



MOVING RIGHTS FORWARD:

Legal Recognition of Pastoralists' and Mobile Peoples' Mobility and Access Rights



Supports the



INTERNATIONAL YEAR OF
**RANGELANDS AND
PASTORALISTS**
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KEY FINDINGS

1. Mobility as a fundamental right of pastoralists and Mobile Peoples is underrecognized across reviewed countries. Only Niger explicitly recognizes mobility and transhumance as a fundamental legal right.

2. Formal access rights do not guarantee substantive access. All seven countries recognize pastoralists' right to access land in some form, but formal recognition consistently fails to translate into enforceable protection against encroachment.

3. All seven countries provide some legal regime through which pastoralists and Mobile Peoples can access rights. However, none ensure equal or comprehensive protection, and most frame pastoral land rights through a sedentary or productivity-oriented lens that fails to account for the mobile, flexible, and collective nature of pastoral livelihoods. The exception is Niger, whose dedicated pastoral legal framework explicitly recognizes mobility and transhumance as core components of pastoral tenure, rather than treating them as deviations from a fixed land-use norm. All seven countries have ratified CEDAW, but none have enacted pastoralist-specific legal protections for women's mobility, and only Kenya and Bolivia provide some legal protections for women's access to lands and resources.

4. Barriers to mobility are structural, consistent across ecosystems, countries, and legal frameworks, and compounding. The factors impeding mobility across all seven countries include: land conversions due to agricultural expansion, extractive industries, and infrastructure development; the growth or persistence of fortress conservation measures; conflict and insecurity; and the growing footprint of carbon and green projects. Women face compounded and intersecting barriers with no dedicated policy response.

5. With the exception of Niger, all countries impose administrative burdens for the legal recognition of pastoralist rights, including registration, titling, certification, or cooperative membership. All countries impose transaction costs—in money, time, and administrative capacity.

6. Customary arrangements are the primary governance layer for most pastoralists, but are legally unprotected in two of the seven countries. Women in pastoral and mobile communities are particularly disadvantaged and unprotected, even within customary frameworks. While overarching laws in some countries guarantee gender equality, there are rarely specific protections for pastoralist and mobile women. Across countries, the absence of legal recognition for women leaves them unprotected from the imposition of gendered roles that undermine their rights.

7. State support for pastoral livelihoods is universal in form but weak in practice. Every country has at least one government institution, program, or budget line relevant to pastoral communities, but most seek to advance sedentary, agricultural, or livestock productivity models, and implementation gaps remain.



RECOMMENDATIONS

- Enact explicit legal recognition of pastoralists' and Mobile Peoples' mobility as a fundamental right, including transboundary mobility. Strengthen and legally protect transboundary mobility frameworks. Governments should ratify, domesticate, and fully implement regional and bilateral transboundary mobility agreements.
- Legally demarcate and protect pastoral corridors, water points, seasonal grazing areas, and mobility areas.
- Recognize and legally protect customary governance arrangements. Dedicated legislative pathways should be created to formally recognize and enforce customary access agreements without imposing disproportionate formalization burdens or appropriating customary governance systems without community leadership.
- Enact pastoralist-specific protections for women's mobility, land access, and governance participation.
- Immediately halt approvals for projects that directly violate pastoralists' and Mobile Peoples' rights.
- Ensure the pastoralists' and Mobile Peoples' right to Free, Prior, and Informed Consent is recognized and implemented.
- Reform formalization requirements to reduce transaction costs and administrative burdens for communities.
- Align climate finance, conservation, and green development frameworks with rights-based approaches.
- Invest in pastoral-specific and Mobile Peoples' infrastructure designed for and with communities, including the women and youth within these communities.
- Support women's leadership within customary institutions and formal governance bodies, including through quota and quorum requirements, and documentation of women-inclusive customary practices as a basis for broader legal reform.

Moving Rights Forward: Legal Recognition of Pastoralists' and Mobile Peoples' Mobility and Access Rights

A cross-country analysis of Kenya, Niger, Tanzania, Mongolia, Nepal, Bolivia, and Peru

1. Introduction

Globally, there are as many as half a billion people who depend on pastoralism for their livelihoods.¹ Rangelands cover more of Earth's surface than any other land use type, and pastoralism provides livelihoods to communities in over 100 countries on all inhabited continents. Yet pastoralism and rangelands have historically been under-recognized and undervalued.

