

# MAKING RANGELANDS SECURE IN EAST AND HORN OF AFRICA

News, views and experiences of policy-makers, practitioners and communities on making rangelands secure for local users

N° 2



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## IMPROVING THE MANAGEMENT OF THE RANGELANDS IN DARFUR, SUDAN

Disputes over access to natural resources – including land – are among the key drivers of the conflict in Darfur that has been ongoing since 2003. It is in this light that UNEP supported two participants from key Darfur institutions – the Darfur Land Commission and the Nomad Development Council – to attend the 'learning route' to Kenya and Tanzania that took place in February 2012 (see Bulletin Issue 1). Developed by Procasur ([www.africa.procasur.org](http://www.africa.procasur.org)), the learning route methodology is a continuous process of learning in the field around successful experiences, case studies and good practice, where local actors themselves become trainers.

Among the central issues highlighted during the learning route was the importance of strong management to support common property resource use and well-defined policy for rangelands. Effective management and policies encourage vibrant and environmentally sustainable livelihoods. They also contribute to peaceful relationships over natural resources.

Participants from a variety of countries were part of this visit. UNEP supported Sudanese participation due to its role in promoting improved sustainable and equitable management, governance and use of environmental resources in Sudan. On their return, the Sudanese participants emphasised the need to repeat this visit and to open it up for wider Sudanese participation. Therefore it was agreed that UNEP would support the participation of a larger group of Sudanese in a repeat of the learning route that took place in September 2012. In all, twenty-five participants

took part visiting four host communities and organisations in Kenya and Tanzania.

Over 14 days the group visited the Naibungu Conservancy (Laikipia, Kenya), the Resource Advocacy Project (Garba Tula, Kenya), the Olkiramatian Group Ranch (Kajiado, Kenya), and the Ujamaa Community Resource Team (UCRT) including their work in Terrat Village, Tanzania.



Pastoralists in Garba Tula, Kenya share experiences on water management with participants on the learning route, September 2012

Eighteen of the participants came from the Republic of Sudan (mainly representing line ministries and pastoralist unions from Darfur), and seven from Uganda, Ethiopia and Tanzania. Participation from Sudan was sponsored by AECOM (funded by USAID), through UNEP Sudan. The East African participants were sponsored by ILC (with funding from the Belgian Fund for Food Security BFFS).

The equitable and sustainable management of natural resources plays a key role in achieving sustainable livelihoods, sound environmental governance, and lasting

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## Improving the management of rangelands in Darfur, Sudan

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peace. This hinges on a clear, fair, and protected relationship to land and natural resources. However, disputes over access to natural resources in Darfur are compounded by the multiple, co-existing systems of natural resource management and governance, which exist on both formal and informal levels. This results in confusion over claims to natural resources and land and makes resource rights - whether those of an investor, pastoralist, or farmer – vulnerable to dispute. The issue is likely to be further complicated as plans gear up for internally displaced persons (IDPs) to return to their old villages and stake their claims to new homesteads.

In Darfur, changes are taking place in terms of how land tenure is defined and access secured, with trends towards registration and privatisation. At the same time, common property resource management is still ongoing, including among pastoralists. This is often informal and largely based on negotiation and reciprocity, and has evolved as an adaptation to the unpredictable climate and resource availability of the drylands.



Pastoralists in Sudan are having to adapt to socio-economic, political and environmental changes.

There are valuable and enriching lessons in how natural resource and land governance functioned in the past in Darfur. These must be considered while moving forward. However it can be argued that the 'right' configuration for effective and sustainable management of land and natural resources, which would support

rural livelihoods and peace, has not yet grown in Darfur. This is especially the case in light of the widespread economic, social, and environmental changes which have occurred due to years of conflict. Finding ways to address land and resource management and access issues from a livelihood and environment perspective will contribute to alleviating conflict and building peace.

An effective way of informing national dialogue and thinking is to learn from successes and failures of other countries facing similar challenges and opportunities. In Sudan, UNEP has experience using this model to inform government actors: in 2010, UNEP supported a learning visit on Integrated Water Resource Management (IWRM). This promoted learning and exchange between Sudan and South Africa. As a result of this study tour, IWRM principles are now a staple feature of government discourse on water in Sudan, and concrete steps forward are being taken by government to implement these with the help and guidance of their partners in South Africa.

Sudanese participants came away from the Making Rangelands Secure learning route in September, with rich lessons on management and tenure arrangements that help safeguard livelihoods and the environment in rangelands. A draft joint statement of priorities for Darfur was agreed on their return, which included a need to identify and build on common interests, the importance of defining and recognising rights to resources, the need for community participation and collaborative management, the importance of land use planning, and the need to strengthen institutions and their structures whilst clarifying their mandates. Participants have even taken things a step further. Through their respective institutions they have hosted seminars in each of Darfur's five states to share the lessons learned with a wider audience, including government, NGOs, civil society and others. Participants also recommended that the learning route

be repeated again, for the Native Administration (the traditional tribal administering body) and decision makers.

