

**CASE STUDY SUMMARIES**  
**EUROPE**

**THE SAMI PROJECT – A PROJECT FOR THE MARKETING OF MOUNTAIN AGRICULTURE PRODUCTS IN SWITZERLAND**

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**Publisher details:**

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The general aim of SAMI project (Swiss Alpine farms – marketing inventory) is to preserve the mountain areas as a space for life and economy. In the globalisation trend of the world economy, with free market, mountain areas are in a quite disadvantageous situation, with long distances to market the products, unfavourable soil topography for farming and rough climate. All these factors have an impact on the income of mountain farmers and the ecology. It aims to see that these issues are being taken into account in the Swiss agricultural policy.

Although there are some legal texts specifically designed for mountain areas much of the mountain related legislation is included in the general Swiss legislation. Many Swiss cantons have their own legislation. The Swiss mountain policy aims at both the protection of nature and the people's right to an adequate socio-economic development. This is reflected in federal and cantonal laws and in the International Alpine Convention that aims at the protection and sustainable development of the Alpine Region although it has not yet been ratified. Schemes that involve compensation payments by the government are available and are applied precisely.

In conclusion, the SAMI project shows that it is an ecologically favourable project even if ecology is not the main objective of the project. It is evident that, economy and ecology can be partners, and in fact that economy may depend on sound ecology.

The SAMI project is to be continued to include other farming systems than those of cheese production and also to cover other important mountain farming areas in Switzerland. This project can also be replicated in other parts of the world.

**Title: Karakachans Transhumance and Livestock Breeding Relation with Land Use and Land Property Rights in Bulgaria**

**Author: Julia Grigorova**

This is a report based on the success story of the Karakachans transhumance and livestock breeding relation with land use and land property rights in Bulgaria. The scope of the report is during the Ottoman Empire, before the Soviet time, during the Soviet time and after the Soviet time.

The international and national legislation governing the use of Pastoralist's land include the ILO Convention for protection and integration of the indigenous and other population, Convention 169 concerning indigenous and tribe population in independent states, the Convention between Bulgaria and Greece, undersigned on 27.11.1919, which arrange the mutual moving of minorities between these two countries, Law for improvement, enforcement and encouragement of agriculture

production and field properties conservation – 1921, Decree of Ministers Council for development of stockbreeding – 1952-1954, Articles 1 and 8 of the Exemplary Statute of TKZS – 1950, Law for compensation for owners of nationalized estates or the so-called Law “Luchnikov”, The Law for transactions with compensation instruments”, promulgated in OG 47/2002 and The Law for ownership and use of agricultural lands from February 6, 2007.

The taxation of the pastoralists as they use the land was a feature worth noting from this study.

**Title: Herders and Common Property in Evolution: An Example from Central Italy**

**Author: Nadia Forni**

**Publisher: 1998, Unpublished**

This is a report based on a study carried out by Nadia Forni on the subject of herders and common property in evolution from a case study of Central Italy in 1988. The Author examined the Communal management with attention to specific production systems, such as mobile herding, the role of the State with reference to the Commons. She also noted that in some community the women were relegated to the duty of making cheese while in others women were allowed to contribute to the decision making about the use of the land.

The author concluded that there are a various systems of tenure being implemented when managing land for use for animal husbandry or agriculture. In general, in the study area the proportion of area managed under CPRs increases with altitude. At higher altitudes agriculture becomes more marginal and farms smaller. At altitudes of 500 m above sea level and higher, operators become agro pastoralists and use of the mountain commons is an essential part of the production system.

With reference to policy making on herders' rights she opined that Pastoralists' inability to control the institutional process beyond the local level is both an outcome and a cause of their limited impact on the policy debate. In spite of the decentralization of many State functions, mainly in favour of regional governments, policies affecting pastoralists are often elaborated with limited information from the field. As a consequence, general policy guidelines are not always compatible with the local organization of production.

In order for the State to remain a key player in the determination of herders' rights, some of the areas which require intervention include: provision of information and an enabling environment, coordination between communities and their CPRs, intervention on land use, and conflict resolution mechanisms.

**Title: Searching for Extensive Livestock Governance in the North-Western Inland of Spain: Achievements from Two Case Studies in Castilla y León.**

**Author: Pedro M. Herrera**

**Publisher: Gama S.L. Environmental Consulting & Entretantos Foundation.**

In Spain, Pastoralism is anchored in the Iberian cultures. The Iberian Peninsula shows remarkable ecological background where movements and seasonal migrations are boosted by climatic and geological issues. Pastoralism in Spain was

affected during the period after Spanish Civil war (1936-1939). In the 60s, Spain started the industrialization of farming that changed definitely the production system and consequently abandonment and migration from pastoralists land for urban areas. In 1986 Spain became a member of the European Union and thus joined the Common Agricultural Policy. Thus Extensive farming models are the better way to develop sustainable livestock management while sustaining high natural value areas, contributing to biodiversity, conserving habitats of interest, preventing wildfires, conserving infrastructures, restoring ecosystems, improving rangeland richness and maturity and providing other environmental services.

Most Spanish extensive farmers are family type. The livestock usually belongs to rustic local breeds, better adapted to weathering. The products obtained are also diverse (meat, dairy, cheese) but often pastoralists do not close the production cycle by diversifying their activity. Challenges and problems livestock farmers are facing nowadays include: Political distribution of territorial competences across the different levels of government involved and the different systems of land ownership and tenure. Also lack of nature conservation policies, lack of legitimacy experienced by herders and transfer of rights of land use from local communities to environmental administration who are more interested in reforestation or firefighting than preserving traditional land use.

The second driving factor is abandonment and depopulation. The crisis affecting the traditional rural environment from the second part of the 20<sup>th</sup> Century has been translated to a progressive lack of population and the loss of traditional agricultural activities that used to maintain rural environments. A case study of Castilla y Leon and Andalusia demonstrate these problems.

Extensive farmers are trying to develop by creating unions to defend their rights before the government.

**Title: Siide and Traditional Sami Reindeer Herding Knowledge**

**Author: Sara, Mikkel Nils, March 22, 2009**

The problem the farmers in Siida had were that they were not capable of reading the earmarks and thereby of identifying the owners of the reindeer that came down and grazed on the farmland. The solution from legislation was to divide summer pastures into relatively small reindeer herding districts. The reindeer herding families were under an obligation to inform the authorities in which district they planned to have their reindeer herd during the summer period. All the families in a reindeer herding district were made collectively responsible for claimed damages done by the reindeer in that specific district.

Political-administrative representations of reindeer husbandry and herding have until now been based mainly on maps showing the herding districts and statistical data grouped into these districts. Yearly reports and evaluations are mainly about numbers of reindeer and license units, meat production, and economic outcome of the meat production. This represents an outsider's and distant perspective on Sami reindeer husbandry and herding.

## ASIA

### **VAN GUJJARS AND THEIR LAND RIGHTS, INDIA**

**Author:** P. Vivekanandan, SEVA

Date: 30.11.2007

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Van Gujjars are transhumant pastoralists of buffaloes in the newly formed state of Uttarakhand in India. They adapted Buffalo grazing by seasonal movements in keeping with climatic variations prevailing between different altitudes of the mountain region of the Himalayas. They spend autumn (October – April) in the lower ranges of Chillarveli in the Shiwaliks and then move up in the summer and rainy season (May to Sept) to the higher alpine regions of the Himalayas.

This highly ecologically sensitized movement is disturbed by the deliberate eviction of Van Gujjar families by the forest department which enclosed the forest area by declaring it as the Rajaji National Park during the year 1983. Due to forceful eviction of families some Gujjars abandoned their livestock and migrating lifestyle with the population drastically reducing.

In order to discourage forest grazing and prevent lopping of forests trees, the Forest Department settled the evicted families. Even though the government had attempted to provide incentives, Van Gujjars were not fully satisfied with this offer as their new habitat was not suitable for traditional buffalo grazing.

Over the years, the Indian Parliament has been passing laws and policies including “The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006”, National Policy for Farmers and Land Rights for Pastoralists to ensure livelihood rights of pastoralists.

To ensure implementation, several organizations including SEVA with the help of WISP / IUCN have participated in National Consultations for implementation of Forest Rights and SEVA was mandated to undertake translation of Forest Rights Act in Tamil and educate / make awareness among forest dependent pastoralists, forest officials and political leaders.

**Title: Pastoral Peoples Movement – Leadership, Power, Profit & Politics of Land Rights [A Case Study of Traditional Pastoralist Society of Gujarat, Western India]**

**Author: Lalji Desai and Maldhari Rural Action Group (MARAG) team**

This is a case study of Traditional Pastoralist Society of Gujarat, Western India by the Maldhari Rural Action Group (MARAG) set up in 1994, which works for the education, organization and empowerment of the marginalized communities, particularly the pastoral communities.

Pastoralism is dependent on three resources-livestock, pasture and water but, gradual encroachment of agriculture on CPRs (Common Property Resources) is transforming those resources into private ones which is a challenge to pastoralist communities.

