SPARC

Supporting Pastoralism
and Agriculture in Recurrent
and Protracted Crises

REPORT

A REVIEW OF TENURE AND GOVERNANCE IN THE PASTORAL LANDS OF EAST AND WEST AFRICA

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ACRONYMS

CCRO	Certificate of customary rights of occupancy
CILSS	Permanent Interstate Committee for Drought Control in the Sahel (*Comité permanent inter-État de lutte contre la sécheresse au Sahel*)
EAC	East African Community
ECOWAS	Economic Community of West African States
IGAD	Intergovernmental Authority on Development
JVLUP	Joint village land use planning
LAPSSET	Lamu Port-South Sudan-Ethiopia Transport
NGO	Non-governmental organisation
NLTP	National Livestock Transformation Plan (Nigeria)
NRT	Northern Rangelands Trust (Kenya)
PLUP	Participatory land use planning
PRAPS	Sahel Pastoralism Support Project (*Programme Régional d'Appui au Pastoralisme au Sahel*)
PREDIP	Regional Dialogue and Investment Project for Pastoralism and Transhumance in the Sahel and Coastal Countries of West Africa (*Projet Régional de Dialogue et d'Investissement pour le Pastoralisme et al Transhumance au Sahel et dans les Pays Côtiers de l'Afrique de l'Ouest*)
PEPISAO	Integrated and Secure Livestock Farming and Pastoralism in West Africa Project (*Projet Élevages et Pastoralisme Intégrés et Sécurisés en Afrique de l'Ouest*)
PRM	Participatory rangeland management
SAGCOT	Southern Agricultural Growth Corridor of Tanzania
SDC	Swiss Agency for Development and Cooperation
UEMOA	West African Economic and Monetary Union (Union Economique et Monétaire Ouest Africaine)
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

EXECUTIVE SUMMARY

In Africa, pressure and competition for pastoral lands and natural resources have increased greatly over the last two decades. Pastoralists, their governance and tenure systems are struggling to cope with these new and/or intensified pressures, which result in the loss of pastoral resources and rangeland fragmentation.

These changes are not only problematic in terms of the quantity of land lost, but also because the land converted is often comprised of key grazing areas close to reliable water sources – linchpin resources – whose loss has a disproportionate impact on the viability of the rangelands as a whole as well as the pastoral system. Further, mobility is blocked by the encroachment of farms, fences and/or infrastructure. This results in a cycle of reduced access to resources, the degradation of resources still accessible, weakened pastoral production systems and increased vulnerability to such shocks or risks as droughts. Further, as the competition for land use increases, so does the chance of this competition turning violent.

Though the causes of these trends are highly complex, land tenure security or, rather, ongoing land *insecurity* in pastoral lands has been identified as a key influencing factor. It is therefore an important consideration for SPARC and other research and development interventions in pastoral areas.

This paper aims to explore the above issues, and why land tenure insecurity continues to prevail. It will do this by firstly summarising what pastoral tenure systems are, including the characteristics that make them different, and potentially more challenging, to formalise than other types of tenure regimes.

Secondly the paper will ascertain, as much as possible, the status of land tenure and governance in pastoral areas or, at the very least, occurring trends. This includes steps being taken by government to protect pastoral lands and tenure systems, as well as what pastoralists themselves are doing to access land in the absence of tenure security. Finally, the paper will offer a reflection on the situation and indicate ways forward including research gaps.

Pastoral land tenure systems and challenges for formalisation

Pastoralism is a complex land use and livelihood system that converts often poor-quality natural resources, which are patchily distributed across a wide landscape or rangeland, into food and other livestock products. Customary pastoral tenure and governance systems are relatively loose sets of institutions characterised by principles of collectivity, flexibility, adaptability and multiple use by multiple users.

For optimal use of the land, collective tenure and governance is a must; dividing a rangeland of sparsely and variably distributed resources between individuals for private, individual use and management is not viable nor equitable. Normally the boundary around the rangeland unit is fuzzy, porous and, in some cases, without defined boundaries at all or 'open access'. For many pastoralists, securing rights of access is of greater importance and concern than 'owning' the resources and/or securing a landholding certificate. Not all group members use and access land and experience land tenure and governance in the same way – gender, age, wealth and religion influence this.

Pastoralism and pastoral tenure systems do not exist in a vacuum and there are a number of social, economic and biophysical forces that directly and indirectly influence them and drive change. These include population growth; governance, human rights and democratisation; conflict, war, militarisation and insecurity; a bias towards crop farming and a revised view of new opportunities in rangelands; religion; and climate change.

Improved tenure security for pastoralists is unlikely to be provided by strengthening *pastoral* tenure systems alone; some degree of formalisation and protection of pastoral lands and resources under statutory law will be required so that *all* stakeholders (i.e. beyond the pastoralist group) recognise and abide by the necessary rules of access, use and management, boundaries, jurisdictions, etc. As history has shown, this is not going to be achieved by individualising land, which not only proves to be inequitable, but risks the collapse of the entire pastoral system. Collective tenure, no matter how complex, thus needs to be central. To achieve it, two sets of challenges need to be overcome: the first focus on what scale (or scales) of formalisation of tenure will be most appropriate for implementation, and with what boundaries; the second focus on the governing body that will govern the land or resource after formalisation and rights have been provided to 'the group', including how that group is established, who belongs to the group, etc.

Status of the formalisation of land tenure security and governance in pastoral areas of West and East Africa and related trends

Policy and legislation, and/or the lack thereof, are highlighted as key factors in ongoing and poor tenure security. Pastoral legislation alone does not solve the problem of weak pastoral tenure, but it does provide legal basis for action. Over the last two decades there have been reasonable, if somewhat patchy and inconsistent, attempts made by governments to provide more enabling policy and legislation for improving the security of pastoral land tenure.

However, in general, the implementation of policy and legislation has been slow, particularly in terms of the formalisation of pastoral land tenure. Often capacity to implement and enforce policy and legislation is low, and government is ill-equipped to implement policy and legislation that accommodates the complexities described above.

The outcomes of the formalisation processes on pastoralists and their tenure security have not been documented in detail, and it has proved challenging to find examples of clear group benefits resulting from formalisation. Though this may be because the formalisation of pastoral land is relatively new, processes are still being worked through and/or it is too early for outcomes to be shown, it indicates a gap in the literature that requires filling if lessons can be learnt and pastoral land formalisation processes improved.

Where communal land rights have been formally recognised, processes have tended not to fully accommodate the particular needs of pastoral tenure systems, including movement across a large landscape and often across administrative boundaries. Policies often push in the direction of parcelling up rangelands into smaller rangeland units, contributing to a hardening of borders and constraints on mobility.

One lesson learnt is that it is often easier to prevent injustices and wrongs related to land certification and titling than to overturn them. Formalisation processes occur without adequate participation of customary institutions. Even where the formal recognition of customary

institutions does take place, procedures often push those institutions to transform themselves into formal structures that are more recognisable to states than the communities they actually serve. Even where formalisation of tenure has occurred, communities often remain unaware of their rights and are poorly organised to defend them.

Pastoralist strategies, actions and tactics to secure land and resources

In the continuing absence, or fragility, of secure access to land and resources necessary for pastoral production, due to lack of supporting policy and legislation, etc., pastoralists have taken steps to improve this security themselves through different strategies, actions, activities and tactics that, at the very least, increase perceived tenure security if not *actual* tenure security itself. These include i) privatisation, individualisation and access fees to land; ii) recreating the commons; iii) strategic use of private property to access broader rangeland resources; iv) improving tenure security through more visible, improved use and management of resources; v) playing the "conservation card"; vi) women securing rights to land and resources; vii) "forum shopping"; and viii) mobilisation, empowerment and representation.

The result is the development of new, hybrid property systems that sometime mix both individual and common tenure types. This represents an adaptation of property types rather than the assumed evolution of property in a one-way direction towards privatisation. The full implications of these actions and activities are not yet fully understood. What seems to be evolving, however, is a new conceptual model for understanding pastoral land tenure systems that needs further investigation.

Conclusions

It is still not clear how best to achieve greater security for pastoral lands – with all their complexities – that are being faced by increasing pressures (known or unknown). What has arisen from this review is that there is no one solution, not only for different contexts, but also for the same context, or for the same piece of land or resource, or for the same pastoralist who might want to secure access and use of a piece of land or a resource for different purposes. Indeed, pastoralists themselves are increasingly taking strategic action to secure land and resources by developing new and hybrid types of tenure. These may be "weaker" types of tenure security involving multiple actors that form layers of rights protection over the same piece of land or resource. Overall, it appears that this kind of layering of rights, although "messy", can be more effective in protecting land than one single "tidy" land-holding certificate. Pastoralists' own diverse adaptations and interventions point to the need to look beyond simplistic communal titling. Building the capacity of pastoralists to strategise and innovate in the face of land and resource tenure insecurity is a key intervention priority area.

At the same time, formalisation schemes are being developed. Yet, formalising all the complex layers of tenure in pastoral tenure systems seems to be an impossible task and, increasingly, it appears to be more appropriate to focus first and foremost on securing the most important key linchpin resources for pastoralists (e.g. dry season grazing lands with permanent water access) without which most pastoral systems in drylands cannot survive. This could be done within larger rangeland units, often with loosely defined boundaries registered for use by different land users (and the socially differentiated groups within these). This will usually

require significant negotiations between different land users to reach an agreement, and this process itself can be an empowering and coalition-building activity. Moving forward with this approach needs a reconsideration of tenure formalisation schemes in pastoral areas, and a different way of thinking and doing.

Gaps for future research

The following have been identified as key research areas:

- why pastoralists need to secure land and resources, for what purposes, and what are the different routes open to pastoralists to improve tenure security, and the challenges and gaps in them;

- identification of the most appropriate approach for the formalisation of pastoral tenure systems;

- current strategic actions, activities and tactics taken by pastoralists to secure land and resources, and their contribution to pastoral system resilience;

- pastoral women, land tenure and governance;

- the costs and benefits of land use change;

- the outcomes and impact assessments of policies, legislation, initiatives and schemes to formalise pastoral land tenure;

- the relationship between land tenure and conflict in pastoral areas;

- the relationship between climate change and land access, tenure and governance.

SECTION 1
INTRODUCTION

1.1 INCREASED PRESSURE AND COMPETITION FOR LAND AND NATURAL RESOURCES IN PASTORAL AREAS

In Africa, pressure and competition for pastoral lands and natural resources have increased greatly over the last two decades as governments and investors have turned their eyes to what previously had been considered marginal lands. Relatively recent discoveries of oil and minerals in these areas, together with the need for free land for such initiatives as renewable energy industries (Froese & Schilling, 2019; Renkens, 2019; Hughes & Rogel, 2020) have helped drive these changes. Improved infrastructure, including roads and communication networks, have made these areas more accessible.

Further, large-scale land acquisitions continue, including in pastoral areas, though there is an indication that the trend has slowed somewhat in recent years (Batterbury & Ndi, 2018).[1] These contribute to social differentiation, contentious politics and forms of territorialisation that extend well beyond the actual parcels of land that are privatised (Lind et al., 2020a), whilst also directly contributing to conflict (Mbih, 2020). Systems for payment of compensation for land appropriated by the state, or for example by extractive industries, tend to be unfair or completely lacking (CARE International, 2018). Other trends, such as migration into pastoral areas by farmers[2] and land speculation (Lind et al., 2020a), together with natural population growth, sedentarisation, and pastoralists' increasing desire to also possess their own plot of land result in cumulative land pressures (Greiner, 2017; McPeak & Little, 2018; Pfeifer et al., 2018, Tamou et al., 2018; Bollig, 2016a). Although the above-mentioned factors combine in different ways in different places, their prevailing trend is in the direction of the continued shrinkage and fragmentation of rangelands.

Pastoralists and their governance and tenure systems are struggling to cope with these new and/or intensified pressures, which result in loss of pastoral resources and rangeland fragmentation. These changes are not only problematic in terms of the quantity of land lost, but also because the land converted is often comprised of key grazing areas close to reliable water sources that are 'linchpin' resources. And their loss has a disproportionate impact on the viability of the rangelands as a whole as well as the pastoral systems that rely on them (Kratli et al., 2013). Further, mobility is blocked by the encroachment of farms, fences and/or infrastructure (Ole Seno & Tome, 2013; Brottem et al., 2014; Pfeifer et al., 2018) even when protected by law, as in Sudan (Sulieman, 2013; Kitchell et al., 2014) and Mali (Brottem et al., 2014; Jones-Casey & Knox, 2019).

This results in a cycle of reduced access to resources, the degradation of resources still accessible, weakened pastoral production systems and increased vulnerability to such shocks and risks as droughts, with even greater incentives for sedentarisation and land-grabbing (Jandreau & Berkes, 2016; Lind et al., 2020a; Pas, 2018; Nori, 2021). Sedentarisation, rangeland fragmentation, and the loss of pastoral mobility have long been linked to degradation (Hary et al., 1996; Galvin et al., 2008) – the cycle of land degradation and loss continues (Byakagaba et al., 2018).

Further, as the competition for land use increases, so do the chances of it becoming violent, both within pastoral communities (Unruh, 2010; Young & Sing'Oei, 2011) and between pastoral communities and other land users (Bisson et al., 2021; Galaty, 2016). As Hundie (2010) describes that, for Ethiopia, resource scarcity "has transformed a cooperative game of using pastoral resources into a zero-sum game". Conflict is said to be more common where individualisation of land is widespread (Byakagaba et al., 2018). Blocked migration routes are both a cause and effect of conflict between land users (Lind et al., 2020b; Sulieman, 2013; Jones-Casey & Knox, 2019).

Though the causes of these trends are highly complex, land tenure security or, rather, ongoing land *insecurity* in pastoral lands has been identified as a key influencing factor (Davies et al., 2016; Flintan 2011 & 2012). It is therefore an important consideration for SPARC as well as other research and development interventions in pastoral areas.

1.2 THIS PAPER

The paper aims to explore the above issues in more detail, and why land tenure insecurity continues to prevail. It will do this by firstly summarising what pastoral tenure systems are, including the characteristics that make them different, and potentially more challenging, to formalise than other types of tenure regimes. Secondly the paper will ascertain, as much as possible, the status of land tenure and governance in pastoral areas or, at the very least, occurring trends. This includes steps being taken by government to protect pastoral lands and tenure systems, as well as what pastoralists themselves are doing to access land in the absence of tenure security. Finally, the paper will offer a reflection on the situation and indicate ways forward, including the identification of gaps in knowledge that can inform the development of future research at SPARC and other research programmes.

Though important, the scope of this paper does not allow for the consideration of all aspects of land tenure and governance in pastoral areas, which differ from one context or pastoral system to the next. Further, it is not within the scope of the paper to delve deeply into land-related conflicts and the complexities of these, which will be the topic for a further scoping paper. This paper focuses on West and East Africa, [3] though indications are that similar trends are found across pastoral areas in Africa.

Information was gathered through an extensive literature review that included internet sources, digital libraries, and documents from projects and governments. This was supported by contact with key informants who had knowledge and experience of the subject and who highlighted key issues and areas of focus, as well as important documentation. The paper was reviewed by a group of experts who provided further advice on issues, trends and gaps, which we have endeavoured to include in this final version.

THE PASTORAL LAND TENURE SYSTEM AND CHALLENGES FOR FORMALISATION

2.1 PASTORALISM – A COMPLEX LAND USE AND LIVELIHOOD SYSTEM

Pastoralism is a complex land use and livelihood system that converts often poor-quality natural resources, which are patchily distributed across a wide landscape or rangeland, into food and other livestock products. The rangeland unit can be several hundreds of square kilometres and may include dry and wet season grazing areas, mineral licks, water points (lakes, ponds, rivers, wells), woodlands, shrublands and trees. Mobility is key, as pastoralists and their livestock often move long distances and sometimes across altitudes to find grazing and water, as well as to access markets. Parts of the rangeland may only be used seasonally, and in times of drought, there may be movement in and out of the rangeland unit to search for grazing and water. Pastoralism is commonly found in dry areas where rainfall can be low and/or highly variable; the sharing of resources within and across rangeland boundaries is an important part of drought-coping mechanisms.