*Magda Nassef, UNEP (Sudan)*



Participants discussing how the experiences of the learning route can be applied to Sudan

**Nadia Ibrahim Ahmed, Head of Agricultural Planning and Information Department, Ministry of Agriculture, West Darfur:** *"The learning route has provided me with useful knowledge and insights to better engage on issues relevant to pastoral livelihoods, land tenure and the environment. This is particularly useful in the context of promoting peaceful coexistence and sharing of natural resources, leading to longer term promotion of sustainable peace. The knowledge gained has also helped me identify trends and key issues relevant to the subject, and is also useful to share with communities, both farmers and pastoralists."*

**Bashir Abdalla Mohamed, Director General, Ministry of Animal Resources, Fisheries and Rangelands, East Darfur:** *"We observed that the Borana and Maasai communities are very aware of their environment and of changing climate. We also saw that they respect their customary institutions as well as government regulations. This is key for the success of the group ranches we saw during the visit"*

**Mohamed Elamin Dira, Director General, Ministry of Animal Resources, West Darfur:** *"It is a very valuable experience and 70% of it can be applied in my state, in addition to that it can be the best model to solve the land problems in Darfur"*

## RECENT EVENTS

### 1st ILC Africa Land Forum, Yaoundé, Cameroon, November

Ninety-five participants from 22 countries representing indigenous and non-indigenous organisations were hosted by MBOSCUDA ([www.mboscuda.org](http://www.mboscuda.org)) for the 1st ILC Africa Land Forum in Yaoundé, Cameroon, from November 7-8: *Securing the Land Rights of Indigenous People and Rural Communities*.

The meeting highlighted that the value of transhumance for livestock health and environmental protection is often ignored, and few efforts are made to secure land for groups who are nomadic. Laws and policies fail to recognise and protect the land rights of indigenous and minorities. The rights of women remain limited by patriarchal systems.

The rise in land grabbing was observed, and in particular of the land of the poor. Land is also under pressure as a result of population growth and climate change. This is taking pace within a wider context of poor transparency and awareness of rights amongst citizens. Where policies and legislation exist to protect rights

implementation is poor. Low literacy of land laws by citizens, a lack of land laws published in native languages and complex land administration systems make it difficult for local land users to secure land rights. Commodification and privatisation has undermined customary land tenure systems and led to conflict. National parks and protected areas continue to cause the displacement of people. Landlessness is a problem in Africa.

The Forum produced a set of recommendations as part of the Yaoundé Declaration (see below).

### Visiting Professional Program builds capacity in the region,

Congratulations to Naseku Kisambu, Program Officer for Land Rights in Tanzania Women Lawyer's Association (TAWLA), who won a scholarship to attend a six weeks intensive Visiting Professional Program on women's land rights at LANDESA, Seattle in September.

During the training Naseku improved her understanding of the particular challenges that women face, how to

more effectively address these, and the relationship between gender and different tenure regimes, land administration, land use planning, and land acquisition. Further skills built included legislative drafting, research, legal research, project development and management, how to look for funding opportunities, global advocacy, use of social media, M&E, leadership skills and operations.



Naseku sitting middle, bottom row having received her certificate, Seattle, 2012

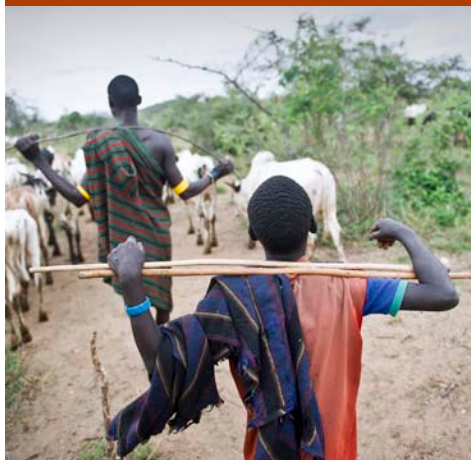
Naseku participated in the *Making Rangelands Secure* learning route in February and is working on her innovation plan with UCRT to raise awareness on land rights and build capacity in women to defend such rights within the current constitutional review process in Tanzania. The knowledge and skills gained at LANDESA will help her greatly.

## Recommendations included in the Yaoundé Declaration, November 2012

In addressing the issues raised, the Africa Land Forum recommends the following:

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 recognise 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. Greater use can be made of innovative and low cost methods for securing tenure rights.
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. CSOs can play a strong role in building national multi-stakeholder platforms to strengthen inclusion and participation.
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. The rights of pastoralists and indigenous people should be upheld in national legislation.
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. Legal frameworks need to be accessible in local languages to African citizens.
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. Governments should put in place simplified and well facilitated structures to process land acquisitions, transfers and disposals, taking into consideration the equitable property rights of indigenous populations.
7. Benefits and compensation: the benefits of the investments should accrue to the affected communities. Independent assessments of the resource 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.





## CERTIFYING CUSTOMARY OWNERSHIP FOR PASTORALISTS IN KARAMOJA, UGANDA

Karamoja region in north-eastern Uganda is home to over 1.1 million people mainly pastoralists. According to the 2008 Uganda livestock census, Kotido district (one of seven districts that make up Karamoja region) has the highest number of cattle compared to any district in the country. Currently, national statistics indicate that pastoralism supplies 90% of all livestock products produced by the country (UBOS, 2011). Despite this, pastoralists and their livelihoods are considered 'backward,' requiring 'modernisation' and settlement. This is evidenced in policies towards Karamoja region from colonial times to post independence, with arguably the worst policy being on the Karamojong land rights.

Statistics on land ownership and use in Karamoja paint a disturbing picture. Rugadya et al (2010) report that 77.2% of land in Karamoja is under government control with 11.6% under National Forest reserves, 24.8% under exclusive mineral exploration licences and 40.8% for wild-life conservation. These figures exclude urban areas. The land available for the over 1.1 million Karamojong is around 38% of the region (10,600 km sq).