There are no official pastoral development policies. In fact both the Ministry of Agriculture and Ministry of Environment and Forest are remarkable for their stance against pastoralists. There are several reasons behind the Maldharis losing their access over the grasslands and grazing lands:

1. Most village grazing grass are neglected, while the official custodians of forest regard livestock as inimical to conservation
2. Due to the industrialization policies of the government in which industries are given such common lands to establish their businesses
3. Several Special Economic zones coming up in the state
4. Intensified cropping and the spread of irrigation has eliminated much of the fallow land that provided livestock fodder.
5. As the Maldhari community does not take active participation in the governing body of the village, hence they are not given priority when it comes to the usage of common lands by the Maldhari community

## **THE KYRGYZ SHEEP HERDERS AT A CROSSROADS**

**Author(s):** Tjaart W. Schillhorn Van Veen

**Year of publication:**

**Publisher details:**

**Weblink:**

The case study narrates the challenges facing sheep herders in the Kyrgyz republic. Sheep and wool productions are the most important activities in the Kyrgyz economy after mining. At the time of the study, it had been anticipated that farms would be fully privatised by 1995 for purposes of finding new ways and markets to improve the production system. The present challenges facing Kyrgyz are land reform and privatization, feed & fodder and marketing.

The 1993 constitution on land reform and privatization introduced the principle that all land is state property and the state could grant rights of possession in the form of leases within a defined period. Responsibility for land management was given to the Pasture Inspection Service. However, with the ongoing reforms there is still lack of transparency over ownership of leased lands. In addition, implementation of land reforms has been left to Rural Committees on Land/ Agrarian Reform which may lead to conflict of interest and collision between local government and leaders of transformed collective and state farms at the herders.

Other anticipated future challenges include development of sustainable land use/grazing system especially for the poor mountain herders/farmers. The foreseen collusion between the Rural Committees on Land and leaders needs to be addressed in time. It is a potential threat with rigorous ripple effect on social and economic development of the Kyrgyz people. Intense training and profitable projects need to be initiated to manage the feeds and fodder as well as marketing of produce. Unlike mining, the impact of pastoralism on land is incomparable.

## **SUMMARY OF PROJECTS ADDRESSING THE PROBLEM OF RANGELANDS IN KAZAKHSTAN**

**Author(s):** Stanislav Kim and Vladmir Levin

**Year of publication:**

**Publisher details:**

**Weblink:**

The case study is on Kazakhstan. It is ranked amongst the five top countries in the world in terms of grazing lands. Livelihoods are directly dependent on the conditions of rangelands given that an estimated 40% rely of livestock farming. According to the findings of the case study, there is unregulated use of the rangelands which are used as natural fodder resource. The result of this has been degradation of 26.5 million ha of pasture. Several projects have been undertaken in the local communities to restore biodiversity, on rehabilitation and on sustainable rational use of the natural pastures. These projects, however, have been undertaken by non-governmental organizations which by and large influence sustainability/ the national government and economic entities need to develop policy in support of land use.

## **REPORT ON EXPERIENCES OF INGENIOUS RANGELAND CO-MANAGEMENT IN NORTHERN TIBET, CHINA**

**Author(s):** Yan Zhaoli

**Year of publication:** 2007

**Publisher details:** International Centre for Integrated Mountain Development (ICIMOD), Nepal

**Weblink:** [www.icimod.org](http://www.icimod.org)

The case study focuses on Nima and Shenzha counties in northern Naqu Prefecture of Tibet Autonomous Region (TAR) of China. China is one of the most important rangeland countries in the world. Rangelands in China had for many years been managed by pastoralist groups that were controlled by tribe heads, descendent nobles and monasteries for hundreds or even thousands of years till the democracy reformation in late 1950s. The state government claimed the ownership of all the rangelands and livestock through the democracy reformation, which were then managed collectively by communal production units. The intention of organizing pastoralists in groups was to let them “each works their hardest and to get paid by their work” in a socialism equitable share. The result was however not found very satisfactory due to too much emphasis on political rather than productive issues and so on that need lot of analysis and that we are not to discuss in this report. China has decided to stop the political movements and to open it up for economic development since 1978. The first national great success on rural development was the initiation of the Household Contract and Responsibility System (HCRS). In Tibet, two co-management systems have been tried as part of implementing the national rangeland policy, the independent pastoral production system and the untied pastoral production system. Both have worked differently in the different counties

however what stands out is the lack of gender equity and the capacity needed by herders to gather intelligence in the rapidly changing environment. More studies need to be undertaken in the larger China on gender equity.

### **RANGELAND RESOURCE GOVERNANCE: JORDAN CASE**

**Author(s):** Fidda F Haddad

This case study focuses on Jordan which is dominated by an arid climate and fragile ecological systems. Zarqa River Basin is one of the most significant basins in Jordan with respect to its economic, social and agricultural importance. Land degradation is extensive in the basin and is largely the outcome of human mismanagement and development that has not been well informed of environmental risks. This degradation has compromised human well-being and social and economic development. Jordan's rangelands were previously characterized by effective land tenure systems and grazing rights associated with tribal institutions which protected the resources within those lands and provided for their use in ways that helped rangeland conservation and continued productivity under the prevailing environmental and social conditions. After the elimination of these systems and rights and the declaration of rangelands as State-owned areas that are open for everybody to use, new unsustainable land uses encroached upon the rangelands. Many of these areas were overused without consideration of the resource sustainability requirements or their long-term productivity. The elimination of tribal ownership also led to a lack of incentives to encourage Bedouins and other pastoralists to maintain and conserve resources and rangelands under their control and use. The rangeland governance system according to the case study is weak due to weak property rights which were associated with tribal institutions. In order to improve the rangeland system within the Jordan's rangeland laws and the country's priorities, means looking beyond the state sites, as governance may rest with the public sector, private owners or the community. Improved participatory sustainable land management "SLM", is a key approach used for combining human ownership and accountability over land resources with rangeland ecosystem protection that is well known in the Jordanian Islamic culture as the Hima System.

### **PROPERTY RIGHTS REFORM IN RANGELAND CHINA: DILEMMAS ON THE ROAD TO THE HOUSEHOLD RANCH**

**Author:** Tony Banks

Massey University, Palmerston North, New Zealand

**Year of publication:** 2003

**Publisher details:** Elsevier Ltd

This paper contributes to the debate over land tenure in rural China by extending its spatial coverage to the country's extensive rangeland regions. Key characteristics of pastoral tenure, identified from field appraisals in western China, include group tenure and fuzzy boundaries. Although these characteristics give rise to efficiency concerns, from a new institutional economics perspective they also facilitate the

realization of certain benefits, benefits that could represent opportunity costs of further exclusiveness. The strengthening of rangeland co-management may constitute a more appropriate path to institutional improvement than the establishment of the household ranch, the current goal of national rangeland policy.

## **PROPERTY RIGHTS AND THE ENVIRONMENT IN PASTORAL CHINA: EVIDENCE FROM THE FIELD**

**Author:** Tony Banks

Year: 2011

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It is widely perceived that the degradation of China's rangelands has accelerated since the introduction of rural reforms in the late 1970's. The popular explanation for this phenomenon has been that a, 'tragedy of the commons' exists, as privately owned livestock are being grazed on 'common' land. Since the passing of the Rangeland law in 198, Chinese pastoral tenure policy has emphasised the establishment of individual household tenure as a necessary condition for improving incentives for sustainable rangeland management. The first objective of this case study describes pastoral tenure arrangements in northern Xinjiang-Uygur Autonomous Region. Its second objective explains pastoral tenure arrangements, particularly the observed persistence of collective action.

Common pool resources are governed under 4 broad types of property rights systems; Open access, Private property, Common property and Co-management.

The recent literature on property rights in rural China has recognised the regional diversity of property rights and explains this diversity as the outcome of a decentralised process of institutional innovation that enables local conditions to shape institutional arrangement.

It is argued that there is no 'tragedy of the commons' and that it is characteristics of rangeland resources and the social environment that give rise to the particular types of institutional arrangements found.

## **PASTORALIST ORGANISATION FOR RESOURCE RIGHTS IN NEPAL**

**Author:** DONG Shikui

Environmental School, Beijing Normal University

Rangeland ecosystems are one of Nepal's most important resources, especially those in northern mountainous regions of the country. Animal husbandry depends on rangeland grazing and makes up a small but important part of farming practices for

ethnic groups living in northern Nepal. Apart from hosting herders, livestock and wildlife, Nepal's rangelands provide numerous ecosystem services, including watershed and biodiversity conservation and carbon sequestration, as well as sites for tourism.

This study shows that local herders in the Rasuwa District of northern Nepal have developed effective indigenous rangeland management systems that use effective grazing and conservation practices, well-organized local institutional arrangements and efficient traditional use rights and tenure systems that have evolved to promote sustainable development of rangeland resources. Indigenous management systems have their own unique weaknesses, but it needs to be emphasized that no other system can utilize the physical, climatic and vegetative variations inherent in Nepal as effectively. This is because local users have extensive knowledge about the exact local conditions and history of natural resource use in the area. Effective and appropriate strategies for developing rangeland resources in northern Nepal require a comprehensive understanding of indigenous rangeland management systems as they have been practiced by the local people over centuries.