Pastoralism commonly shares the rangeland area with other land uses, including crop farming, conservation areas, public spaces and settlements. These land uses may conflict with pastoralism, particularly if they have been established without considering their impact on the rangeland and pastoral land use. On the other hand, pastoralism is a flexible and adaptive system that can live with, and even benefit from, other land uses – if they are appropriately planned. Multiple uses can increase the value and productivity of the land. A good example is where pastoralism and conservation work together, with jointly planned and improved rangeland management benefiting the two.

2.2 PASTORAL TENURE AND GOVERNANCE SYSTEMS

2.2.1 Pastoral tenure

Customary[4] pastoral tenure and governance[5] systems are relatively loose sets of institutions[6] characterised by principles of collectivity, flexibility, adaptability and multiple use by multiple users (Davies et al., 2016). For optimal use of the land, collective tenure and governance[7] is a must because dividing a rangeland of sparsely and variably distributed resources between individuals for private individual use and management is not viable or equitable. Permission to use land and resources is first and foremost granted to members of 'the group', which could be defined by ethnicity, kinship, lineage, clan, geography or another category (Cousins, 2007; Ostrom, 1990; Ostrom et al., 2002[8]). However, increasingly, and despite the recognised need

for collectivity as the most appropriate way to manage rangelands, private individual tenure is creeping in due to the forces described above. Patchiness of resources increases as livelihoods evolve, diversify and penetrate the market economy and land tenure systems, with different methods of organising access to land and production (Nori, 2021).

This means statutory tenure is increasingly found alongside customary pastoral tenure systems, and the two can overlap – sometimes synergistically, but also in conflict. In some cases, land may be formally categorised as collective, but there may be an ever-expanding number of individual parcels being claimed de facto as individual private property (Greiner, 2017), even formally titled.

Robinson (2019) describes the resulting pastoral tenure systems as complex mosaics. Others, such as Flintan 2012 (following Niamir-Fuller, 2005[9]), refer to them as nested tenure systems: regulating laws and institutions tend to work first and foremost on the basis of 'territory' or 'domain' under which a hierarchy of 'nested' overlapping 'bundles' of rights for different sets of users exist, and often for the same resource. These rights can include:

- use rights – such as the right to access the resource and rights of way/passage (e.g. moving livestock across land), withdraw from a resource (e.g. tap gums and resins), or exploit a resource for economic benefit;

- control or decision-making rights – such as the rights to manage and/or to exclude (e.g. dig a well and/or prevent others from accessing the well); and,

- transfer, sale or alienation rights (e.g. renting pasture, selling firewood, water, charcoal and honey).

Normally the boundary around the rangeland unit is fuzzy, porous[10] and, in some cases, without any defined boundaries at all or 'open access' (Quinn et al., 2007; Moritz et al., 2013a; Davies et al., 2016; Robinson et al., 2017).[11] Commonly this is the case in large arid regions with low populations of people and livestock, and highly variable vegetation and water resources. Rangelands here are generally managed as open access for all herders (or those from within a specific group) to use and to move their livestock without restrictions (Moritz et al., 2013a) and without costly border enforcement (Mortiz et al., 2019). Pastoralists maintain these rangelands with few rules and little resource monitoring. Livestock-driven land degradation is rare because droughts frequently limit livestock numbers, and the lack of controls here enables pastoralists to quickly respond to drought or disease (Fernández-Gimenez & Lefebre, 2006). Moritz et al. (2018) suggest that a kind of "emergent sustainability" results, as herders dynamically distribute themselves across the landscape, avoiding overuse of the resource. However, sustainable management of open access rangelands is not assured; as populations increase and other land users increasingly encroach upon the rangelands, there is a demand and pressure to protect them (Reid et al., 2021).

2.2.2 Pastoral governance

Traditionally, pastoral customary institutions have governed the different layers of overlapping sets of rights, from the rangeland landscape through to 'tenure niches' (such as for a water source or a tree) (Maxwell & Wiebe, 1998; Flintan, 2012; Barrow, 1990; Davies et al., 2016). Land and/or resources are held in trust for use by the group – they are not 'owned' (in the formal

sense of the word). For many pastoralists, securing rights of access is of greater importance and concern than owning the resources and/or securing a landholding certificate. In these kinds of systems, deliberative governance mechanisms play a more important role in resource governance than property rights (Robinson, 2019).

Though governance focuses on ensuring the access of the members of 'the group' (the collective) to land and resources needed for pastoral production, it also avoids excluding others (i.e. non-members, neighbours perhaps) wherever possible. Not least, this helps build important collective relations (social capital) that are required for effective management in these unpredictable dryland environments and increasing the likelihood of being able to use the land and resources of non-members in times of need. Further, exclusion of non-members can be expensive to enforce in terms of time and resources, so grazing and resource management is kept flexible and, to a degree, ad hoc to avoid otherwise high transaction costs (McCarthy et al., 1999; Ostrom, 1999).[12] This means that resources, when not in use, are often not 'policed' or protected, leaving them vulnerable to non-agreed use, exploitation and encroachment by outsiders, particularly by non-pastoralists.

Group rules and regulations change over time, influenced by changing economic, environmental and social contexts. Individuals may choose to comply and abide by the rules and regulations of the group's institutions or not. However, there is pressure to do so, not least in order to continue accessing the benefits that group membership provides. Being part of the group is of greater benefit than any gain an individual or a household might obtain alone. When such benefit reduces however, or greater benefit is seen to be obtained from outside the group, there is more incentive to challenge the group and seek individual rewards.

2.2.3 Social differences including gender

Not all group members use and access land and experience land tenure and governance in the same way. Power dynamics at the local level can shape unequal access to resources, influence decision-making processes, and marginalise certain groups. In certain circumstances, this can create instability and exacerbate conflict, particularly when change driven by internal and external factors occurs (Bisson et al., 2021). Others may use it to their advantage and with adverse means to acquire land illegally, even "legally". As will be described in Section 4, even pastoralists themselves are increasingly turning to means beyond traditional tenure systems to access land and resources.

Gender is one issue that creates differences between men and women in pastoral tenure systems, and how they experience change. Commonly, pastoral women access land and natural resources as part of the pastoral collective group. Pastoral societies are normally patriarchal and male-dominated, at least publicly. Decision-making power over the use and management of land and resources is more likely to be in the hands of men than women, with customary practices excluding women either implicitly or explicitly (Flintan, 2008; Forsythe et al., 2015; Balehay et al., 2018; Tefera & Kaneko, 2020). Access and use rights usually need to be negotiated through a husband or another male relative or even the clan (Flintan 2008; Kisambu et al., 2017; Issoufou et al., 2020). Unequal treatment of women in social and economic affairs in communities can limit the ability of women to contribute to appropriate responses and adaptation (Teka & Temesgen, 2017).

This may compromise women's individual rights with limited control over productive resources, including land. And though the 'collective' or the group can offer many benefits including social protection for women, their position may be viewed as subservient, marginalised and disempowered (Pingua, 2014; Flintan et al., 2019). Different social differences between men and women may be in contravention of national policies, legislation and strategies to promote women's rights and address gender inequities. However, it is in the group's interest that women access land and resources to enable them to feed the family and prosper, economically at least, and thus generally speaking women's rights to collective resources are protected by the group. If the group tenure and governance system is strong and functioning well, then women can be better protected under these collective tenure systems than under individual rights tenure systems, particularly if they gain these individual rights from outside the group (Meinzen-Dick et al., forthcoming). Of course, gaining secure rights from the group, depends on the group itself having secure land and resource tenure, which, as has been shown in this volume, cannot be assumed. Further, not all customary institutions or other governing bodies work to maintain gender or other equities as much as they could, and when tenure security is challenged, women increasingly look to their social networks to access land and resources, including those beyond their immediate household (Archambault et al., 2020).[13]

Another social difference is **age**. In areas where individualisation of rangelands is proceeding rapidly, youth can be particularly vulnerable, as they are not part of key decision-making, yet as the main herders they are the ones who most directly experience the fragmentation of land. A study in Maasai areas of Kenya, for instance, found that whereas adults tended to be concerned about outsiders buying up land and excluding them from accessing pastures and water, youth were more concerned about whether they would even have any land base at all from which to establish and support their own families (Archambault, 2014). The erosion of pastoral livelihoods experienced in many locations also means that pastoral livelihoods and the inheritance of livestock from one generation to another can no longer be counted on to confer adult status and financial independence to maturing youth. This fuels migration to cities and hinders the integration of youth into pastoral society (Magnani et al., 2021) (see Section 2.3). Despite the likelihood that age creates differences in societies in relation to pastoral tenure systems and how change is experienced, this review found very little literature on the subject indicating a significant gap in research on the topic.

Wealth differences can also be important. It has been suggested that wealth differences are increasing in pastoral societies, influenced by a more monetary economy; more frequent droughts that hit poorer members of a community harder; the breakdown of customary institutions and traditional wealth-distribution mechanisms; and other reasons. This contributes to poorer members of the community "dropping out" of pastoralism, all the while livestock wealth is being further consolidated in the hands of the wealthy (Aklilu & Catley, 2010). Though these trends have been identified, again, the number of studies on the subject is small. Further, it is not clear to what degree increased disparity in individual wealth (and other societal differences as mentioned above) is affecting collective relations including access to land and resources (ibid.).

2.3 INFLUENCING FORCES ON PASTORAL TENURE SYSTEMS AND GOVERNANCE

Pastoralism and pastoral tenure systems do not exist in a vacuum and there are a number of social, economic and biophysical forces that directly and indirectly influence them and drive change. It is not within the scope of this paper to mention all these – and in detail – but rather highlighting some should show how dynamic the context is for pastoral land tenure and governance, and why flexibility and adaptability are so important.

Chief among these in Africa are factors that drive the increasing competition for land. **The population growth** in Africa is doubling approximately every 25 years (DESA, 2019; Oxfam International, 2010).[14] Although pastoralists in Africa have tended to have relatively low population growth compared to other communities (Randall, 1995), there are other dynamics at play. Population increase also comes with the in-migration of farmers from degraded areas seeking land, which is often encouraged by government intervention (e.g. in Ethiopia – Bekele et al., 2016; Kenya – Nkedianye et al., 2020).[15] For example, there has been an increase in pastoralist youth (male and female) migrating to urban areas for work (Locke & Quan, 2016; Stites et al., 2018). However, unemployment may force them back again, which often causes conflict as they seek land (Ronald, 2014; Basset, 2009). Such population dynamics put pressure not only on land and resources, but also on governance structures through exposure, challenges from non-locals, and a burgeoning youth with new and different ideas.

Governance, human rights and democratisation influence pastoral land tenure and governance in a multitude of ways, with West Africa indicating a gradual improvement over the past two decades whereas East Africa has declined (Freedom House, 2018; Mo Ibrahim Foundation, 2021). Further, devolution of power and authority to lower levels of government, as has taken place in Kenya over the last decade, has opened up opportunities for greater influence and reach of government in pastoral areas. Combined with a disenchanted youth (amongst other factors), the influence of elders and customary institutions has waned. A study of devolution and its relationship with conflict in Samburu (northern Kenya) showed that while levels of conflict have increased, devolution enmeshes with other factors that define the region's changing relationship with the centre, including resource and infrastructural development as well as al-Shabaab violence (Lind, 2018). These have resulted in "place-specific dynamics, creating a patchwork topography of conflict, confounding assumptions that there is a clear and unambiguous relationship between devolution, inter-communal relations and conflict" (ibid.).

Conflict, war, militarisation and insecurity can also be a significant influence (Unruh, 2010).[16] Pastoral areas, given their remoteness and lack of government security officers, are often strongholds for militarised groups; the concentration of small arms exacerbates and elongates conflicts (Adeniyi, 2017; Babalola & Onapajo, 2019).[17] This has pushed pastoralists and their livestock into more secure areas where they easily get blamed for conflicts with farmers, for example. In response, several governments are developing and trying to implement policy and

legislation that controls pastoralists and particularly their movement, Nigeria being a case in point (see Box 1). Further, countries in or out of war can see elites, land users and also IDPs or migrants using and abusing the weak tenure and governance systems and the gaps in them to their own advantage, creating a situation that is problematic and difficult to resolve (Unruh, 2010). Customary institutions lack the capacity to resolve such issues.

A **policy bias towards crop farming** heavily influences land tenure security in pastoral areas, with insufficient budgets assigned to the ministries or departments of livestock continuing to be a recurrent problem. This bias is also apparent in official development assistance (Smith et al., 2020). Further **the view of rangelands has, in large part, shifted** from seeing them as a low-potential wasteland to a frontier rich in resources (oil, gas, minerals and precious stones, plus potential for wind and solar power) that need to be properly unlocked to contribute national wealth and economic growth (Lind et al., 2020a). Crop-focused schemes, such as SAGCOT (Southern Agricultural Growth Corridor of Tanzania) in Tanzania or the LAPSSET Corridor (Lamu Port-South Sudan-Ethiopia Transport) in Kenya, have been used as the basis for large-scale agricultural investments and/or new infrastructure in pastoral lands, displacing pastoralists (Chome et al., 2020).

Religion can influence access to land and property. Islamic principles are a case in point, but despite wide geographical spread and relevance, they are aligned with informal and statutory systems and not sufficiently documented. As a UN-Habitat (2011) report highlights, this lack of alignment:

> "impacts land management systems as well as security of tenure across the Muslim world. Since Islamic principles are based on an obligation towards God and the Muslim society as a whole, they can be influential in promoting land access and re-distribution for marginalised groups. There are also distinctive Islamic approaches to land administration, urban planning and land-related aspects of micro-finance. Further, there are a number of instances where Islamic principles and practices relevant to land are similar to widely accepted universal approaches and can therefore be used to enhance tenure security, land use planning and land management".

Protection of property rights in general is recognised as a priority in Islamic law (*Shari'a*) and state policy must operate to promote it. In principle, the rights to land are linked to land use and the person who uses the land has priority over another who has failed to use it. Land that is not being used can, consequently, not be owned. Following the same logic, only productive land should create wealth. Further, Islamic law provides a range of rights to property to Muslim women, such as the rights to acquire, hold, use, administer, inherit and sell property including land. When she marries, a Muslim woman does not lose her property rights and may purchase property using her earnings or the gifts she may receive from her or her husband's family or on what she may enjoy as beneficiary of an endowment.[18] Exactly how such issues play out in pastoral societies is an under-researched area – in fact, no studies were found on the relationship between religion and pastoral tenure systems.

Finally, **climate change**. Though some suggest that it has the potential to affect land governance, analyses of the kinds of drivers and transformations affecting African pastoralists suggest that social and economic factors are having greater impact than climate change (Rivera-Ferre et al., 2016). Climate change, rather, can create problems when linked to environmental or other types of migration; or when overlaid with other factors such as a lack of general human rights and governance (Opiyo et al., 2012; Schrepfer & Caterina, 2014; Witmer

et al., 2017). Further, it is suggested that, rather than climate change per se having an impact on land tenure security, it is climate mitigation and adaptation measures and activities that can have greater impact, for example the development of large-scale renewable energy plants and relocation efforts (Froese & Schilling, 2019; Renkens, 2019; Hughes & Rogel, 2020). Moreover, as Eriksen et al. (2020) suggest, adaptation measures may support particular agricultural practices or livelihood changes that disproportionately benefit those with land, while penalising the land-poor. A more extreme case documented by Abbink et al. (2014) is the forced resettlement of pastoralists as part of Ethiopia's Climate Resilient Green Economy Strategy.

2.4 CHALLENGES OF STRENGTHENING COLLECTIVE PASTORAL TENURE SECURITY

The above sections have highlighted some of the key complexities in pastoral tenure systems, together with a number of influencing forces to which pastoral tenure and governance systems are constantly needing to respond and adapt. With these forces having ever-greater influence on pastoral systems, together with the pressures on land use and tenure that were summarised in Section 1, stronger tenure security of pastoral lands and resources is critical if pastoralism is to continue surviving and indeed, improving. Further strengthening pastoral tenure brings intrinsic benefits (as elaborated upon in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)). The Technical Guide on Improving Governance of Pastoral Lands states:

> "Stronger tenure can help to consolidate pastoralist identity and promote respect and awareness, inside and outside pastoral communities. It can contribute to pastoralism being perceived as a desirable livelihood, which can encourage the return of educated youths with new ideas and resources in countries where depopulation is a major threat to pastoralism such as in Europe. The social networks and institutions that sustain land tenure systems can also provide a starting point for other initiatives, including land planning, health care, educational projects or sustainable development schemes. The existence of functional participatory groups can make it easier for governments and NGOs to implement and monitor the success of new initiatives and will certainly reinforce the sense of community and mutual help" (Davies et al., 2016: 27).