The 1998 Land Act of Uganda provides for pastoralists and other land users to secure their customary land under a legally recognised system of registration. The Land Act Cap 227, Section 4, provides that any person, family or community holding land under customary tenure or former public land may acquire a Certificate of Customary Ownership in respect of that land. However, the implementation of the Act is based on an assumption that there is a strong land administration to do the work. However, in Karamoja, formal land administration structures are lacking or non-functional.

### Multi-faceted approach required

Oxfam, with national and local NGOs, is implementing a livelihood programme in Karamoja (funded by Irish Aid). A key component is the securing of land rights. Working with the Uganda Land Alliance (ULA) this initiative, has helped ULA to extend its land rights work from the south of Karamoja to the north mainly focusing on Kaabong and Kotido.

ULA's work in Karamoja aims to increase the responsiveness of national policies

to pastoralist livelihoods and the needs of the people of Karamoja; and increase knowledge and citizen participation in land management and tenure security. The programme recognises that there are a multitude of issues – such as the policy framework, sustainable livelihoods, state responsiveness and accountability – that are intimately interrelated. Without progress on a number of fronts, it is unlikely that the livelihoods of the Karamoja will improve. Moreover, the enormity of the challenges means that a joint approach by a range of actors is required. Actions need to consciously strengthen the capacity of local men and women to influence policies that impinge on their lives.

### Building governance structures

Since 2011, ULA has conducted consultations with both traditional and formal governance systems to identify opportunities for synergies. They have established and trained Land Commissions, Area Land Committees, Community Paralegals, and Land Recorders as strong grassroots structures. These can mobilise and raise awareness of communities on their land rights and support them in acquiring legal documentation of their communal lands. The initiative has secured commitment from the leadership in all seven districts of Karamoja, to set up of a regional land office in Moroto who can issue certificates of customary ownership. All the districts committed to appointing and submitting the names of district land boards to be approved by the Commissioner in the Ministry of Lands Housing and Urban Development.

A model has been agreed with the Karamoja leadership for the establishment and functioning of Communal Land Associations (CLAs) as 'trustees' of common land. These will be established at sub-county level and be based on the local clan system and structure. There will be six in Kotido and 14 in Kaabong districts. As agreed by the communities and elders, a third (1/3) of a CLA will be constituted by women and there will be at least 3 youths. The district Council of Elders will oversee the Common Land Management Scheme, which takes into account all tribal land and negotiates with outsiders on rights of use and passage. It was agreed that tribal trusts be promoted instead of any other form of ownership for purposes of guaranteeing continuity of benefit accruing to communities for generations to come.

The Chairman Local Council V (elected district head) of Kotido district, Hon. Stephen Lokol expressed his support in a meeting organised by ULA in November 2012 for district Councillors of Kotido. He highlighted his appreciation for the knowledge of the Area Land Committees trained by ULA. He pledged the district council's support to the work of ULA in Kotido district.

ULA's land rights initiatives presents a ray of hope to the 1.1 million pastoralists and agro-pastoralists in Karamoja. Oxfam will continue to work with them to support and develop their approach.

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## A MODEL FOR RECOGNISING COMMUNITY LAND RIGHTS IN KENYA

After the post-election violence stemming from the controversial outcome of the 2007 election, reforms to the land administration and land tenure systems were a significant part of Kenya's negotiated reform agenda. To the surprise of many, the country has made some significant strides, namely the adoption of a forward-thinking National Land Policy in 2009 (which had been in the works for five years), which then served as fodder for Chapter 5 of Kenya's new Constitution which went into effect in 2010.



Of significant note was Kenya's designation of a new category of land tenure called 'community lands.' This assures Kenyans that this form of tenure will be on equal par with other more commonly recognised forms of land tenure, namely individual freehold title. These provisions are further entrenched in the Land Act and Land Registration Act, both enacted in April 2012. They have the potential to provide land tenure security to millions of residents in rural, peri-urban, and urban informal and customary settlements throughout the country. Hence, there is a great interest on just how community land law will be developed and how community lands will be delineated, administered, and managed. At the same time there is misunderstanding about what community land rights really are and how the Government of Kenya will statutorily recognise them.

The Community Land Rights Recognition (CLRR) Model was developed by the Ministry of Lands (MoL) with the technical assistance of the Kenya SECURE Project (funded by USAID, implemented by Tetra Tech ARD). The process involved officials from the MoL, four indigenous communities in Lamu County, local administration and other stakeholders. It is cast within the context of processes that the Ministry has used to adjudicate land rights for coastal communities under the Squatter Settlement Scheme of the Agriculture Act (Cap. 318). It can be equally applied in areas where customary rights are the norm, including in areas inhabited, owned and/or utilised by pastoralists and hunter-gatherers.

Essentially, the CLRR Model provides steps and processes that enable the divestiture of land from one category to the Community Land category ( See Figure below for key steps). It acknowledges that community land rights may incorporate overlapping claims of land rights and ensures that in the conversion of lands from their previous tenure regime to Community Lands, all layers of overlapping claims are captured while at the same time serving to provide evidence for any conflicting land claims that require special attention to be resolved. Furthermore, the Model deals with the National Land Policy's call for the establishment of Community Land Boards by incorporating steps for developing an appropriately constituted land holding and governance entity to be registered and become the legal entity in which ownership of Community Lands would reside. The Model envisages the need for

a speedy, cost-effective, dispute resolution mechanism to help resolve boundary and other land-related disputes. In this regard an alternative dispute resolution (ADR) agenda is enshrined in the Model through the identification of existing local ADR mechanisms and institutions, and training and enhancement to provide community land dispute resolution services.