To promote the sustainable development of indigenous rangeland management systems in northern Nepal, both internal and external challenges for sustaining indigenous rangeland management systems need to be recognized. Much can be learned by a careful examination of the ways in which local communities have organized themselves to solve collective problems, achieve common aspirations, and resolve conflicts (McGinnis 1999). Moreover, the strategies to minimize the risks and maximize the benefits of indigenous practices should be addressed.

## **NOMADIC LAND CLAIMS IN THE COLONIZED KAZAKH STEPPE**

**Author:** Virginia Martin

**Web link:** [www.nomadsed.de/publications.html](http://www.nomadsed.de/publications.html)

The case study focuses on Kazakh. In the second half of the nineteenth century, the Russian empire colonized the Kazakh steppe with Slavic peasant settlers and erected legal and administrative institutions of power over the indigenous Kazakh nomads of the Middle Horde. In this context, competition over land was fierce.

The story of changes in Kazakh land use as the nomads interacted with an imposing sedentary state in the nineteenth century is not one of passive acceptance and submission. On the contrary, Kazakhs actively engaged with colonial institutions in order to help them lay claims to and protect their lands. They did this in two ways, which are emphasised in this paper. First, traditional Kazakh political elites –White Bone – claimed their right to ownership of inherited patrimony, a claim which

Russian imperial law recognized for the Middle Horde Kazakhs in the 1820s. Second, non-elite nomads made claims to private landholdings as part of an inheritance, a right not granted under customary law [adat] in the pre-colonial period. In both cases, Kazakhs used traditional approaches to land use alongside alternatives presented to them by Russian imperial laws and colonial administrative rules. But ultimately, again in both cases, these claims to land were delegitimized and annulled as the empire increased its colonization of the steppe and confiscated nomadic lands for Slavic peasant settlement at the turn of the twentieth century.

For a time and with measured success, Kazakhs manipulated colonial land laws as well as traditional land use customs to protect their lands and their livelihoods rather than accept colonial impositions outright.

## **LAND RIGHTS CASE-STUDY KYRGYZSTAN**

**Author:** Nazgul Esengulova

November 5<sup>th</sup>, 2007

**Year of publication:**

This case study focuses on a community in the village Tolok located in high-mountainous district and the main part of agricultural land, located in its territory are pastures. Accordingly animal husbandry comprises a basis of economic activities of local community and pastures are the main agricultural land, used by local community.

Research established problems of irrational use of pastures, the consequence of which became irreversible processes in condition of the pastures and their degradation.

Several institutions including the government have put laws and legal mechanisms in place in order to protect the rights of pasture users, access to their pasture resources, pasture resources management, as well as participation of women and minority in issues of providing the rights to pasture resources.

Going forward, increase of knowledge of the population and mobilization of rural citizens for participation in management of local pasture resources are required. In Kyrgyzstan there are no special programs of training of pasture managers. Such qualification is necessary, for example, for giving advice to heads of local self-government, as well as to private pasture users. This will promote increase of educational level and awareness both of pasture users, and pasture managers. Researches show that in rural communities, people know about programs of donor projects and have a positive attitude to them. However there is a necessity for processing information collected as a result of implementation of donor programs and familiarization of heads of a local level and local pasture users with this information.

## **LEGAL AND POLICY ASPECTS OF RANGELAND MANAGEMENT: MONGOLIA**

**Author(s):** Ian Hannam

**Year of publication:**

**Publisher details:** IUCN World Commission on Environmental Law

This case study focuses on Mongolia which has been transformed by rapid economic development and industrialization from what was predominantly an agricultural economy to an industrial economy. Climatological data indicates that the Mongolian climate is gradually growing drier which signals changes to the way it must change its rangeland resources. A significant portion of the land resources have been degraded from overgrazing, deforestation, erosion and desertification. Further, the rangeland has been degraded because herders are unable to apply sustainable grazing practices. Despite there being an environmental protection law, it does not have the capability to effectively manage the main environmental problems experienced by the country. These problems include structural and procedural deficiencies and poor quality of legislation, poor government administration of the environment, inadequate institutions, lack of effective community participation, and failure to prepare environmental law around sensitive ecological environment.

The Mongolian government has already established legislative, policy and institutional reforms to improve natural resources management including rangelands. In draft form is the Pasture Law which will be the principle law for managing rangelands. It should however be noted that for the law to be effective towards meeting its objective there is need for a specialised management system. Future challenges which need to be prioritised include empowerment of communities, reform land user rights, reform of the government natural resource management institutions and environmental awareness education to improve the level of understanding of management of rural environmental issues.

## **CIVILIZATION AND ENVIRONMENTAL EFFECTS OF MONGOLIA'S TRANSITION FROM A PASTORAL TO A MARKET-DRIVEN ECONOMY**

**Author(s):** Lynn Rhodes

**Year of publication:**

This case study focuses on Mongolia a landlocked country. Pastoral livestock production is an economic activity for the country. Another activity that has changed the economic shape of the country is mining. Mongolia has a harsh terrain, natural and open pastures which are primary food for pastoral livestock and are managed using historic nomadic traditions. Livestock is moved throughout the seasons. Such strategies have developed and adapted to Mongolia's ecological conditions and extreme climate.

Mongolia's pastoralists face deteriorating social conditions, termed as one of the lowest living standards in the world. While mining is one of the major economic

activities, there are major concerns revolving around land acquisition and resettlement, the environment with deteriorating cultural resources, the country's government has no capacity to manage income from developing infrastructure, diminishing water capacity, changing culture of the nomadic heritage and concerns over protected areas that are being open up for transport corridors that directly affect the pastoralists.

There are collaborative efforts between herders, government officials, non-governmental officials and developers to effectively manage land while addressing livelihood issues contained in the mining versus pastoralists debate. The herders are already forming groups which are designed to collaborate in pasture management, labour sharing and environmental conservation. In addition the groups are developing strategies to market their livestock products, improve local livelihoods and resilience. It would be product for legislation in place that safeguards the interests of the pastoralists.

### **CASE STUDY OF PASTURE'S LAND TENURE IN KAZAKHSTAN**

Republic of Kazakhstan on the area of grounds (272, 5 million. ha) takes the ninth place in a world and fifth place on the area of pastures (187, 1 million. ha). The pasturable grounds take 67 % of territories of country that makes 81 % all agricultural grassland.

The basic problems of pasturable animal stock-raising in Kazakhstan for today are:

- i) Violation (disturbance) of seasonal usage of pastures and their degradation;
- ii) Poverty and dissociation of the small-sized holders (owners) of cattle hindering to organize seasonal pasturage
- iii) absence of support of pasturable animal husbandry on the part of the state. The management system of territorial development does not provide mutually concerted action of central and local executive bodies. The problems of territorial planning are regulated by different offices, and as a whole are inefficiently introduced at a central level. Besides absence of the applicable know-how's, shortage of engineering, high cost of costs, absence of a market infrastructure and the restricted knowledge in the field of management of steady agricultural practice aggravates a degradation of grounds and more and more degrading social and economic situation of the pastoralists (chabans).

## **ACCESS TO LAND, LIVESTOCK PRODUCTION AND ECOSYSTEM CONSERVATION IN THE BRAZILLIAN CAMPOS BIOME: THE NATURAL GRASSLANDS DILEMA**

**Author(s):** Paulo C'esar Faccio Carvalho; Caterina Batello

**Year of publication:** 2008

**Publisher details:** Elsevier B V

**Weblink:** [www.sciencedirect.com](http://www.sciencedirect.com)

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**Title: Grassland Tenure in China: An Economic Analysis**

**Author: Tony J. Banks**

**Publisher: Presented at the Second International Convention of Asia Scholars Free University, Berlin 9-12 August 2001**

This report is a study of three pastoralist communities namely: Sarkum which uses irrigated fodder land, Ak Tubeq who are wholly dependent upon 'natural' hayfields around the vicinity of its winter base and Kom in determining the economic benefits of the use of grasslands in China by Tony J. Banks.

The government has initiated the Grassland Policy where grassland use rights were distributed to groups of households and cutting lands were distributed to individual households. The distribution of grasslands and cutting lands was done on the basis of livestock numbers and thus, implicitly, household population and labour force. The legal and regulatory framework has evolved since, with the passing of the national Grassland Law in 1985, the Xinjiang Grassland Law in 1989, and various regional government grassland regulations.

The group tenure and creation of fuzzy boundaries in grasslands facilitated the abatement of environmental risk by allowing flexibility and mobility.

First, in terms of the characteristics of tenure, grasslands and cropland share in common collective ownership and de jure household tenure but little else. The de facto unit of tenure in grasslands is groups, implying joint use of resources, whereas in croplands individual household tenure prevails. Grassland use rights have a longer term of duration (50 versus 30 years) and grassland allocation has been very stable. In cropland areas, in contrast, periodic administrative reallocations of land have been relatively common despite formal policy stipulating first a 15 and then a 30-year term of use rights. Another point of contrast concerns the monitoring and enforcement of fuzzy boundaries in grasslands whereas in croplands they are

precisely monitored and enforced. Finally, pastoral households use larger parcels of land, dispersed over a much wider area, than their cropping counterparts.