This improved tenure security is unlikely to be provided by strengthening *pastoral* tenure systems alone, but some degree of formalisation and protection of pastoral lands and resources under statutory law will be required so that *all* stakeholders (i.e. beyond the pastoralist group) recognise and abide by the necessary rules of access, use and management, boundaries, jurisdictions, etc. As history has shown, this is not going to be achieved by individualising land and parcelling it up into individual plots, which not only proves to be inequitable, but risks the collapse of the entire pastoral system. Collective tenure, no matter how complex, thus needs to be central to the securing of tenure for pastoralists and in pastoral areas.

Before considering some of the ways that governments and supporting actors are attempting to strengthen the pastoral tenure security, and the gaps therein, this section summarises two sets of challenges that need to be overcome.

Firstly, there is **the issue of scale** and at what scale – or scales – is the formalisation of tenure most appropriate and with what **boundaries**. As described in Section 2.2, pastoral tenure systems are made up of layers, or a mosaic, of tenure that overlap and may result in a piece of land or a key resource (such as a tree) having several layers of tenure governing it. What has complicated matters further is that some of these layers may already have statutory security, for example an individual plot of cropping land for which the holder has a title, yet it sits in the middle of a pastoralist group's rangeland. As such, any kind of statutory tenure for the rangeland as a whole would have to take into account and accommodate for the private/individual landholding. It could be that all layers of pastoral tenure systems are formalised, but this would prove highly costly and laborious, and likely be an administrative nightmare. Some may argue such profound formalisation is not necessary, that securing the boundaries of the pastoral tenure system under statutory law should be sufficient, then the layers of tenure found within those boundaries can be governed by the pastoral tenure itself.

However, challenges still arise where such pastoral tenure systems are not operating effectively due to the pressures highlighted above and therefore they do not have adequate capacity to protect the land, even if the legal provisions to do so have been granted. In particular, this can be the case for key resources that other land users also highly value, such as riverine areas. To further complicate things, where a boundary of a unit is purposefully porous and fuzzy in order to allow movement across it, the formalisation of that boundary could physically harden and block that movement (Bollig & Lesorogol, 2016; Davies et al., 2016; Achiba & Lengoiboni, 2020); so any effective formalisation of that boundary needs to be done in a way that accommodates the flexibility and complexity of movement across it.

The same issue is important for the formalisation of livestock routes, too, which if formalised and/or held under state authority as a public space can result in a loss of movement for pastoralists, due to the reliance on delimiting a pastoral infrastructure as fixed when it requires flexibility. Additionally, there is a reduction in the ability of local user groups to develop their own negotiated solutions (e.g. Moritz et al., 2013a) – something which in itself is important for strengthening social capital at the local level (discussed further below). This challenge of the need to secure rights to land without the rigidness that statutory tenure often insists upon has been described by Fernández-Giménez (2002) as the "paradox of pastoral tenure".

The second set of key issues is related to **the governing body** that will govern the land or resource after formalisation and rights have been provided to **the collective**. As described above, pastoralists govern land collectively, primarily focused on ensuring access for the group of members. The governing body is normally a customary institution, or a set of them, that has developed over time. The collective is a set of members relatively loosely defined that may change over time and circumstances, and is based on principles of inclusivity, welcoming visitors from other groups upon request (even tolerating a degree of presence of such visitors *without* request). Often rights to access and use land are negotiated through a process that is socially embedded and part-and-parcel of complex social relations. However, when formalisation of tenure happens, statutory law and regulations demand a clear and well-defined governing body and formalisation of the group as a legal entity to whom rights will be provided. This can mean listing the members of this group on a landholding certificate. This creates rigidness and formality where previously there were flexibility and informality. In this

way, it fails to capture the importance of the negotiation and decision-making processes for the broader social pastoral landscape, cutting the "web of interests" (Meinzen-Dick & Mwangi, 2008) that are needed for the functioning of collective tenure systems. It raises such questions as who belongs to the group, and who does not? As populations grow, issues of future group membership and expansion also need to be considered. Further, formalisation often introduces issues of exclusion and alienation, which likely were not prevalent before.

In theory, the state and customary institutions could work together to create and enforce rules and investment activities, but in practice the costs of negotiating such rules have often been prohibitive (Ngaido & McCarthy, 2005). If not built on local practices, the imposition of new government rules can create conflict, tension and resistance amongst land users, and should be avoided. What tends to happen is that statutory tenure grants rights to the group through an existing customary institution or establishes a new or hybrid one.

If, prior to formalisation, a customary institution was managing land effectively and relatively equitably, then formalisation should disturb it as little as possible. The development of a governing body should be based on that customary institution already in existence, and it should incorporate the rules and regulations that have already been developed by said institution. At the very least, statutory law needs to be flexible enough to accommodate local, context-specific institutions and a relatively loose and fluid collective. Unfortunately, during formalisation processes there can be an overemphasis on *formal* institutions (Bollig & Lesorogol, 2016; Achiba & Lengoiboni, 2020) and often customary institutions are not seen to be formal enough.

If a customary institution is not – or is perceived by government or others involved in formalisation processes not to be – managing land effectively, and perhaps doing so inequitably (e.g. in terms of exclusion of women or elite capture), a new governing body may be established. Alternatively, this could be an adapted or hybrid body that includes aspects of both customary and statutory institutions. However, there are also significant challenges with this, including the codification of customary laws, membership rules, and/or the development of new rules and regulation acceptable to the group. Some suggest that legally vesting power in a committee (which previously was a customary institution) is fraught with danger far greater than what might be powerful elites before legal incorporation. Establishing a committee excluding customary institutions can bring another set of challenges (Davies et al., 2016). Indeed, recent history has shown that when formalisation and registration processes are actually implemented, they often prove unfair and/or inequitable, with land committees or other associations often dominated by civil servants susceptible to manipulation, corruption and the exclusion of less powerful land users (Lavigne-Delville, 2010; Ngaido & McCarthy, 2005).

At the same time formalisation tends to disturb power relations and, if care is not taken, it can elevate some members whilst marginalising others; particularly in pastoral areas where governance is loose and weakly defined (e.g. in the larger drier areas without clear boundaries, as described in Section 2.2) there can be multiple groups using the land. Formalisation simplifies land ownership and access, and risks vesting or concentrating all rights – especially exclusion and alienation rights – in one group or another (Rugadya, 2020a). This can cut off access, use rights and future claims of others. For example, women who depend on gathering fodder from a forest may lose access when a neighbouring community is granted the exclusive title (Meinzen-Dick et al., forthcoming).[19] Statutory law can capture these complex elements of land tenure, but it takes knowledge, expertise, time and resources to do so.

THE STATUS OF THE FORMALISATION OF LAND TENURE SECURITY AND GOVERNANCE IN PASTORAL AREAS OF WEST AND EAST AFRICA, AND RELATED TRENDS

Belief in statements made by Peruvian scholar Hernando De Soto (2000), who argues that a lack of easily understandable, formal property rights explains why people in developing countries have not been able to transform their (natural) resources into productive capital,[20] has driven processes to improve tenure security in rural lands. Coupled with a drive to secure tenure as a contribution to sustainable development goals and the establishment of the FAO-led VGGT, a swathe of policies and legislation have been developed including for lands held collectively. However, the degree to which these policies and legislation have fully incorporated the complexities found in pastoral tenure systems more specifically is questionable. As the VGGT Technical Guide on Improving Governance of Pastoral Land states, "there is a need to provide solutions to securing pastoral governance and tenure without undermining the inherent, necessary complexity of customary arrangements" (Davies et al., 2016: 4).

This section gives a brief look at examples of the current and emerging policy and legislation that aims, to different degrees, to improve tenure security in pastoral areas. The second half of the section will consider examples of the implementation of these policies and legislations, and their successes, challenges and failures, for both securing tenure and improving good governance.

3.1 CURRENT AND EMERGING POLICY AND LEGISLATION

Policy and legislation, and/or the lack of it, are highlighted as key factors in ongoing and poor tenure security (Bisson et al., 2021). Pastoral legislation alone does not solve the problem of weak pastoral tenure, but it does provide legal basis for action (Davies et al., 2016). The current policy and legislation relevant to pastoral land tenure and governance identified during this study[21] are listed in Table 1. As seen over the last two decades, there have been reasonable, if somewhat patchy and inconsistent, attempts made by governments to provide more enabling policy and legislation for improving land tenure security.

TABLE 1: LIST OF NATIONAL AND SUB-NATIONAL POLICIES, LAWS AND REGULATIONS RELEVANT TO PASTORAL LAND TENURE

Country	Policies, laws, decrees and regulations
Benin	Pastoral Code, 2019
Burkina Faso	Framework Law on agrosylvopastoralism, n° 070-2015/CNT, 2015
Côte d'Ivoire	Law n° 2016-413 of 15 June 2016 on transhumance
Djibouti	Law n° 200/AN/07 on Organisation of the Administration of the Ministry of Agriculture, Livestock and Sea, 2007
	Decree n° 2013-110/PR/MAECI creating the National Early Warning and Response Mechanism for Pastoral and Urban Conflicts
Eritrea	Land Law, 1994
Ethiopia	Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation, n° 455/2005

Country	Policies, laws, decrees and regulations
Ethiopia (cont'd)	Rural Land Administration and Land Use Proclamation, n° 456/2005
	Revised Amhara National Regional State Rural Land Administration and Use Proclamation, n° 133/2006
	Amhara National Regional State Rural Land Administration and Use System Implementation, Council of Regional Government Regulation, n° 51/2007
	Payment of Compensation for Property Situated on Landholdings Expropriated for Public Purposes Council of Ministers Regulations, n° 135/2007
	Proclamation n° 130/2007 Proclamation to amend the proclamations n° 56/2002, 70/2003, 103/2005 of Oromia Rural Land Use and Administration
	Southern Nations, Nationalities and Peoples Regional State, Rural Land Administration and Use Regulation, n° 66/2007
	Southern Nations, Nationalities and Peoples Regional State, Rural Land Administration and Utilization Proclamation, n° 110/2007
	Afar National Regional State Rural Land Administration and Use Proclamation, n° 49/2009
	Benishangul Gumz Regional State Rural Land Administration and Use Proclamation, n° 85/2010
	Oromiya Regional National State Rural Land Administration and Use Regulation, n° 151/2012
	Pastoral Development Policy and Strategy, 2019
Guinea	Law L/95/51/CTRN (Pastoral Code), 1995
	Decree D/97/215/PRG/SGG on transhumance, 1997
Kenya	National Land Policy, 2009
	Urban Areas and Cities Act, n° 13 OF 2011
	County Governments Act, 2012
	Community Land Act, 2016
	Tana River County Livestock Grazing Control Act, n° 10 of 2017
	Land Act n° 6 of 2012, Revised Edition 2019
	Land Value (Amendment) Act, 2019
Liberia	National Forestry Reform Law, 2006
	Community Right Law, 2009
	Land Rights Policy, 2013
	Regulation to the Community Rights Law of 2009 with respect to Forest Lands, as Amended 2011 (2017)
	Land Rights Act, 2018
Mali	Law n° 01-004 (Pastoral Charter), 2001
	Decree n°10-602-P-RM of 18 November 2010 on transhumance
	Agricultural Land Law, 2017
	Decree on the creation, composition and functioning of the National Transhumance Committee and the Conciliation Commissions, April 2021
Mauritania	Law n°44-2000 (Pastoral Code), 2000
	Agricultural Framework Law, n° 06-40/AN-RM, 2006
	Decree n° 0898 of 20 December 2018 on the organisation of the regional delegations of the Ministry of Rural Development

Country	Policies, laws, decrees and regulations
Niger	Ordinance n° 2010-29 of 20 May 2010 on pastoralism, and its implementing decree n° 2013-028 of January 23, 2013
	Order n° 010 /MEL/SG/DL of January 28, 2016 adopting the National Guide to the Inventory of Pastoral Areas and Pastoral Resources
Nigeria	Land Use Act, 1978
	Cross-River State Female Persons' Inheritance of Property Law, n° 10, 2007
Senegal	Agro-sylvo-pastoral framework law, 2004
	Decree n° 2007-1146 of 4 October 2007 on the organisation and operation of the National Agro-sylvo-pastoral Development Fund
Sierra Leone	The Provinces Land Act, Cap 122 as amended by Act n° 20 of 1972
	Town and Country Planning (Amendment) Act, n° 3 of 2001
	Local Government Act, n° 1 of 2004
	Local Courts Act, 2011
	National Land Policy, Version 6, 2015
Sudan	Unregistered Land Act, 1970 (repealed 1984)
	National Investment Encouragement Act, 2013
	The Rangelands and Forages Resources Development (Rationalization) Act, 2015
	Juba Agreement for Peace in Sudan between the Transitional Government of Sudan and the Parties to Peace Process, 2020
South Sudan	The Land Act, 2009
	Draft Land Policy, February 2011
Tanzania	National Land Policy, 1997
	Land Act, 1999
	Village Land Act, 1999
	Land Disputes Courts Act, 2002
	Land Use Planning Act, 2007
The Gambia	Physical Planning and Development Control Act, 1990
	Land Provinces Act, 1995
Togo	Order n° 21/MDRET/MAEC/MCPT/MID/MET of 26 July 1995 establishing a national transhumance committee
Uganda	Land Act, 1998 (and The Land (Amendment) Act, 2004, and The Land (Amendment) Act, 2010)
	National Land Policy, 2013
	Land Sector Strategy Plan 2013 – 2023, December 20, 2013
	National Land Policy Implementation Action Plan, 2015/16 – 2018/19

3.1.1 Policy and legislation in West Africa

In **West Africa**, in the late 1990s and early 2000s some significant improvements were made in policy and legislation covering, at least in part, pastoral areas (see Table 1). This trend has somewhat flattened off in the last decade, but still policy and legislation in West Africa is generally more progressive and supportive of pastoral tenure systems than it is in East Africa. Still, until recently, West Africa has seen a clear difference between policy and legislation in the more northern Sahelian countries and that of the coastal countries in the south – the former paying greater attention to facilitating and protecting livestock mobility, and the latter aiming to control and even prevent it (Alden Wily, 2003). Although, in the last decade several coastal states have developed more facilitating policies and legislation, including the Côte d'Ivoire and Benin (see below).

A feature of West Africa, particularly for the Sahelian countries, has been the development of pastoral codes or charters. Pastoral codes or pastoral charters were developed in several countries (e.g. Burkina Faso, Mali, Mauritania and Niger) with the aim to consolidate statutory legislation and customary, religious and other rules and regulations into one framework for application in pastoral areas (based on the development of rural codes that covered rural areas more broadly).[22] These typically include provisions protecting rights to mobility and establishing mechanisms for local management of resource access and conflict. A positive, recent example is Benin, which released a pastoral code in 2019 (Law n° 2018-20 of 23 April 2019) that provides protection for land and resources through local authorities' land management plans. It also provides for the establishment of a support fund for pastoralism, with representatives of professional herder organisations on the management committee and a National Agency for Transhumance Management (*Agence Nationale de Gestion de la Transhumance*). In 2020, a network of Beninese parliamentarians for the management of pastoral transhumance was created. Though implementation is yet to be realised, this is a positive example of progress in the region. However, some countries have had drafts of pastoral codes in place for several years without finalisation and/or approval (e.g. Senegal and Cameroon), and Chad saw its draft pastoral code rejected.[23]

There has also been the development of less positive policy and legislation for pastoralism in the region, an example being Nigeria with the National Grazing Reserve (Establishment) Bill (2016) and an ambitious 10-year National Livestock Transformation Plan (NLTP) launched in 2019 (see Box 1). These aim to curtail livestock movement, which it is anticipated will reduce herder-farmer conflict that has escalated over the last decade[24] whilst anticipating the provision of conditions for modernising and increasing livestock production. However, the measures have met with a range of challenges including stiff opposition from both herders and farmers. Two years after the programme launch, there are reports of little to no significant progress in the four pilot countries (Ibirogba et al., 2021).

