exclusion and alienation. The community considers itself *asyad el arid* (landowners) and has little knowledge of the country's formal (de jure) tenure systems. Restrictions apply to farming and water resources within specific group territories exclusively available to group members. Outsiders may be accepted as members over time if they adhere to local rules.

The most important land for the 2,000-strong community is the collectively managed dry season grazing land based on open, equal and reciprocal access and use, although women are not allowed to use or access land far from the village due to social rules and norms. People outside the group can access and use Bagagir community land with some restrictions, and group membership is open and flexible. In the same vein, Bagagir community pastoralists can access and use neighbouring communities' lands, which are governed by a similar tenure system. Traditionally cattle raisers, the Bagagir have increasingly turned to sheep, goats and camels that can better use degraded rangelands and survive heat and drought conditions.

FIGURE 3. RANGELAND RESOURCE MAP DRAWN BY FGD PARTICIPANTS IN RAHAD EL TAMOR SHOWING DRY SEASON GRAZING AREAS AND OTHER FEATURES

Photo credit: Hussein Sulieman

A sheik elected by the community takes decisions about land use, enforces rules, resolves disputes and monitors and safeguards the community's common resources while being accountable to the group as a whole. This is guided by community rules and responsibilities that are defined and known collectively and transferred orally within the group and from generation to generation. Women do not play any direct or visible role in the decision-making aspects of the tenure system. The community is responsible for managing and improving its resources and has the final say on developments that can or cannot take place on its land.

As described by FGD participants, the community's overarching rule is to do no harm to the land and its resources or the people in the area. If this is transgressed or disputes arise, the sheik is the first point of resolution. If he is unable to resolve the issue directly, he can raise it with a government authority. The smooth functioning of the tenure system depends on good social relations and coherence within the community, as well as strong relationships with neighbouring pastoral communities built up over many years.

Overall, the tenure system is efficient, effective, local and sensitive to resource conditions, climatic factors and the needs of the group. It regulates land and resource use, prioritising the community without losing flexibility and inclusiveness for others. Flexible and unrestricted mobility on their and neighbouring lands have assured timely access to resources, particularly in dry years, which occur from time to time. The absence of rigid borders allows mobility over long distances, which is particularly important for camel raisers.

FIGURE 4. DRY SEASON GRAZING LAND

Photo credit: Hussein Sulieman

4. TENURE SYSTEMS AND PERCEPTIONS OF TENURE SECURITY

4.1 The Wakilé Allah, Burkina Faso

The Wakilé Allah pastoralist community reported that the existing tenure system provides its members with the types of access and use rights that support a resilient pastoral system. This means: flexible access and freedom of movement to community members, allowing the community to exploit resources as and how needed, with guaranteed rights of movement and access to locations where they are best able to feed and care for their livestock. Access to a communal vaccination park is also important for maintaining herd health.

Access and use are based in the community's overall agreement to abide by the system that is in place and the good relationship it has and maintains with its host community and neighbours. So far, agreement between the pastoralist group and the host community has protected communal pastoral land use and gives the community's tenure system legitimacy at the local level. The pastoralist community is well known locally, particularly by the neighbouring communities and government technical services, and has nurtured a cordial relationship with the chief of the host Bissa community based on acceptance, respect and continuous dialogue. The chief maintains overall control and responsibility for the land.

However, the existing tenure system has some weaknesses and disadvantages. Monitoring and enforcing rules are weak, and more open access and flexibility makes it difficult to manage resources effectively, leading to ongoing resource degradation. Increasing pressure on boundaries due to rising demand for agricultural land and more harsh and variable climatic conditions is putting the tenure system – and the relationship with the Bissa community on which it relies – under strain. Over the past 10 years, disagreements related to field damage have increased and the community has lost grazing land to farmers. Government authorities have supported community claims over this lost grazing land but have not enforced these claims over the longer term.

The tenure regime's mixed success is reflected in perceived tenure security levels. Most of the FGD participants felt that they could lose the right to access the collective wet season grazing land against their will in the next year and the next five years. However, the majority were more optimistic over a longer timeframe, based on the belief that ongoing dialogue with the host community and with others will eventually pay off. Most of the participants were also confident that their children would inherit their rights of access to and use of grazing lands.

Solidarity across the group is said to be a key factor in maintaining access to land and resources and good relations with their host community and neighbours. Women were the least optimistic, having little faith in dialogue taking place between groups in the area, which could be a result of their limited involvement in community knowledge-sharing and decision-making. The biggest threats to land tenure security were perceived to be a breakdown of group cohesion, the lack of delineation of the grazing lands, encroachment by farmers, and the lack of laws on access and use.

