



Pastoral women, tenure and governance

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Figure 1: Main stages and steps of PRM

Abbreviations and acronyms

CELEP	Coalition of European Lobbies on Eastern Africa Pastoralism
FGD	Focus group discussion
ILC	International Land Coalition
MARAG	Maldhari Rural Action Group
PFM	Participatory forest management
PIM	Policies, Institutions and Markets
PRIME	Pastoralist Areas Resilience Improvement and Market Expansion
PRM	Participatory rangeland management
RECONCILE	Resource Conflict Institute
RMA	Rangeland management agreement
RMP	Rangeland management plan
RMU	Rangeland management unit
SHARE	Support to the Horn of Africa Resilience Project
SLM	Sustainable land management
SRMP	Sustainable Rangeland Management Project
TNRF	Tanzania Natural Resource Forum
UCRT	Ujaama Community Resource Team
VLA	Village Land Act
WRLF	Women's rights and leadership forum

1

Introduction

1.1 Pastoralism: A complex land use and livelihood system

Pastoralism is an extensive livestock land use and livelihood system that makes it possible to convert often-poor quality natural resources temporally and spatially distributed across a wide landscape or rangeland into food and other livestock products. The rangeland unit can be several hundreds of kilometres square and include dry and wet season grazing areas, mineral licks, water resources, woodlands, shrublands, trees and sometimes cropping lands post-harvest. Land use governance depends on socio-cultural and institutional systems that provide for flexibility of movement and on relations of reciprocity that provide a safety net in times of crises (Flintan et al. 2019a). Mobility is key, with pastoralists and their livestock moving long distances, sometimes across altitudes to find grazing and water and to access markets and livestock services.

Pastoralist use of these resources is seasonal and driven by the availability of water, with rainfall often being low and highly variable. In times of drought, there may be movement in and out of the rangeland unit to search for grazing land and water and sharing resources within and across rangeland boundaries is an important drought-coping mechanism. Only parts of a rangeland may be suitable for crop farming due to limitations in water, soil nutrients and structure and other factors (Flintan et al. 2021).

This land use system provides for multiple uses of a rangeland while providing protection for the needs of primary users that is, livestock herders, and secondary users such as those who need to cut grass, hang beehives, collect highly lucrative gums and resins and, where appropriate, plant crops.

Pastoralism commonly shares a rangeland area with other land uses including conservation, cropping, extractive industries, public spaces and settlements. These other uses may conflict with pastoralist needs, particularly if they have been established without considering their impact on pastoral land use. However, pastoralism is a flexible and adaptive system that can adapt to and even benefit from other land uses if they are appropriately planned and multiple uses can increase the value and productivity of the land. A good example is where pastoralism and conservation work together, with jointly planned rangeland management benefiting both interests.

1.2 Pastoral land, natural resource tenure and governance systems

Customary¹ pastoral tenure and governance² systems are relatively loose sets of institutions³ characterised by principles of collectivity, flexibility, adaptability and multiple uses by multiple users (Davies et al. 2016; Flintan et al. 2021). *Collective* tenure and governance⁴ are required for optimal land use, as dividing a rangeland of sparsely and variably distributed resources between individuals for private individual use and management is neither viable nor equitable. In pastoral systems, permission to use land and resources is first and foremost granted to members of ‘the pastoralist group’ which can be defined by ethnicity, kinship, lineage, clan or geography (Ostrom 1990; Ostrom et al. 2002; Cousins 2007).⁵

Increasingly this means that statutory tenure, either individual or group, is found alongside and overlapping customary pastoral tenure systems, sometimes synergistically but at other times in conflict. In some cases, land may be formally categorised as collective but there may be an expanding number of individual parcels being claimed de facto as individual private property and formally titled (Greiner 2017). The complexity of tenure systems increases as pastoralists use the land in different ways as livelihoods evolve and diversify and pastoralists increase engagement with the market economy (Nori 2021).

These pastoral tenure systems are described by Robinson (2019) as ‘complex mosaics.’ Alternatively, Flintan 2012 (following Niamir-Fuller 2005)⁶ refers to them as ‘nested’ systems where regulating laws and institutions work on the basis of ‘territory’ or ‘domain’ under which there is a hierarchy of nested, overlapping bundles of rights for diverse sets of users and often for the same resource. These rights can include i) use rights such as the right to access a resource and rights of way for moving livestock across the land, extracting a resource (tapping gums and resins), or exploiting a resource for economic benefit; and ii) control or decision-making rights, such as rights to manage (e.g., dig a well) or to exclude (e.g., prevent others from accessing the well) and transfer, sale or alienation rights, such as renting a pasture, selling firewood, water, charcoal and honey (Flintan et al. 2021).

Customary pastoral institutions govern the different layers of overlapping sets of rights from the rangeland landscape through to ‘tenure niches’ such as for water sources or particularly useful trees (Maxwell and Wiebe 1998; Flintan 2012; Davies et al. 2016). Traditionally, it was and often still is believed that the land is provided and held by a ‘god’ or other spiritual being and can be used for production purposes but should not be exploited and cannot be owned in the modern land title sense of the word. For many pastoralists, securing rights of access is more important than owning resources or securing a landholding certificate. In these systems, deliberative governance mechanisms play a more important role in resource governance than property rights (Robinson 2019).

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

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

3 ‘Institutions’ are taken to mean organizations founded for a sociopolitical (or religious, education, professional) purposes or an established law or practice.

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

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

6 And others including Tache and Irwin 2003, Hesse and Thébaud 2005, Fuys et al. 2008, Nori 2007.

Livestock, a house and household and personal goods can be owned and bought and sold, but often there is a traditional right to redistribute and share goods, food and wealth with less fortunate members of the community or with neighbouring groups in times of need such as during a drought.

Land and resources are used for production purposes either collectively or individually. The majority of resources (grazing land and water for example) are managed by and for the group, with access overseen and regulated by group members, by tradition the men. Women can own small livestock and household goods and can use land for agriculture but most property is in the hands of men due to the practice of virilocal marriage and the need to keep property within the group or clan to ensure its strength (Daley et al. 2017; Flintan et al. 2019b). In these cases, women need to access land and resources through their male relatives or allies. A woman who is widowed or divorced and has no sons is particularly vulnerable.

While governance focuses on ensuring that members of the group or the collective have access to land and resources needed for pastoral production, it tries to avoid excluding others whenever possible. Inclusion is key in order to create and maintain important collective relations and the social capital required for effective management in unpredictable dryland environments and increasing the likelihood of being able to use the land and resources of non-members in times of need. Often rights to access and use land is a negotiated process that is socially embedded and part-and-parcel of complex social relations (Flintan et al. 2021). On the other hand, some level of use of resources without permission is also tolerated. Indeed, excluding non-members is also expensive to enforce in terms of time and resources, therefore, grazing and resource management are kept flexible and to a degree ad hoc to avoid otherwise high transaction costs (McCarthy et al. 1999; Ostrom 1999).⁷ This means that resources are not often 'policed' or protected when not being used, leaving them vulnerable to non-agreed uses, exploitation and encroachment by outsiders, particularly non-pastoralists (Flintan et al. 2021).

Group rules and regulations change over time as economies, ecosystems and social contexts change. As these changes occur, individuals may choose to comply and abide by the rules and regulations of the group's institutions or not, but continued access to the benefits that group membership provides is a powerful incentive to do so. Being part of the group has benefits greater than an individual or a household might obtain alone. When those benefits are diminished or more and better benefits can be obtained from outside the group, there is greater incentive to challenge the group and seek individual rewards.

The boundary around a rangeland unit can be described as fuzzy⁸ and, in some cases 'open access' without defined boundaries (Moritz et al. 2013; Davies et al. 2016; Robinson et al. 2017).⁹ Commonly, this is the case in large arid regions with low populations of people and livestock and highly variable vegetation and water resources. Rangelands here are generally treated as open access for all herders or those from within a specific group to use and move their livestock without restrictions (Moritz et al. 2013) and costly border enforcement (Moritz et al. 2019). In rangelands that are not so dry and usually not so large, it may be easier to define a boundary that remains porous and allows flexible transit in times of need. With smaller areas, it is easier to exclude 'others' (non-members) if necessary.

7 Acceptance may mean allowing pastoralists to surreptitiously 'sneak-in' without asking, which is known to be widespread in some parts of East Africa (Bollig and Lesorogol 2016).