In more specific terms, to recognise and register community lands, the proposed Model offers six stages of activities. These are: (A) the generation of demand for community land rights recognition among communities; (B) community engagement to educate them about the steps involved in the process; (C) the recording of community land claims

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<b>Stage A</b> <b>Demand for community land rights recognition</b>	The public is informed of the opportunity to secure community land and resource rights via the CLRR process
<b>Stage B</b> <b>Community Engagement</b>	The community is engaged in the process of taking inventory of their land and resource rights.
<b>Stage C</b> <b>Recording of Community land claims and governance rules</b>	The community's land claims and land governance rules are recorded.
<b>Stage D</b> <b>Demarcation</b>	Actual physical demarcation of community boundaries is undertaken with the participation of the community
<b>Stage E</b> <b>Validation &amp; Finalization</b>	All documents and maps are reviewed and agreed upon by the community and relevant government agencies.
<b>Stage F</b> <b>Issuance of Title</b>	A Certificate of Title of Community Land Ownership is conferred to the community land-holding entity.

## PARTICIPATORY MAPPING AS A TOOL FOR SECURING RIGHTS TO RESOURCES

In East Africa, participatory mapping is being used in a number of initiatives as a starting point for understanding resource use, developing governance systems, establishing resource-sharing agreements and resource management, and securing access to land.

### Mapping activities in the region

In **Tanzania** rangeland resource mapping has been piloted in Kiteto District by the Sustainable Rangeland Management Project (a partnership between the Ministry of Livestock Development and Fisheries, Ministry of Lands, district governments, ILC, IFAD, CARE, TNRF and CSOs). Over 10 days, two neighbouring village communities mapped out resources and mobility routes.



Verifying information on the copy of the map with land users is a key step in the mapping process

The reciprocal resource sharing arrangements between the two villages were highlighted: one village moved to the next for water, and the one with permanent water moved to the other for grazing. Where women produced a map of their own, the depth of their knowledge was appreciated by male members of the community. New resources such as an earth mound used for mobile network connection showed how pastoralists are making the most of new communication networks. The participants who took part highly valued the mapping process, and agreed that rang-

eland resource mapping should be included as a step in the government's Village Land Use Planning. SRMP is working with the government to this end. A pilot is also being carried out on mapping livestock corridors at different scales, as a step towards protecting them.

Mapping of resources in **Ethiopia** is carried out on a regular basis as part of community action planning. However this tends to be carried out on a village-by-village basis, which does not fully reflect pastoral use of the rangelands, and reciprocal resource sharing arrangements. To address such limitations, SOS Sahel Ethiopia, Save the Children/US and UK supported the mapping of rangeland resource use of 'dheedas' – traditional grazing units of the Boran who live in the southern part of the country. Golboo 'dheeda' for example covers 11 kebele (villages) in 3 woreda (districts), but some 'dheedas' cover more. In some cases the maps were digitised using GIS (layering the information for different uses). However much detail was lost in the process. The task of producing one of the maps was so powerful and provided such a vivid picture of current rangeland fragmentation and degradation, that the set of community leaders involved developed (of their own accord), a set of principles that will guide future land use and management.

In **Uganda**, ULA has been facilitating community mapping as a first step in understanding current land use and



rights in Iliiri sub-county, Napak district, Karamoja (see pg 3). The information was used in acquiring Certificates of Customary Ownership for family heads with emphasis on land holding as a family unit rather than as an individual. The government supports the process with surveyors and monitoring of quality control. The maps were used in planning land use, and developing co-management agreements and guidelines between the government and the Elders' Council for access and management. The process of formalising these agreements is still underway.

### Lessons Learned

Participatory maps allow communities to express themselves spatially. Maps are an alternative to the languages, images and written word of those who may hold more power in society. The process itself is a valuable and empowering exercise: the knowledge sharing and discussions that take place provide opportunities for learning and problem-solving. Maps can serve to legitimise land use in the eyes of government, and lead to securing of rights to land and resources. Good practice examples highlight the need for good facilitation that supports community members in documenting their knowledge; a long and detailed process that gives space for different members to discuss, reflect and agree upon the final product; and for ensuring community ownership and action by active follow-up and support.



# DEVELOPING A PARTICIPATORY LAND USE MASTER PLAN FOR KITENGELA, KENYA

The African Wildlife Foundation (AWF), founded in 1961, is an international conservation organisation with a mission to work with the people of Africa to ensure the wildlife and wild lands endure forever. In 2008, with support from USAID, AWF embarked on a project known as the Kaputiei Open Plains Program (KOPP) that focused on the Kitengela ecosystem, which includes Nairobi National Park and the surrounding ecosystem, approximately 390 square kilometers. The primary aim of the Program was to secure open rangeland and the future of conservation in the wider Kaputiei wildlife dispersal area, while supporting and enhancing sustainable livelihoods for the pastoral communities in the project area over the long-term.