**Title: Participatory and Decentralized Pasture Management**

**Author: JLIFAD, Agricultural Investments and Services Projects, 2008**

<http://www.ifad.org/operations/projects/regions/pn/infosheet/kirghizistan.pdf>

This is a report of a study carried out by JLIFAD an organization enabling poor people to overcome poverty. The emphasis was on the participatory and decentralized pasture management in Kyrgyzstan which has limited arable land but extensive rangeland resources. They gave support to the IFAD-supported Agricultural Investments and Services Project to create a more supportive institutional environment and to improve infrastructure for farmers and herders.

Some of their achievements were the adoption of a new pasture law which decentralized management of pastures to the ayul okmotu (a rural administration comprising one village or more) and delegating management responsibility to pasture users' unions comprising of users in the area of ayul okmotu.

An aggressive brucellosis vaccination programme was initiated for the livestock to improve their reproductive health in order to increase their yields.

**Title: A Policy Level Study of "Community Organization" as a grass-root institution that contributes to strengthen Co-Management of sustainable Pastoralism and Nature Conservation**

**Author: Undargaa Sandagsuren, January 2006**

**Publisher: New Zealand Nature Institute**

This is a summary of a draft case study of Land Rights, Mining and Resistance in the Mongolia Pastoral Commons undertaken by Caroline Uptown.

The Author observed that informal or artisanal mining had risen dramatically in herding communities. This is as a result of loss of livestock by the herders who are trying to earn a living. Some effects of both informal and formal mining activities are loss to access to and pollution of grazing land and water resources.

The World Bank in a study realized that compensation policies are weak and poorly regulated, as is public and stakeholder participation in any element of the initial license allocation or subsequent activities or restoration of mine sites. And, the herders are resentful about their loss of pasture but, they are voiceless and powerless to make it stop. In conclusion, she recommended that the government strengthen the Land Acts to provide a stronger legal framework with which to deal with the new issues brought by mining in pastoralist land. Lastly, the government should find community centered initiatives which they will use to involve the herders in decision making about the use and disposal of their land.

**Title: Rangelands Management in Lebanon: Cases from Northern Lebanon and Bekaa**

**Author: Elsa Sattout**

This is a summary of the techniques used in Rangeland Management in Lebanon with special focus on Northern Lebanon and Bekaa. Some of the best practices are as follows:

1. Institutionalize collaborative management in forest and rangelands;
2. Develop national forests and rangelands management based on participatory approach\*;
3. Initiate the applied research studies on carrying capacities of rangelands and detailed monetary valuation exercise on grazing
4. Develop the capacity of government officials and local communities;
5. Mobilize human capacities towards the implementation of collaborative management of rangelands and forest resources;
6. Update the rights to the land of herders while taking into account sustainable management of natural resources;
7. Develop capacities of shepherds on herds' management.

In conclusion, some of the best practices in rangelands management are:

- Institutionalizing CBM and sustainable management of rangelands;
- Defining the carrying capacities of rangelands and forestlands;
- Assessing the socio-economic profile and livelihood of shepherds;
- Participatory mapping of herders paths in lowlands and highlands;
- Drawing a road map for institutional reform which would be based on collaborative management of rangelands;
- Bridging the gaps between government agencies and pastoralist communities.

**Title: Livestock Husbandry Development and Agro-Pastoral Integration in Gansu**

**And Xinjiang**

**Author: Victor Squires and Hua Limin**

The book 'Towards Sustainable Use of Rangelands in China's North West' is based on the program of the International Conference Implementing GEF Objectives in a Systems Framework held in Lanzhou, Gansu, China in October 2008. This collection reviews the extent of resource debasement in China's pastoral zones and offers solutions for their sustainable use.

Two major livestock production systems are in use in North West China. The Pure grazing enterprise that relies on seasonal migration from winter pastures at low elevations to summer grazing on alpine and mountain meadows and the Agro-pastoral enterprises that rely on integration of the rangelands and the croplands.

The Government policy is to develop a system of livestock production from rangelands that incorporates modern scientific animal husbandry and an intensification of production methods. However, the policy is difficult to implement and progress toward better integration of arable and non-arable land which is the key

to increasing forage and fodder production is slow. Mixed systems, at the interface between croplands and rangelands, are under constant pressure to increase the area devoted to fodder and grain to meet the demand for pen feeding of livestock and in response to population pressures and national policies that subsidize cereal production and self-sufficiency. Grazing systems are characterized by a relatively low productivity, and most land that is suitable for grazing is already under use. Therefore, it is not realistic to expect large increases of production from these systems.

There is a clear need to tackle the causes of the land degradation problem and not just deal with the consequences. Most effort in the past have been aimed at “solving” minor problems rather than deal with the underlying causes of lower productivity.

## **AFRICA**

### **WETLANDS IN DRYLANDS IN THE SAHEL: THE URGENT NEED FOR GOOD JOINT GOVERNANCE**

**Author(s):**

J.Brouwer.

**Year of publication:**

**Publisher details:** Brouwer Envir. & Agric. Consultancy, Bennekom, the Netherlands

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This case focuses on Sahel inland wetlands in Niger. Considered very important for the functioning of the surrounding dryland ecosystems, including cropping, livestock production, fishing, hunting & tourism, and collection of natural products, the wetlands face threats. Many of the threats are related to lack of measures in terms of utilization of the wetlands as well as the traditional access rights due to urbanization.

It is recommended that there is need for clear governance; management and planning, that is participatory to address the appropriate traditional techniques for utilization of the wetlands, possible trade-offs between the various types of wetland utilization for production and conservation. Also for further consideration as a governance issue, is the intimate relationship that exists between the uses of wetlands. That is, the use of drylands that surround them, and the use of other areas further away and use of isolated wetlands in the Sahel only during particular seasons.

### **Title: Open Access, Open Systems: Pastoral Management of Common-Pool Resources in the Chad Basin**

**Author: Mark Moritz & Paul Scholte & Ian M. Hamilton & Saïdou Kari**

**Publisher: Springer Science Business Media New York 2013**

Mobile pastoralists in the Logone Floodplain share a strong ethos of open access to common-pool grazing resources. They believe that every pastoralist has the same rights to use grazing lands, regardless of ethnicity, nationality, seniority, or socio

economic status. Thus there are rights over grazing land and rights over campsites. Customary rights over campsites do not give pastoralists exclusive access over the common-pool grazing resources surrounding the campsite. Also there are a few reserves with exclusive access in the Logone Floodplain: The Musgum agro-pastoralists have exclusive rights as they live in the area. Mobile pastoralists only have campsite reserves.

Pastoralists in the area are required to pay a transhumance tax that's regulated by the governments of the Chad Basin. Pastoralists have complained that the tax is too high because there is already a "traditional tax" system in place. When mobile pastoralists come in to an area, they are required to give a token of appreciation to the elders who have reserved rights over the campsite/grazing land. The official national policy is that access to common pool grazing resources is open to anyone provided the animals are vaccinated and the transhumance tax is paid.

Lake Chad Basin Commission created by the Countries bordering the Chad Basin, has been supporting the system of open access to common-pool grazing resources. The aims of the commission are to regulate and control the use of water and other natural resources in the basin and to initiate, promote, and coordinate natural resource development projects and research.

The Chad Basin has 2 methods of managing resources. There is the Open Access and common-pool resources. Open access means no one owns the resource but all persons have access to it. The Common pool requires that the resources is owned communally thus making it easy to regulate its use. The Pastoralists prefer Open Access as this is what they have always used. The Governments prefer common pool resources due to regulation.

## **SUPPORTING PASTORAL CUSTOMARY INSTITUTIONS TO IMPROVE GRASSLAND PRODUCTIVITY AND PRACTICE IN SOUTHERN ETHIOPIA: A CASE STUDY OF THE WORK OF SAVE THE CHILDREN/US**

**Author(s):** Solomon Wakgari; and Adrian Cullis

**Year of publication:** 2007

The focus of the case study is in Liibian, located in the southern Ethiopia. The pastoral community is heterogeneous and the grasslands are managed by different ethnic groups. According to the study, the rise of modern nation states in the Horn of Africa has had a profound impact on pastoralists, on pastoral production systems, and on the management of the region's extensive grasslands. Decisions regarding the grasslands are made by elders, however, administrators have not quite engaged them. Without this engagement, the elders have been marginalised. The direct impact of this marginalization is that indigenous knowledge, in particular natural resource management strategies, have been lost to policy makers, with a negative impact on livestock mobility, grassland management and by implication livestock and human nutrition. In addition, increasing human and livestock populations have brought new pressures to bear on both the grasslands and associated management systems. The pressures, have however been exacerbated by the loss of key 'wet patches' to arable farming; land alienation by in-coming farmers and private

ranchers; and the lack of recognition given to elders' decision-making processes and institutions. As marginalisation increased, the elders' meetings began in some areas to disintegrate and long-standing livestock management systems began to collapse.

The Pastoral Livelihoods Initiative (PLI) a 2 year USAID funded program was initiated with the overall goal of strengthening pastoral livelihoods through livestock related interventions. Other works going on are the re-establishment of jaarsa madda, as elders who have direct impact on outcomes of land use. It is recommended that the jaarsa madda are instituted as a legal entity that works with the administration.