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

9 These can then be better described as *open property regimes* (Moritz et al. 2018).

1.3 Failing formalization processes

These complex aspects of pastoral tenure are difficult to capture in any single formalized statutory tenure system. Instead of embracing this complexity and working with it, governments and those seeking to formalize land tenure try to simplify it or change the system itself by promoting sedentarization and statutory individual land tenure. However, only parts of rangeland systems are suitable for sedentarized livelihood systems such as agriculture. Those who try to maintain pastoral systems find it increasingly difficult due to fences blocking migration routes and closing off the resource-rich pieces of land for crops. Even where there is policy and legislation supporting collective tenure, the capacities of government officers or other stakeholders to implement them is low, budgets are limited and systems are open to abuse and non-compliance.

Formalization of tenure systems tends to be led by government officials, with little participation of local communities. In theory, the state and customary institutions could work together to create and enforce rules and foster investment activities but in practice, the costs of negotiating such rules have often been prohibitive (Ngaido and McCarthy 2005). Where customary land tenure systems are still working well, the attempted imposition of a statutory tenure system can lead to a situation of legal pluralism and forum shopping.¹⁰

Overall, this has left pastoral communities and their lands and resources vulnerable to the pressures and changes around and within them. Competition for pastoral lands and natural resources have increased greatly over the last two decades as governments and investors have looked to what had previously been considered marginal lands. Relatively recent discoveries of oil and minerals in these areas, together with the need for free land for renewable energy industries have helped drive these changes (Froese and Schilling 2019; Hughes and Rogel 2020). Improved infrastructure, including roads and communication networks, have made these areas more accessible (Flintan et al. 2021).

1.4 Social differences including gender

Not all group members use and access land, and experience land tenure and governance in the same way. Power dynamics at the local level can shape unequal access to resources, influence decision-making processes and marginalize certain groups. In certain circumstances, this can create instability and exacerbate conflicts, particularly when change is driven by internal and external factors (Bisson et al. 2021). Others may use it to their advantage and can 'bend the law' or acquire land illegally (Flintan et al. 2021).

Gender underlies many differences between men and women in pastoral tenure systems and how they experience change. By tradition, pastoral women access land and natural resources as part of the pastoral collective group. Pastoral societies are normally patriarchal and male-dominated, at least publicly. Decision-making power over the use and management of land and resources is more likely to be in the hands of men than women, with customary practices excluding women either implicitly or explicitly (Daley et al. 2017; Flintan 2008; Forsythe et al. 2015; Flintan et al. 2019b; Tefera and Kaneko 2020).

¹⁰ Legal pluralism is the coexistence within a social group of different systems of rules and laws which do not belong to a single system but form overlapping rule systems (Griffiths 1986). Pluralities can be found in both customary (Lentz 2007) and statutory systems (Meinzen-Dick and Pradhan 2002) and particularly where change is happening in the system. Legal pluralism means the coexistence of multiple institutions available for actors at the local level to use in governing access to resources such as pastures or in responding to governance (Biddulph and Hillbom 2020). Rights holders or rights claimants may be able to make choices between different systems and authorities in a process often referred to as 'forum shopping' (Cotula et al. 2004; Meinzen-Dick and Pradhan 2002). Although this can be beneficial to rights holders, it can cause problems, for example, there can be competition between arbitration bodies which can lead to conflicts and land-grabbing or more powerful actors may have more choices. If they have money and strong alliances, they can assess what brings them the most profit and use different systems to legitimate their choices leading to conflict or cooperation in the use of collective resources (Flintan et al. 2021).

Access and use rights usually need to be negotiated through a husband or other male relative or even the clan (Flintan 2008; Kisambu et al. 2017; Issoufou et al. 2020). Unequal treatment of women in social and economic affairs in communities can limit the ability of women to contribute to appropriate responses and adaptation (Teka and Temesgen 2017).

This may compromise women's individual rights with limited control over productive resources including land. While the collective or the group can offer many benefits including social protection for women, their position may be viewed as subservient, marginalized and disempowered (Flintan et al. 2019b). Social differences between men and women may be in contravention of national policies, legislation and strategies to promote women's rights and address gender inequities.

However, it is in the group's interests that women access land and resources to enable them to feed the family and prosper economically and thus, in general, women's rights to collective resources are protected by the group. If the group tenure and governance system is strong and functioning well, then women can be better protected under these collective tenure systems than under individual rights systems, particularly if they gain these *individual* rights from outside the group (Meinzen-Dick et al. 2021). Gaining secure rights from the group depends on the group itself having secure land and resource tenure, which cannot be assumed under the increasing development pressures on land and resources. Not all customary institutions or other governing bodies work to maintain gender or other equities as much as they could and when tenure security is challenged, women increasingly look to their social networks to access land and resources (Archambault et al. 2020).¹¹

1.5 The pastoral women and land study

This discussion paper brings together a series of studies undertaken through the Policies, Institutions and Markets (PIM) collaborative research programme flagship project on the governance of natural resources, that focused on the dynamics of pastoral women and land. The studies were undertaken between 2018 and 2021 to address the following questions:

- » How do pastoral women currently access land and resources?
- » What do women need to improve their tenure security (perceived and actual)?
- » How can these needs be best fulfilled through collective or individual tenure?
- » What do women do with the 'rights' and tenure security when they acquire them?
- » What is the impact of this on women and the greater pastoral society?
- » What is the impact of interventions that seek to improve pastoral women's land tenure security?

The research focused on Ethiopia, Tanzania and India. It was anticipated that in each country there would be three components to the research: i) contextual analysis, including a review of policy and legislation; ii) studies on understanding the land tenure security of pastoralist women and the relationship to local investments in land and resources; and iii) studies on the impact of development or gender-focused interventions on land tenure security of pastoralist women and their investments in land and resources. Due to limited resources and the large scope of the project together with unanticipated challenges such as the Covid-19 pandemic, the research had to be more 'opportunistic' and 'reactive' and not all questions were addressed to the same degree in all countries.

¹¹ While not directly concerned with land and resources, work by Flintan et al. (2020) highlights that women activate social networks during times of drought and are strongly involved in sharing food aid and other items with their neighbours, kin and other connections.

As much as possible, the research was carried out in a way to build the capacities of government officers and NGO staff working in land and natural resource governance and pastoralism and to provide a space for communities to reflect on their circumstances and find solutions to some of the challenges they face.

This consolidation document presents the research carried out in each country (Ethiopia, Tanzania and India) in [sections 2, 3, 4](#) and [5](#). [Section 6](#) is an overview of the three countries and their contexts, highlighting common threads and lessons learned to inform future policy improvement and interventions to strengthen pastoral women's land and resource tenure security.

2

Women's land rights

Customary rules and formal laws in pastoral areas of Ethiopia—complementary or in conflict?¹²

2.1 Pastoral land rights in Ethiopia

Land in Ethiopia is held by the state which acts as a custodian for the Ethiopian people. Even though the state controls land ownership, farmers and pastoralists are guaranteed a lifetime 'holding' right that provides rights to use the land, rent, donate, inherit and sharecrop it. However, land cannot be sold or mortgaged.

Government land administration policies often ignore age-old pastoral customary institutions (Reda 2014).

For example, while the federal Rural Land Administration and Use Proclamation No. 456/2005 took steps to secure land rights, it pays little attention to the administration and use of pastoralist lands.

Securing pastoral land use rights requires careful investigation into the traditional modes of land use security and dispute resolution needs fresh approaches that can accommodate new socioeconomic developments (Bekure et al. 2006).

In Ethiopia, new forces and factors that have arisen in recent years have affected pastoral land rights generally and more specifically pastoral women's land rights. These include an increase in commercial investment, crop farming in drylands, initiatives such as participatory rangeland management (PRM) and programmes such as Reducing Emissions from Deforestation and Forest Degradation (REDD+).

2.2 This study

To provide pastoral women and men with the right support to secure their rights, it is important to understand how pastoralist women access land and resources through both statutory, customary laws and regulations and the points of convergence and divergence between the two. This study examined and analysed formal and informal policies, programmes, legal instruments and cultural practices that have an impact on women's access to and use of land and identified factors that constrain women from exercising their land use rights in four regional states of Ethiopia—Oromia, Southern Nations, Nationalities and Peoples (SNNP), Somali and Afar regions. It was anticipated that this would lead to the identification of mechanisms to improve the convergence of different laws.