Pastoralists and Mobile Peoples² have sustained rangeland ecosystems across Africa, Asia, and Latin America for millennia through traditional knowledge and adaptive management practices. Pastoralists' mobile livelihood practices are based on customary systems with rich histories where mobility is a core aspect of social organization. However, these communities face increasing threats to their mobile tenure systems from agricultural and conservation expansion, land privatization, exclusive policies, competing land uses, land conversion, and marginalization from decision-making processes. Whilst growing in significance and proportional impacts, the threats pastoralist communities face are part and parcel of a long history of discrimination and marginalization, marked by weak or inadequate legal protections for pastoralists' rights and the failure of states to adapt legal tenure regimes to their mobile livelihoods.³

The declaration of 2026 as the International Year of Rangelands and Pastoralists (IYRP) is a key opportunity to gather evidence on the current status of pastoralists' and Mobile Peoples' tenure rights and increase engagement and advocacy around pastoralist communities' efforts to improve their tenure security and rights to mobile livelihoods. The term 'tenure security' can be interpreted as fixed and bounded forms of property in land. This framing does not translate well into mobile pastoralist contexts, where exclusive possession of land (even collective possession) has not been part of the normative worldview or customary framework of many pastoralist groups. The application of certain tenure security frameworks by national governments has, in many cases, functioned as a form of privatization. Flexible, mobile, and customary forms of land use have been transformed by requiring pastoralist groups to register as members of bounded land areas, effectively fragmenting the pastoralist commons. This report argues for a modified **tenure security** for pastoralists and Mobile Peoples, one that is rights-based and adapted to reflect the distinct realities of pastoral systems and traditional livelihoods.

This brief, the related methodology and the case studies applies a broad and adaptive definition of pastoralist peoples to ensure the diverse customary communities are considered, including nomadic and semi-nomadic peoples, pastoralists, herders and Indigenous Peoples living in isolation and initial contact.

For the purposes of this report, 'tenure security' does not refer to ownership, sedentary, or private property models. Drawing on RRI's Bundle of Rights framework as adapted to reflect the distinct realities of pastoral systems, tenure security is understood here to mean the strength and enforceability of pastoralists' rights to mobility, shared access, collective governance, and reciprocal resource use — recognized on their own terms, within their own tenure paradigms. This includes rights to move freely across seasonal grazing areas and corridors, to access land and water through customary and negotiated arrangements, and to exercise self-governance over the terms and conditions of that access, free from forced registration to bounded areas of land.

This report includes a brief presentation of findings across seven countries in Africa, Asia, and Latin America on the legal status of pastoralist and mobile communities' and women's rights to mobility and access, key barriers and implementation issues, and a collection of eight case studies across these countries providing insights into the lived realities of pastoralists. The case studies highlight key findings on the challenges that pastoralists and Mobile Peoples face, including human rights violations, their resilience strategies, and the specific rights of women within these contexts.

2. Methodology

Building on RRI's continuous efforts to assess the state of community rights across ecosystems and sectors, extensive consultations and collaborations with rightsholder groups and experts were carried out to develop a comprehensive methodology⁴ for assessing the strength of the mobility and tenure rights of pastoralists and other Mobile Peoples, including the rights of women within these communities. The methodology focuses on the subset of applicable laws, regulations, and policies that collectively define the current tenure regimes applicable to pastoralists and Mobile Peoples in any given country. In turn, the adequacy of identified tenure regimes is assessed on the basis of contextual factors and the degree to which associated laws are implemented in practice. Finally, to ensure valid and reliable results, case country data collection and analysis were conducted by in-country experts for consistency and analytical rigor.

This report presents an analysis on the status of legal recognition of pastoralists' and Mobile Peoples' rights and case studies from seven countries, namely: Bolivia, Kenya, Mongolia, Nepal, Niger, Peru, and Tanzania. While pastoral rights are assessed from the perspective of national laws and regulations, it is noted that community-based rights are inherent by nature and, accordingly, can neither emanate from nor be denied by a state. To reflect how pastoralists actually organize their mobility and livelihoods, relevant, contextual, and implementation findings are used to situate formal legal analysis, recognizing that pastoralists' rights and governance systems exist independently of and often predate the legal frameworks examined here. By distinguishing what is from what ought to be, the study seeks to identify the primary obstacles to the exercise of pastoralist customary rights and livelihoods, providing a strong foundation for advocacy and the advancement of legal reforms and targeted actions.

3. Tenure Regimes: Legal Routes to Access Rights Recognition

A domestic legal framework that recognizes the distinct status of pastoralists as rightsholders and respects their fundamental rights is essential for ensuring that the IYRP 2026 goals of recognizing and supporting pastoralist communities and their significant contribution to sustainable development are met.⁵

Across the seven pilot countries, pastoralists are recognized as distinct rightsholders in one of three ways:



In **Bolivia, Kenya, Nepal, Peru, and Tanzania**, pastoralists are considered within the tenure regimes that recognize the collective rights held by Indigenous Peoples

or local communities. Membership within these communities provides the primary legal avenue for the recognition of the rights of pastoralists and Mobile Peoples. Despite some recognition of collective rights in these contexts, these tenure regimes may still provide for fragmented rights and access regulated through a livestock-productivity lens rather than a rights-based one (Tables 1 and 4).



In **Niger**, national laws specifically recognize the tenure rights of pastoralists. Niger possesses one of the most comprehensive pastoral legal frameworks in Africa, built around the Code Rural institutional system (Ordonnance No. 93-015) and strengthened by the Pastoralism Ordinance (Ordonnance No. 2010-029). Together, they establish legal recognition of pastoral mobility, regulate access to pastoral resources, and create decentralized land governance institutions (Commissions Foncières) responsible for managing land conflicts and pastoral corridors.