## **SUDAN'S POLICY TOWARDS TRADITIONAL LIVESTOCK MIGRATION ROUTES (DARFUR STATES CASE)**

**Author:** Pastoral Society Sudan, Khartoum

July 2007

Sudan is one of the sub-Saharan countries ranging from hyper-arid ecosystems in the north to the dry sub-humid areas in the south. The struggle for land rights, access and control of resources remain a major source of conflict and in the country. Nomads in the Sudan are a heterogonous group, and the differences stem from their different geographical, regional and local ecosystems.

The land tenure systems in Darfur have evolved over the years driven by the changes in the political, natural, social and economic situation in addition to the increasing in human and animal populations.

The Pastoral sector contributes much to the economy of the Sudan but it receives little attention. Natural hazards and human activities have led to resource degradation and conflicts between the different land users. The situation in Darfur was much aggravated due to blockage of stock routes and lack of access to the traditional grazing lands leading to conflicts between farmers and pastoralists.

The government attitude has started to change towards encouraging local community participation in development interventions. The positive effect of these interventions is mainly reflected in the livestock Routes Delineation with positive environmental impacts upon the herders and farmers at household and community levels and reduces conflict along the routes. Short comings include the weak participation of farmers and herders and the lack of adequate financial support.

## **STRENGTHENING COMMUNAL RANGELANDS MANAGEMENT IN BOTSWANA: LEGAL AND POLICY OPPORTUNITIES AND CONSTRAINTS**

**Author:** Lael Buckham-Walsh and Cathrine Chipu Mutambirwa

**Web link:** [lael.walsh@iucn.org](mailto:lael.walsh@iucn.org)

This paper explores the management of communal rangelands in the southernmost Kgalagadi District, Botswana (80% of Botswana is covered with the Kalahari Desert).

Communities across the Kalahari comprise of ethnic groups, principally Tswana, Herero, and Basarwa/San.

Communal rangelands accounted for 86% of the cattle and 71% of farmers in Botswana, while private grazing in ranches accounted for 14% of the national cattle herd and 5% of the land area. The fencing and privatization of large areas for commercial production, supported by a series of national agricultural policies and international trade agreements has created a shift from collective community based natural resource management approaches to more intensive production based approaches and has further restricted the land available to communal systems.

Land tenure has undergone changes since independence with the promulgation of a new legal framework, policies, institutions and governance mechanisms. Today Botswana has three principal forms of land tenure; Customary (Tribal) Land, State Land and Freehold.

Current legislation makes provision for institutions to support communal rangeland management although implementation has met some challenges around commitment at the local level, the lack of incentives and institutional mechanisms to prevent overstocking, Climate change and degradation.

It is evident from the study that greater sharing of management knowledge and practices between private and communal land owners offers an opportunity for improved rangeland management, reduced system vulnerability redress some of the inequalities in poverty and livelihood status across the Kalahari. This will involve formalization of management structures at village level, community engagement in developing and using locally appropriate rangeland monitoring and evaluation tools, and institutional support to empower community groups to function both for their own community and among other communities.

## **SUMMARY SAMBURU CASE STUDY KENYA**

**Author(s):**

**Year of publication:**

**Publisher details:** WISP-IUCN, Pastoralist Organization for Resource Rights

**Weblink:**

The case study's focus is on the Samburu pastoralists in Northern Kenya. Both Samburu women and men faced with multiple issues pertaining to land rights, insensitive conservation policies, conflicts with wildlife, and conflicts with neighbouring pastoralists groups, encroaching agriculture, mining and resource exploitation, and gender issues that bring up highly contested social, cultural and economic issues. Land in the region is Trust Land. Use rights on trust land are adjudicated by county councils through the enactment of bi-laws. However, in reality, there is little legislation or mechanisms of recourse and people are dispossessed of their lands. One of the major concerns faced by pastoralists is that the various county councils, to whom the land is entrusted for the people, are being used by elite people and powerful outside interests to grab land and create biased policies in their own interests. There is need for legislated oversight authority on matters land, to oversee and adjudicate on land matters as mentioned above.

## **PROMOTING THE ENVIRONMENTAL BENEFITS OF PASTORALISM: POLICY SUPPORT FOR TRANSHUMANCE IN SUDAN**

**Author:** Pastoral Society Sudan (PAS) With Support from the World Initiative for Sustainable Pastoralism (WISP)

**Web link:** [www.iucn.org/wisp/wisp-publications.html](http://www.iucn.org/wisp/wisp-publications.html)

This paper looks into pastoral systems in Sudan. It discusses issues related to pastoralism including production systems, impact on the ecology, land tenure, the policy environment and resource use conflict mitigation. Sudan has 5 types of pastoral production systems including agro-pastoralists, transhumance, nomadism, ranching and cross border range utilization. The paper clearly demonstrates that pastoralism does not cause ecological degradation and explains that the problem is constraints imposed on pastoral systems such as weakening of customary institutions, the loss of access to key resource areas and restrictions to livestock mobility.

Land tenure systems in Darfur have evolved over the years, driven by the changes in the political, natural, socio-economic situation and human and animal populations. Traditional systems were complex and had clear conflict resolution mechanism.

Different policies and strategies developed over the years to ensure for rational use of natural resources such as the salvation plan (1989/92) and the Comprehensive National Strategy (CNS) 1992-2002 have not been implemented well. Recently a 25-year strategy (2002-2027) has been developed. Sudan has no clear-cut policy catering for social welfare of the pastoral communities. The policy has always been geared towards settling nomadic communities.

Resource based conflicts in Sudan can be mitigated by more involvement of pastoralists in decision making processes and this is already underway through the Administrative Committee for Route Delineation – Darfur States (ACRD-DS). Government intervention to protect transhumance, to uphold pastoralists' land rights and to improve relationships between resource users have far reaching benefits on the environment.

## **MAKING RANGELANDS SECURE IN EAST AND HORN OF AFRICA**

**Author(s):** Fiona Flintan

**Year of publication:** 2013

**Publisher details:**

**Web link:** [www.landportal.info/topic/rangelands-tenure](http://www.landportal.info/topic/rangelands-tenure)

This case study incorporated notes from the East Africa member states. Uganda prominently featured cross-border issues that cut across all the East Africa countries. Pastoralists, according to the case study, occupy and utilise rangelands that cut across national boundaries leaving them exposed to both intra-and-interstate challenges and opportunities. The East and horn of Africa governments, to address emerging challenges have established joint initiatives of food security, livestock development, markets and trade, drought resilience and climate change. What lacks

is the mechanisms to facilitate and formalise cross-border movement. Comparable studies were done with West Africa whose experience was that regional agreements in addition to outing in place the International Transhumance Certification have facilitated safe passage and protection to pastoralists who agree to respect laws of the country to which they are migrating. Such lessons would be valuable to the East Africa rangelands. How best the policies in place are interpreted by each country needs to be the next step to optimise on benefits.

**Title: A study on the Impact of National Policies Processes on Pastoralism in Tanzania**

**Author: Edward Porokwa, Anna Eusebi, Andrew Msami (May 2007)**

**Publisher Details: IUCN and WISP**

The report is as a result of a study on the Impact of National Policies Processes on Pastoralism in Tanzania. These include; the Land policy 1995 and Village Land Act number 4 and 5 of 1999 as well as Land Use Act. These processes together with implementation of positive provisions in policies and laws enabled pastoralists acquire legal ownership of communal pastoral land and benefit from natural resources of forest, wetlands, pasture, salt licks, water points and wildlife. In Suledo, Ololosokwan and Soit Sambu, and Murtangos through community organizations, pastoralists have been able to utilize available resources optimally by combining pastoralism with tourism activities.

Some of the best practices that may be considered from this case study are:

- Guaranteed security of tenure for pastoralists in pastoral land areas through registration of village land boundaries and land use, to protect common property regime
- Reclaim and Restore to pastoralist under-utilized or former pasture land when not in conflict with national interest.
- Identification and inventorization of potential rangeland resources for pastoral and agro pastoral will be promoted
- The use of low cost and appropriate technologies in water harvesting in the rangelands will be encouraged and supported
- Integrated and sustainable use of rangeland areas will be established and strengthened
- Grazing areas in village land will be surveyed, demarcated and declared as Range Development Areas (RDAs)
- Appropriate forage conservation practices for dry season feeding.
- When any activity other than pastoralism cease in the range land, that land will revert to its original land use
- The government recognized the right of pastoral communities to their traditional grazing land
- Review of all acts and regulations pertaining to pastoral land use and tenure to bring them in line with the national land policy of 1995.

## **KITENGELA CASESTUDY, KENYA**

**Author (s):** Out of the Box Research & Action in Collaboration with CEMIRIDE & MPIDO

**Year of publication:**

**Publisher details:**

Kitengela lies in the peri-urban periphery zone of Nairobi, the capital city of Kenya. Encroaching urbanization, recently created national parks, an expanding industrial export processing zone and ill-conceived land policies threaten the lives and communal lands of Maasai pastoralists who are the original inhabitants of Kitengela.