BOX 1: ENDING OPEN GRAZING IN NIGERIA? THE NATIONAL GRAZING RESERVES AND NATIONAL LIVESTOCK TRANSFORMATION PLAN (NLTP)

In 2016 Nigeria introduced a National Grazing Reserve (Establishment) Bill which is an attempt to force pastoralists into specifically designated grazing areas or "reserves". Grazing in the reserves will be legally protected. This is not ownership and raises questions about protection of the land from sale and encroachment. It is indicated that customary institutions will be allowed to manage the lands, however the exact modalities are not clear. Furthermore, the Bill contains an article on the "illegality for non-Nigerians to graze within the reserves without authorization" (Art. 30), that contradicts the right to free movement stipulated in the 1988 ECOWAS Transhumance Protocol. Farmers, on the other hand, claim that some provisions of 2016 Bill are in conflict with their inalienable rights to property (1999 Constitution of Nigeria) and the protection of their rights to own land provided in the Land Use Act (Mrabure & Awhefeada, 2020).

Nigeria's 10-year NLTP launched in 2019, was designed as an ambitious yet comprehensive strategy to modernise Nigeria's livestock sector and put an end, once and for all, to the violent conflicts between farmers and herders that are seen as a threat not only to food security but also political stability. The purpose of the plan is to persuade pastoralists to move their herds to public grazing reserves or ranches thus effectively ending the practice of migratory or open grazing in the participating states. It will increase productivity through support for breeding programmes and other improved livestock management practices. Expected results by the end of 2028, include 119 operational ranches and more than two million new jobs created across the livestock sector from production to marketing.

However, a 2021 study by the International Crisis Group (ICG, 2021) found little progress with implementation of the plan two years after it was launched with no new ranches yet established. Constraints include staff shortages, insufficient and delayed funding (80% of which is supposed to come from the Federal Government) and perhaps most fundamentally, continuing strong opposition from both farmers and herders. One of the authors of the report, Nnamdi Obasi, summed up this key challenge:

> "The breeders are afraid of running out of resources by integrating the ranches, and farmers are worried that land will be allotted for ranches: they fear it will reduce cultivated areas. These fears, expressed by herders and farmers, must be addressed: the authorities must communicate better to reassure herders and tell them that they will always have access to resources; and they must also convince the farmers that this plan is also beneficial for them in the medium term".[47]

The ICG report concludes that for the NLTP to remain viable, it is essential for Nigeria to make progress on these issues, securing additional donor support and setting up the pilot ranches in advance of the 2023 elections.

3.1.2 Policy and legislation in East Africa

In **East Africa** pastoralist tenure rights tend to be assumed through legal provisions for communal and/or collective tenure generally, without necessarily entailing specific protection for pastoralists, mobility and grazing.[25] Several national land laws made customary communal land tenure a fully legal and equivalent route through which land rights could be owned and transacted, and in some cases explicitly inclusive of properties that communities own and use in common (as in Tanzania and Uganda). During our review we failed to find any particular provisions for securing tenure rights of pastoralists in Sudan, South Sudan, Djibouti, Somalia[26] and Eritrea, which appear to remain dependent on administration and allocation by customary systems and institutions of varying strengths. Further, here as in other Muslim-dominated areas in the region, Shari'a law also plays a prominent role in how land and resources are accessed and by whom (see Section 2.3).

Of all these countries (and perhaps across Africa) Tanzania has shown the most progress in developing policy and legislation (see Box 5). Other countries, such as Ethiopia, have incomplete provisions for the security of local tenure of common land at the national level,[27] although regional governments have developed more progressive policy and legislation, but in most cases have not implemented it.

A seemingly good, recent advancement in the region has been the establishment of the Community Land Act in Kenya, though it has yet to be fully implemented (see Box 2). Further, and more generally, a shift has been seen in pastoral policy, with greater support given to pastoralism as a livelihood system. Explicit policies of forcibly settling pastoralists have mostly waned, though preferences for sedentary forms of production are still embedded in much of government agricultural policy and investment (Abbink et al., 2014, Byakagaba et al., 2018; Gonin & Gautier, 2016). For example, even though Ethiopia's 2020 Pastoral Development Policy and Strategy still includes sedentarisation – "voluntary commune programs to enable

> **BOX 2: COMMUNITY LAND ACT, KENYA**
>
> In 2016, the Community Land Act (CLA) was passed in Kenya. It provides directions for the formal adjudication and survey of lands under collective tenure, including what were formerly Trust Lands and group ranches, which incorporate most pastoral lands. Under the CLA, a group of people affiliated by kinship, ethnicity, shared socioeconomic or other common interest; joint use of the same geographical or ecological space or physical proximity; or some combination of these features may choose to organise themselves as a 'community' under the CLA and apply for registration and recognition of their communal proprietorship over their collective land. The CLA states that communities have a right to plan grazing on community lands and to not be excluded from grazing through such things as the obstruction of access to water. However, the CLA is new and still in the early stages of implementation. As Liz Alden Wily (2018: 3) states, "In reality delivery of collective entitlement to communities will take several decades". Since the passage of the CLA, another statute – the Land Value (Amendment) Act of 2019 – was passed that seems to undermine some of the protections afforded to communities and community land under the CLA and seems to particularly disadvantage pastoral communities in terms of compensation of land appropriated, for example.

people in pastoral areas [to] benefit from settled life" (Art. 1.4) – it is expressed as one option amongst several development options, whereas in the past it was very much at the forefront of policy, a driving force. On the other hand, the strategy also states that a land use and land-administration system should be developed (Art. 1.3), but this focuses on crop farming and not mobile livestock production.[28]

3.2 REGIONAL POLICIES AND INITIATIVES

Country boundaries, the majority of which were imposed by colonial powers, have been imposed onto, and formally divided, traditional rangeland areas. The use and sharing of these transboundary resources are often key to the productivity of the pastoral systems found in these areas, particularly during times of drought, and as such pastoralists continue to cross boundaries, even if this movement is considered to be illegal by one or both states. Movement across international boundaries may also be needed to access markets. For example, in West Africa major livestock markets are found in the coastal states that have relatively low livestock production, but that have ports, meaning that millions of livestock are moved from non-coastal states to coastal ones every year; the majority of the journey is on foot. A similar pattern is found in East Africa. As such, though some governments may discourage movement across country boundaries, begrudgingly, there has been recognition that it is a reality and requires facilitation and appropriate support, checks and controls. In both West and East Africa there has been progress in achieving this (albeit patchy), as well as attempts to harmonise policy and legislation across member states.

In **West Africa** the process has been led by ECOWAS (Economic Community of West African States), which is made up of 15 countries.[29] Within ECOWAS there is a broad regional-level policy endorsement of freedoms of trade and movement of people. The ECOWAS Protocol on Transhumance was adopted in 1998, and it introduced the International Transhumance Certificate, which provided for cross-border movements between its 15 member states and facilitated transborder agreements (de Jode, 2009).

ECOWAS has also attempted to harmonise land policy and legislation across the region. In the context of the Africa Land Policy initiative, in 2009, the West African Economic and Monetary Union (UEMOA, in the French speaking zone) adopted in a Land Tenure Action Plan, which included creation of a West African Regional Land Tenure Observatory. And, in 2010, ECOWAS launched an initiative aimed at designing and implementing a regional framework for the development and implementation of convergent land policies in the ECOWAS region.

However in 2016, ECOWAS launched the 2025 regional strategic policy framework for Agriculture (ECOWAP)[30] noting that progress towards a regional framework for convergent land tenure policies was "still facing strong reluctance", and given the importance of livestock to regional trade, calling on the Sahelian and coastal states to develop a shared vision for the development of integrated pastoral and agro-pastoral systems, building on their comparative agro-ecological advantages while recognising that they face different challenges. More recently, in June 2021, the UEMOA recruited a land tenure expert to support the operationalisation of the Regional Land Observatory, which it is hoped will ultimately cover the entire ECOWAS region. Further, a number of initiatives have attempted to encourage more

regional focus, such as the Sahel Pastoralism Support Project (PRAPS), the Regional Dialogue and Investment Project for Pastoralism and Transhumance in the Sahel and Coastal Countries of West Africa (PREDIP) and the Integrated and Secure Livestock Farming and Pastoralism in West Africa Project (PEPISAO) (see Box 3).

BOX 3: REGIONAL PASTORAL-FOCUSED INITIATIVES IN WEST AFRICA

A number of initiatives have been introduced to try to encourage more regional focus. One of these initiatives is the Sahel Pastoralism Support Project (PRAPS), coordinated by the Permanent Interstate Committee for Drought Control in the Sahel (CILSS) and funded by the World Bank Sahel Initiative. PRAPS limits its intervention to the Sahel countries that expressed their willingness to work together to achieve "the ambition of a pastoralism without borders" in the Nouakchott Declaration on Pastoralism (29 October 2013). The fact that this initiative only covers four of the 15 ECOWAS countries (Senegal, Mali, Burkina Faso and Niger) and two states from outside ECOWAS (Chad and Mauritania) illustrates the challenges of aligning development programmes with regional policy that emphasise strengthening trade links between livestock production areas and livestock consumption areas (i.e. the coastal countries) (Oxfam, 2015).

Phase I of PRAPS (2015-2021) focused on mechanisms (e.g. community-led platforms for cross-border dialogue) aimed at securing mobility and access to natural resources but did not specifically support work to secure rights and the political inclusion of pastoralists. To address this, Phase 2 (PRAPS-2 PID February 2021) will extend its support to also include the development of i) national strategies for pastoral water and land use; ii) local and cross-border frameworks for land tenure and governance; and iii) water points to open up access to grazing areas. To do this, the proposal document indicates that PRAPS-2 will build on examples of public policy and strategies that have proved effective for pastoral development (e.g. Niger's Land Tenure Policy; Chad's Strategy for Securing Pastoral Land) and best practices (e.g. FAO's Technical Guide on 'Improving Governance of Pastoral Lands' (Davies et al., 2016).

Other regional ECOWAS-led initiatives, also coordinated by CILSS, focus on building a more convergent vision of livestock production and greater security of movement and trade of livestock throughout the region. For example, the Regional Dialogue and Investment Project for Pastoralism and Transhumance in the Sahel and Coastal Countries of West Africa (PREDIP), intervenes in five coastal states (Benin, Côte d'Ivoire, Ghana, Nigeria, Togo) and three Sahelian states (Burkina Faso, Mali, Niger). It is organised around four key components: i) establishing a Regional Pastoralism and Transhumance Information Service; ii) strengthening dialogue and governance of cross-border transhumance; iii) developing cross-border pastoral infrastructure and facilities; and iv) epidemiological surveillance, prevention and management of priority transboundary diseases.

Within the framework of the Integrated and Secure Livestock Farming and Pastoralism in West Africa Project (PEPISAO), financed by the French Development Agency (*Agence Francais de Développement*) and on the joint initiative of ECOWAS, CILSS and the African Union Border Programme, pastoral stakeholders and partners in West Africa and the Sahel met in September 2021 to lay the foundations for a regional transhumance observatory. The aim of this observatory is to provide the information and decision-making support needed to effectively regulate mobile livestock farming systems.

In **the Horn of Africa**, the Intergovernmental Authority on Development (IGAD) has also been attempting to instil some degree of harmony across member states, but progress has been slow. A more significant achievement for IGAD has been the Protocol of Transhumance, endorsed in 2020 by all eight member states, which recognises and allows for free cross-border mobility of livestock and herders (IGAD, 2020). It also calls for the mapping and designation of livestock routes and identification of areas where cross-border herders may move with their herds. While not directly targeting land governance, the Protocol is significant insofar as it signals a degree of appreciation for the importance of mobility for pastoralist livestock production. It runs counter to assumptions from the past, that livestock owners and their herds should each remain in their own territory. The extent to which the Protocol will have a tangible impact will depend on the speed and depth with which it is implemented.

The Swiss Agency for Development and Cooperation (SDC) is funding the IGAD initiative Strengthening Regional Convergence through Inclusive Conflict Sensitive Land Use and Management in the Somali/Mandera Cluster. The three-year project (2021 to 2023) will focus on the Somali-Mandera transborder area of Ethiopia, Kenya and Somalia, and aims at improving capacity for gender-responsive and conflict-sensitive land administration, promoting inclusive and participatory planning for rangelands and urban areas, securing land rights, and securing land rights for women, youth and minority groups.

The **East African Community (EAC)** appears to have done little to facilitate cross-border movement. Adopted in 2016, the EAC Livestock Policy[31] mentions the movement of "livestock commodities" across borders, but in terms of the risk of the spread of disease. Though it states that, "Policies implemented have restricted the mobility of pastoral communities in some of the Partner States", it does not state how this can be improved. A small section on enhancing the production of pastoral assets focuses on developing appropriate rules and regulations for grazing areas, and the need to "work with stakeholders to facilitate co-management of common pastures based on common rules and regulations on use of common pastures in each partner state" (Art. 5.1.4). It does mention the need to secure access to land and resources, but does not indicate how this should be done. As such, the policy then indicates that the EAC has the view of controlling – rather than facilitating – pastoralism and does not provide clear guidance on resolving land use conflicts and securing tenure.

3.3 IMPLEMENTATION OF POLICY AND LEGISLATION

3.3.1 Formalisation of pastoral land tenure

Overall the implementation of policy and legislation has been slow, particularly in terms of the formalisation of pastoral land tenure. Often, capacity to implement and enforce policy and legislation is low and government is ill-equipped to implement policy and legislation that can accommodate for the complexities described in this report. However, decentralisation or devolution processes have aided the development of more local-level and context-specific policy and legislation, but adequate resources to implement them are often missing.

In many countries where pastoralism dominates or is found in quantity, land is held under the custodianship of the state and in trust for "the people" – this includes all unregistered land in West Africa (95% of the territory in 2010) (Lavigne-Deville, 2010), as well as all land in Ethiopia, Tanzania, Eritrea and Djibouti in East Africa. Here, land users are granted use rights rather than ownership rights. Such provisions can provide a certain degree of security with such rights going well beyond just 'use', possibly including the right to rent out land, to pass rights on to children, and even to be compensated if the state appropriates the land. Combined with a history of use of land, this can instil a high level of 'perceived' tenure security. However, these land tenure systems tend to demand occupation and cultivation of land to ensure 'ownership' or long-term use rights – in some cases explicitly in policy, but just as often implicitly through actual practice – which makes it difficult for pastoralists to be absent from the land for long periods of time to practise their migrations or to rest pastures to allow for regeneration.

A number of projects and programmes that support the formalisation of tenure are summarised in Appendix 1. Though it was outside the scope of this review to delve into these initiatives in detail, general results of formalisation processes described have been mixed and a number of challenges have arisen. Often, the time and effort needed to move legislation, regulations and procedures into actual implementation, at scale, is not fully appreciated. Where development funding has supported efforts towards formalisation of collective tenure, seldom is time allowed for experimentation and pilot projects. While such an approach could delay the development and general implementation of formal tenure frameworks, in the short or medium term, it would allow for learning, adaptation and the crafting of policies and frameworks that are better suited to the complexities of pastoral socioeconomic contexts.

In **East Africa**, recent international development support for strengthening land governance in rural areas has concentrated on Ethiopia, Kenya and Tanzania. Some of this support has helped projects aimed at developing and operationalising national frameworks for the demarcation and recognition of community-held collective land. Already, these are the three countries in East Africa where the protection of communal and collective land rights for pastoral communities is the most advanced. There is thus a divergence happening, with gradually improving land governance for pastoralists in Ethiopia, Kenya and Tanzania (see Box 4) – Uganda also has procedures in place for registering communal lands, but implementation has been slow, with little tangible benefit for pastoral communities so far – and very little progress is being made in Djibouti, Eritrea and Sudan.