The adoption of Niger’s Law on Pastoralism was the result of popular demand from pastoralist communities and was drafted through a participatory approach, with representatives of herders and local chiefs. More than 100 workshops were organized in all regions of Niger in order to define pastoral organizations’ demands.



In **Mongolia**, national laws establish state sovereignty over all land, including pastureland, which herders can use. The law classifies land into six categories, including agricultural land, under which pastureland falls. Given the extensive presence of pastures across the country, herders maintain customary mobile land-use practices. However, these practices are not explicitly recognized or protected by the state in national legislation. As a result, the law fails to adopt a rights-based approach to enabling and supporting herder mobility, instead focusing on regulation through livestock productivity and land management frameworks. The Law on Land specifies that all land within the borders of Mongolia “constitutes a unified land territory” (Article 9.1), which creates a centralized sovereignty of the state over the land and enables the state to re-classify land for different purposes.

Table 1. Tenure Regimes Through Which Pastoralists Access Rights

	Country	Regime Type	Tenure Regime Name(s)	Level of Protection
AFRICA	Kenya ⁸	Collective Tenure Regimes	Registered and Unregistered Community Lands	Constitutional protections recognize collective ownership as part of Registered and Unregistered Communities. However, laws prioritize sedentarism and exclusive bounded use of land.

AFRICA	Niger	Pastoralist-specific	Pastoralist Communities	Rights-based legal framework.
	Tanzania	Collective Tenure Regimes	Village Lands	A fragmented legal landscape in which pastoralism is nominally recognized as legitimate land use, and laws force sedentarism and exclusive bounded use of land . Pastoralist communities can access village land areas that have been formally demarcated, registered, and planned, through communal Certificates of Customary Right of Occupancy (CCROs).
ASIA	Mongolia	Pastoralist-specific	State Unified Land Territory	Herders are allowed to use pastureland, and some regulations protect such use. The state has ultimate centralized sovereignty, and there are no rights-based protections.
	Nepal	Pastoralist-specific	Rights of Pastoralists	Legal recognition of customary practices, collective tenure rights, and the possibility of private land holdings with size limitations.
LATIN AMERICA	Bolivia	Collective Tenure Regimes	Territorio Indígena Originario Campesino (Original Peasant Indigenous Territory)	Constitutional protections recognize collective ownership.
			Propiedades Comunitarias (Communal Property)	
	Peru	Collective Tenure Regimes	Comunidades Nativas (Native Communities)	Constitutional protections recognize collective ownership.
Comunidades Campesinas (Peasant Communities)			Constitutional protections recognize collective ownership.	
Reservas Indígenas (Pueblos Indígenas en Aislamiento y Contacto Inicial (PIACI)) Indigenous Reserves (Indigenous Peoples in Voluntary Isolation)			Constitutional protections recognize collective ownership.	

4. Mobility Rights

4.1 Communities' Mobility Rights

Mobility, transhumance, and communal governance are fundamental rights of rangeland communities.⁶ They are at the core of pastoralist and mobile livelihoods, and their recognition is an urgent priority for the dignity and tenure security of pastoralists. Safeguarding pastoralists' rights is not only key for its inherent value and for meeting the livelihood needs of communities the world over, but is also essential for offsetting the risks of land degradation by enabling communities to exercise locally adapted solutions that create benefits for people and the planet.⁷

Despite this, policy and legal regimes have long maintained a narrative that pastoral mobility and land uses are deviations, transgressions, or even threats to sustainable and efficient land use, leading to sedentarization policies that have effectively increased land fragmentation, ecosystem degradation, and the criminalization of traditional livelihoods. Unfortunately, evidence from this analysis shows that such **biases are still prevalent in different parts of the world. Most of the reviewed legal frameworks fail to acknowledge pastoralists' and Mobile Peoples' rights to mobility or the need for flexible tenure arrangements**, abandoning pastoralists to ambiguous texts or legal voids that only further insecurity. **An important exception is Niger, whose pastoral legislation explicitly recognizes mobility and transhumance as central components of pastoral livelihoods.**

Table 2. Recognition of Mobility as a Fundamental Right of Pastoralists

● Discriminatory: Law or policy forces sedentarism	● No explicit right to pastoral mobility, but relevant laws may create a legal foundation from which such a right can be argued or advanced	● Pastoralist mobility is recognized as a fundamental right
Tanzania	Kenya Nepal Mongolia Peru Bolivia	Niger

Whether practiced as a customary or formally recognized right, evidence from the seven countries shows that communities face consistent and seemingly growing barriers to their mobility (Tables 6 and 8), including agricultural encroachment, extractive industry expansion, conservation area restrictions, infrastructure fragmentation, and the growing footprint of carbon and green development projects. The absence of legally demarcated corridors, the erosion of customary and transboundary reciprocity arrangements, and the increasing formalization requirements for state support mechanisms means that mobility is both legally undermined and actively threatened in practice, forcing pastoral and mobile communities to negotiate access to their own traditional territories while facing substantial obstacles and human rights violations.