¹² Drawn from Abebaw Belay (2020) *Women land rights: Customary rules and formal laws in the pastoral areas of Ethiopia – complementary or in conflict?* ILC Rangelands Initiative Research Report No. 4 <https://cgspace.cgiar.org/handle/10568/114248>

The research was undertaken through an extensive literature review and fieldwork—key informant interviews (KIIs) and focus group discussions (FGDs) with pastoralist women and other stakeholders—in the regions of Oromia and Afar.

2.3 Formalized rights of pastoral women

The Government of Ethiopia has tried to protect the land use rights of women by promulgating laws including the adoption of international and regional instruments, the country's constitution, federal and regional land administration and use laws, family laws and establishing institutions for implementing those laws.

Under existing formal laws, women have equal rights to men as far as use, control and access to land is concerned. Ethiopian land law has numerous provisions that advocate for gender equality and allow women to own and use land (Romano 2013). For example, Article 5, gives the right to access and use rural land and Article 6(4) confirms joint titling of land in the name of the husband and wife if the land belongs to both.

2.4 Regional policy and legislation

Based on the federal Rural Land Administration and Use Proclamation (No. 456/2005), Oromia Regional State has its own Rural Land Administration and Land Use proclamation (No. 130/2007) and regulation (No. 151/2012) which governs land issues in the region including women's land rights in pastoral and agro-pastoral areas, though more strongly focused on sedentarized communities. Article 15(8) of the proclamation and 15(11) of the accompanying regulation state that husband and wife holding a common land holding shall be given a joint certificate of holding specifying both their names. They can also independently hold a certificate for their private holdings. In addition to this, the use right of a husband or a wife or both, shall not be affected due to change of their residential areas¹³. When one of the spouses changes his or her residence, the other spouse will have the right to use the land. However, the law is silent about the situation where there is a polygamous marriage, which is common in the region.

In Afar, based on the federal Rural Land Administration and Use Proclamation (No. 456/2005), the region has its own rural land administration and use proclamation (No. 49/2009) with regulation 4/2011 which governs land issues including women's land rights in pastoral and agro-pastoral areas. Proclamation No. 49/2009 states that its main aim is to secure the land holding rights of women without interference. The proclamation is divided into two sections, one for traditional pastoralists and the other for semi-pastoralists. Under Article 5, pastoralist women have been given equal rights with men to use grazing land. The proclamation states that grazing lands in the region are slated to be demarcated and communally registered and certified with the name of the locality users, and a certificate will be given to user societies or their representatives (Article 6). By default, women are included in this communal certificate. For semi-pastoralists, husband and wife have equal rights to use their private holdings. Article 6 says they cannot lose any private holdings which they had before the end of the marriage (Article 9(7)). Women household heads also have full rights to use their land holdings. These rights also apply to women whose husbands are not residing at home as a result of government service or working elsewhere (Article 9 (8 & 9)).

¹³ Article 12 of the 1960 Civil Code declared that every person is free to establish his residence wherever it is suitable for him/her and to change the place of such residence. Residence is defined under Article No. 174 of the Civil Code as the place where a person normally resides.

2.5 Policy and legislation in practice

Researchers found a considerable disparity between what the law says and what is actually happening as far as women's land rights in pastoral areas are concerned. There are considerable differences between customary and religious systems on the one hand and the formal state system on the other. Customary and religious systems are applied more often than state laws in relation to women's land rights and conflict resolution.

2.5.1 Oromia Region

A FGD conducted with Borana customary leaders (Abba Madda and Abba Olla) and with Yabello woreda land administration office experts and officials agreed that women have equal rights to men for using grazing land. According to customary leaders, the enclosure of communal land for private use is practised and mostly by men. There are, however, some women enclosing communal lands for their private use. An interview with women pastoralists in Harweyu kebele showed that the establishment of a private or communal enclosure is conducted with the full consultation of community members, including women. In some parts of the zone, individuals who have enclosed communal holdings for private use are paying land use fees to the government, which legitimizes this land use. It would seem that the government intends to legalize their holdings through certification.

In Borana, traditionally held communal lands are administered through the geda system. In this customary system, women have equal rights and privileges to grazing land with no discrimination. There is, however, a clear division of work between women and men. Women are responsible for working around their homes, for example, feeding and milking cows and livestock cannot be slaughtered without a woman's consent. Women also have the power to decide which cows can be sold. This is enshrined in the customary system. Further, women play a pivotal role in agricultural activities and dispute resolution. When women get between conflicting parties at any time and in any dispute, the disputant parties are customarily obliged to stop their dispute. These examples illustrate ways that the customary system respects women and the roles they play within the group.

As far as decision-making processes on communal land management are concerned, some said that women participate equally with their male counterparts and that it is impossible to decide on the management of communal land without including women. Others said that decision-making is dominated by men.

A woman can take a complaint to a meeting of the customary male leaders at any time and the meeting will hear her complaint and offer a solution. However, women cannot inherit property because the customary belief is that men can better protect the assets of the clan. Even though women do bring inheritance cases to the court of law or other institutions, it is nearly impossible to find any evidence because no one wants to be seen as a witness for a woman's inheritance case.

A Harweyu kebele woman pastoralist said that when a woman divorces a man, she cannot enter into a new marriage but a man can. On marriage, a woman becomes a member of her husband's clan and will remain so even after divorce. When someone asks a woman what her clan is, she will say the clan of her divorced husband. When she gives birth to a new child from another man, the child uses the name of the former husband of the mother as his/her family name. As this woman explained:

I belong to my former husband. My child belongs to me, so my child belongs to my former husband too.

Focal group discussants in Borana stressed that the customary system was strong in past times. Now, things are changing, and women are looking to the formal state structure to resolve issues they have in relation to property and land. Women are still not allowed to be high-ranking customary leaders (*abba geds* or *abba dheedhas*), however, some women are becoming kebele administrators, which gives them the confidence to take their cases to the state legal structure.

According to one Harweyu kebele woman pastoralist, women do serve the community as mediators. They have a dual role. First, they can resolve and decide cases together with their male counterparts. Second, they have an indirect and persuasive role and can influence their husband, father, brothers, sons and neighbours. In Oromia, the testimony of a woman in the customary system has equal weight to that of a man. Women also have a full right to bring their case to the customary system themselves. Women can be part of both the customary dispute system and the formal system.

Cases brought to the woreda court can include property, inheritance and marriage disputes. Parties to such disputes are mostly town residents. Sometimes, women ask for their share of the land on the dissolution of a marriage. In a 2019 case, two women appealed to the court for their share of land when they dissolved their marriages. The court decided the divorced couples should divide the land equally as well as the cattle and camels. But there are challenges to such decisions, If the woman marries again, she will take the land to her new husband, which is a taboo in the customary system and will likely cause a dispute. These are difficult decisions to enforce, hence the court advocates mediation using the customary system. Government institutions may be reluctant to cooperate or support women since they know that simply applying formal laws can become a cause for disputes.

Where renting out of land is practised, land rental transactions are almost non-existent for women, and husbands may rent their private holdings without the consent of their wives. Most of the time, women do not participate in land rental transactions.

2.5.2 Afar Region

In Afar, there are three independent but contradictory institutions governing women's land rights: formal/state, religious and customary. Semera University School of Law provides a free legal service for women but in practical terms, their service is limited to urban residents. Indeed, women pastoralists and agro-pastoralists cannot access the service because it is difficult for them to travel but other legal service centers are opening in Asaita, Awash and Abeala.

Pastoral women have rights to access and use communal grazing lands. According to the customary system, pastoralist women can move from one zone to another to graze their animals depending on negotiated agreements between pastoralists. Women are part-and-parcel of this movement and increasingly a part of decision-making processes about communal land management, which was unheard of in the past. Chifra woreda land administration and land use office experts and officials confirmed this.

In sedentary areas, agro-pastoral women's rights to land are also improving and women can inherit land and receive it as a gift if it was issued by the government, something that was uncommon in the past. Today, around 2,000 women in Chifra woreda have their own registered private land holdings issued by the government.

In Afar, women do not participate in dispute resolution processes. According to custom, disputes are resolved by clan leaders and women cannot be clan leaders. According to the Dean of Semera University School of Law, it is only those women with extraordinary influence in the community who can be mediators and even they may not bring their cases to dispute resolution institutions directly on their own and have to use male representatives such as their husbands, brothers or fathers. Neither are they allowed to be witnesses as men can.