In **West Africa**, where pastoral codes exist, government has done little to implement them, as the Permanent Secretary to the Riseau Billital Maroobe Network, Brehima Dodo, highlighted in a recent interview: "The flurry of pastoral codes adopted in recent years by regional states has done nothing to guarantee the rights of herders. We are still at the stage of declarations" (Ideas for Development, 2021).

And where they have been implemented, it is suggested by some that they have tended to *increase* unpredictability rather than reduce it; lead to institutional incoherence and greater state presence but with ever decreasing legitimacy; fail to include local communities; and often have discrepancies between national law and local implementation (Bisson et al., 2021; Hesse & Thébaud, 2006).

In Mali, a new land and land tenure code was proposed in 2020, which, if adopted into law, will make title deeds the only legally recognised proof of land ownership. However, due to the high cost of obtaining title deeds, it would effectively rob most rural families and disadvantaged

In **Kenya**, the implementation of the Community Land Act (see Box 2) has been slow. To date, more than 12 communities have been registered and provided with title deeds, and the inventory is ongoing. Most of these registrations are based on the existing boundary estimations of either group ranches or conservancies, and the information relied upon in these cases comes from the original paperwork which is often several decades old. The verification of boundaries will need to take place after registration to avoid communities holding title deeds that are incorrect; this could raise problems, leaving them open to legal challenge if not corrected. Once registered as community land, the management of that land is then passed on to Community Land Management Committees, which have been set up to maintain the land's planning, management and use (Otieno, personal communication, 2021).

In **Tanzania**, the current number of villages is 12,319, yet only 2,454 villages have land use plans. The number of villages with allocated grazing land is even smaller at 30. As a result of joint village land use planning (JVLUP), 13 group Certificates of Customary Rights of Occupancy (CCROs) (see Box 5) have been issued to livestock keepers associations, whilst three have been issued to hunter-gatherers (Cosmos, personal communication 2021).

In **Ethiopia**, between 2013 and 2018, with the assistance of a USAID-funded project called Land Administration to Nurture Development (LAND), the Government of Ethiopia started piloting a communal collective land tenure system for pastoral areas that was based on the registration and holding of use rights for rangeland territory. It protected rights of use and management for pastoralists while the allodial title remained with the Ethiopian state.

groups in urban areas of the opportunity to ever secure land ownership.[32] Cheaper options, such as land registration certificates, often do not carry the same weight as titles. And though they may be upgraded to titles, this would be another process to work through and pay for (Lavigne-Deville, 2010).

Developments in technology have rapidly brought down the cost of mapping and demarcating land. They make it easier to speed up demarcating processes, and document and provide formal recognition for communal landholdings. Tools include those developed by Cadasta and the suite of Mobile Applications to Secure Tenure promoted by USAID (for more information see USAID, 2017). Such tools can support dispute resolution, which is often done with community institutions, and includes time to validate claims. In West Africa, Open Street Map has been used with citizen mapping (citizen-driven spatial data collection) to address issues of urban land tenure, and to map the extent of flood impact in several countries, most notably in Senegal and Niger in 2020 (Les Observateurs, 2020).[33] It also has the potential to be adapted for pastoral lands; PRAPS, for example is using Open Street Map to build a map of the pastoral infrastructure (water points, veterinary posts, livestock markets etc.) in six target countries.[34]

3.3.2 Land use planning

Though the scope of this paper prevents dwelling too much on land use planning, it is important to note that formal processes of land use planning can contribute to the security of tenure and, in many aspects, it is easier and less politically sensitive to implement than land tenure programmes. In countries where use rights are the dominant means of accessing land and resources, this can be particularly relevant. In fact, in many cases, land use planning at the local level forms the foundation for formalising land tenure, as is the case in Tanzania where village land use planning is necessary for issuing Certificates of Customary Rights of Occupancy (CCROs) (see Box 5).

Steps have also been taken to develop land use planning processes that are better adapted to local contexts and more participatory. The County Spatial Planning Kenya (Musoga et al., 2019) and Woreda Participatory Land Use Planning Ethiopia (MoA, 2018a and 2018b) are too new to observe their impacts on tenure security and land governance generally for pastoral areas, but both processes have been developed with the needs of pastoral communities in mind. Tanzania is one country where emerging land use planning processes have had tangible, positive outcomes for tenure security for pastoralists, with new CCROs having been issued as an outcome of the new Joint Village Land Use Planning (JVLUP) process (NLUPC, 2018) (see Box 5). Tanzania also has a national spatial planning strategy that highlights JVLUP, but it has yet to be fully implemented. And new draft PLUP (participatory land use planning) guidelines have been produced, which incorporate JVLUP and give greater attention to gender. However, overall, land use planning remains fairly technocratic with little room for local knowledge and ways of planning to be incorporated, so more often than not excluding local land users.

In general, in West Africa, land use planning has operated at the local level. During the structural adjustment period in the 1980s and '90s, as a wave of decentralisation began, states withdrew from large-scale planning (Sedogo, 2002). Since then, however, there has been

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BOX 5: JOINT VILLAGE LAND USE PLANNING IN TANZANIA

Joint village land use planning (JVLUP) is a tool for further improvement of the village land use planning (VLUP) process in rangelands. It provides opportunities for two or more villages to come together to agree on the sharing of resources which fall across village boundaries. It provides opportunity for facilitating mobility across village boundaries. The traditional resource sharing arrangements are formalised under the statutory laws.

The Land Acts provide the opportunity for the process to take place. Village Land Act n° 5 of 1999, Section 11, and its Regulation 2002 n° 26-35, empower the village council to enter into a joint village land use agreement with other villages for the land resources traditionally so used by any of those groups and land that is partly under one village jurisdiction and partly within the other village jurisdiction.

The Land Use Planning Act n° 6 of 2007, Section 18 provides for the formation of the JVLUP authority and in Section 33(1)(b) provides for preparation of the joint resource management sector plan where resources are shared between villages. VLUP is the tool for delineating grazing land (see Village Land Act, Sections 12 and 13; Land Use Planning Act, Sections 18, 22, 33 and 35) Grazing Lands and Animal Feed resources Act (Act n° 13 of 2010).

increasing pressure in these countries to deal with conflict, such as that between pastoralists passing through and resident farmers. Under the provisions of the laws of most Sahelian states, locally elected government bodies (rural councils) are legally responsible for delivering social and economic services and for drawing up local socioeconomic development plans. Such planning may or may not involve a spatial dimension. Local-level land use planning tends to be implemented from the bottom up, and it may or may not be institutionalised within any officially recognised framework (Sedogo, 2002; Azuhnwi et al., 2017). Some development investment has attempted to improve the quality of this local-level planning, sometimes with specific attention directed to issues of livestock movement. The decentralisation process in Mali, for example, sets requirements for municipalities to take over certain functions, including the elaboration of development plans. The *Programme d'Appui aux Collectivités Territoriales* supported rural municipalities to meet the required standards, ensuring that spatial dimensions were considered in the planning processes (Wehrmann, 2011).

On the whole, however, poverty and high levels of illiteracy impede the active participation of local land users. In many cases, information is either unavailable at their level or available, but in a format or language they do not understand. When local land use planning is carried out, it is often in the context of projects rather than being institutionalised at scale. As a result, the implementation of plans is hampered by lack of formal recognition (Azuhnwi et al., 2017). The capacity of local government to conduct participatory planning processes is low and it fails to address the specificities of certain groups, such as pastoralists and women. Further, government officials often have a poor understanding of the value of pastoral systems and, as such, have little interest in supporting a land use system that they see as bringing few economic returns. Even in areas where pastoral people are a majority, rural councils are often dominated by local elites, such as customary leaders, retired politicians, businesspeople or former civil servants. Despite coming from a pastoral background, they tend to use their powers to pursue their own short-term political and economic agendas rather than policies and development activities for the common good, whilst also being vulnerable to political manipulation by powerful groups (Hesse & Thébaud, 2006).

3.3.3 Supporting and protecting livestock routes

The ability to move is key for an effective pastoral production system, and there has been no shortage of initiatives to map livestock routes (e.g. Young et al., 2013; Rangeland Management Platform, 2015; ILRI, 2018), although initiatives that go beyond mapping and actually protect these routes have been less common. As described below, regional economic bodies have taken positive steps to put in place mechanisms to support cross-border movements, though their implementation is sporadic Many national governments, particularly in East Africa, have done little to support and protect the movement of livestock in-country or across borders. In many cases they permit – or even create – blockages, such as when establishing new conservation areas or infrastructures across livestock routes. An exception is Sudan, where livestock route demarcation is an old practice and services such as water and resting places are provided along the routes. However, protection of the routes, which normally falls under regional states, isn't always guaranteed and encroachment by other land users has occurred (IGAD, 2018).

Livestock routes are sometimes mapped and ultimately protected not through specific legislation, as is the case in some Sahelian countries, but instead through ongoing land use planning processes, or through more informal negotiations that typically involve pastoralists,

state agencies and other stakeholders. For instance, over the last two and half decades in Cameroon, various initiatives spearheaded by NGOs have protected livestock routes through more or less ad hoc negotiations (Moritz et al., 2013b). As well as being an end in itself, these types of initiatives can be an important step in: enabling coordination across competing institutions; providing protection of pastoral sites from competing land uses; and land use planning processes that emphasise institution-building rather than one-time production of a land use map (Kitchell et al., 2014).

However, where efforts are made to map out and provide some protection to livestock routes, often little attention is given to questions such as where will livestock access feed and water along the routes (Turner & Schlecht, 2019)? An evaluation of 20 years of French government-funded interventions in Chad (Kratli et al., 2013), for instance, highlighted that projects have focused on marking livestock routes, but have not taken adequate measures to protect pastoralists' access to natural resources and key grazing areas.

3.4 OUTCOMES OF PASTORAL LAND TENURE FORMALISATION PROCESSES

The outcomes of the formalisation processes described above on pastoralists and their tenure security have not been documented in detail, and it has proved challenging to find examples of clear group benefits resulting from such formalisation. However, though this may be because the formalisation of pastoral land is relatively new and processes are still being worked through, and/or it is too early for outcomes to be shown there appears to be a gap in the literature that requires filling.

Where communal land rights have been formally recognised, processes have tended not to fully accommodate for the particular needs of pastoral tenure systems, including movement across a large landscape and often across administrative boundaries. Even where common pool rangelands are not converted to other uses, policies often push in the direction of parcelling up rangelands into smaller units; take the relatively small ranches excised from the larger open rangelands as in Uganda, for example (Byakagaba et al., 2018) or Kenya where the hardening of borders between communities is constraining pastoral mobility (Jandreau & Berkes, 2016; Robinson et al., 2021). As Pas (2018) highlights, recent projects implemented by the state and by NGOs tend to emphasise securing rights and access within a particular bounded space, rather than attempting to enable and facilitate mobility. This means that an increasing number of pastoral systems that were formerly based on flexible long-distance movement, and flexible borders and institutions, are being parcelled up (Robinson, 2019; Robinson et al., 2021). In turn, this is contributing to conflicts between land users, as seen in South Sudan (Cormack, 2016) and north-central Kenya (Bollig & Lesorogol, 2016; Pas, 2018; Robinson et al., 2017).

One lesson learnt is that it is often easier to prevent injustices and wrongs related to land certification and titling than to overturn them. For example in 2014, and with support from

the initiative Insecure Lands, AREN (*Association pour la Redynamisation de l'Élevage*) took legal action against five cases of the illegal sale of pastoral land in Niger. By the end of 2016, however, they had only recovered 106ha (hectares) out of the 2,806ha claimed. They had more success opposing the registration of 43 new land sales, eventually saving some 2,500ha out of a total of 2,921ha (CARE International, 2018).

Further, formalisation processes are occurring without the adequate participation of customary institutions. There is great variation in what is happening with customary pastoralist institutions across the countries studied. Not only are the trends of weakening and loss of relevance of customary institutions proceeding at different speeds in different places, some customary systems are undergoing qualitative transformations as they respond to shifting circumstances. Among the Samburu in Kenya, for example, spatially flexible customary institutions have declined while more territorially specific institutions have gained prominence (Pas, 2018).

Even where the formal recognition of customary institutions takes place, procedures often push those institutions to transform themselves into formal structures that are more recognisable to states than to the communities that they are meant to serve (Achiba & Lengboini, 2020). This has resulted in the creation of new kinds of associations, committees and groups that may or may not include traditional leaders. The creation of such structures (e.g. Communal Land Associations in Karamajong, Uganda (Fuys et al., 2008) and agro-pastoral Consultative Commissions in Cameroon and Niger) is often a requirement of state processes for formalising communal land use. Similarly, the operationalisation of Kenya's Community Land Act requires the formation of Community Land Management Committees.

Finally, even where the formalisation of tenure has occurred, communities often remain unaware of their rights and are poorly organised to defend them. Where policy or legislation genuinely empowers pastoral communities – at the grassroots – governments can hold back implementation. Protection *of* communal pastoral property rights is protection *from* forces that may wish to reallocate land to other uses. Pressure from powerful actors that oppose the implementation of such land governance measures may not be balanced by pressure from pastoral communities *for* those measures, especially where the awareness and social organisation of pastoral communities is weak. Unlike more sedentarised communities that i) have easier access to local legal officers, information and/or documentation and ii) can mobilise themselves into groups for lobbying and/or protesting, for example, pastoralists are often i) widely dispersed, ii) have poor access to information on their rights and/or how to enforce them, and iii) do not easily come together and work together, for example, to attend court cases.

Further, local elites may pursue their own individual interests rather than those of the community (Hesse & Thébaud, 2006). Some projects have sought to overcome this through assisting pastoral communities to understand and defend their rights (e.g. in Tanzania – Dungumaro & Amos, 2019; in Mali – de Jode, 2009).

PASTORALIST STRATEGIES, ACTIONS AND TACTICS TO SECURE LAND AND RESOURCES

Strategies for achieving land tenure security frequently draw on an amalgamation of notions of property rights institutions and evidence, including statutory, customary, religious, physical occupation and proving prior use, and notions of legitimated user rights (Unruh, 2006 as in Wade, 2015). However, in the continuing absence, or fragility, of the secure access to land and resources necessary for pastoral production, due to lack of supporting policy and legislation, etc., pastoralists have taken steps to improve this security themselves through different strategies, actions, activities and tactics that, at the very least, increase 'perceived' tenure security[35] if not actual tenure security itself.

There has been a long history of pastoral communities agreeing to participate in land adjudication processes, not so much out of support for the concept of private property but, rather, as a way to protect their claims to lands they have historically used or thinking that that would be the case (Lesorogol, 2008 as in Bollig & Lesorogol, 2016). Another strategy has been illegally using conservation areas or private property. In some cases, negotiated agreements have been established between a landowner and a selected group of pastoralists to access grazing, which also serves to help the landowner protect his property from the wider group of pastoralists with the selected group acting as a "buffer" between the two (Wade, 2015). However, today we are seeing a greater variety of strategic actions, activities and tactics, with growing sophistication.

This section describes some of these strategies, actions and tactics that pastoralists are currently using in order to access land and resources in the face of continuing tenure insecurity. These may be opportunistic actions (e.g. 'forum shopping' or the privatisation of communal resources), or more subversive means (e.g. violence), or more strategic actions (e.g. the recreation of the commons, making alliances with wildlife conservation NGOs, or using private property, including those obtained by women as an anchor from which to access a wider rangelands landscape). As will be seen, some of the strategies described may have short-term benefits, but also long-term costs, particularly for the strength of the collective tenure system.

4.1 PRIVATISATION, INDIVIDUALISATION AND ACCESS FEES TO LAND

As competition for land has increased, paying fees to access water and pasture for livestock is also becoming more common. Further, pastoralists increasingly need cash for school fees, clothing, veterinary services and other items. In Kenya, the privatisation and/or individualisation of pastoral communal lands continues (Archambault, 2016), despite the bad experiences of the past (Leeson & Harris, 2018). Some pastoralist groups may agree to such privatisation of their lands, even though they don't themselves support it; this is because of ignorance or because they do not understand the larger implications of such privatisation.