Photo of the founding members of the Pastoral Women's Council.
Photo: Pastoral Women's Council

4.2 Pastoralist Women's Mobility Rights

All seven countries have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which obliges states to remove any and all legal impediments against Indigenous women and women in rural areas, including in land ownership and access. CEDAW obligations are systematically unimplemented in pastoralist contexts: **No country in the sample explicitly recognizes pastoralist women's mobility rights in law, and several fail to recognize women's equal access rights to community lands.** In Niger, where mobility is recognized as a fundamental right of pastoralists, women could presumably access such rights as members of their communities. However, Niger legislation also fails to provide for any explicit recognition of pastoralist women's rights or their membership, leaving the burden to advocate for such pathways solely on women.

This is a striking and uniform gap. Pastoralist and mobile women face the same structural barriers to mobility as men, but with additional gendered constraints: Unbalanced and unpaid caregiving responsibilities, patriarchal social structures, customary restrictions on women's mobility, lack of safety when moving, and lack of independent legal standing in many community governance systems ([Tables 6](#) and [8](#)).

4.3 Transboundary Mobility and Climate Adaptation

Most pastoralists' and Mobile Peoples' traditional territories and routes predate the establishment of modern nation-state borders and jurisdictional land divisions, with their land use and mobility varying by season, weather, and time of year. Cross-boundary exchanges are essential drivers of cultural and economic relations amongst communities whose livelihoods and well-being have been fractured by borders. For pastoralists, transboundary movement is a critical adaptation feature to sustainable dryland management and use, ensuring access to varying seasonal resources, livestock trading, and improved social-ecological resilience to climate change.⁹ Despite this, only three of the seven legal regimes assessed actually consider or protect transboundary mobility, though four of the countries explicitly link pastoralists' mobility to climate adaptation, drought management, seasonal variations, or emergency grazing access.

Table 3. Recognition of Transboundary Mobility and Mobility as a Climate Adaptation Strategy

Country	Transboundary Mobility is Recognized/ Protected	Law or Policy Links Pastoralists' Mobility to a Climate Adaptation Strategy
Kenya	Signatory to IGAD Protocol on Transhumance (2020), which recognizes cross-border livestock mobility as a livelihood and climate adaptation strategy.	Yes
Niger	Bilateral agreements exist with Nigeria, Chad, and Burkina Faso for transhumance.	Yes
Tanzania	No bilateral agreements and animal health laws restrict movement across Tanzania, Kenya, and Uganda.	Pastoralism is largely subsumed under broad livestock or agricultural categories, with little explicit attention to mobility as a core climate-adaptation strategy.
Mongolia	Does not recognize the right for cross-border movement from either Russia or China outside of general officially designated border-crossing points and prohibits keeping livestock and inhabiting or settling within the border strip.	The legislation/policy includes climate adaptive measures or programs, but it is not explicitly tied to pastoralist mobility rights. Some climate change policies proposed a call for reducing livestock numbers without evidence-based research and without the participation of herders.
Nepal	Agreement with China on transboundary pasturing, whereby pastoralists living in border districts have the legal right to move freely across national borders and use resources. In reality, access can be complex and restricted by authorities. Particularly, since the COVID-19 pandemic, border restrictions and veterinary requirements have restricted pastoralists' transboundary mobility. ⁹	Yes
Bolivia	Law recognizes and protects the transboundary way of life but no bilateral agreements exist yet.	Yes
Peru¹⁰	No legislation or bilateral agreements.	General recognition of traditional and customary knowledge as climate mitigation and adaptation strategies, but no specific link to pastoralist communities or mobility.

5. Access Rights to Lands and Livestock

Unsurprisingly, pastoralists' **right to access** land is the most commonly recognized right across the sample, given that it is also the most basic element of land-based legislation. However, **formal recognition of a generic right to access land does not guarantee rights-based or substantive access.**

Pastoralists' rights and livelihoods are fundamentally tied to their animals or livestock, and their ability to move along with them. While veterinary health requirements and support from states are necessary for the protection of both livestock and livelihoods, restrictions on livestock movement can significantly impede pastoralists' access rights by hindering and even criminalizing their ability to exercise their livelihoods. And in contexts of pervasive power imbalances between communities and regulators, arbitrary restrictions on livestock movement in drylands can create deleterious impacts on both people and ecosystems.

Table 4 shows the extent to which access rights are recognized and the multiple ways in which legal regimes approach livestock access.

Within RRI's Pastoralism and Mobile Peoples methodology, the right to access refers to the legally or customarily recognized entitlement of pastoralists and mobile peoples to enter, use, and move through land, water, and natural resources — including pastures, grazing areas, livestock corridors, transhumance routes, water points, forests, and conservation areas — for the purposes of subsistence, commercial, and cultural activities. Access rights in pastoral contexts are inherently dynamic: they may be seasonal, reciprocal, negotiated, or shared, and their exercise is inseparable from the right to mobility.