The testimonies of two women witnesses are needed to equal the testimony of one man because *“a woman’s ability to memorize facts is less than a man’s”*. But this does not mean women have no influence on dispute resolution systems. The Dean cited a common Afar saying that *“Women decide in the home what male judges decide in court”*. This indirect influence can be powerful, sometimes more so than formal forms of influence.

Similarly, in the Afar customary system, one disputant may say *“just bring one witness, even a woman, then I will say I am defeated”* to evoke the inferiority of women witnesses. However, these views are changing. Women can bring their cases to dispute settlement institutions and are also serving as members in these institutions. For instance in Afar, a committee was established to resolve land conflicts. This committee has five members and one is a woman. Others include the kebele administrator, elders, clan leaders, a woreda administrator and the agricultural office head. This is good progress. The perceived inferiority of women witnesses is also changing. There are strong, persuasive women who can resolve more serious disputes than men.

Judges of the regional and woreda courts said that land disputes are resolved by either the kebele administrations or the clan system. Even though the law gives the power to resolve land disputes to the court, more often than not resolution relies on the customary system and the courts deal mostly with urban land issues.

2.6 Conclusions

In general, in both regions of the study area there is little discrimination against women as far as communal land use is concerned. Issues do arise in relation to land inheritance and dispute settlement and it remains problematic to reconcile the formal and informal systems as far as land rights of women are concerned. Replacing the customary system with the formal system is not a solution. Legal pluralism is an option and is advantageous in the short term since it offers more avenues for dispute resolution for land users, especially women.

Both systems have their advantages and disadvantages, which the government needs to identify. Recognition of the customary system is crucial but due concern should be given to protecting the rights of women. Aligning multiple systems is a long-term issue for the government and legal empowerment and awareness for the whole community needs to be addressed.

2.7 Recommendations

Based on the research, the main recommendation is for the promulgation of pastoral land administration laws and the incorporation of customary and religious laws. In many countries of West Africa, pastoral and rural codes have been developed that bring together statutory, customary, religious and other laws under one umbrella and try to provide one overall guiding framework. This is something Ethiopia could consider. Further, participatory processes such as the recently developed woreda participatory land use planning (WPLUP) process (see Ministry of Agriculture Ethiopia 2019a and 2019b) provide good opportunities for the inclusion of women in land decision-making processes and once completed can help secure the rights of land users including pastoralist women.

In addition, there is a need for i) awareness-raising and legal empowerment of societies, ii) enactment of family law for Afar Region in particular by taking into account regional realities and the certification of private holdings including photographs of both the husband and wife/wives, iii) integration of the customary and religious systems into criminal law, iv) a mobile legal service and awareness-raising activities for pastoralist communities and women in particular, v) a thorough study to understand the pros and cons of polygamy for women, and vi) a process of cultural mapping and monitoring. It is anticipated that the government will lead these activities.

3

Participatory rangeland management and women in Ethiopia¹⁴

3.1 Participatory rangeland management

In 2010, Save the Children USA in Ethiopia developed and tested participatory rangeland management (PRM) as a model for better securing rights to resources and improving rangeland management in pastoral areas (Flintan and Cullis 2010). The approach built on the process of participatory forest management (PFM) which, at the time, was being mainstreamed across the country. Farm Africa and SOS Sahel Ethiopia were the first to pilot PRM in the lowlands in the Bale Zone of Oromia Region. The model was replicated in Afar Region and Save the Children USA piloted PRM in Borana, Oromia through the USAID funded Pastoralist Livelihoods Initiative (PLI) Phase II. Mercy Corps scaled up the approach within their natural resource management component of the USAID funded Pastoralist Areas Resilience Improvement and Market Expansion (PRIME), a five-year project working in Ethiopia's pastoral areas, led by CARE.

PRM comprises three main stages: understanding, planning and implementation (see Figure 1). The process focuses on defining an appropriate unit for rangeland management with the community and other stakeholders, for example, a traditional grazing area, documenting rangeland resources, and strengthening or setting up a governing community association or institution. Once these are in place, a rangeland management agreement (RMA) is developed based on an in-depth rangeland inventory and community action plan. Access to resources is improved by drawing a legally binding RMA between the community and the local government with rules and regulations.

¹⁴ Drawn from Fiona Flintan, Abule Ebro, Bedasa Eba, Amanuel Assefa and Yasin Getahun. (2019a). *Review of participatory rangeland management process and implementation*. ILC Rangelands Research Paper No. 2. <https://hdl.handle.net/10568/106017>

Figure 1. Main stages and steps of PRM**3 Implementing PRM****STEP 8** Participatory monitoring and evaluation**STEP 7** Arresting and reversing declining rangeland productivity**STEP 6** New roles for communities and rangeland management advisors**2 Negotiating PRM****STEP 5** Establishing the rangelands management agreement**STEP 4** Defining the rangeland management plan**STEP 3** Defining the rangeland management unit and preparing the rangeland resource assessment**STEP 2** Setting up and strengthening rangelands management institutions**1 Investigating PRM****STEP 1** Identifying rangelands resources and users**Source:** Flintan and Cullis (2010)

3.2 This study

In 2019 the European Union provided funding to the International Land Coalition (ILC) to pilot the application of PRM in Kenya and Tanzania, through ILC members Resource Conflict Institute (RECONCILE), Tanzania Natural Resource Forum (TNRF), Coalition of European Lobbies on Eastern Africa Pastoralism (CELEP), Vétérinaires sans Frontières Belgian and ILRI. This was a good moment to reflect on the application of PRM in Ethiopia, from which lessons could be learned to improve this application. For the pastoral women and land research project undertaken by PIM, it was an opportunity to strengthen the focus on pastoral women and understand how they had engaged in PRM in Ethiopia and what benefits they had received from its implementation.

Data was collected through a household survey, focus group discussions, key informant interviews and a review of project documents. A research protocol developed by Robinson et al. (2018) was used to compare PRM project applications. The research took place in fifteen kebeles made up of nine treatment and six control kebele. In each treatment kebele, 40 people were randomly selected from the kebele list of households and household heads, and in each control kebele, 10 household heads were randomly selected. Approximately one-third of those interviewed were women household heads, some of whom were de facto heads because their husbands had migrated for work. Questionnaires were administered by trained enumerators in local languages. Respondents were asked if i) they had heard about PRM, and ii) if they had participated in any PRM activities. If there was a negative response to both questions, the interview was discontinued. One kebele was eliminated in this way.

3.2 Incorporating gender issues in PRM

NGOs implementing PRM have taken different steps to address gender issues and to include pastoral women in PRM processes and activities. PRIME staff said that to make the right decisions about how best to do this, it is important to know the context. In Liben Zone, Somali Region, on the commencement of the mapping exercise it quickly became clear there would need to be separate exercises for men and women. However, a woman facilitator could not be found so women were unable to participate in the mapping exercise. Had staff better understood the context before they began, they could have made appropriate arrangements (Dheressa, personal communication, 2016).

PRIME did not set quotas for women to be involved in groups such as the rangeland management committees, but they did raise awareness through discussion about the value of having women involved. Community leaders agreed there were no cultural grounds for excluding women. Another tool PRIME used was Social Analysis and Action. This starts a community dialogue group of men and women to discuss, analyse and decide on critical social, cultural, economic and other community issues, particularly those related to gender and social inequities, thereby challenging restrictive norms and other barriers to gender equity (CARE Ethiopia 2014). Women's economic empowerment was also supported by establishing village savings and loans associations. Both actions were modelled from other CARE programmes where such actions had proven to be successful.

Steps were taken to ensure that women were part of the PRM woreda coordinating committee and were invited to meetings with Farm Africa and SOS Sahel and the local government Office for Women and Children Affairs. Women were encouraged to attend planning meetings and take up positions on the planning committee and participate in PRM governance bodies at different levels (Save the Children USA, PRIME).

Other initiatives were:

- » Raising awareness on the benefits of including women in management bodies (Save the Children USA, PRIME)
- » Finding ways for women to have their voices heard and to influence decision-making processes (PRIME)
- » Women-only dialogues (PRIME) and training on PRM, RMP preparation, PRRA and cooperative management (Farm Africa and SOS Sahel)
- » Supporting women-targeted livelihood diversification activities alongside PRM (Farm Africa and SOS Sahel)
- » Including women-specific activities in RMPs and community-to-community experience sharing (Farm Africa and SOS Sahel)

Although the list is impressive, some activities were rather broad, and it was challenging to pin down clear actions taken by NGOs to include women.