Nairobi National Park (NNP), the only wild-life Park in the world within a city, is home to more than 100 mammal species and one of the country's largest black rhino sanctuaries. Like many of Kenya's National Parks, it is dependent upon the community lands adjacent to the Park. These lands, the Kaputiei Open Plains, serve as a critical wildlife dispersal area and are primarily owned by Maasai pastoralists. This land was once group ranch land, but over the past two decades the land has been sub-divided and rapidly developed including the development of Nairobi's Export Processing zone. This has caused significant habitat fragmentation leading to a decrease in wildlife numbers and making pastoralism more challenging. This has had serious implications on Maasai communities.

Land prices have soared making it difficult for local pastoralists to acquire more land and enticing others to sell. Therefore the future of pastoralism in this area is at great risk.

As the rapid pace of development and fragmentation has continued, AWF and partners such as ILRI who have a long

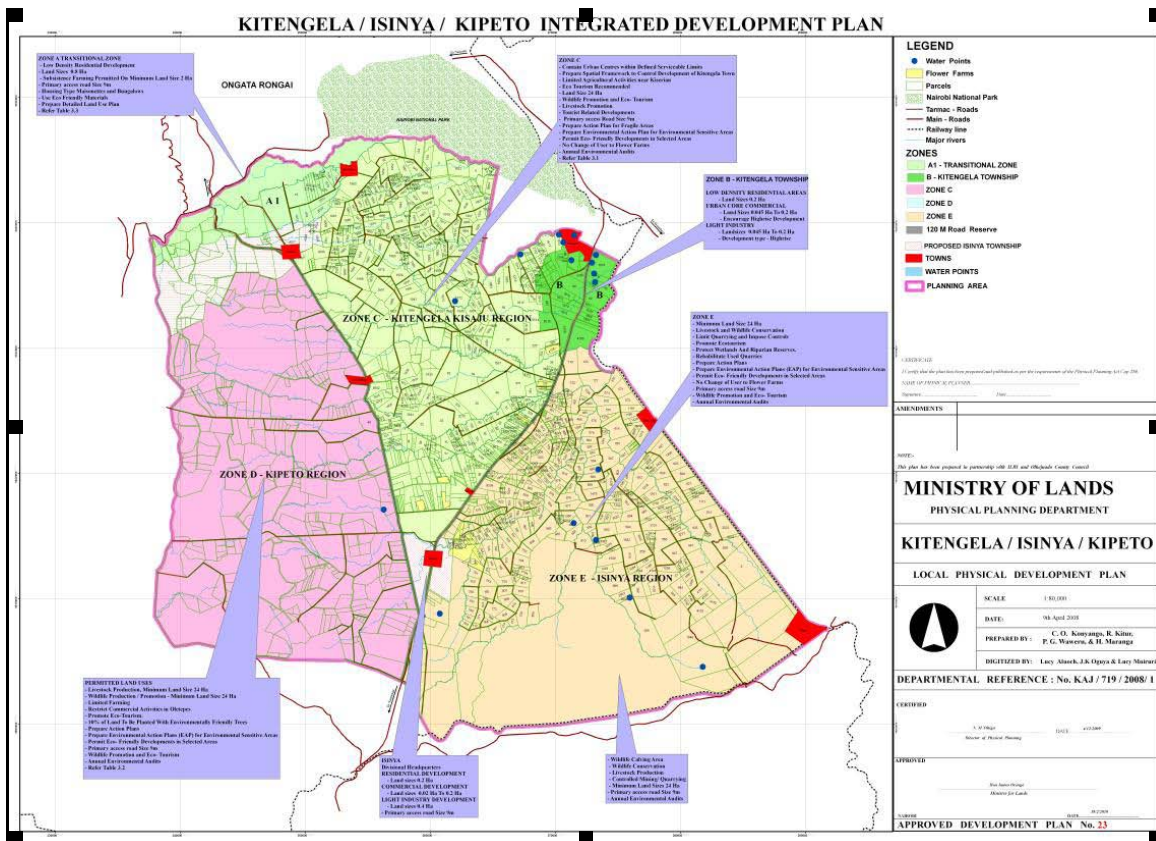
history working in this region, it became clear that a comprehensive strategy and land use plan was needed to ward off the threats. Small conservation efforts would fail in this sea of development and land use change.

At the direction of the Olkejuado County Council (CCO), and within the legal framework of the Physical Planning Act Cap 286, key stakeholders requested the Department of Physical Planning to prepare a spatial framework and

Land Use Master Plan (LUMP) for the region. This process had been initiated in 2005, but stalled for political reasons.

AWF worked closely with the Kajiado Pastoralists Forum (KPF), a grassroots community representative forum, who played a critical role in liaising with the CCO and raising awareness amongst community members, as well as ILRI who helped collect data for the plan.

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## SECURING WOMEN'S RIGHTS TO LAND: THE CASE OF MALKA BISANDI CULTURAL VILLAGE, GARBA TULA, KENYA

Pastoral women can obtain a significant degree of protection from customary law despite customary institutions being male-dominated. Pastoral women (and men) tend to be members of a pastoral grouping, most commonly a clan. Borana say: "Niitii Gosaa" meaning "the clan wife," which implies that any wrongdoing against the woman by anyone is considered as an offense against the clan. Customary rules and regulations govern access and ownership of clan assets including livestock, and decisions pertaining to property should reflect the maximisation of benefits for the clan. Access is not restricted by 'ownership': everyone is able to access much of the property of the other. It is unlikely that anyone within the clan (and usually outside the clan) will be denied access to resources in time of genuine need. In general land is not 'owned'.