Table 4. Recognition of Access Rights

Country	Access Rights are Guaranteed	Extent of Rights by Area (Descriptive)	Differentiation with Livestock Access
Kenya	<ul style="list-style-type: none"> Communal tenure and collective use of grazing lands. Community conservancies arrangement: controlled form of rotational grazing is enforced with grazing plans. Flexible and negotiated cross-boundary access to protected areas, water, pastures, and salt licks. 	Community lands constitute at least 65 percent of the national land mass , though formal registration lags, and there is no breakdown by pastoralist communities.	Yes—livestock access to conservation areas and national parks is heavily restricted or prohibited, even where human access is permitted.
Niger	<ul style="list-style-type: none"> In pastoral areas, which are part of the “public domain of the state” (public lands), pastoralists have common and collective rights of use over land and pastoral resources (pastures, water points, rest areas). In agricultural areas, characterized by privately or customarily used land, the law guarantees pastoralists' access rights through the recognition of transhumance tracks and corridors, residual grazing areas, and public water points. These pastoral easements are binding on landowners and farmers. 	Ordinance No. 2010-029 on pastoralism requires the National Secretariat of the Code Rural to carry out an inventory of pastoral spaces, and, since 1993, the Code Rural framework has required a Schéma d'Aménagement Foncier (SAF) to map and classify land uses. However, only partial inventories of certain pastoral spaces have been carried out in some zones, and no SAF has ever been finalized at the national level. ¹¹	Yes—the Code Rural establishes that water for human use takes priority and is governed as a public right (Article 48), while livestock water access is separately regulated through pastoral easements and designated water points subject to specific pastoral legislation.

<p>Tanzania</p>	<ul style="list-style-type: none"> ● Joint Village Land Use Planning (JVLUP) enables communities to formally protect communal grazing areas, livestock corridors, and seasonal reserves as village land.¹² ● This possibility, through JVLUPs, operates within a broader legal regime that forces sedentarism and treats pastoral mobility as a conditional and administratively controlled land use.¹³ ● See Tanzania case study for examples from the Ujamaa Community Resource Team (UCRT) emphasizing landscape connectivity and collective tenure. 	<p>The extent of land to which pastoralists have recognized rights in Tanzania remains contested.</p>	<p>Yes—JVLUP designates specific grazing areas and livestock corridors distinct from areas of general human use, though in practice the distinction is poorly enforced and livestock movement is increasingly restricted by conservation and land use policies that do not apply equally to human movement.</p>
<p>Mongolia</p>	<ul style="list-style-type: none"> ● Right to access pastureland according to the Law on Land. ● Pasture cannot be privately owned. ● Herder can obtain winter and spring camp possession certificates for 15–60 years, which may be extended once for 40 years. ● May have limited access (that is, seasonal use) to Forest Lands and Protected Areas based on the regulations of local authorities. ● Prohibited from grazing livestock or accessing resources in the following areas: mining and industrial sites of business entities, cultivated agricultural fields, or settled areas. 	<p>Approximately 196,000 herder households in Mongolia¹⁴ and Mongolia’s territory is 150 million hectares, of which 72 percent is occupied for pastoralist purposes.¹⁵</p>	<p>Yes—while humans and livestock generally move together, livestock-specific restrictions apply in quarantine zones (Law on Livestock and Animal Health, Article 17.3), near crop lands (Law on Crop Farming, Article 24.1.1), and at mining and industrial sites. Veterinary and animal identification requirements apply specifically to livestock movement.</p>
<p>Nepal</p>	<ul style="list-style-type: none"> ● Private land holding areas. ● Customary rights access for pasturing and seasonal activities in National and Community Forests. ● Nationalized pasturelands where access rights exist, but local government regulates. ● Pastoralists have restricted rights to access the mountain National Parks, Buffer Zones, and Conservation Areas. 	<p>More than 22 percent of land in Nepal is under Rangeland designation.</p>	<p>Yes—pastoralists may access National and Community Forests for customary activities, but livestock grazing in National Parks, Buffer Zones, and Conservation Areas is subject to separate and more restrictive regulations. Similarly, settlements, even temporary ones, in these areas are prohibited, and the expansion of conservation areas has resulted in the eviction of mobile Indigenous Peoples.¹⁶</p>

