



Toward a new methodology for conceptualizing mobile pastoralists' and pastoralist women's tenure and mobility rights

Kroeker-Maus, D¹; Davila Pereira, I².

¹ Rights and Resources Initiative; ² Rights and Resources Initiative

Key words: community-based governance; land rights; pastoral livelihoods

Abstract

Despite the global importance of mobile pastoralism to rangelands management, the mobility and tenure rights of pastoralists remain under-recognized and undervalued in policy and practice. This paper proposes a comprehensive methodology to assess the security of pastoralists' mobility and tenure rights, using a framework grounded in community-based tenure regimes (CBTRs). The framework considers mobility, access, use, management, participation, and exclusion rights, and proposes indicative indicators—both positive and negative—to evaluate the extent to which laws, policies, and customary practices uphold or undermine these rights. The framework also assesses the specific rights of women across three domains: mobility and land access, livelihoods and resource use, and governance participation. By integrating legal analysis and community-level insights, this paper provides a pathway for nuanced, comparative assessments of pastoralist systems, fostering equitable and sustainable policy interventions.

Introduction

There are as many as half a billion pastoralists worldwide, and an estimated 1.3 billion people who benefit from pastoralist value chains (World Bank, 2021). Rangelands cover more of the earth's surface than any other land use type, and pastoralism forms the basis of community livelihoods in over 100 countries, on all inhabited continents (Manzano et al, 2021). The United Nations Environment Programme has identified Pastoralism and rangelands as globally significant, but under-recognized and undervalued (Johnsen et al, 2019).

Mobility is central to the livelihoods, cultural identity, and climate adaptation strategies of Pastoralists and Mobile Indigenous Peoples, and includes social, political, economic, and philosophical and religious dimensions (Hempstead and Rodgers, 2023). Despite its critical importance, mobility is often neglected or actively suppressed in national and regional land-use policies, through measures such as forced sedentarization (Semplici and Rodgers, 2023). Such restrictions on mobility have historically inflicted severe impacts on pastoralist communities, with especially adverse effects on women, who are typically the holders of community knowledge and traditions (See e.g. Kaur et al, 2023. Balehey et al, 2018). Furthermore, restrictions on mobility contribute to environmental degradation through overgrazing, and impair pastoralists' ability to adapt to shifting social and environmental conditions (Messmer et al, 2024; Elias, 2023; Liao et al, 2020).

This paper proposes an indicative methodology for conceptualizing and analysing the robustness of pastoralists' mobility and tenure rights. Here, "mobility rights" are understood both as a distinct category of rights, directly affecting the ability of these communities to move seasonally, and as a defining characteristic

of other rights, influencing their recognition and realization beyond a fixed area, thus impacting the security of community mobility.

In this paper, we understand pastoralism as a livelihood system primarily based on the extensive management of domesticated animals, characterized by mobility as an adaptive strategy to optimize resource use in variable environments. It involves the close relationship between people, livestock, and landscapes, typically guided by traditional ecological knowledge and social institutions that ensure sustainable use of common-pool resources. Pastoralism encompasses culturally embedded practices that rely on communal or shared land tenure systems.

Tenure rights are conceptualized here using a bundle of rights, drawing on Schlager and Ostrom (1992) and similar methodologies developed by the Rights and Resources Initiative (RRI). The present methodology applies the same unit of analysis as other RRI tenure tracking analyses: the Community-Based Tenure Regime (CBTR), defined as the set of national and state-level laws and regulations governing situations in which rights to terrestrial natural resources are held at the community level. Here, the CBTR concept extends to laws and regulations governing all situations in which the rights of use, movement, and access of mobile pastoralists are collectively held. Critically, this analysis also considers whether rights are static – that is, inhering only to a fixed area of land – or dynamic, inhering to the community itself and thus applicable across their annual migratory routes.

Proposed Methodology

The methodology proposed here identifies two broad, interrelated sets of bundles of rights as areas of assessment. The first is a bundle of mobility and tenure rights held by pastoralists at the community level. The second is a cross-cutting bundle of the specific rights of women within pastoralist systems, which is elaborated in the following section. Each area of analysis identifies key issues and indicative indicators, offering a baseline that facilitates cross-contextual comparison while allowing for context-specific tenure and mobility arrangements in different jurisdictions.

The areas of analysis at the community level include: Mobility and Access Rights; Use and Management Rights; Participation and Exclusion Rights.

Mobility and Access Rights:

Legal recognition of mobility, such as through bilateral and regional transhumance protocols or national policies, forms the baseline for analysis. Barriers to mobility include land-use conversion, infrastructure development, and conservation policies that conflict with traditional pastoralist corridors. Similarly, access rights hinge on whether pastoralists can legally and practically access resources seasonally or communally. The framework evaluates recognition of overlapping and reciprocal access rights, distinctions between human and livestock access, and provisions for cross-border access. Positive indicators for these rights include legal protections for mobility, frameworks for customary and seasonal access, and recognition of Free, Prior, and Informed Consent (FPIC) (Hempstead & Rodgers, 2023; Davies, 2024). Negative indicators include sedentarization policies, inconsistent infrastructure planning, and the criminalization of mobility.