3.3 Involving women in the PRM process

Although there were differences across kebeles, men and women participated in planning and activities. Participation in the Afar Region was higher for women than for men, whereas in Oromia it was lower. This lower participation was confirmed by consulting PRM project documents from Berak and Naniga Dera kebeles in Bale where Farm Africa and SOS Sahel Ethiopia first initiated the pilot. Where PRM has been undertaken more recently, for example in Hara Haji kebele, Bale by Farm Africa/EU-SHARE and Tachemetekleye kebele, Afar by PRIME, the percentage of women and men respondents participating was 92.9 and 91.7, and 70 and 66.7 respectively. This was confirmed through focus group participants in Afar who said that the participation of men and women in activities was similar but lower in Borana. Reasons given included women being too busy with other activities, cultural barriers and lack of awareness.



On the move. Pastoralist women returning home after watering their goats. **Author:** CCM/Loris Palentini.

Despite these seeming limitations to women's participation, results from a household survey showed that, in general, women felt they had equal opportunities to be involved in decision-making processes and to participate in governance structures, meetings and activities. The women interviewed said that they understood the PRM process and concepts such as the rangeland unit boundary and the RMP. Respondents said that both men and women were involved in defining the boundaries of the rangeland management unit (RMU). Men and women had a similar level of satisfaction with the RMU boundaries.

In general, women were as satisfied with the PRM process as men. In most kebeles, the percent of men and women who read the RMP was low (<50%), although there was a more positive response from women in Berak (Oromia) and Halidege (Afar). Similar levels of women were involved in implementing PRM activities. In Afar, a slightly smaller percentage of women participated. There was also a high level of satisfaction with implementing activities. This is despite the fact that key informant kebele leaders (Simto, Haroweyu and Mugayo) said that women's participation in PRM activities was lower than men's because their workload is heavy and some of the intervention areas were too far from home. There were high levels of satisfaction in implementing activities among those involved in the PRM process.

According to the household survey, men's and women's involvement in implementing bylaws was similar in Berak, Hara Haji and Halidege, whereas in Haroweyu, Tachemeteklye and Kurkura, the involvement of men was greater.

3.4 Decision-making status of women in PRM

In Oromia, some women responded positively to being involved in decisions about who should be a member of the PRM governing body and several women and men were members of the governing body. In Hara Haji, one woman had been a leader and there appeared to be slightly more women involved in governance in Oromia than in Afar. This is also reflected in the descriptions of the governance body, which several respondents described as 'gender equitable'. Only a few, mainly in Afar, described it as 'not gender equitable'. Women and men were generally happy with how the governing body was established.

In all kebele, the majority of respondents said that women were involved in the planning of PRM. Women's satisfaction with the PRM planning process was similar to men's and they were 'very satisfied' or 'satisfied'. Similar results were found across the PRM process. The comparatively high level of women's involvement in the PRM process shows that a clear majority (100% in some places) said that women were involved in the decisions about PRM. A higher number of respondents in Oromia responded more positively than in Afar with the lowest response in Tachemetekleye. This is a good rate of participation in the PRM process and indicates that where planning and decision-making processes were carried out at the local level, there was a high level of participation by women.

3.5 The impact of PRM on women

Equal numbers of women and men observed the impact of PRM on improving livestock body condition, livestock mobility and the social status of people and groups, community participation in rangeland governance and management, the capacity of the community to cope with drought and the perception that rangelands belong to a community. Most important for women, there was a clear consensus that PRM improved their participation in rangeland management and access to rangeland resources. These were some of the most popular impacts of the PRM process. Other impacts mentioned were reduced workloads and easier access to resources.

3.6 Conclusions

PRM has clearly been successful in improving community members' participation in decision-making processes, governance and management of rangeland resources, especially for women. However, women did participate less in higher-level governance bodies. Where women were not involved, the reasons given were heavy workloads, long distances to meetings and cultural barriers such as perceptions that women do not have the capacity for management responsibilities.

Although the number of women-headed households participating in the survey was relatively small, it was a reasonable representation backed up by statements from men, key informant interviews and focus group discussions that women were involved in PRM processes and decision-making. Women said they were satisfied with the PRM processes and two of the top six impacts were improving women's participation in rangeland management and improving their access to rangeland resources. This positive result was influenced by the steps taken by NGOs to include women and men and by offering women-targeted activities and training and other positive moves.

4

Pastoral women's rights and leadership forums in Tanzania

Experiences, impact and lessons learned¹⁵

4.1 Policy and legislation

Tanzania has long been a regional leader in terms of constitutional and statutory provisions for equality in women's and men's land rights. In all legal and policy frameworks, women have rights to own land and property in the same way and at the same level as men and they have equality in these rights (Daley et al. 2017). The Constitution of Tanzania supports women's equality.¹⁶ For example, the Land Act recognizes customary land rights and institutions and prohibits those that are discriminatory. In addition, the Village Land Act (VLA) Part II Application of Fundamental Principles of National Land Policy (s3, 2) stipulates that *"the right of every woman to acquire, hold, use and deal with land shall to the same extent and subject to the same restriction be treated as the right of any man."* The VLA of 1999 moves some of the responsibility for protecting rights away from women and vulnerable groups and makes it clear that village councils should protect women's rights (Ikdhahl et al. 2005; Daley et al. 2017). It also obliges purchasers of land to ensure that the seller's spouse has consented to transfer the land rights. Finally, it recommends joint registration and titling and both names should be on documents as the owners (Ikdhahl 2008).

Policies and legislation state that a minimum number of women should participate in local village structures. For example, the VLA (Section 5 (1)) says that a village land council shall consist of seven members of whom three shall be women and the quorum at the meeting of the village land council shall be four persons of whom two shall be women. The Ward Tribunals Act of 1985 under the section of Courts (Land Disputes Settlement) 2002 states:

Each Tribunal shall consist of not less than four nor more than eight members of whom three shall be women who shall be elected by a Ward Committee as provided for under section 4 of the Ward Tribunals Act, 1985.

15 Drawn from Josephine Dungumaro and Mkami Amos. (2019). *Pastoral women's leadership forums, Tanzania: Experiences, impact and lessons learned*. ILC Rangelands Research Paper No. 3. <https://hdl.handle.net/10568/106430>

16 Part III: Basic Rights and Duties; The Rights to Equality, the Village Land Act (VLA) No. 5 Part IV: Village Lands and Part V: *Dispute Settlement and the Land Use Planning Act 2007* (URT 2007).

Despite these positive characteristics of Tanzania's land policies and legislation inconsistencies and ambiguities exist that weaken land tenure securities for communities in general. For example, the recognition of customary rights is somewhat ambiguous for pastoral land. Under the VLA, all rural land is officially under the auspices and singular control of village councils. However, in practice a large portion of rural land is still under the control of customary systems and institutions and village council authority over this is weak. The VLA itself states that such lands should be administered in accordance with prevailing customary law, which allows for this ambiguity to persist (Daley et al. 2017).

4.2 Pastoralist women and land

Land in pastoral areas in Tanzania is mainly governed collectively and only sometimes individually. Tanzanian pastoralists face daily challenges to their land rights and land tenure security is low. In this context, one way to improve pastoralist household access to land and resources is if pastoralist women can secure individual land holdings promoted by women's rights organizations.

Pastoral women face many challenges in accessing land and resources (Daley et al. 2017). Despite facilitating policy and legislation many women remain unaware of their rights due to poor education and exposure. Where women are aware of their rights, they are not ready to embrace them, due to cultural practices (ibid). In an effort to open up opportunities for pastoral women to secure access to land and resources, the Pastoral Women's Council (PWC), Ujamaa Community Resource Team (UCRT) and Maliasili Initiatives have been jointly supporting a project in Simanjiro, Ngorongoro and Kiteto districts in northern Tanzania titled Advancing the Rights of Pastoral Women in Tanzania. The project is informed by the understanding that women's land rights in Maasai communities are not secure because of pressures and threats from external and internal forces.