<p>Bolivia</p>	<ul style="list-style-type: none"> ● Pastoralists’ right to access land as livestock producers, conditioned on fulfilling a Social Function or Economic-Social Function (FES). ● Indigenous and Peasant communities are guaranteed territorial integrity covering not only productive areas but also social, spiritual, and cultural spaces. ● On public (fiscal) lands: (i) free collective allocation to Peasant communities, Indigenous Peoples, and Afro-Bolivians, with internal distribution governed by customary rules; (ii) paid allocation at market value for medium and large livestock enterprises, or at concessional value for individual settlers. ● On private lands, third-party pastoral access is strictly limited.¹⁷ 	<p>Within the 34.6 million hectares recognized for communities, approximately 12 million hectares were estimated to be dedicated to pastoralism and livestock activities.</p>	<p>Yes—while human access to land is validated through residency and social function criteria, livestock access is assessed through technical criteria, including animal counts (five hectares per head of cattle) and mandatory brand registration.</p>
<p>Peru</p>	<ul style="list-style-type: none"> ● Recognizes the right of Peasant and Native communities to collective land access, granting communities broad authority to regulate internal land access. ● On public lands, Peasant communities with insufficient land have priority for adjudication of adjacent state-reverted lands and preferential rights to purchase adjacent lands when sold. Native communities with insufficient land are entitled to adjudication of additional territory to meet their population’s needs. ● On private lands, pastoral access requires agreement with the landowner. 	<p>There is no breakdown by pastoral areas.</p> <p>7,282 Peasant communities (Andes, coast, and riverside communities of the Amazon), of which 5,297 are titled and occupy a total area of 24,735,043 hectares.</p> <p>In the Amazon, 3,003 Native communities with a legal area of 18,590,565 hectares, of which 2,286 are titled, expanded, and demarcated.</p> <p>Eight Indigenous and/or Territorial Reserves for PIACI communities totaling 4,631,452.80 hectares, representing approximately 3.6 percent of the national territory.</p>	<p>No—the legal framework does not establish differentiated rules for human versus livestock access. Community assemblies regulate the maximum number of livestock each member may graze (Law 24656, Article 13), but this operates as a unified community land governance mechanism.</p>

5.1 Rights to Shared or Exclusive Tenure?

For pastoralists and Mobile Peoples, secure tenure means flexible tenure. A restrictive approach to either exclusive or shared access can be a defining factor in pastoralists' loss of access to lands and grazing areas and in their forced sedentarization. As noted above, rigid regulatory frameworks can place significant pressure on communities, leading to restrictive environments that may either criminalize pastoralists for exercising their customary rights or force them to abandon their traditional practices and knowledge systems, which are essential for land stewardship and intergenerational exchanges.

“Formal land-tenure systems have largely failed to recognize the rights of pastoralists, particularly those that support flexible, multifunctional, and temporary land use.”¹⁸

— IYRP Working Group on Pastoralists and Land Rights

The findings reflect the diverse institutional logics across the reviewed countries. In **Niger**, the legal framework recognizes pastoral communities' priority of use over their traditional lands, while maintaining the open and shared nature of these spaces with regard to other pastoralists.¹⁹ As noted in its Code Rural, Niger prohibits the appropriation of pastoral lands, preferring instead to maintain these as collectively accessible resources for the preservation of pastoral mobility (Article 5). In **Peru** and **Kenya**, where pastoralists' rights are guaranteed through broader community laws, access rights are exclusive and limited to demarcated communal lands and territories, which effectively restricts mobility rights. The remaining countries (Bolivia, Mongolia, Nepal, and Tanzania) approach access differently depending on the area.²⁰



Bolivia: Under national law, pastoralists and Mobile Peoples are granted exclusive access rights in designated areas, and can access other collective or public lands through formally recognized conciliation agreements or customary rights.²¹ Within their exclusive land holds, communities can also choose to register collective and individual portions, adopt internal rules, establish common use areas (grazing areas and water sources), and create easements of way.



Nepal: Pastoralists can hold private land where they have exclusive rights under a given ceiling (up to 8.75 acres, or 3.54 hectares) in the hills and mountain districts. Pastoralists primarily use pastureland near their villages or on their own land during the winter months, and for a short time during transitional periods. Annually, pastoralists can spend more than eight months in mountainous pasture areas where they depend on the customary practices of shared access rights in Protected Areas (National Parks, Buffer Zones, and Conservation Areas) and Community Forests.



Tanzania: Community rights to exclude others or utilize common areas are dependent on the legal category of a given land area and the planning instruments applied to it. Under the Land Act and the Village Land Act, land is classified as general land, village land, or reserved land, and each is governed by distinct tenure and management regimes with different rules on access, use, and control. Village land areas that have been formally demarcated and registered can be legally secured as an exclusive right by either individuals or groups. Tanzanian law also provides for legally recognized shared rights through participatory

village land-use planning and inter-village coordination mechanisms. The Land Use Planning Act of 2007 establishes planning authorities at national, district, and village levels and sets out a framework for the preparation and approval of land-use plans, including participatory village land-use plans. Subsidiary Village Land Use Planning Regulations provide for joint planning agreements between neighboring villages that enable shared access to grazing lands and natural resources. Access to reserved lands—such as national parks, forest reserves, and game reserves—is highly restricted or entirely excluded under Tanzania’s sectoral conservation legislation. The Wildlife Conservation Act of 2009 prioritizes wildlife protection and authorizes the creation of wildlife management areas, game reserves, and controlled areas in which grazing and livestock movement are either prohibited or subject to restrictive permits, often leading to the exclusion and, in some cases, evictions of pastoralists from historically used rangelands.