The main land issues centre around the sub-division of land in some of the group ranches in Kitengela. Such a policy has led to increased economic poverty, the widening of the socio-economic gap between Maasai elites and economically poorer Maasais and livestock is not able to graze openly based on cultural relations and social relations of reciprocity amongst inhabitants.

This case study highlights three interventions being carried out as creative solutions to gain better control over critical resources namely: creation of a **Cultural Village** and a **Resource Centre**; implementation of a **leasing programme** in collaboration with the Kenya Wildlife Service (KWS); creation of a **“consolation” programme** in collaboration with the KWS.

It should be noted that the interventions are work in progress, there are elements that still need attention and resources. Pastoralists from the area are actively dialoguing with KWS and other national, international and CBOs. Maasais are also actively engaging in various mechanisms to have their voices heard, their needs addressed and their rights upheld.

## **ASSESSMENT OF THE IMPACTS OF PASTORAL POLICIES IN NIGER**

**Author (s):** Gandou Zakara and Harouna Abarchi

September 2007

This case study focuses on Niger which is characterised by pastoralists' mobility and cattle circulation rights and may be presented through an overview of some key relevant laws. This overview reveals that the policies boil down to a few strong principles, which are:

- recognition of a zone dedicated essentially to pastoralism;
- recognition of the multi-functional nature of the resource areas dedicated to maintaining livestock/agriculture integration;
- affirmation of the principle of willingness to secure the land tenure bases of rural productions;
- existence of a legal system for rural hydraulics, taking into consideration pastoralists' needs;

- Niger's contribution to the sub-region's recognition of the need for and usefulness of mobility (international transhumance) in the ECOWAS zone.

Asserting these principles has assured pastoralists recognition of their activity, their way of life, and their specific rights across an important portion of the national territory.

However, a survey conducted amongst pastoralists in the Dallol region, near the capital city, also indicates that in the study area, the enforcement of texts is not beneficial to pastoralists and that in a context of a strong demographic growth, recognition of their rights is made more difficult by the rush for land tenure.

Though certain legislative changes involve strong risks for them, pastoralists essentially request that the current legislation be enforced strictly and fairly. As a result of the loss of consideration for their way of life and the lack of recognition of their contribution to the development of pastoral areas, they are asking for the States Generals on pastoralism to be convened to allow them to contribute to the Pastoral Code in preparation.

**Title: Mboscuda's Access To Justice And Promotion Of Land Rights For The Mbororo Indigenous Pastoralists Of The North West Province Of Cameroon.**

**Author: Musa Usman Ndamba Vice National President and Lawyer Robert Fon**

This is a report arising from the Mboscuda's access to justice and promotion of land rights for the Mbororo indigenous pastoralists of the North West province of Cameroon.

National legislation governing the use of Pastoralist's land include the Constitution of Cameroon which provides for the protection of minorities and the preservation of the rights of indigenous populations in accordance with the law. However, the limitations on land rights in the constitution are moderated in other laws of the land. That is why there is Ordinance No. 74-1 of 6<sup>th</sup> July 1974 to establish rules governing land tenure, Ordinance No. 74-2 of 6<sup>th</sup> July 1974 to establish rules governing state lands, Ordinance No. 74-3 of 6<sup>th</sup> July 1974 concerning the procedure governing expropriation for a public purpose and the terms and conditions of compensation, Decree No. 76-165 of 27<sup>th</sup> April 1976 to establish the conditions for obtaining land certificates, Decree No. 76-166 of 27 April 1976 to establish the terms and conditions of management of national lands, Decree No. 76-167 of 27 April 1976 to establish the terms and conditions of management of the private property of the state and Decree No. 78/263 of 3<sup>rd</sup> July 1978 to establish the terms and conditions for settling farmer-grazier disputes, Article 15 of Ordinance No. 74-1 of 6<sup>th</sup> July 1974 to establish rules governing land tenure, makes grazing lands, national lands. By this, grazing lands are considered as communal lands and not to be owned by an individual. Decree No. 78/263 of 3<sup>rd</sup> July 1978 to establish the terms and conditions for settling farmer-grazier disputes, creates a Local Commission headed by the local government administrator, Decree No. 78/263 of 3<sup>rd</sup> July 1978 governs mobile graziers who practice traditional grazing methods.

The Mbororo Social and Cultural Development Association, MBOSCUDA, is an umbrella association of the Mbororo people that is working towards the demarginalization of the Mbororo people in Cameroon especially in the North West Province; as well as providing access to justice for the pastoralists of Cameroon.

**Title: Karamoja Agro-Pastoral Development Programme (KADP) Call for Project Partners, Pastoralists Resource Rights- Karamoja**

**Author: Karamoja Agro-Pastoral Development Programme (KADP)**

This report arises from the initiative of the Karamoja Agro Pastoral Development Programme (KADP). Customary law, the Land Act, the Ugandan Constitution and various Land policies are being used to create awareness on land rights and protect the rights of pastoralists in Uganda.

Through organizing themselves into Community organizations, the Karamoja have successfully fought for their land rights. Examples include: the abandonment of the move by the government to gazette Pian-Upe game reserve for use by foreign investors which would not have benefitted the community, the de-gazetement of the Bokora- Matheniko Wildlife protected area which was then handed back to the community, the Karamojong communities have been mobilized to form the CLAs, (Communal Land Associations)- three Communal Land Associations have so far been established in Matheniko county and waiting registration at the District and National level.

Some of the best practices implemented by the Karamajong are as follows:

1. Formation of a Council of Elders who knew the history on the acquisition of the land, who provided evidence that this land customarily belonged to the people of Karamoja and specific to the Matheniko community to interrogate the claims of ownership of the land by businessmen to ascertain that they legally acquired the property.
2. There have been initiatives for information sharing especially the existing land laws.
3. Capacity building through trainings was done amongst some members of the community by the CLA executives on the land rights and the constitution of Associations. This enabled the community to be receptive to land sensitization meetings.
4. Gender empowerment by allowing women to participate and make decisions relating to land matters.
5. Involving the community as a whole in advocacy and case building.

**Title: Learning Route: Nairobi to Arusha, February 2012**

**Author; Shadrack Omondi**

**Publisher: Resource Conflicts Institute for Making Rangelands Secure in East and Horn of Africa, Quarterly Bulletin No. 2, July 2012**

This report was compiled after a study of various countries in the east and horn of Africa to determine how they can safely manage the rangelands and the results were used to develop good practices which were encapsulated in the Africa Land Forum.

1. Sustainable and equitable land governance. National development plans should accommodate for projected population growth and climate change; governments should provide durable solutions for landless people in land reforms.
2. Legally recognize and protect the land rights of all land users. This should include registration of collective rights over the commons, including grazing lands and transhumance routes.
3. Ensure wide participation in decision-making over land. Particular attention should be paid to the inclusion of women and minorities. Furthermore, greater support should be provided to establish and strengthen networks of indigenous and minority groups to advance their common interests.
4. End discrimination of women and minorities. Customary law and legislation should be harmonized so that women and men have equal rights to control and own land and natural resources.
5. Use widely adopted guidelines for good land governance: We fully affirm the standards and benchmarks of the Africa Land Policy Framework and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, and call for the reform of national land processes where they do not conform to these standards.
6. A primary place for small-scale producers should be given in national strategies for food security and rural development. Any decisions on large scale land-based investments should be transparent and made with the full Free Prior and Informed Consent of local communities.
7. Benefits and compensation: the benefits of the investments should accrue to the affected communities. Independent assessments of the resources values and compensation that is commensurate with the losses that span the economic opportunities and disruption of social systems should be conducted.
8. Fair and accessible land conflict resolution mechanisms should be put in place, particularly where land and natural resources are shared by indigenous peoples and others.

**Title: Current situation and Future Patrimonializing Perspectives for the Governance of AGRO-Pastoral Resources in the Ait Ikis Transhumants of the High Atlas (Morocco)**

**Author: Pablo Domínguez**

In Morocco, Indigenous and Community Conserved Areas (ICCAs) are a positive management regime for the conservation of the environment. This paper focused on a local, agro-pastoral ICCA in Morocco known as the agdal, amongst the Ait Ikis community.

Agdalsystem had prohibitions centered on religious beliefs on local saints. The descendants of these saints were considered by locals as saints themselves and played a role in governing local resources and inter-ethnic pastoral relations. Tribal religious structures have been progressively changed in favor of state governance structures but maintaining the traditional system of pastoralism and conservation. The mountain Mesioui are patrilineal, thus all decisions regarding use of agro-pastoral resources are made by the male household head, and in his absence, by the oldest adult male of the family.