In terms of perceptions of individuals towards their security of access as members of the group, the majority considered this to be satisfactory and that it would remain so for the foreseeable future. All community members, regardless of wealth, status and gender, can access the grazing lands. However, it was noted that the wealthy are better positioned to turn to alternative livelihood activities. It was suggested that improvements in group tenure security would also improve the tenure security of individuals within the group. Additionally, it was suggested that trees can play an important role in boosting tenure security and providing fodder and other products.

4.2 The Waldaa, Kenya

FGD participants generally agreed that the communal tenure system was effective and can be attributed to strong community cohesion, characterised by: a homogenous community with a common history of resource-sharing; a well-functioning resource management system through various committees; the presence of community by-laws and regulations governing resource use and access; and equal resource-sharing rights for all individuals. Most participants said they believed they are unlikely to lose their right to benefit from (access to and use of) the collective grazing land against their will. They have been trained and are aware of their communal land rights, have established laws governing land use and access, and anticipate completing the land registration process soon.

Participants who felt somewhat or very likely to lose the land expressed concerns about the potentially lengthy land registration process and the risk of losing land to the government for infrastructure development or neighbouring communities due to intra-community conflicts. They also considered the possibility of future legislative changes that might deny them access. Nevertheless, the participants were highly confident that their children will inherit and have their collective grazing land access and use rights for a lifetime. Similar sentiments were expressed about maintaining the mobility of livestock to and across the grazing land with participants saying it was very unlikely that they or their children would lose their rights of mobility (of livestock and people) to and across collective grazing land against their will.

The tenure system in the Waldaa community acknowledges individual and collective rights equally. Individual tenure rights within collectives, particularly those of women, play a crucial role in contributing to productive pastoralism. Their protection occurs through established structures, institutions, rules and regulations and secondly, through individuals' inclusion in decision-making bodies and interventions aimed at securing both collective and individual rights. Collective rights are prioritised over individual rights which most community members accept. However, one woman advocated for individual tenure to protect the land rights of her female children.

The community identified factors that strengthen the community's unity and enable them to derive benefits from secure tenure of the dry season grazing land. These were: good leadership and community by-laws that regulate resource access and use; the unity and cohesion of its members rooted in a common history of resource-sharing; and the completion of community land registration. In particular, the Waldaa community was concerned that failure to complete the land registration process could result in their loss of rights to benefit from the collective grazing land, either to a neighbouring community that might claim the land as customarily theirs, or to the government as trust land. Furthermore, they said ethnic conflicts arising from unclear land boundaries posed a threat to their land tenure security.

4.3 The Bagagir, Sudan

High levels of perceived tenure security reflect the smooth functioning of the Bagagir tenure system. On the whole, the community perceived their tenure as secure, with most, if not all, respondents saying it was unlikely or very unlikely that they would lose their lands or mobility over the multiple timescales. This sense of security derives partly from the lack of competition for the group's land, the ample supply of good-quality grazing land in the area, and the absence of external threats. Although the rest of the locality has experienced land-use change in the last 10 years due to the expansion of large-scale mechanised farming and artisanal gold mining, these activities had not affected Rahad El Tamor, and the group has never experienced any loss of land or land rights. The group's tenure security is also supported because the community is well known locally, particularly by neighbouring communities and other ethnic groups, and maintains strong relationships with neighbouring pastoral communities built up over many years.

Individuals have equal rights to access and use the collective grazing land. Any differences in access are primarily due to economic disparities and wealth. Furthermore, the collective tenure system allows individuals to receive support from the community who collectively support individuals during difficult events such as losing a herd to drought. Male members typically have a share in the family's livestock, allowing some to separate and work independently. On the other hand, women do not have this privilege and usually receive a few animals as gifts when they marry.

The Rahad El Tamor community supports vulnerable and economically disadvantaged members by lending or gifting animals. This assistance extends to widowed women. However, young women face restrictions on accessing grazing land due to social and traditional norms. Unaccompanied young women are limited to the *harem* (domestic area surrounding the village/settlement), while those accompanied by male family members can move more freely. Women are excluded from the management of grazing land, reflecting a broader pattern of gender bias in the community.

While the community registers high levels of perceived tenure security, gender and wealth tend to bias access to collective grazing resources towards men and those with greater resources; the latter is most notable in the case of water access. The lack of water during part of the dry season means that individuals and households with the means to transport water have better access to it and, in turn, are better able to use different parts of the rangelands since they can transport water to their animals.

Pastoralists foresee challenges due to increasing human and livestock populations, which may lead to heightened competition over resources. They also expect a trend towards individual interests taking precedence over group interests. Additionally, with the growing interest in farming and a rising human population, cultivated land may be expanded at the expense of dry season grazing areas.