There has been a significant privatisation of resources in Ethiopia, too. In parts of the Somali region, in the early 2000s, the government and NGOs established private water tanks (locally

called *birkeds*), tankering in water, then charged for it (Flintan et al., 2011). Since then, areas such as Harshin, once known as prize grazing lands, have now been completely privatised. As a result, a recent planned intervention to develop a communal collective land tenure system there had to be abandoned (Solomon Woldegiorgis, Tetratech, personal communication, 2021). There's also Borana, where the establishment of both private and communal enclosures has proceeded, and thus contributed to the fragmentation of the rangelands; again, this has been a process encouraged by NGOs over the last decade or so (Flintan et al., 2011; Lind et al., 2020b). Such processes contribute to a cycle of privatisation – as land becomes scarcer and scarcer, land users scramble to secure the remaining pieces (McPeak & Little, 2019).

Similarly, in Niger, development projects have subsidised the development of private water sources for horticulture, whilst communal water sources need to be financed by pastoralists or other users. Increasingly, pastoralists end up paying the horticulturalists to access water for their livestock (Snorek et al., 2017). Not only do pastoralists usually lose out, due to the loss of the land and resources, but these processes also contribute to the individualisation of decision-making over land and resources and the subsequent breakdown of the collective social systems that are so important for pastoralism (Lind et al., 2020b).

The individualisation and privatisation of property, together with the growing trend of paying for access to land and resources, contribute more clearly to the weakening of common property systems. And though this is understood by many pastoralists, when faced with tenure insecurity, land users are keen to secure 'their piece' before all available land disappears, thus the trend continues.

4.2 RECREATING THE COMMONS

As the privatisation of land is occurring in some places, in others – particularly where privatisation has occurred in the past – a counter movement has established itself to reconnect the pieces and recreate the commons. In southern Kenya, for example, a long-term study shows how Maasai families here are recreating the commons by activating social networks to enable 'free' (non-financial payment) access to resources, including grazing and water, so recreating a de facto kind of commons under a system of de jure private holdings (Archambault, 2016). In particular, women's social networks (e.g. their kin, in-laws, friends or religious associates) play an important role. Women realise the importance of investing time in building these networks for such purposes (Archambault, 2016; Mutea et al., 2020), particularly in times of drought where food aid can be commonly shared through them (Ethiopia – Flintan et al., 2019). Similar practices can be found in Samburu (Bollig & Lesorogol, 2016).

An interwoven patchwork of different land tenure has also developed over time farther north in Laikipia County. It has become solid ground for the development of a number of different pastoral actions and strategies to access land, including: the removal of fences by agreement or by force (Galaty, 2016); contesting private ownership in court (Bollig & Lesorogol, 2016);[36] pasture-swapping between private ranches and group ranches, where pastoralists are allowed into private ranches under strict regulations and pay for the grazing privileges; and the use

of private property to access communal resources (described in more detail below). Grazing rights are also being traded by group ranchers to non-group ranchers (Kibet et al., 2016). And, the Kenyan government has recently embarked on a process of legalising land occupation; where land allocated to settlers following independence has not been used, because it was too small to be economically viable, the government plans to formally sanction transfers from freehold farmland to community land (Wade, 2015). In some instances, the occupiers form rather loose land user/owner groups (Bollig & Lesorogol, 2016). This practice is also seen in the south of Kenya with the establishment of the Southern Rift Association of Land Owners (SORALO).[37]

In other countries, too, pastoralists themselves are taking steps to recreate the commons by agreeing to movement of farms and small settlements, which have been established in grazing lands, to new land outside the grazing area. Examples of this can be found in Borana, Ethiopia, as well as in Tanzania (as a result of JVLUP; see Box 5). In Cameroon (Blasius & Flintan, 2017), Niger and Mali (Granier, 2010; Umatoni, 2014; Jacmain, 2019), locally negotiated agreements or *conventions locales* have been established between land users that mark out livestock routes, rules for harvesting wild fruits and grazing access, etc., all through a process of stakeholder consultation and dialogue. Such measures are generally developed between cooperating groups and are not expensive in terms of financial investment, often being based on customary practices.

Not only has this process served to recreate the pastoral commons physically, but also socially, as it is supported by the establishment of landowner associations and other groups. Social networks in which women play a strong role (as mentioned above) are also important here.

4.3 THE STRATEGIC USE OF PRIVATE PROPERTY TO ACCESS BROADER RANGELAND RESOURCES

4.3.1 Land

Returning to Laikipia, Kenya: there are large numbers of small and mainly unviable agricultural plots left over from former large-scale ranch subdivisions. Some pastoralists there have chosen not to occupy these plots (as in Section 3.3) but, rather, have purchased plots in other parts of Laikipia from which they are able to access the broader rangeland landscape and its resources. As such, they have not replaced one property with another, but rather combined the two to allow greater and more flexible access to pasture.

As Wade (2015: 50) describes, the situation enables pastoralist land users to become tenure-secure and gain access to much larger areas through the strategic purchase of very small units of land:

"This private property base serves as a fulcrum that enables access to grazing resources within 'abandoned lands,' 'contested' areas, underutilized government properties, and private large-scale ranches in the surrounding landscape. Although conventional use of private property would assume that one would stay within the confines of one's own plot, this is neither the intention nor the resulting action among pastoralists. Grazing activities are often extended far beyond the boundaries of the land they have purchased and on which they situated their livestock…Some pastoralists use vacant small-holder parcels strategically to establish their livestock production activities within a vast stretch of formally adjudicated subdivided land that is unoccupied by hundreds, and sometimes thousands, of absentee owners. This is achieved by creating a livestock enclosure using acacia thorn trees, known locally as a *boma*".

This boma serves as a pivotal base in areas that are distant from the communal group ranch territory. Purchasing individual plots of land allows pastoralists to gain a foothold from which to access communal pastures. Being situated in this way, with an additional semi-permanent base away from the home territory allows pastoralists opportunities to exploit resources not only in the group ranch, but also in lands surrounding their private plots, where legal title-holders are absent. As one government administrator highlighted: "*Wanatumia* 'titles' *kama ngao yao, ili wakule kila mahali*", which translates to: "They use titles as their shield so they can 'eat' [graze livestock] everywhere" (ibid.: 56). Accessing legally protected individual tenure in a pastoral landscape provide a more secure tenure anchor from which communal collective land can be accessed.

Pastoralists tend to use various types of property that complement one another, rather than as mutually exclusive resource management regimes. In such situations, hybrid forms of property emerge as established practice. Rather than arriving at an evolved state of private property, a hybrid is formed when private property merges with customary access arrangements and informal notions of land use (ibid.: 91). Social networks have helped generate these innovations (Kibet et al., 2016). As such, rather than one form of property replacing another, property types are being combined by pastoralists, along with the various advantages and opportunities afforded by each. And, instead of replacing common property, private property is added to a repertoire of property types that allow flexible access to pastures in different locations.

4.3.2 Water

In Niger, Hilhorst et al. (2011) describe how well-off pastoralists have used private water points rather than land to access grazing lands. Here, pastoralists have established wells in grazing land that then led to them being allocated that land. Hillhorst et al. identified two land acquisitions in the region of Tahoua in the departments of Tchintabaraden and Alabak, which cover 19,600ha and 13,200ha respectively, that have become a de facto part of a web of interconnected routes linking several pastoralist communities.

In Tchintabaraden, the investor (originally from Tahoua, but living in Niamey) had purchased or sunk a number of wells and invested more than €122,000 in a private pumping station. His livestock were managed by herders including family members. Grazing was shared with local pastoral communities that have access rights to their wells situated near to the pumping station.

In Alabak, Tannamahto, a group of breeders (Association Taoum) were granted sole rights to graze on a delimited area where wells had been dug. The association obtained authorisation at government level from ministers and regional governors but did not formally consult the local land commissions. Making use of the possibility of 'forum shopping' (see Section 4.7), they used the notion of 'home area' (*terroir d'attache*), recognised by the Niger Rural Code, to justify their claim. Over time, the ownership of livestock became concentrated in the hands of one family, reducing the other families to the status of herders with only a few livestock of their own (Hilhorst et al., 2011).

4.4 IMPROVING TENURE SECURITY THROUGH MORE VISIBLE, SUSTAINABLE USE AND MANAGEMENT OF RESOURCES

A key narrative that governments use for interfering in pastoralism – even going so far as using it to remove pastoralists from their lands – is that pastoralists are not using and managing their lands well. As such, *improving* that use and management, and putting in place more structured systems for doing so, can improve the status of pastoralism in the eyes of government and their willingness to support and protect it as a land use. Further, by making that use and management *visible* through actions, such as planting of trees or reseeding of pastures, can further increase that status and increase pastoralists' rights and legitimacy to occupy a piece of land. Indeed, many legal statutes state that rights to land are dependent on the visible 'use' of the land, which can be difficult to show for pastoralists, who move on and off lands at different times of the year as part of rotational grazing land management.

Moreover, land tenure and land rights are politically sensitive, and many governments discourage or directly prevent NGOs, particularly international NGOs, from working on these issues. Recognising this, some NGOs have purposefully focused on improving the management of resources in order to improve pastoralists' tenure security to those resources and the lands on which they are found. This approach has the added advantage of 'camouflaging' support for land rights by framing it as support for improved natural resource management and livelihoods, which is generally seen by government as a less sensitive and more appropriate area of work for NGOs.[38] Participatory rangeland management (PRM), with securing tenure as a goal through improving rangeland management, is a key example of an approach that sought to do this (see Box 6).

Other community-based land, natural resource or rangeland management approaches have also contributed to such outcomes, though to different degrees and not always so explicitly.[39] In some cases, such processes have been linked to or embedded in community development plans, which gives them an added layer of visibility and formalisation whilst also contributing to a more cross-sectoral and integrated approach to development.[40]

BOX 6: PARTICIPATORY RANGELAND MANAGEMENT (PRM) FOR SECURING TENURE AND IMPROVING THE MANAGEMENT OF PASTORAL LAND AND RESOURCES

PRM was developed in Ethiopia in 2010 where, at the time, there was no policy or legislation and little action taken by government or other stakeholders to improve the tenure security for pastoralists and their communal lands. However, in forests, a process had been underway for some years of improving security of access to land and resources through participatory forest management (PFM), including the development of a forest management agreement with local government detailing the rights the community have. At the time, the government was upscaling PFM across the country.

Drawing from this experience, Save the Children USA developed a PRM process (detailed in Flintan & Cullis, 2010), almost directly copying the PFM process and guidelines. This was released as an approach with potential for piloting and uptake as a way of improving pastoralists' security of rights to land and resources, with improved management as the entry point. Over the following decade, PRM was piloted by several NGOs including Save the Children. Following the successful completion of that pilot, PRM was then upscaled to over a million hectares in Ethiopia, by CARE Ethiopia, as part of a large USAID-funded pastoral project. Over the last three years PRM has also been successfully piloted in Kenya and Tanzania, and steps are now being taken to review its appropriateness for upscaling as well as piloting in other countries.

Though the principles and actions included in the PRM process are not new[48] and it builds on what communities are already doing, its added value comes from: i) the additional structure and clarity given to the steps and actions to improve management (and tenure security as an outcome of that) and ii) its consolidation into a process that has a good degree of flexibility to be adapted to local contexts and circumstances, and is simply described. A review of PRM implementation in Ethiopia showed increased tenure security had indeed resulted, together with improved productivity of the land and resources, improved governance and management, and more inclusive decision-making processes and participation of women (Flintan et al., 2019). A review undertaken in 2021 confirmed these results, as well as indicating that PRM has helped to slow down land grabbing by local elites (Reid et al., 2021). Further, PRM is being used as the foundation for the development and piloting of a statutory communal and collective land tenure system, led by the government, for Ethiopia's pastoral areas. A gap remains, however, in that PRM has not been formally recognised by the Government of Ethiopia (GoE) within its policy and legislation (as exists for PFM) – this is now the target of NGOs that support the approach. Meanwhile, the application of PRM in other countries continues.

4.5 PLAYING THE 'CONSERVATION CARD'

Faced with the disappearance, fragmentation and degradation of pastoral land, herders in West and East Africa have, for many years, looked to protected areas in their search for good quality grazing, shade and relative security and calm, even if that use is not legally permitted. In East Africa protected areas cover around 745,097 square kilometres or approximately 13% of rangelands. In West Africa, protected areas are estimated to cover some 792,594 square kilometres or approximately 11% of rangelands (ILRI et al. 2021). Here, and elsewhere in Africa, pastoralists prefer to risk park authorities confiscating their livestock and fines if they get caught when entering protected areas, rather than have conflicts with farmers or others when trying to access grazing outside protected areas (Butt, 2011; Cavanagh & Benjaminsen, 2015).

For some pastoralists the establishment of protected areas can, in fact, be to their advantage as long as some degree of access is maintained. As Tamou et al. (2018) describe, pastoralists continue to access resources in Benin's West Biosphere Reserve (WBR), from which they were evicted. Farmers were evicted at that time, too, which, as long as access to WBR can be maintained, has been an advantage for the pastoralists. As one pastoralist said, ''To be honest, if the rangers were not patrolling, the WBR would be entirely invaded by crop farming. In [that] case we, pastoralists, [would be] lost.'' Another reported, ''Though [rangers] will fine me if arrested in the WBR, I prefer to do that since I can sell some cattle to pay the bill, and still have my herd'' (Tamou et al., 2018).

While conventional approaches to conservation ('fortress conservation') are still widespread, there has been a move towards working with communities in or around conservation areas better, which include in some cases establishing new local governance arrangements that are negotiated between various actors (Boutrais, 2009; Mahajan et al., 2021; Bollig, 2016b). Conservation organisations are also trying to keep rangeland landscapes intact in order to preserve areas for wildlife, particularly large megafauna, with funding provided to landholders through lease programmes, for example (Reid et al., 2008).

Pastoralists have seen advantages in working with conservation organisations to protect rangeland resources from threats such as farmers. In some cases, pastoralists have gone further and actually agreed to designate their lands as conservation areas, in the anticipation that this will provide greater tenure security, as well as revenue from tourism amongst other benefits. However, this linking of communal development and rangeland management efforts to conservation programmes does have risks. For example, rules and regulations may be put in place that limit the use of the land and resources so much that livelihoods are affected. Further, conservation-driven organisations can be aggressive in their demand or persuasion of pastoralists to sign up to conservancies or other types of arrangements. In Kenya, wildlife conservancies have transformed many pastoral landscapes, introducing new kinds of conservation-driven tenure types with their own management structures. In this regard, the Northern Rangelands Trust (NRT) has been particularly aggressive with its conservancy approach, and there are mixed opinions on the long-term benefits communities will see from this (see Box 7).

BOX 7: PLAYING THE 'CONSERVATION CARD' IN KENYA – BUT AT WHAT COST?

Northern Kenya has seen the emergence of numerous wildlife conservancies over the past 10 years, including community conservancies that are heavily promoted by international conservation NGOs, such as The Nature Conservancy, African Wildlife Foundation, and Northern Rangelands Trust (NRT). While pastoral communities sometimes see the creation of a conservancy as a strategy for securing land and preserving 'the commons', the primary interest of the NGOs supporting them is wildlife conservation. This results in management techniques that are often at odds with pastoral management, including establishing protected areas, buffer zones and instituting "holistic range management", which is a more controlled form of rotational grazing (Bollig & Legorosol, 2016).

According to the Kenya Wildlife Conservancy Association, 160 conservancies cover approximately 15 million acres of mainly communal rangelands, a majority of which are fuelled by the very substantial technical and financial support provided by NRT. The growth has also been buoyed by the Wildlife Management and Conservation Act of 2013, which provides the legal framework for the establishment of conservancies. With the influence and support of the NRT, certain county governments are currently developing county conservancy laws to provide an additional layer of what Tadicha (2021) describes as "legal entrenchment". As he states:

"Coming at a time when communities are struggling to register their land, the timing for enacting this law has cast doubts about the proponents' motives. The laws being proposed by the counties provide a new institutional framework for the management of conservancies, bringing them directly under the control of the county governments. Some observers say that such legislation is at cross-purposes with the community land management mandate as enshrined in the Community Land Act (CLA) 2016" (see Box 2).