Use and Management Rights:

The sustainable use and governance of rangelands, water points, and other critical resources are foundational for pastoralist livelihoods (Natural Resources Institute, 2017). This framework evaluates the extent to which pastoralist resource use is legally protected, whether for subsistence, commercial, or cultural purposes. Barriers such as fees, permits, or procedural restrictions are analyzed alongside provisions for community-based resource management.

Positive indicators could include the presence of legal protections for different resource use types, state investment in pastoralist infrastructure, and mechanisms for joint resource management. Negative indicators include procedural restrictions on resource access and incidences of conflict.

Participation and Exclusion Rights:

Pastoralists' participation in land-use planning and decision-making processes is a critical component of equitable governance. The analysis includes consideration of legal provisions for FPIC, representation in governance bodies, and the inclusion of pastoralists in national and regional policy frameworks. Exclusion rights are understood as pastoralists' ability to regulate and negotiate third-party access to their grazing lands (See Hempstead & Rodgers, 2023; Robinson et al, 2017). Positive indicators include robust participatory mechanisms, legal requirements for FPIC and provisions for communal land governance. Negative indicators include unilateral state actions that undermine pastoralist mobility without consultation, and the use of enclosures.

Gender and Women's Rights

In addition to rights held at the community level, the framework also considers the specific rights of women within pastoralist tenure systems through three interrelated areas of analysis: Women's Mobility and Land Access Rights; Women's Livelihoods and Resource Use; and Women's Governance Rights. Within each of these areas of analysis, we also propose indicative indicators

Women's Mobility and Land Access Rights

Indicators of progress include gender-sensitive laws that ensure equal mobility rights and access to safe infrastructure like water points. Barriers include laws or regulations restricting women's independent movement or rights to land.

Women's Livelihoods and Resource Use

Positive indicators include legal recognition of women's rights to own or co-own livestock, women's specific rights to access water and pasture, and their equal inheritance rights. Negative indicators include restrictions on women's livestock ownership or control of income from livestock production.

Women's Governance Rights

Positive indicators include established quotas or minimum participation thresholds for women in community executive and decision-making bodies, and quorum requirements for binding resolutions or votes. Negative indicators include exclusionary practices such as requiring male consent for women's participation.

Discussion and Implications

This framework offers a novel contribution to understanding and evaluating the mobility and tenure rights of pastoralists, a globally significant but under-recognized system of livelihoods. By applying the concept of a bundle of rights within the context of transhumance, it bridges critical gaps in existing analyses of rangeland governance and mobile pastoralist rights.

Through a consultative and collaborative process, RRI proposes to operationalize this framework in diverse pastoralist landscapes by applying the methodology across regions and refining indicators to better capture nuanced dynamics. Policymakers and advocates can use these global insights to strengthen governance systems and support the equitable development of pastoralist communities in the face of mounting environmental and socio-political challenges.