Mongolia: Pastoralist land access is not specifically regulated due to the unified land territory policy, which gives the state sovereignty over all lands but nevertheless allows herders to access pastureland on the basis of customary norms and arrangements. Mongolian law allows individual ownership of urban plots and formal possession certificates for herder winter and spring camps (valid for 15–60 years), but in practice, many herders rely on customary tenure—particularly kinship ties and long-term occupancy—rather than formal certification. The land covered by a possession certificate represents only a fraction of what mobile pastoralism requires. Access to broader pastureland is governed by negotiated, reciprocity-based arrangements between herder households, with local authorities occasionally intervening in high-density areas or specific cases. Legally, pastureland is state-owned, but herder access and use are neither fully open access nor exclusive, but occupy a customary middle ground that formal law does not fully capture. Currently, there are also no statistics on overlaps between the winter camp land certificates of herders and mining license areas issued on pastureland by the central government. Administrative bodies do not create or maintain such records. Whether the winter and spring camp land has a certificate or not makes no difference, because subsurface mineral rights supersede all other land and resource rights. As a result, herders lose their land. Even if a certificate exists, it does not provide protection. Although the Law on Herders has been adopted, it does not include provisions on herders’ land rights or their right to mobility (migration rights).

While exclusive access rights can provide some protection against the threat of encroachment from industrial agriculture or mining projects, rigid boundaries invariably force sedentarization and leave pastoralists unprotected from external pressures on common grazing areas. Challenges remain where procedural burdens, such as the payment of fees or access to specialized courts, are required for pastoralists to exercise their customary rights (for example, [see Nepal case study](#)). In the case of Mongolia, customary laws demonstrate the importance of navigating shared and exclusive access, but the absence of formal recognition means that communities are at the mercy of state decisions when it comes to competing land uses, such as mining ([see Mongolia case study](#)). **This mixed picture underscores the need for legal frameworks to accommodate the dynamic, negotiated character of pastoral land use without imposing rigid property boundaries ill-suited to mobile livelihoods.**

5.2 Women’s Property and Access Rights

To ensure adequate protection of pastoralist and mobile women’s rights, two dimensions must be met. First, the rights of all women in a country (including pastoralist and mobile women) need to be guaranteed through constitutional or overarching provisions. Second, specific protections are required that take into account pastoralist women’s rights as individuals and as members of their collective communities.²² In that context, Table 5 shows how each of the assessed countries fares in both dimensions.

Table 5. Women’s Overarching Property Rights and Pastoralist Women’s Community Rights

Both Dimensions	Only Overarching	Only Community-Specific	No Protections
<p>● Both overarching protections of women’s property rights and specific protections for pastoralist women’s access rights to community lands are guaranteed.</p>	<p>● The constitution or other overarching law contains a general provision affirming women’s rights to movable and immovable property or prohibiting practices that would adversely affect their access to or ownership of property.</p>	<p>● Pastoralist women’s rights to access community lands, territories, or resources are explicitly recognized.</p>	<p>● There are no legal protections for women, either overarching or community-specific.</p>
<p>Bolivia Kenya Nepal</p>	<p>Niger Mongolia Tanzania</p>		<p>Peru</p>

Bolivia’s Ley del Servicio Nacional de Reforma Agraria²³ and Kenya’s Community Land Act 2016 contain CEDAW-aligned gender equity provisions for land tenure, representing best practices for the sample. Kenya provides a relatively strong formal framework for women’s land rights within community structures. Women must be treated equally in evaluations for customary rights of occupancy (Section 14) and have an explicit right to equal treatment in all community land dealings (Section 30(3)). However, customary arrangements that subordinate women’s access and decision-making to male household heads and community governance practices that marginalize women’s participation remain pervasive across pastoral contexts and frequently override statutory guarantees in practice (for examples, see [Tanzania](#), [Niger](#), [Kenya](#), and [Bolivia](#) case studies). In Mongolia, the winter and spring camp lands of herders are not registered in the names of women herders. They are registered under the name of the household head, without known statistics of how many households are headed by women.

6. Implementation of Pastoralists' and Mobile Peoples' Rights

6.1 Key Barriers

Across all seven countries, evidence points to consistent structural barriers to pastoral mobility and access rights, regardless of the legal framework in place. For instance, despite a strong legal framework in Niger, agricultural expansion into pastoral corridors and growing insecurity in border regions have increasingly constrained traditional trans-humance routes. Table 6 shows the barriers cited as obstacles to the exercise of pastoral and mobile livelihoods, by the country where such barriers are present.