In periods of change however, and in particular where change threatens the functioning and authority of customary systems, women are in 'danger of falling between two stools' (Odoko and Levine 2009). As land becomes privatised, so too do resources on that land. Increasingly resources that women depend upon must be collected from 'private' land where access has to be requested and (re)negotiated. The privatisation and individualisation of common property resources can also have significant negative impacts on pastoral social systems with repercussions for the productivity of pastoralism and the rangelands pastoralism depends upon.

### Garba Tula, Isiolo County

The Garba Tula District, northern Kenya is home to some 40,000 predominantly Boran pastoralists. Traditionally, land is part of common property regimes, with ownership of the land vested in the community and supervised by complex governance mechanisms. With the advent of the colonial era, this common property regime began to breakdown and to be replaced by a system of land ownership based on private and individualised ownership of land. Conflict in the area and the containment of the Boran in camps (accused of siding against the government) resulted in an almost entire collapse of local pastoral systems and customary institutions.

Today there is relative peace in the area, with better development opportunities,

a more cohesive community, improved infrastructure, and better relations with local government. The Boran community is working to redevelop customary institutions and improve rangeland management including the establishment of by-laws approved by County government. The Boran land (excluding that in urban areas) is classified as Trust Land, and is held 'in trust' for the community by the County Council of Isiolo. Under the new Constitution of Kenya, all Trust land will be redefined as "Community Land."

### Securing rights

In 2004, a group of community members in Garba Tula set up the Malka Bisandi Cultural Village to promote tourism, the local culture, and environmental conservation. The group was originally a small number of young men and women as married women were not allowed to participate at that time. Many of these youth had already been performing dances and songs in local lodges.

The local government provided them with a piece of land close to Meru National Park boundary to build the cultural village. Despite initial resentment from some community members for this perceived favouritism, today the community supports them. In 2005 the government's Arid Land and Resource Management Project (ALRMP) assisted the group with their eco-tourism project by providing KShs200,000 for costumes and the building of a curio shop. In 2007/8

ALRMP provided additional support for the building of the main buildings of the lodge, to which the community contributed their time and resources. However, these were built before receiving formal approval from the County Council and the issue became highly politicised. Eventually the County Council allowed the venture to go ahead.



Boran huts provide accommodation for visitors

The first customers were staff from IUCN, working in the area. In 2010, an initiative called the "University of the Bush" was hosted at the lodge for three days. Over 60 people attended, and the group managed the activity well, despite the challenges of catering for such a large number. The event provided the group with funds to improve houses, build a store and employ members of the community to manage the lodge. A generator and a motorbike were also bought to allow purchase of food from the town. Members trained in financial management and marketing. Brochures for the lodge were produced and distributed.

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## A model for recognising community land rights

*Continued from page 5*

and governance rules; (D) field demarcation of community's lands; (E) the validation of community's claims by government agencies; and (F) issuance of certificate of title to the community.

The main rationale behind these six stages is captured by Chapter 3 of the National Land Policy, which calls for the equal recognition and protection of all modes of tenure in Kenya to facilitate the reconciliation and realisation of the critical values land represents.

The CLRR Model recognises that there are potential challenges to achieving its objectives and, therefore, endeavours to offer built-in solutions to general challenges, ranging from political manipulations to the perception that Community Lands would encourage investments in land. It also offers solutions to potential operational challenges such as the lack of clear definition of communities, cost implications of community titling to beneficiaries, and mechanisms for recognising individual entitlements.

The CLRR Model conforms with the Constitution of Kenya 2010 and the NLP, both of which provide for recognition and registration of community land on equal terms with public land and private land. The Land Policy specifically requires that communal tenure, whether customary or non-customary, is documented and mapped in consultation with the affected groups and the CLRR Model provides the processes through which this can be done. The Model tackles governance of community land within a devolved government structure, taking land administration to the community level and articulating the roles of the County government.

Unfortunately, the Model has not yet been piloted as was the intention of the

Ministry, but plans are underway to pilot it in early 2013. Meanwhile, the Government of Kenya has appointed a Task Force to provide guidance on the formulation of a Community Land Bill which they hope will be ready to bring to Parliament after the next elections, scheduled for March 2013. Hopefully, the great strides that have been made so far to make land reforms a reality, will suffice to quell emotions that may erupt during the elections this time around.

*Kevin Doyle*

## Securing women's rights to land: Malka Bisandi, Garba Tula

*Continued from page 8*

Several other visits by IUCN staff and amongst others, IGAD (Intergovernmental Authority for Development) dignitaries, also boosted their income. IUCN has played a role in capacity building and supported the establishment of a local NGO – Resource Advocacy Project – which is helping the community to secure rights to their lands. However, to date their visitor numbers have been small, and it is difficult to make a profit. Though investors keen to take on the lodge have been passed onto them by the County Council, the group does not want to lease the lodge at this time.



Cultural entertainment not only raises income but keeps traditions alive

### Benefits of empowerment

As the benefits from the cultural village have increased, including provision of funds for community projects and support of orphans, husbands have been more willing for their wives to take part. As a result the number of women

have grown. Today the group has 18 female and 12 male members. The group is made up of a Chairperson (currently a woman), a Secretary and a Treasurer who are elected annually. Positions that require literacy are given to the youth. Each member contributes a joining fee to the group, even though profits have been small and generally go to maintenance costs etc. Boran culture supports the joint participation of men and women in such initiatives. Today the group's vision is: To be a world leader in cultural and ecotourism in the local area, and a world leader in conservation.