Berbers organize their herding into seasons i.e.: from 8<sup>th</sup> September to 28<sup>th</sup> March herding and the harvesting of walnuts in the Mesioui mountains were forbidden in preparation for winter hence creating a system to avoid over-grazing or over-harvesting by free-riders. From 28<sup>th</sup> March to 20<sup>th</sup> April the entire Yagour has a global tribal herding prohibition to encourage the growth of the vegetative parts of the pastoral plants. 20<sup>th</sup> April to 20<sup>th</sup> May the Warzazt, is prohibited from use to allow the grass to grow on the slopes and the small plains beyond the cultivated fields. 20<sup>th</sup> May to June-July herders can graze on the Warzazt. A ritual of thanksgiving is done to Allah to mark the season. June-July to 28<sup>th</sup> September the Yagour opens again. However, today the prohibitions are regulated by the State who reclaim their new role as referees and pacificators in the place of the saints' descendants that used to be in charge. The benefit of this conservation has ensured vegetation cover and local biodiversity is protected. The writer concludes that:

- The traditional agdals governance system assures continuous vegetal cover, and hence opposition to soil erosion,
- The system assures equal access to local natural resources as all members of the community have the same rights to the common pool and decide on their rules and management processes together
- It promotes the conservation of a certain pastoral biodiversity, particularly that which is of most interest to the local community.

**Title: Community Governance of Natural Resources and Rangelands: The Case of The Eastern Highlands of Morocco**

**Author : Abderrahim Boutale & Ilaria Firmian**

Overgrazing, cropping and climate change have caused the Moroccan rangelands in the Eastern Highlands to degradation and inability to maintain livestock. The Government of Morocco in collaboration with IFAD is running the PDPEO (Livestock

and Pastoral Development Project in the Eastern region), to improve rangeland management through temporary protection, plantation of fodder shrubs, reseeding, scarification, improvement of health services or fattening.

The author shows how the success of this project lays in the recognition of the collective rights of local tribes and the organization of herders into ethno-lineage cooperatives. In the past, collective ownership of resources by the tribes supported proper use of pastoral resources and marked by customary grazing areas used and respected by each tribe. Today, however, collective ownership is threatened by the creation of administrative divisions, and a trend towards individualization in the use of resources.

The importance of recognizing the collective rights of tribes has played a role in the success of this model. Morocco has been the only country in western Asia and northern Africa to recognize the collective rights of tribes. Also decentralization policies of the 1980s reorganized rural areas into communes, which were defined on the basis of tribal lands thus facilitating the introduction of community-based range management (CBRM). The CBRM/cooperatives are based on existing socio-institutional systems managed by a structure trained and supervised by Moroccan government services with a view to facilitating collective action and the sustainable management of natural resources. IN conclusion, the hybrid system based on tradition adopted by the government has enabled the following benefits:

- The method of organization into cooperatives made it possible to boost their management capacity, adopt appropriate technical measures to develop rangelands and establish a set of organizational and regulatory tools to manage rangelands.
- The adoption of technical measures and creation of judicial/institutional framework are essential for the success of innovative approaches.
- The innovation represented by community-based range management has become the keystone of the Moroccan approach to rangeland development and is being replicated in Syria and Tunisia.

**Title: Rangeland Governance in an Open System: Protecting Transhumance Corridors in the Far North Province of Cameroon**

**Author: Mark Moritz, Larissa Bebisse Catherine, Albert K. Drent, Saïdou Kari Arabi Mouhaman, Paul Scholte**

The mobile pastoral system in the far north region of Cameroon is an example of the paradox of pastoral land tenure, in that pastoralists need secure access to pasture and water, but also flexibility in resource use. The Author shows how NGOs and governments have used ordinances and bureaucratic procedures to protect pastoral resources and transhumance corridors that connect seasonal grazing lands in the far north. Pastoralists in this area use the open system or resource allocation. Pastoralists have been able to exploit common-pool grazing resources across the region by using transhumance corridors to move between areas with lower population densities, including the key resource area of the Logone floodplain. However, in the last decades there has been increasing pressure on grazing lands

as well as on the corridors linking the seasonal grazing areas due to demographic pressures and economic development (Moritz 2008).

Pastoral infrastructure is critical for supporting pastoral mobility in an open system and transhumance corridors that allow pastoralists to move between seasonal grazing areas. NGOs have used the decree for settling agro-pastoral conflicts (n° 78-263) to delimit and protect the pastoral infrastructure in the far north region of Cameroon. The Waza Logone Project (IUCN), designated pastoral and agricultural zones and delimited transhumance corridors that pastoralists use to enter to the Logone floodplain at the beginning of the dry season (Kari and Scholte 2001). The Waza Logone Project's main role was to motivate and organize the different stakeholders including: pastoralists, agriculturalists and traditional and governmental authorities, to delimit and protect (through consensus) transhumance corridors, overnight campsites, and pastoral zones.

In conclusion, the protection of seasonal grazing areas and transhumance corridors is still important. The end goal for pastoralists in this conversation is not to protect particular resources, but to protect their general user rights and their freedom to move.

**Title: Land Administration to Nurture Development (Land) Protection of Pastoralists Land rights: Lessons from the International Experience**  
**Author: John W. Bruce, Tidiane Ngaido, Robin Nielsen, and Kelsey Jones-Casey,**  
**Publisher: Tetra Tech for USAID, December 2013**

Protection of pastoralist land resources in Ethiopia has taken on a new urgency due to expanding global and national demand for land and land-based natural resources for large-scale commercial agricultural production, conservation initiatives, and mining which threaten pastoralist land use systems. The most important measures needed to protect pastoralist land resources is restraint on the part of government in supporting such land use reallocation by: a) take into account the very considerable trade-offs such investments often impose in terms of livestock production and damage to livelihoods of vulnerable populations; b) radically limit the extent of such reallocations both generally and in each case to realistic levels; and c) initiate reallocations only in locales where they do not undermine pastoralist land use systems.

In order to protect pastoral land rights, one must understand the customary networks such as key resources and pressure points such as those with farming communities, government forests, and neighboring countries. Next would be to identify appropriate protection strategies for each resource use and potential tenure niche in the system. On pastoralist land rights, public fora for policy development discussions among stakeholders, ongoing consultation on resource use among pastoralist communities, capacity building for pastoralist institutions,

and effective dispute resolution, emphasizing mediation approaches. Also Certification would play an overarching role by recording and authenticating the diverse rights and responsibilities under the protection program.

**Title: Improving Management of the Rangelands in Darfur, Sudan**

**Author: Magda Nassef, UNEP, Sudan**

**Publisher: Making Rangelands Secure in East and Horn of Africa, Quarterly Bulletin No. 2, November 2012**

Disputes over access to natural resources including land have been at the center of the conflict in the Darfur region. The Darfur Land Commission and the Nomad Development Council organize the learning route to Kenya and Tanzania to enable field learning on successful experiences, case studies, good practices and trainings by local communities.

Participation by Sudan was funded by UNEP to promote improved sustainable and equitable management of resources, governance and use of environmental resources in Sudan. Sudan has line ministries and pastoralists unions in Darfur to manage the pastoralist community.

Equitable and sustainable management of natural resources plays a key role in achieving sustainable livelihoods, sound environmental governance and lasting peace. Land tenure in Darfur is being defined and secured through registration and privatization of lands. At the same time common property resource management is still ongoing though largely informal and based on negotiation and reciprocity.

Addressing land and resource management, livelihood and environmental perspective will contribute to ending the conflict in Darfur. Also use of land planning, strengthening institutions and clarifying mandates can also improve land management. The government should also include traditional leaders in decision making.

**Title: Developing a Participatory Land Use Master Plan for Kitengela, Kenya**

**Author: Kevin Doyle**

**Publisher: Making Rangelands Secure in East and Horn of Africa, Quarterly Bulletin No. 2, November 2012**

Nairobi National Park is the only park in the world within city limits. The park is dependent on the adjacent lands around it and the Kaputei Open Plains which serve as a critical wildlife dispersal area. These also happen to be owned by the Maasai pastoralist community under a group ranch model. In recent years, these lands have been sub divided by the Maasai and sold for development causing significant harm to the wildlife and Maasai community.

These caused the Olkejuado County Council within the framework of the Physical Planning Act to prepare a land use masterplan for the region in 2005. The AWF working closely with the Kajiado Pastoralist Forum liaised with the CCO and ILRI in raising awareness amongst the community members to collect data for the plan. This initiative is also supported by Kenya's Constitution which protects the right to communal land ownership and the National Land Policy which gives a framework for communal land tenure.

**Title: Securing women's Rights to Land: the Case of Malka Bisandi Cultural Village, Garba Tula**

**Author: Making Rangelands Secure in East and Horn of Africa, Quarterly Bulletin No. 2, October 2012**

Amongst the Borana in Kenya, customary law protects the rights of women to own land despite the community being largely patrilineal. Customary rules and regulations govern access and ownership of clan assets including livestock and other benefits from the clan as culturally, land and livestock was considered common property. Access is not restricted by ownership. Anyone within the clan has access to the clan property as land is not "owned" amongst the Borana. However land is increasingly becoming privatized, women's access to land has to be negotiated or requested leading to decreased productivity in pastoralist activities.

Today, due to a more cohesive community, improved infrastructure and better relations with local government, the Borana are working to redevelop customary systems to improve rangeland management. Borana land is classified as Trust Lands thus held in trust by the Isiolo County Council. The Malka Bisandi Cultural village promotes ecotourism. Local NGOs have also helped the community especially the women to secure land rights around the village. This has enabled them to make a living from the lodge set up in the area.