4.3 This study

The study was carried out in 2018 and focused on three villages, Loiborsoit, Sukuro and Engaresero in Ngorongoro and Simanjiro Districts, where the project was being implemented. The objective was to understand how women's rights and leadership forums were established and their impact in empowering women, the governance and securing of access and rights to women. It was anticipated that important lessons would be learned, which could be incorporated into development projects working in similar contexts such as the ILRI-led Sustainable Rangeland Management Project (SRMP). At the same time, the research would contribute to the PIM study on pastoral women and land tenure and governance.

The study was undertaken in two parts, a literature review of various reports, books, journals and published theses and dissertations, and case study research in the intervention areas including semi-structured interviews and FGDs with women from the women's rights and leadership forums (WRLFs). Key informant interviews were carried out with selected people from institutions such as the *Ingwanak* institutions, local government officials including village chairpersons, WRLF leaders and beneficiaries, village land use management committee members and staff of UCRT and PWC. Interviews were undertaken to learn about the contributions, successes and challenges of the WRLFs and to what degree they have impacted women's tenure security together with women's influence in decision-making processes.

The FGDs included open-ended questions for discussion to allow people to be free to explain their views especially on how the WRLF has assisted them in securing land rights and strengthened their capacities in terms of knowledge and building their confidence to be able to speak in public meetings, raising their voices and concerns.



When given the opportunity Maasai women speak up and defend their rights. **Author:** ILRI/Fiona Flintan.

4.4 Women's rights and leadership forums

The purpose of the Women's Rights and Leadership project is to strengthen women's participation and capacity for collective social action on land issues in target communities in Kiteto and Simanjiro Districts and in Loliondo Division. Building on experience from earlier work, the partners facilitated the establishment of WRLFs to encourage women to take a leading role to secure resources for their livelihoods, especially land.

PWC has been supporting WRLFs in Engaresero Village and UCRT has been supporting WRLFs and capacity building in Sukuro and Loiborsoit Villages. Ngorongoro and Simanjiro Districts are in the Arusha Region of Tanzania. Livestock keeping is the primary source of income in the two districts, however, crop farming has been established in grazing areas through encroachment from outside settlers. Some pastoralists have also taken up farming to diversify their livelihoods.

WRLFs are forums established to provide a space for pastoralist women to learn about and defend land rights, strengthen leadership and public participation and enhance economic empowerment. A WRLF comprises 24 people, 20 women and four Maasai male customary leaders (*Iliaigwanak*). Activities are geared towards empowering women socially, economically and politically. Training is offered to both women and men on topics such as women's rights to land. Some training is only offered to women such as entrepreneurship and leadership skills. Once trained, the 24 WRLF representatives are expected to share their knowledge with their fellow villagers. Customary leaders are also trained on issues surrounding women's social welfare challenges and how these can be addressed. Some WRLF members have also been trained to act as paralegals in their community to support women's efforts to claim their rights and that they are respected and protected.

4.5 Results

Project staff and community members highlighted several milestones and impacts resulting from WRLFs. These included i) an active platform for raising women's voices and rights, ii) raising public awareness on women's rights, iii) recognition of women's rights in communities and issuing individual land titles, iv) changes in perceptions, v) increase in the number of women's leaders in the villages, vi) economic empowerment and viii) improving collectivity, unity and solidarity of women.

Some said that, for many years, women were silent in meetings due to the customs and norms of traditional pastoral societies. Now women feel empowered and confident to speak out in meetings. WRLF has supported women to raise their voices and fight against domestic violence. As one WRLF member said:

Today, if a woman wants to speak at a public meeting, she can easily do so with no problems as she does not feel inferior anymore, her confidence is high, thanks to WRLF for the trainings and capacity buildings we experienced. We are not keeping quiet on issues concerning our welfare anymore.

Interview W43 Loiborsoit 2018.

A main objective of the WRLFs is to improve understanding and awareness of women's rights, including land rights. Through focus group discussions, community members and customary leaders gained a high level of awareness of women's rights, human rights, girls and boys rights to education, women's land rights and the need for increased positive change in social norms and practices on women's rights. Customary leaders are a part of the WRLFs and this has helped the forums to become stronger and gain status and recognition. A major milestone was for the platforms to be recognized by their village councils, thereby gaining legitimacy and earning respect from community members. This achievement is not only for women but especially for those Maasai women who previously faced oppression under the dominance of the male leadership structure.

Another impact is the general recognition of and increased support for women's land rights within communities. Communities are now fully aware of the forum activities as one village leader said:

Involvement of all community members in the trainings has helped our husbands and now they trust the forum. They all thought that we were participating in selling the village land but once they attended the meetings and discovered the truth, they were relieved.

Interview W55 Engaresero 2018.

WRLFs have also played a role in improving women's financial standards and entrepreneurship skills which have helped reduce gender disparities. For example, in all the studied villages, women received business and entrepreneurship skills training. The WRLF brought women together and many women established small businesses such as selling bead jewellery and setting up small shops. Women said that they can now pay school fees for their children while carrying out other economic activities and earning income to take care of their families (Women FGD Engaresero 2018).

Unity and solidarity have been other important gains recorded among the members of the WRLFs across the three studied villages. Women said their confidence to demand their rights as a group and individually has been significantly amplified, their skills in lobbying and advocating for their rights have improved. As an example, women in Sukuro Village acquired a maize-grinding machine as a group venture through the village council.

4.6 Challenges

Despite the many milestones the WRLFs have recorded, they still face challenges. Implementing social and cultural change can take time and if the process is rushed, those feeling the change can resent the process and try to stop it. Change needs to be carried out at a pace that everyone is comfortable with. Finding that balance is difficult. Some challenges that the WRLF face include:

- » the application of traditional laws and perceptions in some areas,
- » nonparticipation of women in all land use and management activities,
- » provision of individual tenure rights in a collective tenure system which can challenge the latter and lead to its weakening,
- » challenging functionality and implementation of WRLFs,
- » poor law enforcement,
- » long, bureaucratic and sometimes corrupt procedures for accessing and owning land and
- » the influence of external factors, for example, changes in policy and legislation or in administrative procedures that impact land access.

4.7 Conclusions

The study concluded there have been significant benefits from the WRLFs. Other projects such as the SRMP can learn from the experience of the WRLFs and should consider establishing WRLFs in intervention areas to increase the power of women and their understanding of and participation in land-related processes. The benefits of such forums should also be shared more widely.

5

Land tenure security and governance dynamics in Gujarat, India

Pastoral women's perspectives¹⁷

While there is a global consensus on strengthening women's access and control over land, the understanding of women's land tenure security in India remains limited. Even though there is a movement towards women's individual land rights promoted by NGOs and government over the last few years, it fails to shine much light on the customary rights of women on commons or on the role women have had in protecting these commons. Pastoral land is a major part of the commons in India.

5.1 Lack of data on pastoralists and commons in India

Commons in India are categorised in a number of ways including grazing land, pasture land, forest commons, non-forest commons and wasteland. The status of pastoralists and commons in terms of data on pastoralist populations and common land is not available but it is widely acknowledged that both are declining rapidly. The existing research on the impacts of declining commons on the pastoralist community is limited in India, and therefore the status of social, economic and political relationships of pastoralist women to the commons is not well understood. It is common that women are more likely to lose access to land and resources as the commons are privatized, with men usually the ones given land titles. Better understanding of pastoral women's access to land and resources and its implications for both the communities and the land resources is expected to result in better-targeted land and pastoral policies, legislation and development strategies.

¹⁷ Adapted from Monika Agarwal, F. Flintan, N. Pandya, A. Assefa and B. Eba. (2021). *Land tenure security and governance dynamics in Gujarat, India: Pastoral women's perspectives*. ILC Rangelands Research Paper No 5. <https://hdl.handle.net/10568/115745>

5.2 This study

Research was conducted by MARAG and ILRI in 2018–2019 to understand pastoral women's perspectives on the status of land tenure rights, pastoral systems and trends, women's roles in land resources management, and the status of investment in sustainable land management. The study was conducted in Gujarat State. A survey of 300 pastoralist women was undertaken in Rabari, Bharwad and Jat communities from the districts of Kutch, Patan, Rajkot, Botad, Banaskanth, and Surendranagar. Twenty-five focus group discussions with pastoralist women and men were also carried out. The research focused on geographical areas covering all forms of pastoralism including sheep, goat, cow, buffalo, and camel production.