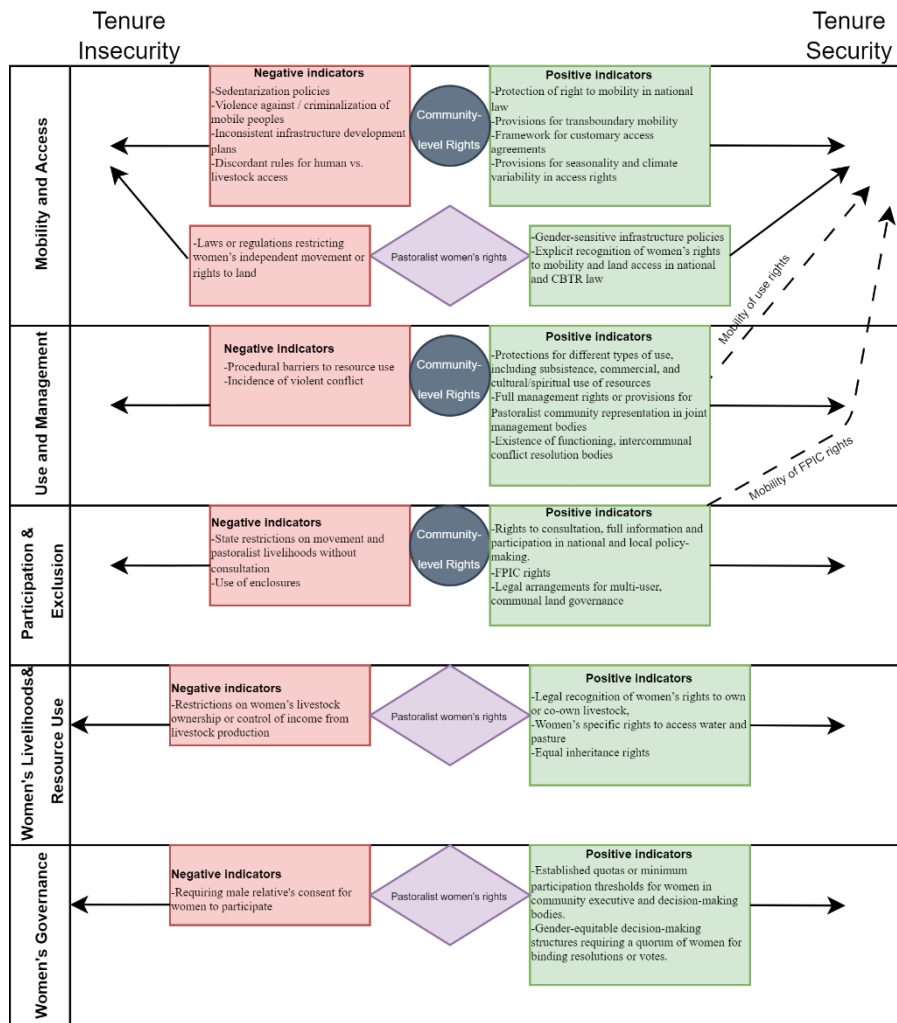


Figure 1 - Diagram of Methodology

Acknowledgements

The authors thank our colleagues at the Rights and Resources Initiative, Chloe Ginsburg and Alain Frechette, for their review and comments on this draft. Thanks also to Ariell Ahearn and Dawn Chatty of University of Oxford, and Jeremie Gilbert of the University of Roehampton for instructive insights that informed our understanding, especially concerning the relationships between mobility and tenure rights.

References

Balehey, S., Tesfay, G., & Balehegn, M. (2018). Traditional gender inequalities limit pastoral women's opportunities for adaptation to climate change: Evidence from the Afar pastoralists of Ethiopia. *Pastoralism*, 8(1), 1-15. Retrieved from <https://doi.org/10.1186/s13570-018-0129-1>

Davies J. (2024) Opportunities and challenges of the green transition for pastoralism and Indigenous people in Africa: Workshop. Publications Office of the European Union, Belgium. Available at <https://coilink.org/20.500.12592/v6wwx4v> [Accessed 2 Jan 2025]

Elias, E. (2023). Restrictions on Herd Mobility and Its Implications on Pastoral Adaptation to Climate Change: Perspectives from Drylands of Borena in Ethiopia. Retrieved from <https://core.ac.uk/download/pdf/234663960.pdf>

Hempstead, E., & Rodgers, C. (2023). Workshop Report-Dana+ 20: Mobile Indigenous Peoples, Conservation, Sustainable Development, and Climate Change Two Decades after the Dana Declaration. Retrieved from https://www.danadeclaration.org/files/ugd/d6f494_72f3d7a43ceb4227bf742aa522969ec1.pdf

Johnsen, Kathrine Ivsett, et al. (2019). A case of benign neglect: knowledge gaps about sustainability in pastoralism and rangeland. United Nations Environment Programme and GRID-Arendal, Nairobi and Arendal. Retrieved from <https://www.unep.org/resources/report/case-benign-neglect-knowledge-gaps-about-sustainability-pastoralism-and-rangelands>

- Kaur, Gurpreet, Prateek, Saeed Pawar, and Pawana Kumari. (2023). "Understanding Pastoral Women's Work: An Exploratory Study." *SocArXiv*. doi:10.31235/osf.io/qxjgc
- Liao, C., Agrawal, A., Clark, P. E., Levin, S. A., & Gilles, J. L. (2020). Landscape sustainability science in the drylands: mobility, rangelands, and livelihoods. *Landscape Ecology*, 35(10), 2365-2379. <https://doi.org/10.1007/s10980-020-01068-8>
- Manzano, Pablo, et al. (2021). Toward a holistic understanding of pastoralism. *One Earth*, 4(5): 651-665.
- Messmer, M., Eckert, S., Torre-Marín Rando, A., et al. (2024). Major distribution shifts are projected for key rangeland grasses under a high-emission scenario in East Africa at the end of the 21st century. *Commun Earth Environ*, 5, 600. <https://doi.org/10.1038/s43247-024-01731-x>
- Natural Resources Institute (2017). Pastoralism: Information notes. Available at <https://www.celep.info/wp-content/uploads/2017/02/Pastoralism-Information-Notes-FINAL.pdf> [Accessed 2 Jan 2025]
- Robinson L.W., Ontiri E., Alemu T., Moiko S.S. (2017) Transcending landscapes: working across scales and levels in pastoralist rangeland governance. *Environmental Management* 60, 185–199. Available at <https://doi.org/10.1007/s00267-017-0870-z> [Accessed 3 Jan 2025]
- Schlager, E., & Ostrom, E. (1992). Property-rights regimes and natural resources: a conceptual analysis. *Land Economics*, 249-262.
- Semplici, G., & Rodgers, C. (2023). Sedentism as doxa: Biases against mobile peoples in law, policy and practice. *Nomadic Peoples*, 27(2), 201–217. <https://doi.org/10.3197/np.2023.270201>
- World Bank. (2021). Moving Towards Sustainability: The Livestock Sector and the World Bank. Retrieved from <https://www.worldbank.org/en/topic/agriculture/brief/moving-towards-sustainability-the-livestock-sector-and-the-world-bank>