5. CONCLUSION

None of the pastoral communities in this study hold any formal documentation for their land yet they consider themselves rightful landholders. All the lands studied are under pressure from internal forces such as social change, elite capture, privatisation and broader conflicts, and external forces including infrastructure development, the establishment of conservation areas, climate change, agricultural encroachment, and large-scale private sector or government schemes and mining. Conflicts between land users have increased as pressures on land have grown. However, in general, perceived tenure security is relatively high for the pastoralists both as a group and as individual members of the group.

Important elements of this tenure security found in all case studies were: (1) social cohesion with clear and autonomous leadership; (2) good relations with neighbours or hosts; (3) the right to move with livestock; (4) flexibility in the system to respond to new and/or resurfacing threats and challenges.

The collective nature of management is not only a result of social cohesion but also contributes to it as a self-perpetuating cycle of social capital. In Kenya, it was highlighted that equality in the community, including women as leaders, strengthens good governance perpetuated in conflict-free access and use of resources. Additionally, the community's freedom to set and define its own rules under the umbrella of the law was considered important. In Burkina Faso, the security of the group is strongly influenced by good relations with the host Bissa indigenous community, and effort is taken to maintain this. In Sudan and Kenya, good relations with neighbours were also considered fundamental.

FGD participants across two of the case studies most under pressure (Burkina Faso and Kenya) highlighted that to improve tenure security, there is a need to register and delineate grazing lands so that their authority is clear and encroachment can be addressed. Clear rules of access, use and management would accompany this. However, though policy and legislation facilitate this, the cost of going through a registration process is prohibitive. For Burkina Faso, it would require approval from their host community, which is likely to be problematic since while relations with the host are good, it is unlikely that they would want the pastoralists to have a secure landholding certificate. This raises a wider issue about the dangers of formalising existing rules disrupting a system that is working smoothly through social negotiation. Additionally, as some scholars have argued, efforts to 'formalise informal property systems' do not always guarantee tenure security (Okoth-Ogendo, 2006).

Protection of mobility was also considered by all community groups to be fundamental, including in non-local areas through which transhumance to date is proving increasingly problematic due to population pressures and land-use change. The need to address this is urgent to prevent conflicts from escalating between pastoralists and other land users, particularly farmers.

In Burkina Faso, the majority of livestock are produced on collective lands © ILRI/ Jo Cadilhon

6. IMPLICATIONS FOR MEASURING PERCEIVED TENURE SECURITY

The three case studies show common and differentiated findings on how their tenure regimes operate and how well they work for community members in terms of flexible access and freedom of movement. There was little difference between the perceptions of the group as a whole and the perceptions of individuals as part of the group (including for women) of tenure security.

This suggests that the group's perceived tenure security is a good reflection of the views of all members and their rights as a collective and as individuals. This has implications for measures to strengthen tenure security for communities and their members, and how these could be monitored and integrated into existing global monitoring platforms. This will need further testing in other contexts, as it may not always be the case.

The impact of gender on the rights of women varied between settings – in Kenya it appeared to make little difference, while in Sudan it did, with women having little independent access to resources. Population was raised as a concern in Kenya suggesting

that shifting sociodemographics including population increase could be an indicator of declining tenure security.

Five main characteristics drive the smooth functioning of the collective tenure systems in the three countries and associated perceptions of tenure security. These can form the basis for developing indicators of perceived land tenure security in collective tenure systems. They are:

1. Robust yet flexible rules and management, set and driven locally by the community, supported by strong and respected leadership.

2. An inherited sense of collective values and practices providing the basis for solidarity and internal cohesion, at the same time recognising and strengthening individual rights as part of the collective.

3. Good local relations between the pastoralist community and others – the host community and neighbouring communities – with the pastoralist community being locally known and respected (i.e. having local legitimacy).

4. The ability to move unfettered across a community's territory, as well as the territory of others, based on informal or formal agreements.

5. Backstopping of customary tenure regimes by formal systems and institutions (though it was recognised by all groups in this study that this needs to be improved).

Additionally, external and historical factors that influence perceptions of tenure security need to be taken into consideration, including: the presence or absence of more general violent conflicts; the availability and quality of grazing land; large-scale land acquisitions; the possibility of formal land registration; and the longevity of use unchallenged by government or other actors.

Features of de facto and perceived tenure security could be used in addition to the more standard indicators such as length of tenure, the experience of eviction or the presence of threats and competition for resources, including the community being locally known and respected (i.e. having local legitimacy), solidarity and application of the law.

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