Tadicha (ibid.) elaborates:

"The new legislation advances the NRT's community conservancy model which extends the role of conservancy management to the management of the land, thereby overstepping the conservancy mandate as defined by the Wildlife Management Act of 2013. This act defines a conservancy as set aside for 'wildlife conservation purposes', a clear recognition that a conservancy is a form of land use. And as the Community Land Act 2016 mandates the community with developing and managing its land use, the establishment of a conservancy is therefore squarely a community land use decision. Conservancy management thus falls under the mandate of the community assembly and community land management committees, contrary to what is envisioned in the NRT model. Indeed, current conservancy management practices empower the conservancy committee to usurp the role of local community land management institutions and destabilise this long-standing institutional framework".

In northern Kenya the conservancies cover entire areas, such as a whole ward, and take up expanses of land that are also intended for various other uses. Conservancy establishment continues apace, yet there remain many unanswered questions about the benefits of the approach, particularly for pastoral communities.

There are mixed opinions on the short- and long-term benefits of this meeting of pastoralism and conservation. There has been little research undertaken on this and the overall implications of these new forms of land management for pastoral livelihoods and ecology remain largely unexplored (Bollig & Lesorogol, 2016). Though there are some challenges with this approach, it does allow the development of pastoralist community organisations that are not explicitly related to land tenure, but which may nevertheless help communities to establish some degree of collective management capacity and tenure security.

4.6 WOMEN SECURING RIGHTS TO LAND AND RESOURCES

As pastoral societies change and adapt to new or more intense challenges and opportunities, so do gender relations (i.e. roles, responsibilities and access to land and resources). As described in Section 3.4, like men, pastoral women normally access land and resources through the collective or group, with men taking the lead role in public decision-making processes and/or negotiations. In some places the role of women and their status has shifted due to increasing reliance on social networks – where women play a stronger role than men – in order to access land and resources. This has strengthened women's position in pastoralism, both in terms of labour and as central nodes in resource governance and access (Archambault, 2016). Further, women increasingly are not getting married but, rather, living alone with or without children (Langat, 2017).

Simultaneously, over the last two decades there has been a significant growth in land tenure and rights projects that target women, including those who are in pastoral areas. These could be somewhat influenced by the more visible role that women are playing and/or are being seen to play in pastoral communities, as well as a global groundswell of supporting women's rights. Many of these projects have taken the approach of focusing directly on women as individuals rather than focusing on securing the tenure of the group and strengthening women's rights through the group (Sullivan & McMahon, 2018).

However, there is danger in this approach. Though these interventions may have succeeded in securing women's individual land rights, for example with an individual land parcel titled or certified, as a result they also may have contributed to a weakening of women's rights to access resources through the pastoral group of which they are a part. This contributes to the weakening of the group itself, likely increasing women's (and men's) longer-term vulnerabilities, including vulnerabilities to land tenure insecurity. On the other hand, particularly in places where pressures on land rights are high and/or where a formalisation of collective or communal land tenure for the group is not likely to happen any time soon, a woman securing a piece of land for herself and the household could be a very strategic move. As described in Section 4.3.1 having private property can provide a more secure 'anchor' or entry point to the broader landscape that a pastoral family or group wants to access.

In both these cases, private property can become the enabling factor in perpetuating common property arrangements, which works if the strength of the common property system is not subsequently weakened. The risk with the giving of individual titles of land to women is that it could contribute to such a weakening, but as of yet this has not been fully investigated. Indeed, for both these processes, together with similar trends occurring, there is a need for further research to fully understand them and the relationships between different property regimes, their evolution and impacts.

Further research on how to best achieve pastoral women's rights to land and resources is needed to confirm potential risks and opportunities; this includes the long-term impacts of, for example, providing women's individual land certificates in collective societies.[41]

4.7 'FORUM SHOPPING'

Further, where pastoral tenure systems are still working well, the attempted imposition of a statutory tenure system can lead to 'legal pluralism' (coexistence of multiple institutions) and 'forum shopping' (when rights holders or rights claimants are able to make choices between different systems and authorities) (see Box 8). Legal pluralism can result in both land tenure security and tenure insecurity, and pastoralists as well as other land users can forum shop to access and protect land and resources. In West Africa, attempts have been made to reduce forum shopping and legal pluralism through the development of rural and pastoral codes (see Section 3.1). In East Africa, as steps have been taken by governments to strengthen statutory provisions for the formalisation of customary pastoral systems and whilst those customary systems remain in place, legal pluralism has grown together with greater opportunities to forum shop. In southern Ethiopia, for instance, livestock owners moving their herds into new areas in search of grazing will seek permission from local government officials, from customary institutions, or not seek permission at all, depending on what they think may give them a more favourable outcome (McPeak & Little, 2019).

4.8 MOBILISATION, EMPOWERMENT AND REPRESENTATION

Finally, pastoralists have become increasingly better mobilised and publicly active in different forums, whether they be for indigenous peoples, climate change, land rights, or the rights of women, youth and indeed pastoralists. Some pastoralist men and women have even been taking centre stage. An example is Hindou Oumarou Ibrahim, a pastoralist woman from Chad who has taken an increasingly large and very visible role in campaigning for pastoralists in different forums, including the UNCCD COP26 where she specifically raised issues about land rights.[42] Global networks, such as the World Alliance for Mobile Indigenous Peoples and the Rangelands Initiative of the International Land Coalition, are strengthening. These have been bolstered by global movements – such as the UN Decade of Ecosystem Restoration in which

grassland, shrublands and savannahs are one of six target ecosystems – and the call for an International Year of Rangelands and Pastoralists. Not least, the role of these global networks is growing, particularly in raising questions about large-scale development interventions that have a strong impact on land use and access, such as the Great Green Wall.[43]

Within government, too, pastoralists have been taking a more central role. This has been aided by government decentralisation, as seen in Kenya. A number of educated pastoralists (or at least people of pastoralist descent) have taken up positions in government, including at the national level. Specific ministries on livestock and pastoralism have been established, though some have not lasted, such as the Ministry of Northern Kenya and other Arid Lands. Both Kenya and Ethiopia have parliamentarian groups of pastoralists. Decentralisation has also aided the development of regional policies and laws that better reflect pastoral needs. In some West African countries, national-level government did establish committees or technical groups, some of which included customary authorities and pastoralist groups (e.g. *Fédération des Éleveurs du Burkina Faso*). Though these establishments are progressive, it is not clear what role they play in influencing the improvement of policies and legislation for land tenure and governance or other areas.

Overall, the awareness raising being given to pastoral issues by national and international groups and platforms indirectly helps to improve tenure security by increasing understanding of the gaps in and impacts of tenure insecurity, whilst also creating awareness on bad and good practices that can apply pressures on governments to improve tenure security.

Pastoralist-focused civil society organisations are also becoming better organised. For example, in West Africa, pastoralists have come together to establish a network, reaching from Mauretania to Chad, to champion pastoral rights and the strategic importance of mobility in the Sahel. Three of these organisations – *Association pour la Promotion de l'Élevage au Sahel et en Savane, Réseau Billital Maroobé* and ROPPA (*Réseau des Organisations Paysannes et des Producteurs de l'Afrique de l'Ouest*) – were strongly involved in revising ECOWAP and developing the second generation of ECOWAS regional and national investment plans (PRIASAN) (2016-2020). They and their members at national levels are key stakeholders in PRAPS and many other initiatives. Over time, and with support from international partners, they have developed an influential voice in policy debates, particularly when speaking alongside other regional organisations that are more closely associated with sedentary farmers and fishers (mainly agro-pastoralists).

Communities, too, are standing up for their rights, including carrying out public demonstrations to raise awareness on those very rights. Women often play a strong role here. See, for example, the Tanzania protests against loss of land to hunting concessions in Loliondo (Patinkin, 2013) and the loss of land to a geothermal plant in Kenya (Ole Koissaba, 2014).

SECTION 5
DISCUSSIONS AND CONCLUSIONS

5.1 DISCUSSIONS

The pressures on pastoral land and resources have increased significantly over the last two decades due to a number of external and internal factors described in the first two sections of this report. Pastoralists and their governance and tenure systems are struggling to cope with these new and/or intensified pressures that are resulting in: the loss of key pastoral linchpin resources, such as dry season grazing lands; the fragmentation of the rangelands and an overall weakening of rangeland and pastoral systems; and the further exacerbation of conflict. This has set in place a cycle of increased pressures on land and increased rangeland degradation, with one leading to the other. Though the causes of these trends are highly complex, land tenure security or, rather, ongoing land tenure *insecurity* in pastoral lands has been identified as a key influencing factor.

Increasingly pastoral tenure systems have become more complex, not only because of changes in pastoral resources (grazing, water, etc.) but also as pastoralists have taken up new opportunities and are clearly taking strategic action to access and use land and resources under adapted and/or new management and tenure regimes (Section 4.0). As land pressures increase, many pastoralists are not standing by doing nothing but rather, directly and indirectly defending their rights in increasingly strategic, sophisticated and innovative ways. The result is the development of new hybrid types of property systems that sometimes mix both individual and common tenure types (Wade, 2015), and represent an adaptation of property types rather than the assumed evolution of property in a one-way direction towards privatisation (Toulmin & Quan, 2000).

In some cases, this strategic action includes making use of private individual tenure under statutory law, which can lead to further fragmentation of the rangeland under collective tenure. In other areas the reverse has been seen, with a piecing-together or recreating of commons or communal lands by taking down fences and reinstating collective access and management (Section 4.0). These different tenure types, and the interrelationships amongst them, have added to the complexity of the mosaics and layers of tenure found in pastoral tenure systems, (Section 2.2) and have made it even more challenging to support and/or establish an all-encompassing formalised statutory system.

The full implications of these actions and activities are not yet fully understood, including how they impact different sections of society, as well as how communities can be best supported in them. What seems to be evolving, however, is a new conceptual model to further understand pastoral tenure systems; the categorisation of these different actions (plus potentially others such as the use of culture e.g. bio-cultural protocols, or indigeneity as well as conflict and violence and even climate change); and comparing and contrasting the outcomes of those actions across different contexts; as well as their complexities and forces influencing them.

The review of policy and legislation and their implementation has shown that there are still significant gaps and challenges in the formal recognition of collective rights for pastoralists. There has been some positive progress in the development of policy and legislation that could be used for improving the tenure security in pastoral lands, particularly in Sahelian West Africa and Ethiopia, Kenya, Tanzania and Uganda in East Africa. However, at least in the case of East Africa, this is under the rubric of 'community lands' and not specifically 'pastoral lands'. As described earlier, there can be challenges with this, in that pastoral governance does not always fall in line with mainstream thinking on the governance of the commons (Section 2.0).

Generally speaking, tenure formalisation is still driven by the belief that progress means taking steps to simplify complexity, to 'iron out creases', and to establish neat, clearly defined borders. This does not fit well with the necessarily flexible, opportunistic and responsive characteristics of pastoral systems adapted to highly variable climates, or with their culturally embedded practices and institutions such as: land sharing arrangements, mobility across boundaries, overlapping and flexible access rights, and multi-level management institutions. And as Rugadya (2020b) and Alden Wily (2018) indicate from extensive experience in the matter, though registration of communal land can provide a first layer of protection, if not done properly it can leave landholders in greater vulnerability than before. This risk is real right now in Kenya, where the registration of communal lands is happening, but is missing some seemingly vital steps along the way.

Further where one law, rule or regulation does not provide everything that a landholder needs to secure access and use of land and resources, and there are other options available to improve this, then there is a strong incentive to "forum shop" (Section 4.7). Another complicating factor is that of social differences including those related to gender, wealth and age (Section 2.2.3).

Given the nature of customary pastoral systems – whether they tend to be primarily open systems or have more complex, multi-level, nested arrangements – it should not be surprising that state land tenure frameworks that aim at creating clearly defined, exclusive and non-overlapping property rights over discrete parcels of land should face difficulties in implementation. This produces negative consequences when implementation is pushed forward. Interestingly, some studies have shown that despite all that has been discussed, pastoralists may still have a high sense of 'perceived' tenure security.[44] Why this is the case is not clear, but it could be related to the historical and comparatively undisturbed use of the land, as well as a lack of knowledge of external forces that in fact make that land insecure, such as government agricultural investment plans.

5.2 CONCLUSIONS

How best to achieve greater security for pastoral lands – with all their complexities – that are being faced by increasing pressures (known or unknown) is still not clear. What has arisen from this review is that there is no one solution, not only for different contexts, but also for the same context, or for the same piece of land or resource, or for the same pastoralist who might want to secure access and use of a piece of land or a resource for different purposes. Indeed, pastoralists themselves are increasingly taking strategic action to secure land and resources, developing new and hybrid types of tenure. These may be 'weaker' types of tenure security, involving multiple actors (e.g. different sectors of government, NGOs, researchers and conservation organisations who have different degrees of authority to provide tenure security for different tenure types), but they can form layers of protection over the same piece of land or resource. Overall it appears that this kind of layering of rights, although 'messy' can be more effective in protecting land than one single 'tidy' land-holding certificate. Pastoralists' own diverse adaptations and interventions point to the need to look beyond simplistic communal titling. **Building the capacity of pastoralists to strategise and innovate in the face of land and resource tenure insecurity is a key intervention priority area.**

At the same time, formalisation schemes are being developed. Yet, formalising all the complex layers of tenure in pastoral tenure systems seems to be an impossible task, and increasingly it appears to be more appropriate **to focus first and foremost on securing the most important key linchpin resources for pastoralists**, such as dry season grazing lands with permanent water access (without which most pastoral systems in drylands cannot survive). This could be done within larger rangeland units, often with loosely defined boundaries and registered for use by different land users (and the socially differentiated groups within these). In many cases, linchpin resources are shared by two or more distinct pastoral or even non-pastoral communities, so this will likely require significant negotiations to reach agreement, and this process itself can be an empowering and coalition-building activity.

Moving forward with this approach **needs a reconsideration of tenure formalisation schemes in pastoral areas, and a different way of thinking and doing**. This needs to be based on a greater understanding of the complexities highlighted above, which will require further research. Key priority areas for research are recommended below. All actors should be involved in such a reconsideration and potential re-formalisation, including both policy-makers and pastoralists.

5.3 GAPS FOR FUTURE RESEARCH

The following have been identified as key research areas:

1. **Why pastoralists need to secure land and resources; for what purposes; and what are the different routes open to pastoralists to improve tenure security, and the challenges and gaps in these?** There are many assumptions about why pastoralists need to secure land, including that this need is primarily for grazing. However as described above, though livestock remains core, pastoralist systems including livelihoods are increasingly becoming more diverse and complex – this creates new needs. Additionally, there may be other needs for land, such as for strengthening identity, power and building social networks. Research is required to better understand the needs of pastoralists, and what pathways are available to them for improving tenure security. As part of this, there is a need for research on the impact of tenure insecurity on pastoralists and their livelihood choices and/or impacts, such as 'dropping-out' of pastoralism. This will assist in the development of more appropriate interventions for strengthening pastoral land tenure security through formalisation or other means.

2. **What is the most appropriate approach for the formalisation of pastoral tenure systems?** Given the new and amplified threats to the tenure security of pastoralist lands, there is a need for some form of statutory protection and formalisation of pastoral tenure systems. As described above, governments are still struggling to develop and implement appropriate and effective approaches to do this. This review suggests that there is need for a rethink and a different way of approaching pastoral tenure formalisation. It appears to be more appropriate to focus on protecting key linchpin resources for pastoralists within loose boundary-defined rangeland units registered for use by different land users. More research

is required to assess the feasibility of this approach and how it could be implemented, whilst considering its impacts compared to other approaches of the past or developing including, for example, the use of new tools to speed up formalisation.

3. **Strategic actions, activities and tactics taken by pastoralists to secure land and resources, and their contribution to pastoral system resilience.** Pastoralists are taking different strategies and actions to secure access to and use of land in the context of ongoing statutory land tenure insecurity (Section 4.0). There is a need to better understand these strategies and how they contribute to the resilience of physical/rangeland and social/pastoralist systems and the different groups in pastoralist societies.[45] Understanding the role of secure land tenure and governance, together with the new types of land tenure and governance that pastoralists are developing and/or gaining access to, is important for understanding what resilience means to pastoralists and how best it can be supported. How these trends and dynamics can form a new conceptual model for understanding pastoral land tenure systems needs further investigation.