### Learning from the experience

The success of the women (and men) is realised through enjoyment in taking part in the venture and working at the lodge. Income albeit small can be used for sending children to school or family needs. The women appreciate being able to contribute to community projects. Respect for women has grown.

Though it is early days the experience of Garba Tula has shown that common property regimes of land and resource tenure, can provide effective protection for communally held resources and appropriate governance and tenure systems can be developed for these. It can also provide space for women to assert their own rights, and in particular where there are benefits for the whole community through such as the Cultural Village.

The women of Malka Bisandi shared their experiences with the participants of the learning route (the *routeras* stayed at the lodge for three nights). Based on this, several participants produced innovation plans to replicate the initiative in their own countries. This includes Shanko Delelegn and Tezera Getahun of Ethiopia who, with support from the Making Rangelands Secure Learning Initiative are carrying out a feasibility study, exploring options and writing a proposal for developing a similar initiative in the south of Ethiopia.

## PROTECTING COMMON PROPERTY RIGHTS IN INDIA THROUGH COMMUNITY MOBILISATION

### People's network regains rights for pastoralists in India

Pastoralists in India are directly dependent on local community forests for feed, fuelwood, leaves, honey and the like. These are fast depleting due to industrialisation and other factors.

The Sariska Tiger Reserve, in Alwar district of Rajasthan is surrounded by more than 300 villages. The Reserve is a collection of *Orans* that together form a substantial forest tract. *Orans* are community conserved forests of between a hundred to five hundred *bhigas* (about one hundred hectares). Many of these forests have been managed successfully through traditional, religious and cultural practices, safeguarding collective access to a common resource base. However, increasingly local communities have been excluded from their management and use. At will, the Forest Department has been enclosing the area for plantations, or as national forest reserves with people.



A Gujar pastoralist grazing goats on the boundary of the Sariska Tiger Reserve.

### Establishing a people's network

KRAPAVIS (Krishi Avam Paristhitiki Vikas Sansthan), an NGO in the region piloted works with pastoralists to assist them in legitimising and securing their pastoralist rights around Sariska Tiger Reserve. In 2005 a network was established known as the Rajasthan Charwaha Vikas Sanghathan. Today there are more than

1000 pastoralists members. The focus of the Sanghathan is on restoring traditional rights of the pastoralists. These include access to grazing and water on village commons and forest lands. Members have been actively raising and reaffirming the consciousness of other pastoralists on the loss of their lands and the impacts of this. They have exchanged experiences to enhance sustainable use in the 300 villages of the Reserve.

### Uniting for change

The members of the network are actively lobbying government to consult pastoralists in policy development, organising *dharna* (nonviolent sitting at the entrance of e.g. the Tiger Reserve) and organising meetings to bring about multi-village coalition. Meetings with concerned government officials (forest, livestock and agriculture departments) are also organised in order to help them understand the communities' problems and rights. Frequent meetings are conducted involving civil society supporters, NGOs and members of district chapters of Sanghathan.

An annual 'unity day' is organised. Also, current high profile discussions on the Gujjars is being used as a means to raise the pastoralist agenda. Recently, members of the Sanghathan filed a petition under section 7, 8 of the Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006, to give due recognition to the needs of recently relocated pastoralists to Maujpur *rondh*.

All these measures eventually succeeded in bringing about policy change amendments with pastoralists being included in the Scheduled Tribe and Forest Dwellers Act 2006.

*Aman Singh, Chief Coordinator, KRPAVIS.*

### Mobilising women's groups for change

Women have always played an active role in all pastoral activities. MARAG, a local NGO/network has helped establish pastoral Maldhari women's groups in different regions to take up local issues and act as pressure groups advocating for women's rights amongst local government and other stakeholders. Maldhari is the predominant pastoral group in Gujarat State. 'Mal' means livestock and 'dhari' means owner. In the past there were 13 Maldhari groups, but today only five remain: the Rabaris (Raika), Bharwad, Ahir, Charan and Jat.



Capacity building is an important part of strengthening pastoral women's organisations

To date, 20 groups of 500 members have been established in Kutch and more than 50 groups comprising of 1000 members in Sayla and Chotila.

### Capacity building

The groups have grown in strength and are in the process of forming a federation, wherein an apex body will facilitate the process in each group to make them independent and self-reliant. A core group is formed by the active members from each group who take part in decision making processes.

MARAG is assisting the groups undertake different income generation

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## PASTORALIST AND HUNTER-GATHERERS SEEK PROTECTION IN TANZANIA'S NEW CONSTITUTION

In early 2012, the President of the United Republic of Tanzania appointed the Constitution Review Commission (CRC). This appointment marks a turning point in the awaited promulgation of a new constitution. The CRC is charged with coordination and collection of public opinion to feed into the constitution's formulation. For many years, Tanzanians including pastoralists and hunter-gatherers have demanded constitutional protection of their land and natural resource rights.

In response, an umbrella organisation, the Pastoralists and Hunter Gatherers Katiba Initiative (PHGKI) has been established to represent the views of indigenous peoples within the review, actively engage with the CRC, and ensure that the concerns of pastoralists and hunter-gatherers are integrated in the supreme document. Members of PHGKI include the Association for Law and Advocacy for Pastoralists (ALAPA), Ujamaa Community Resource Team (UCRT), Ngorongoro NGOs Network (NGONET), Ngorongoro Youth Development Organization (NYDA), Pastoral Women Council (PWC), Maasai Women Development Organization (MWEDO), Tanzania Natural Resource Forum (TNRFF) and Tanzania Pastoralists Community Forum (TPCF).