The Garba Tula model proves that common property regimes of land and resource tenure can provide adequate protection for women to assert their rights.

**Title: San in Namibia's Bwabwata National Park**

**Author: Karine Nuulimba, IRSNC, Namibia**

The Khwe are a minority group living in Namibia's Bwabwata National Park. Rights to control the land and resources were removed in the 1960s. However since independence, Namibia's conservation policy calls for community based resource management thus opening the doors for the Khwe to secure rights to their resources. The Ministry of Environment and Tourism requires that communities form a legally registered body in order to obtain land rights.

As a result the Kyaramacan Residents Association (a Khwe organization) has benefited from exclusive hunting concession rights and the right to harvest the devil's claw, an economically beneficial root.

Though the Khwe have a de facto status over the Park, it would be better if the law legally recognize them as inhabitants in the park. The lesson here is that though the government and communities benefit from the rights are more protect if there is a legal status over the land.

## **SOUTH & NORTH AMERICA**

### **Title: Policies on Camelid Pastoralism in the Andean Highlands of Bolivia**

**Author: The World Initiative for Sustainable Pastoralism Project, WISP –IUCN**

Camelid livestock farming is practiced in the South American Andes. The domesticated Camelids of the highlands are the Llama and the Alpaca. Pastoralists in several regions of Peru, Ecuador, Chile and Bolivia rear Llamas and Alpacas in the Bofedales. One essential characteristic of the Bofedales is that they constitute highly productive ecosystems suitable for breeding Camelids.

Territorial occupation in the Andean World is based on related family and communal strategies of access to the eco system and resources.

Degradation of the Bofedales and fertile plains can be explained in light of cultural and social communal access to the grazing fields and the tragedy of the commons. The theory of the 'Tragedy of the commons' states that when the resources of communal use or open resources are used by a growing number of persons in the absence of state norms and regulatory control mechanisms collective use may result in the over exploitation, degradation and eventual collapse of the resource. The state needs to develop policies and projects for the preservation of the Bofedales for pastoralism to thrive and reduce land degradation.

### **SOUTH AMERICA CASE STUDY: ARGENTINA**

**Author(s):** Juan Luis Mérega; and Gabriel Palmili

**Year of publication:**

**Publisher details:** Fundación del Sur, Argentina

**Weblink:** [www.fundasur.org.ar](http://www.fundasur.org.ar)

The focus of the case study is the Province of Neuquén in Argentina precisely in three locations: Los Guañacos, Aquihueco and Faunde. In this province pastoralists adopt transhumant patterns where they move their cattle periodically, according to the seasons. Pastoralists live in difficult conditions, with high indicators of poverty and little or no access to social services (health, education, technical assistance). In as much as there are many rules regulating the movement of livestock, there are no specific policies, institutions or legislations oriented to pastoralism. Historically, the best lands have been assigned to medium and big size farmers. As a result, the lands in which pastoral activities are carried out are fragile and very vulnerable to land degradation process.

The main problem involves access to land rights. Most of the lands which are occupied by pastoralist groups are property of the Provincial or National State. Further, in many cases the identity of the legal owner is not clear enough, situation which is used by some powerful families to claim rights over lands which have been used by pastoralist groups for years. The main problem revolved around access rights to land. In as much as the pastoralists worked with their customary organization to resolve the issues, there still lacks consistent legislation. In case of any changes in the community leaders, it may have adverse effects on the

resolutions made. There is need for legislation and policies in place to ensure compliance.

## **RANGERS, LAND TENURE AND GRASSROOTS GOVERNANCE: MAINTAINING PASTORALIST USE OF RANGELANDS IN THE U.S IN THREE DIFFERENT SETTINGS**

**Author (s):** Lynn Huntsinger, Nathan F. Sayre, and Luke Macaulay

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The forms of grassroots governance that have emerged in three different land tenure settings, Arizona, California, and Texas are examined in terms of how they help ranchers maintain access to rangeland resources within each setting. All of them are involved in transboundary management, whether it is fire, wildlife, or maintaining a grazing calendar of several different ownerships. Finally, each group maintains that they are benefiting rangelands, including supporting biodiversity.

In our three case studies, grassroots organization has helped maintain and increase rancher ability to benefit from rangelands. The need for a collaborative effort seems more obvious when grazing must depend on large amounts of land that are not owned by the rancher, yet even in Texas, where most grazed land is the rancher's, grassroots organizations develop to foster the web of social and institutional relationships that keep ranchers in place and help them benefit from their rangelands. All of these groups rely on creating connections among ranchers, and among ranchers and regulatory or management agencies, and sharing knowledge, labor, and resources.

Pastoralists need lots of rangeland, because the production per hectare is low, and because forms of mobility are a common part of the annual calendar. Creating social connections, as illustrated by these case studies, is one way to maintain access to, and the ability to benefit from, rangelands in a changing ecological, economic, and social environment. These connections are important regardless of land ownership.

## **AUSTRALIA**

### **SUSTAINABLE RANGELAND MANAGEMENT FOR RURAL LIVELIHOOD AND ENVIRONMENTAL INTEGRITY - A COMPARISON OF FOUR RANGELAND MANAGEMENT SYSTEMS**

**Author:** Olga Weigel  
June 1<sup>st</sup>, 2010

This case study is a comparison of 4 rangeland management systems located in Switzerland, Australian, USA and Argentina. The paper assesses the impact of different policy options on the land use and associated biodiversity values of low intensity grazing systems, better known as grazing lands or rangelands. Some theoretical problems of rangelands as common-pool resources (CPR), in combination with the “Tragedy of the Commons” and the Free-Rider problem, are raised. Each of the countries has a set of problems they have or had to cope with and solutions they’ve come up with. These problems include degradation and desertification, biodiversity and land right issues. Some of the problems are common in each country and some differ.

After an in-depth analysis of the factors affecting the countries and their strategies to combat the problems, key resolutions for Kazakhstan have been identified and discussed. These include: water development, pasture development methods (e.g. bush control, fire, fencing, and introduction of local or exotic grasses), herd management (e.g. stocking rates and stock distribution, feedlot fattening), sown pasture and fodder. Another positive factor for a sustainable use is raising public awareness which can have a big impact on policy makers and this way on the development of environmentally friendly policies.

### **LAND, RIGHTS, LAWS: ISSUES OF NATIVE TITLE**

**Author (s):** Frank Brennan SJ and Justice R.S French

**Publisher details:** Native Titles Research Unit  
Australian Institute of Aboriginal and Torres Strait Islander Studies Canberra ACT 2601

The focus is on two papers done within the indigenous Aborigine community in Australia titled Pastoral Leases, Mabo and the Native Title Act 1993 and Pastoral Leases, Reservations and Native Title. The High Court Mabo decision in 1992 and the passing of the Commonwealth Native Title Act in 1993 mark a fundamental shift in the recognition of indigenous rights in Australia.

The Act, like the High Court decision on which it is based, transforms the ways in which

Indigenous ownership of land may be formally recognised and incorporated within Australian legal and property regimes. The process of implementation, however, raises a number of crucial issues of concern to native title claimants and to other

interested parties. Many of these will have to be decided in the courts. Nevertheless, information about and discussion of the issues are important for those needing to address the matters raised by the claim process. The papers address the shift from notions of statutory land rights to the rights of indigenous peoples that pre-existed colonisation and exist within the broad spectrum of their human rights. Within these rights, land is an essential component.

The first paper looks at the issue of pastoral leases, statutory reservations, and the extinguishment or non-extinguishment of native title.

The observations quoted from Mr Justice French highlights the rights and interests comprising native title are extended to include hunting, gathering or fishing interests and interests. The paper also looks at the issues of pastoral leases, reservations and provides for a tribunal for inquiries.

## **LAND TENURE IN NORTHERN AUSTRALIA: OPPORTUNITIES AND CHALLENGES FOR INVESTMENT**

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This paper reviews the status of land tenure and related rights and responsibilities, in Northern Australia and the influence these have on investment security and opportunities for economic development. It seeks to inform future policy development and implementation on land tenure. The scope of the report does not extend to aspects of tenure associated with coastal and marine environments.

There are many types of tenure in northern Australia. Each jurisdiction sets and administers its own conditions of land tenure, use and management. States also exercise their own land and water rights through the tenure system. Across the jurisdictions, this diversity creates considerable complexity. There are also legitimate, additional rights and entitlements that overlay these tenures such as native title rights and interests and those related to exploration and extraction activity for minerals and energy resources.

There are multiple reviews under way in each of the jurisdictions. In summary, these reviews seek to enable diversification of use within tenures and clarify access and use rights in circumstances where there are multiple entitlement holders. Much of this work in the last decade has focused on pastoral lands, Indigenous lands and water rights.

Finding the means by which Indigenous people can leverage their land assets (without necessarily severing cultural affiliations and rights) to raise capital for social and economic development offers the potential for significant benefit for Indigenous people and the nation. A number of vehicles have been considered, including a national trust fund or a loan facility. It is suggested that a taskforce of experts

Desk-review compilation of case studies on Pastoral Land rights

(including finance sector and international experience) and Indigenous leaders be commissioned to analyse the options and design appropriate solutions.