5.3 Pastoralists in Gujarat

Over 63% of the families in the survey depended solely on livestock and 37% were agro-pastoralists who also own land for crop farming. Sixteen families owned no livestock, not even a single goat, which is unusual for pastoralist households. Thirteen of these households are involved in the business of providing machine rental services to farmers (tractors, diggers, ploughs, etc.). In the last 10–15 years, several pastoralist families have sold all their livestock to buy a tractor or digger, mainly due to the challenges they faced in accessing grazing land. Ex-pastoralists now migrate with a tractor or a digger, just as they previously migrated with livestock. The discussions revealed decreasing herd size due to lack of access to grazing land and an aspirational shift towards education for their children. Pastoralism is labour intensive and requires the equal involvement of women, men and children in the family. There is a lack of labour for herding with young children in school. Some said that one man can take care of 100 to 150 sheep and goats while herding, thus limiting herd size to this number in many cases.

5.4 Livestock ownership

Livestock is the main asset for pastoralists, however, ownership is sometimes unclear. The initial responses during discussions wavered between "*man [husband] is the owner of the livestock*" (most common answer) and "*both [husband and wife] are owners.*" The concluding sentiment was: "*Maliki ben ni che pan ben bhagdaar che,*" which means "*ownership (of livestock) is with men, but women are partners.*"

5.5 Pastoralist women as household finance managers

Women take responsibility for the household chores, care of the young, newborn and sick animals and market transactions related to selling livestock products such as milk and ghee (clarified butter). Men are mainly involved in herding livestock. Milking is done jointly between women and men.

The general agreement pointed towards men taking the decision to buy and sell livestock products and services but in consultation with women. However, *vahivat ben paase che* (management of money is with women). The words *vahivat* (management) and *vyavhar* (cash transactions related to social customs and business) invariably came up in all discussions and interviews. Traditionally, the household cash is kept and managed by pastoralist women because men are herding during the day and it is not safe to carry cash. This is why Rabari and Bharwad women in Gujarat, like the Rabari (or Raika) women in Rajasthan (see Köhler-Rollefson 2017), are called 'household finance ministers'. Traditionally, pastoralist women manage the financial and social transactions for the family.



Maldhari woman on migration in the Vagad Region, India. **Author:** ILRI/MARAG.

5.6 Migration patterns

There is high dependence on the use of private cropping lands for grazing in winter and summer. Over 80% of pastoralists graze their livestock on crop stubble. In the monsoon season, they graze livestock in village *gauchars* (permanent grasslands), wasteland, hilly areas around villages and *vidis* (protected grasslands). The dependence on cropping land is less but still substantial for 43% of families. The whole family migrates together, following the cropping and harvesting seasons. Access to crop land for grazing is governed by informal agreements between farmers and pastoralists, which are built on relations the two actors have maintained over generations. However, the nature of the relationship with farmers is changing from social and in-kind to monetary transactions. The dimensions of tenure security as it applies to customary or common land property does not apply to private cropping land.

Pastoralists in the sample cover up to 500 kilometres in a year in search of grazing land, fodder, water and access to markets. Nearly three-quarters of pastoralists move up to 10 kilometres during the monsoon and the distances covered in winter and summer seasons are much greater and up to 500 km. If it does not rain in the home villages during the monsoon, they continue to migrate.

5.7 Women pastoralists: Shifting relationships and social status

The role of women as household money managers is changing with shifting livelihoods. For example, the income from crop farming or alternate livelihoods such as driving and renting machinery stays with the men. Men do not need money when herding but in agriculture and other livelihoods, they regularly need money to buy seeds or fertilizer or pay to hire a tractor, do repairs or buy fuel. Women's authority and responsibility for household finances has diminished and may have far-reaching impacts on their self-esteem and social status. Women made statements like:

*We lost livestock and our status.
Now no one gives us importance.
In the past, we would negotiate for food grains with
farmers and sell milk in the village. Now we have to ask
men for even small sums of money.*

Women who no longer migrate feel they have lost their distinct relationship with their animals and with farmers and other communities. As these relationships change, so do their roles, skills and identities. Most women no longer process milk and prefer to sell raw milk to wholesalers. Many women have lost the skill to make ghee or *mawa* (condensed milk). There is a common observation that women who used to migrate were not afraid of anyone or anything, unlike women who have never had the experience of migrating.

The decision about selling livestock to start an alternative livelihood is also primarily taken by men. Some women said that herding is a hard and challenging task and hence men have the right to decide to sell livestock and buy machinery or start another type of business.

In recent times, incidences of livestock theft and violence while on migration have increased. In many areas, organized armed gangs come with pick-up trucks to steal livestock. This is a new risk for women to deal with which they counter by moving in groups and keeping a pile of stones ready to hurl at the thieves.

5.8 Little Investment in sustainable land management

Women do not feel they have secure tenure to grazing lands and are therefore not investing in land improvements or resource management. Women feel greater security with individual crop land which is becoming increasingly important in the more integrated crop-livestock systems that are developing. There is little investment in sustainable land management practices although there are some traditional methods for this in which women play a significant role. If the rangelands of Gujarat are to be protected and reach their full potential, then pastoralists should be assisted in expanding these practices and investing more in rangeland management and restoration activities. As in agriculture, pastoralism also needs production support through policies, subsidies and appropriate investments. A process such as participatory rangeland management (see section 3) would be a strong framework for developing and implementing this (Flintan and Cullis 2010).

5.9 Conclusions and opportunities

Pastoralist women can access and use the commons in the same way as men: in fact, for pastoralism to work effectively women and men need to work together, with complimentary roles and responsibilities. However, this access and use is increasingly challenged due to the rapid encroachment and loss of the commons together with its conversion to other uses. Commons, particularly grasslands, do not receive the same legal protection as forests, and even where a degree of protection may exist on paper, this is rarely put into effect.

One of the most important findings of the survey is the high dependence on the use of cropping lands post-harvest for grazing in winter and summer with more than 80% of pastoralists grazing their livestock on post-harvest crop stubble. In the monsoon season, the dependence on cropping land is less but still substantial for 43% of families.

Access to cropping or grazing land is governed by informal agreements between farmers and pastoralists, which are built on relations that the two actors have maintained over generations. However, the nature of the relationship is changing from social or in-kind, to monetary transactions. The dimensions of tenure security as it applies to customary or common land property does not apply to private cropping land. Common land such as forest, wasteland, *gauchar*, grass islands and *vidi* is accessed for livestock grazing mainly during the monsoon season. The increasing dependence on private versus common lands and its impact on tenure security for pastoralist women is an issue that needs more research.

Previously, where pastoralism was practiced actively and the required migrations took place, women had a central role in livestock production and even more so in money management. However, as pastoralism has declined so too has women's role in managing money. With more reliance on cash transactions and shifts in income sources, men are taking more control of the finances. Increasingly, men now undertake market-related transactions and hold on to the money received. Pastoralists are finding themselves in debt, which puts additional pressure on social relations.

As a result of these socioeconomic changes, women's status is declining and it is now more difficult for them to get the money they need to purchase livestock or household items. Whereas women have a wealth of knowledge and skills about livestock, it emerged that women do not have the same knowledge and skills about crop farming as men and, as a result, management and decision-making about farming activities is now being done by men.

These changing roles and responsibilities may have greater and far-reaching impacts on the identities of women and their position in the household. It was observed that women who used to migrate were not afraid of people or situations, unlike women who have not experienced migration. Not only do women who no longer migrate feel that their control in household decision-making has reduced, but they also feel that they have lost their distinct relationship with their animals, with milk, with wool, with farmers and with other communities. These relationships are changing and so are women's roles; many of them no longer process raw milk into other products and some have lost the skill to make ghee or *mawa*.

In this context, because women do not feel tenure secure on common lands, they are not investing in land improvement or resource management. Women feel greater security to individual cropping lands that are becoming increasingly important in the more integrated crop-livestock systems that are developing. However, as more land is turned to crop land, more grasslands are being lost. If the rangelands of Gujarat are to be protected and reach their full potential, then pastoralists should be assisted in expanding these practices and investing more in rangeland management and restoration activities.

Despite the challenges that pastoralists men and women are facing, both want to continue the pastoralist way of life. For women in particular, pastoralism provides them with clear roles and responsibilities and status, as well as control over some finances and household decision-making. This highlights the need for greater investment in pastoralism which makes use of land and resources which are suitable for little else. Pastoral women need to be supported. A good understanding of the local context and the changes taking place should be the starting point.