Indigenous communities in Tanzania demand that the proposed new constitution addresses historical land injustices such as those that arose from establishment of protected areas. Unless these are redressed, land conflicts involving small scale producers on one hand and foreign direct investors or relevant government departments on the other hand are likely to escalate. If land tenure security were a constitutional category, it should provide greater security.

The review process is an opportunity for advocating for women rights to be

clearly incorporated in the Constitution. TAWLA (Tanzania Women Lawyers Association) has an observer status at the CRC. To date the incorporation of women's rights in the review process has been poor due to a lack of knowledge of existing problems, lack of confidence amongst women to speak out and unclear priority issues. Naseku Kisambu (Programme Officer Land Rights, TAWLA) received a grant from the Making Rangelands Secure Initiative to enhance pastoral women's participation in the Review process. With UCRT she will be conducting a one-day 'community conservation' (dialogue) with 70 participants in Simanjiro region on why land rights should be incorporated into the new Constitution and share good practices from South Africa, Kenya, Ghana and Rwanda. The particular needs of pastoralists including women pastoralists will be highlighted. Radio broadcasts are also being made across northern Tanzania to raise awareness on the same amongst the larger pastoral population.

### Developing a participatory land use master plan, Kitengela

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The LUMP acknowledges that the overall human settlement growth is increasing at a high rate and presenting challenges to development planning and management. The objectives of the LUMP, as outlined are to:

- \* Provide a basis for development control.
- \* Promote sustainable utilisation of natural resources within an environmentally and culturally acceptable framework.
- \* Provide a framework for guiding urban development and minimising environmental degradation.
- \* Provide a basis for participation of all stakeholders in planning.

- \* Provide a basis for wildlife conservation and promotion of the local economy especially livestock keeping.
- \* Stem the runaway urban sprawl in urban centers.

In February 2010, the Minister for Lands approved the LUMP and in June 2010, the CCO adopted the LUMP as its official planning document. The LUMP was launched at a community-organised ceremony on 26 August 2011.

The LUMP includes a zonation plan for the area, limits sub-division in the various zones and outlines expansion zones for urban areas. The LUMP indicates areas for livestock and wildlife as well as urban development.

The Master Plan represents the first community-initiated land use plan to be approved by the Kenyan Government. The LUMP provides a legal framework within which the protection of more than 60,000 hectares of biologically significant land for wildlife movement and livestock grazing is anchored. It can help to prevent the additional fragmentation of biologically sensitive land into unviable sizes while supporting development in growth zones.

The passage of the LUMP is a landmark achievement for the Kaputiei Open Plains and sets a precedent for other community driven land use planning processes. The challenge lies in its implementation which requires the strong support and political will of government at local, regional and national levels.

The process of producing the plan is described in detail in Fitzgerald and Nkedianye (*forthcoming*).

*Kathleen Fitzgerald, AWF*





## Mobilising women's groups for change

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activities such as catering of traditional foods and representation of this food in different food festivals across India and in the other parts of the world. The aim is to raise awareness on Maldhari culture. Pastoralist women are known for their beautiful intricate embroidery. Marketing of these products will be carried out at such as handicraft fairs. Some groups will also perform cultural and folk programmes at different forums.

The groups also work collectively towards securing access to and control over grazing lands through taking part in decision making processes. Women have tremendous inherent knowledge in livestock

management and livestock products, including milk. This gives women a more secure income and opportunities for participation in decision making processes. To strengthen their traditional livelihood, it is critical to secure rangelands as a resource base. To contribute to this process, women's awareness of land policies and rights is supported.

*Neeta Pandya, MARAG*



Maldhari woman speaks out for women's rights

## PARTNER PROFILE: Working to secure rights to resources...



**MARAG (Maldhari Rural Action Group)** believes in the potential of people to bring social change for the development and betterment of their own lives and society. People whose livelihood is contingent on nature or its gifts, rural people and people living in forests

communities, rely on common property resources. They have a greater understanding of the ecological system and hence can take the onus of protecting it. MARAG today works in over 300 villages of Kutch, Surendranagar and North Gujarat region.

Amongst others, MARAG has organised mass movements to reclaim grazing land and movements against corporate farming. They have helped the Maldhari establish an annual pastoral parliament and through the MAJA network advocated for pastoral rights. In 2010 they helped organise the Global Gathering of Women Pastoralists. More information is obtained from Neeta Pandya: [pandyaneeta@rediffmail.com](mailto:pandyaneeta@rediffmail.com)

*The Making Rangelands Secure Initiative has been established by a group of organisations seeking to improve security of rights to rangelands. The Initiative seeks to identify and communicate good practice on making rangelands secure for local rangeland users. This is becoming increasingly challenging as different actors compete for land and resources, and new pressures grow. The Initiative is working with national and local governments, development agencies, NGOs and CSOs, together with local communities to share experiences, processes, approaches and activities between East and Horn of Africa and beyond. For more information, please contact: Fiona Flintan*



Visit the Land Portal's page for documents on rangelands: [www.landportal.info/topic/rangelands-tenure](http://www.landportal.info/topic/rangelands-tenure)

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