4. **Pastoral women, land tenure and governance.** There are a number of unknowns around pastoral women and land tenure. Firstly, in many cases, the dynamics of how pastoral women access land and resources, including through social networks, are not fully understood, including the cost and benefits of doing so through the customary usually collective land governance system. Secondly, what is the impact of different approaches and means of formalising pastoral community lands on women – do they empower or disempower women; do they increase or decrease access and how in both the short and long term and what are the risks and opportunities here; what are the returns of investment in tenure for women in pastoral systems and compared to investments in crop farming systems?[46] This research will lead to strengthened interventions that improve pastoral women's access to land and resources in the long as well as short term.

5. **Costs and benefits of land use change.** As described in this review, land use changes continue to take place, often as a result of poor land and resource tenure. There is a need to understand the true costs and benefits of land use change on local and national economies, including resulting conflict, the loss of linchpin resources, the fragmentation of rangelands, blocked livestock routes, loss of biodiversity and ecosystem services, etc. This should then be compared with the costs and benefits of change not happening, together with the costs and benefits of restoring the land to its original use. This would give a clear analysis of the impact of such land use changes so that more informed decisions can be made in the future, including the need for improving tenure security.

6. **Outcome and impact assessments of policies, legislation, initiatives and schemes to formalise pastoral land tenure.** Rigorous evaluations of policies, legislation, initiatives, projects and programmes to strengthen land tenure and governance in pastoral areas are needed. It can include both schemes to privatise and individualise land as well as schemes that target the securing of collective lands and should consider not only direct impacts on beneficiaries (and socially differentiated groups) but also the impact on the wider society and landscape.

7. **The relationship between land tenure and conflict in pastoral areas.** The relationship between land tenure and conflict is highly complex and was beyond the scope of this paper (as mentioned in the introduction). However, there is a clear need for research on this, and particularly for SPARC. It is proposed that a separate scoping paper will set out the main elements of this.

8. **The relationship between climate change and land access, tenure and governance.** It has been suggested that climate change is unlikely to have a significant, direct impact on tenure security for pastoralists, considering that: adaptability is a defining characteristic of pastoralism; while land tenure security is generally weak, it is at once flexible; and there are multiple, more immediate challenges to consider. Nevertheless, there is a gap in information on the relationship between climate change and land access, tenure and governance that needs to be investigated. The relationships are likely to be mainly indirect, such as the impact of adaptation interventions on herd mobility patterns and the impact of this on land governance; or the impacts on tenure security of increased pressures on land due to climate-induced migrations from farming areas to pastoral rangelands.

ENDNOTES

1 Large-scale land acquisitions increased in sub-Saharan Africa in the 2000s, particularly following the 2007-2008 global financial crisis. However, investors faced a complex array of challenges in implementing projects and it is not uncommon for large proportions of land allocated for investment to never actually get converted (Batterbury & Ndi, 2018; Lind et al., 2020a).

2 The conversion of rangelands to crop agriculture is happening even in areas with rainfall so low and erratic and with soils so poor that crop farming is hardly viable, certainly not in the long term (Tamou et al., 2018; Tache and Oba, 2010; Elias et al., 2015).

3 For the purposes of this review, West Africa includes the countries of ECOWAS (Economic Community of West African States) plus Cameroon, Chad and Mauritania; East Africa is taken to include the countries of the EAC (East African Community) and IGAD (Intergovernmental Authority on Development).

4 For the purposes of this review the term 'customary' is taken to mean 'according to the customs or usual practices associated with a particular society, community, group, place, or set of circumstances'. Customary is considered different from 'traditional' – customary can be both contemporary and historical, whereas traditional emphasises historical.

5 'Tenure' is taken to mean the conditions under which land and resources are held, occupied/accessed, used and inherited; and 'governance' is the rules, processes and structure through which decisions are made about land and resource occupation/access, use and inheritance.

6 'Institutions' are taken to mean an organisation founded for a sociopolitical (or religious, education, professional) purpose and/or an established law or practice.

7 Communal and collective land are often considered synonymous; however, for the purposes of this review the term 'communal land' is taken to be land used by a self-defined community, and which could be held and governed collectively or held and governed by individual members of the group. 'Collective land' is taken to be land held by the self-defined community (or group within the community) and governed by the group and does not include land held and governed by individuals. 'Collective tenure and governance' that is synonymous with 'communal tenure and governance' is taken to mean tenure and governance controlled and under the authority of a self-defined society, community, or group. Where the term 'the collective' is used, this refers to the 'self-defining community or group' itself.

8   Much of which is in direct response to Hardin's Tragedy of the Commons paper (1968) and his theorising that, where there is open access land, users will place individual interests above group interests and harvest the land and resources until nothing is left.

9   And others including Tache & Irwin (2003), Hesse & Thébaud (2006), Fuys et al. (2008), Nori (2007).

10 This conflicts with the mainstream common property theory of Ostrom (1990) and others (e.g. Fitzpatrick, 2005) who describe the characteristics of well-governed common property systems as well-defined resource and social group boundaries. Though other characteristics can be more closely aligned including: collective choice arrangements through which group members affected by operational rules are able to participate in modifying those rules; graduated sanctions for people who break the rules; overarching ritual and cosmological relations with traditional lands; community 'rights' of control over land disposal (sometimes delegated to traditional leaders); kinship- or territory-based criteria for land access; community-based restrictions on dealings in land with outsiders; and principles of the reversion of unused land to community control.

11 These can then be better described as open property regimes (Moritz, 2016).

12 Acceptance may reach even to allowing pastoralists to surreptitiously "sneak-in" without asking, which is known to be widespread in some parts of East Africa (Bollig & Lesorogol, 2016).

13 And though not concerned with land and resources, work by Flintan et al. (2019) also highlights that women in particular activate social networks during times of drought and are strongly involved in sharing food aid and other items with their neighbours, kin and/or other connections – through giving and/or receiving.

14 Sub-Saharan Africa is yet to experience a demographic transition (Jayne et al., 2014), and the population growth rate in Africa, though gradually declining, is still high at 2.58% per year, and is higher in East and West Africa at 2.77% and 2.72%, respectively (DESA, 2019). This is set to double in approximately twenty-five years. Evidence suggests that as pastoral populations become more sedentarised, their birth rates also increase, as has been observed in Kenya and Ethiopia (Oxfam International, 2010).

15 Population growth also seems to be a driver of migration into rangeland areas, though systematic evidence is thin (Jayne et al., 2014).

16 Extremism, political unrest and violent conflict have been a major concern of bilateral donors and can have a significant impact on pastoral livelihoods generally (Bisson et al., 2021), though evidence of an increase in its severity is questioned (Cilliers, 2018).

17 Most of Africa's estimated 100 million uncontrolled small arms and light weapons in crisis zones, and other security-challenged environments, often exacerbate and elongate conflict (Adeniyi, 2017).

18 More information on Islamic principles in relation to land can be found in UN-Habitat (2011).

19 This can be particularly true in situations where land tenure changes from collective to individual rights, as seen in the dissolution of group ranches in Kenya when all land was privatised and registered in the names of men only (husband or other) (Lesorogol & Boone, 2016).

20 De Soto's (2000) theoretical argument states that the conditions and terms of negotiation under which land is held under customary tenure only encourage low rates of productivity-enhancing investments. De Soto refers to land held under customary tenure as "dead capital" because it cannot be used as collateral in a formal banking system (ibid.).

21 It has been difficult to track down existing policy and legislation so this list may not be exhaustive, and we will continue adding to it.

22 For example Niger's pastoral law, Ordinance n° 2010-29 of 20 May 2010, states that mobility is a fundamental right of pastoralists, nomadic and transhumant herders that is recognised and guaranteed by the state and local authorities (Art. 3). Mali's pastoral charter, Law n° 01-004, requires that conflicts related to pastoral resources be first submitted for arbitration to local management bodies with recourse to the competent courts only where this fails (Arts. 59-60). The Mali 2006 decree 06-439/P-RM, on the application of the pastoral charter, defines the specific circumstances where community or customary management of pastoral resources is allowed. For example, community pastures are managed by a committee comprising of customary authorities and village chiefs (Art. 22).

23   More recently, in 2019, Chad adopted an Orientation Law for Agriculture Forestry Livestock and Fisheries (LOAH) that includes provision to develop a rural code by 2025.

24   Aided by increased availability of small arms (Adeniyi, 2017).

25   For example, in Kenya, the 2010 Constitution directly provides for community lands as a class of landholding due the same protection given to public and private land rights. In Uganda, the Constitution (1995) provides assurance that customary property rights have equivalent legal force with statutory entitlements, and the Land Act (1998, amended 2010) provides for the development of Communal Land Associations.

26   In Somalia there is no national institution to govern land and in practice the governments of the three autonomous regions together with local clans have a stronger influence over land and natural resource access and tenure than the federal government. Traditional systems such as the deegan system of rangelands classification and clan-based claims over land in Somalia provide some possibilities as the mechanisms through which community rights could be secured, but much work is needed to create laws and procedures for formal recognition for these systems.

27   Though pastoralists are specifically mentioned in the Ethiopia 1995 Constitution as a user group with protected rights to land for grazing and the right not to be displaced from their lands.

28   For a review of the Pastoral Development Policy and Strategy, see FDRE (2020).

29   Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

30   ECOWAP recognises the economic importance of livestock, noting that agro-pastoral production is second only to hydrocarbons in terms of importance in inter-community trade, and that livestock is the largest sub-category of agro-pastoral products with an estimated value of more than US$340 million (ECOWAS, 2017).

31   To read the full policy, visit https://www.eac.int/documents/category/livestock.

32   For more information go to http://bamada.net/nouveau-projet-de-code-domanial-et-foncier-vers-une-spoliation-des-proprietaires-coutumiers-de-terres-en-milieu-rural-et-des-proprietaires-defavo-rises-en-milieu-urbain.

33   For more information, go to https://www.geomatica-services.com/inondactions-221/.

34   The target countries being Chad, Niger, Burkina Faso, Mali, Mauritania and Senegal. For more information, go to https://www.geomatica-services.com/wp-content/uploads/2020/11/praps.html.

35   Meaning land users perceive that tenure security had increased even if there had been no improvement in terms of legalisation/formalisation of rights; and, in reality, tenure security may still be weak due to external forces or others that the land user or holder may not be aware of.

36   In some instances, judges have declared a prior transition from communal to private lands as unlawful and have given back the land to the plaintiffs (Bollig & Lesorogol, 2016).

37   SORALO have tried to help bring people and fragmented landscapes back together, to agree on resource sharing across individual land boundaries, including the remaining group ranches that exist there. For example work on broader rangelands, and rehabilitation projects that are coupled with ecological and other research, see www.soralo.org.

38   Some NGOs may not have, or see, the securing of resource and land rights as an explicit goal for projects and programmes that support the improved management of lands, even though these projects and programmes are contributing to land security. This section focuses on examples of projects and programmes where tenure security is a goal (i.e. as part of an overall strategy to assist pastoralists to increase tenure security).

39   See, for example, the introduction of "managed resource areas" and grazing associations in Lesotho in Turner (2006).

40   See, for example, the integration of rangeland management into community development plans in Tunisia in Nefzaouli et al. (2007).

41   The need for this research was also raised in a USAID meeting on land, food and women in 2015 see https://land-links.org/2015/11/women-land-and-food-you-asked-we-answered/.

42   See https://news.sky.com/video/cop26-can-we-learn-from-indigenous-people-12457475 for more information.

43   For more information, see https://www.greatgreenwall.org/about-great-green-wall.

44   See, for example, Starosta et al. (2017) in Ethiopia.

45   'Resilience' here is understood to mean the ability or capacity to respond and adapt to changes, such as climate change, as well as bounce back from shocks and stresses.

46   A similar question was asked at a USAID discussion on women, land and food in 2015; see https://land-links.org/2015/11/women-land-and-food-you-asked-we-answered/.

47   https://www.rfi.fr/fr/afrique/20210505-nigeria-l-icg-fait-le-point-sur-le-programme-agropastoral-du-gouvernement.

48   Similar approaches have been implemented in Syria (see IFAD, 2012) and Mongolia (see UNDP, 2020).

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APPENDIX

CURRENT AND RECENT INITIATIVES THAT PROMOTE IMPROVED LAND GOVERNANCE FOR PASTORALISTS

TABLE A1: CURRENT AND RECENT INITIATIVES THAT PROMOTE IMPROVED LAND GOVERNANCE FOR PASTORALISTS

Title of project/ programme/initiative	Country	Implementing agency	Funder	Duration	Land governance focus	Focus on land governance for pastoralists	Main issues addressed (keywords)
East Africa							
Integrated Agriculture Development Project	Eritrea	Government of Eritrea	IFAD	2020-2026	Land access for women and youth	Minimal	Integrated watershed management; agricultural productivity; livelihoods; institutional capacity building
Ethiopia Land Governance Activity	Ethiopia	Government of Ethiopia; Tetra Tech	Feed the Future	2019-2024	Formalisation of pastoral community land rights, and urban land rights	Primary	Capacity building; demarcation; pastoralists; land administration
Land Administration to Nurture Development	Ethiopia	Government of Ethiopia; Tetra Tech	USAID	2013-2018	Land administration, and formalisation of pastoral community land rights	Primary	Capacity building; pastoralists; land administration
Community Based Integrated Natural Resources Management Project (CBINRMP)	Ethiopia	Government of Ethiopia	IFAD	2011-2017	Formalisation of land rights; land administration	Secondary	Land restoration; sustainable land management; watershed management; women's tenure security
Pastoral Community Development Project Phase 3 (PCDP III)	Ethiopia	Government of Ethiopia	IFAD, World Bank	2014-2019	Land administration	Secondary	Knowledge management; livelihoods; service provision;
Land Governance Programme	Kenya	FAO Kenya	EU	2016-2021	Formalisation of community land rights; land use planning	Primary	Devolution; food security; arid and semi-arid lands; knowledge management; legal and policy framework; research capacity

Title of project/ programme/initiative	Country	Implementing agency	Funder	Duration	Land governance focus	Focus on land governance for pastoralists	Main issues addressed (keywords)
Improving Land Governance in the IGAD Region: Strengthening regional convergence through inclusive conflict sensitive land use and management in the Somali/ Mandera cluster	Regional (Ethiopia, Kenya, Somalia)	IGAD	SDC	2021-2023	Land governance generally	Primary	Conflict; gender; rangelands
Promoting the provision of legitimate land tenure rights using VGGT Guidelines for conflict-displaced communities in Darfur	Sudan	FAO Sudan	EU	2016-2019	Land law reform	Secondary	Dispute resolution; institutional capacity building; internally displaced persons
Fostering Good Land Governance for Inclusive Agricultural Development in Tanzania	Tanzania	International Land Coalition	IFAD	2016-2020	Formalisation of pastoral community land rights, and urban land rights	Primary	Capacity building; multi-stakeholder dialogue; pastoralists
Land Tenure Support Program	Tanzania	Government of Tanzania	DFID, SIDA, DANIDA	2014-2019	Institutional and policy development; implementation of land law	Minimal	Land rights certification; land administration; transparency

Title of project/ programme/initiative	Country	Implementing agency	Funder	Duration	Land governance focus	Focus on land governance for pastoralists	Main issues addressed (keywords)
Land Tenure Improvement Project	Tanzania	TBD	World Bank	Pipeline	Formalisation of land rights (individual and communal); land administration	Secondary	Institutional strengthening; land information management; tenure
Tanzania Land Tenure Assistance Activity	Tanzania	Government of Tanzania	Feed the Future	2015-2021	Formalisation of individual land rights; land demarcation; village land use planning	Minimal	Institutional capacity building
West Africa							
Livestock support project PAPEL (*Projet d'appui à l'elevage*)	Senegal			1993-2007	Created 20 pastoral units for improved resource management	Secondary	Creation of communal land units
PGIES (*Projet de gestion intégrée des écosystèmes*)	Senegal				Consolidate achievements of PAPEL, plus addressed issue of land tenure attributing land for the above Pastoral Units to inter-village management committees. Land development plan and code of good conduct developed for each	Primary	Formalisation of communal land rights

Fund manager

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