6

Synthesis and conclusions

6.1 Complexities of gender and pastoral tenure

Gender brings an additional layer of complexity to already complicated pastoral land tenure systems.

These tenure systems are becoming ever more complex as pastoralists attempt to access land and resources through mechanisms other than through customary institutions, including through privatization and formalized land certification. However, for pastoralist systems to function well, collective tenure needs to remain the core of pastoralist land tenure systems to optimize the use of the land and resources and to strengthen the collective nature of society – so important for building resilience to and coping with crises such as drought.

Gender underlies many differences between men and women in pastoral tenure systems and how they experience change. By tradition, pastoral women access land and natural resources as part of the pastoral collective group. Pastoral societies are normally patriarchal and male-dominated, at least publicly.

Decision-making power over the use and management of land and resources is more likely to be in the hands of men than women, with customary practices excluding women either implicitly or explicitly. Access and use rights for a woman, usually need to be negotiated through a husband or other male relative or even the clan.

Unequal treatment of women in social and economic affairs in communities can limit the ability of women to contribute to appropriate responses and adaptation and thus it does not make sense for customary institutions to do this. Social differences between men and women may be in contravention of national policies, legislation and strategies to promote women's rights and address gender inequities, as highlighted in the case studies. However, it is in the pastoral group's interests that women access land and resources to enable them to feed the family and prosper economically and thus, in general, women's rights to collective resources are protected by the group. If the group tenure and governance system is strong and functioning well, then women can be better protected under these collective tenure systems than under individual rights tenure systems, particularly if the alternative is gaining individual rights from outside the group.

However, gaining secure rights from the group depends on the group itself having secure land and resource tenure, which cannot be assumed under the increasing development pressures on land and resources in pastoral areas. Not all customary institutions or other governing bodies work to maintain gender or other equities as much as they could and when tenure security is challenged, women increasingly look to their social networks to access land and resources or establish new platforms such as the women's rights and leadership forums (WRLFs) in Tanzania.

6.2 Accessing land and resources

In the areas studied, pastoralist women continue to access land and resources mainly through customary tenure and governance systems. As was shown in Ethiopia (sections 2 and 3) and Tanzania (section 4) there is little discrimination against women as far as communal land use is concerned. Although women may not participate in public community decision-making processes, they can indirectly influence decisions through their husbands, brothers and sons. However, there are problems in relation to land inheritance and dispute settlement, and it remains problematic to reconcile the formal and informal systems as far as the land rights of women are concerned.

As such, women in pastoral communities make the most of existing legal pluralism and forum shopping for the 'best deal' in terms of securing rights to land and resources. In both Ethiopia and Tanzania, there are examples of pastoralist women turning to the formal system to improve inheritance opportunities and for dispute resolution. However, while it can be advantageous in the short term, in the long-term forum shopping should not be viewed as a sustainable option since it can lead to confusion, elite capture and conflict, while also weakening the customary pastoral tenure system.

In India where commons or collective rangelands are increasingly being privatized, women are losing the security of tenure as land titles are more commonly given to men. As livelihoods change, the woman's role as household finance manager is lost, reducing their status, self-esteem and independence. Increasingly, money is needed to access croplands post-harvest to graze animals and driving the cash economy further.

6.3 Improving tenure security

As shown in this synthesis, policy and legislation are generally supportive for equitable land and resource rights and governance (in Ethiopia, Tanzania and India). However, in reality, implementation is challenged, particularly where such policy and legislation has been developed without consideration of customary systems and how pastoralist women (and men) currently access land and resources. At the local level among pastoralist societies, it is normally customary or sometimes religious systems of tenure and governance that prevail, and policy and legislation may only have a mild influence if at all.

Although customary systems have many advantages for women in the long term, they may be slow to transform into more equitable decision-making bodies and thus remain dominated by men. This needs to change if women's needs and priorities are to be met and if women are to be encouraged not to look outside the customary system for alternative means of securing access to land and resources. On the other hand, where pastoral land is insecure, it may be an advantage to a household or the community as a whole, for women to access or be given landholding certificates for individual plots of land, for example, through a women's land rights project or programme. This can act as a springboard or anchor from which the household or community can more securely access the wider collective rangeland landscape.

In Tanzania due to villagization and other socio-political processes that have occurred in the past, customary systems have weakened and the lowest level of government is the village. This provides greater opportunities for women to participate in these governing bodies and for NGOs to support them in challenging male-dominated decision-making processes. With facilitating policy and legislation including quotas for women in local government councils, committees and other bodies, there is pressure on local communities to comply.

In Ethiopia, the study concluded that replacing the customary system with the formal system is not a solution. The government of Ethiopia recognizes customary systems but has done little to protect the rights of women. Aligning multiple systems is a long-term issue for the government and legal empowerment and awareness

for the whole community needs to be addressed. There needs to be a greater understanding of customary pastoral systems and how they are changing in response to the changes occurring in their broader context, including how they are becoming more diverse and complex. Some consolidation and alignment will be necessary, but this should be done in a way that maintains the flexibility and collectivity of pastoral systems. Mapping land use and documenting pastoral land tenure systems is an important first step in understanding them and improving alignment with statutory systems. Such activities also provide pastoralists with space and opportunities to reflect on the current situation and how it can be improved.

6.4 More secure land and resource rights can lead to *sustainable land management (SLM)* investments

When women have the opportunity to participate in activities and processes to improve their security of tenure, they are willing, even though their capacities to do so effectively may need strengthening. As was seen with the implementation of PRM, once women have greater involvement in the process and the community as a whole felt greater security to their land and resources, they were willing to invest significant time in developing rangeland management plans and start implementing them.

However, there is still a reliance on NGOs and government to mobilize the community and provide resources (tools, seeds and machinery) to do more technical activities such as clearing bush or reseeding the land. While PRM has helped improve feelings of security, it is still difficult for pastoralists to think beyond the short term in terms of management of land and they remain reluctant to invest in improving productivity when that land is not theirs and the benefits from such investments are likely to be overridden should another drought happen. In situations where tenure security is weak, such as in Gujarat, India, there is little if any investment in SLM activities.

6.5 Impact of interventions to improve pastoral women's land tenure security

As these studies have shown, change is happening at a rapid pace in pastoral areas due to a number of forces. Men and women do not experience these changes in the same way, and it is vital that these differences are understood and incorporated into projects and programmes that seek to intervene in these areas. Challenges were found in the implementation of PRM due to not fully understanding the context before activities begin and not making adequate preparations. For example, women had to be excluded from all-important mapping exercises as a woman facilitator could not be found.

Interventions supporting women's empowerment through improving their economic status were also supported by establishing village savings and loan associations and livelihoods diversification activities has been one approach taken. Another has been to open up spaces for discussing gender inequities and how to address them through community dialogues or community-to-community experience sharing.

However, the results of these studies suggest that building the capacity of women to play a stronger role in decision-making processes and community activities such as PRM or the WRLFs have had most success in improving women's confidence and position or status in the community.

Within the PRM process in Ethiopia, there was clear evidence that the participation of women had improved in decision-making processes and that women are taking up positions in committees and stepping forward as leaders or as local government representatives. Both men and women said they had benefited from the process while rangeland management and productivity had improved.

In Tanzania, WRLFs not only helped women to gain confidence to step forward as leaders but also changed men's perceptions towards them to be more positive. Including men within the WRLFs proved to be an important step, helping the forums to become stronger and gain greater status and recognition. This also helped to build trust, as men saw first-hand that giving women more power did not mean taking away their own power, and that by working together greater benefits were realized for the household and the community. Unity and solidarity have been other important gains, strengthening pastoral society as a whole.

In situations where customary institutions and collective tenure are breaking down and there is no governance or only weak governance and tenure systems to replace them, women are particularly vulnerable. In India, this is the case as resources are becoming more privatized and livelihoods are moving away from pastoralism towards those that rely more on the labour of men, often poorly paid. Here women are losing status, self-worth and direction, while the quality of life has reduced and poverty has increased.

Implementing social and cultural change can take time and if the process is rushed, those feeling the change can resent the process and try to stop it. Change needs to be carried out at a pace that everyone is comfortable with. Finding that balance is difficult. Building the capacities of women and providing them with options to take up when they feel most comfortable is one way of moving towards such a balance.

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