Table 6. Barriers Faced by Pastoralists in Countries Where They Are Present

Barriers to the Exercise of Rights	KENYA	TANZANIA	NIGER	NEPAL	MONGOLIA	BOLIVIA	PERU	TOTAL COUNTRIES
Extractive industries (mining, hydrocarbons)			●	●	●	●	●	5
Agricultural expansion / land conversion	●	●	●	●	●	●	●	7
Conservation areas / wildlife corridors	●	●		●			●	4
Infrastructure projects (roads, urban expansion)	●	●	●	●	●	●	●	7
Carbon projects	●	●	●			●		4
Tenure insecurity / lack of legal protection	●	●	●	●	●			5
Climate change / environmental degradation			●	●	●			3
Conflict and insecurity	●	●	●					3
Green energy projects	●	●	●		●	●	●	6
Criminalization and marginalization	●	●						2
Forced sedentarism / rigid boundaries	●	●						2
TOTAL BARRIERS PER COUNTRY	9	9	8	6	6	5	5	

6.2 Supporting Infrastructure for Pastoral Livelihoods

To address such barriers, at a minimum, states must dedicate legal, policy, finance, and specific efforts and support mechanisms—such as livestock water points, veterinary services, stock routes, and pastoral corridors—to facilitate pastoral mobility and access rights. Table 7 shows the extent to which each country has at least one government institution and/or dedicated program and budget to support pastoralist livelihoods. Despite growing dedication to support, the majority of states continue to create such efforts merely based on livestock productivity and not from a rights-based perspective.

Table 7. Level of Policy and Government Support for Pastoralists by Country

Country	Government Institution	Dedicated Program	Dedicated Budget
Bolivia	● Ministry of Rural Development and Land (MDRyT): Covers pastoralism indirectly under broader agricultural mandate.	● PDES 2021–2025 and Agenda Patriótica 2025 address pastoral communities indirectly.	● BOB 1.597 billion (approximately US\$228 million) allocated to agricultural development in 2024, including livestock, but not pastoralist-specific.
Kenya	● National Drought Management Authority (NDMA); Kenya Livestock Marketing Board; National Council on Nomadic Education; National Drought and Disaster Contingency Fund.	● ASAL strategies; National Policy on Ethnic Minorities and Indigenous Communities (2025) with specific pastoral provisions.	● Policy calls for 30 percent of County Climate Funds to community-led adaptation .
Mongolia	● Ministry of Food, Agriculture and Light Industry: Covers pastoralism indirectly under broader agricultural mandate.	● Economic development projects such as: “White Gold” cashmere program; “New Cooperative” movement but focused on livestock productivity rather than mobility.	● “White Gold” program (approximately US\$700 million through 2028), ²⁴ with herder-specific allocations not publicly disclosed and requires herders to set up cooperatives. ● Annual local government budget allocations for pastoral subsidies, water conservation, pastureland maintenance, and cattle track upkeep.
Nepal	● Local governments hold exclusive constitutional mandate for livestock policy (Constitution, Schedule 8).	● Provincial livestock promotion procedures (Bagmati, Karnali) with up to US\$7,500 per year subsidy per pastoral community.	● Annual local government budget allocations for pastoral subsidies, water conservation, pastureland maintenance, and cattle track upkeep.

Niger	<ul style="list-style-type: none"> ● Permanent Secretariat of the Code Rural (national and regional); National Transhumance Committee. 	<ul style="list-style-type: none"> ● National Livestock Development Strategy (SDDEL 2013–2035); PRAPS (Regional Sahel Pastoralism Support Project). 	<ul style="list-style-type: none"> ● National budgets for pastoral infrastructure exist, but are generally weak.
Peru	<ul style="list-style-type: none"> ● MIDAGRI; Ministry of Culture / Vice-Ministry of Interculturality. 	<ul style="list-style-type: none"> ● Sierra Azul Program (pastureland irrigation, water harvesting); National Livestock Development Plan 2017–2027. 	<ul style="list-style-type: none"> ● Sierra Azul Program budget approximately US\$20 million (2025), though not pastoralist-specific.
Tanzania	<ul style="list-style-type: none"> ● Ministry of Livestock and Fisheries: Covers pastoralism indirectly under broader livestock and fisheries mandate. 	<ul style="list-style-type: none"> ● Infrastructure projects in pastoral areas implemented in collaboration with development partners (ILRI, NGOs); Tanzania Livestock Master Plan²⁵ developed by the Ministry, but only dedicated to livestock, not pastoralists' rights. 	<ul style="list-style-type: none"> ● Livestock and Fisheries Ministry's budget speech (2025–2026) includes livestock market and milk collection infrastructure for development.

While all seven countries have some form of at least indirect state support for pastoral mobility, significant implementation gaps remain. In Tanzania, for instance, state-supported programs and a budget exist but are largely designed around a sedentary livestock management model. In Mongolia, the 2024 Law on Herders, passed with no community consultation or involvement, created formalization requirements to access state support that undermine mobility-dependent households. The Law on Herders does not include provisions on herders' land rights or their right to move (migration rights). In Kenya, the historical exclusion and marginalization of customary pastoral institutions have undermined even well-designed support programs.

6.3 Formalization Requirements

Across all seven countries, pastoralists must comply with formalization requirements, including registration, certification, or titling processes, to secure legal recognition of their rights.

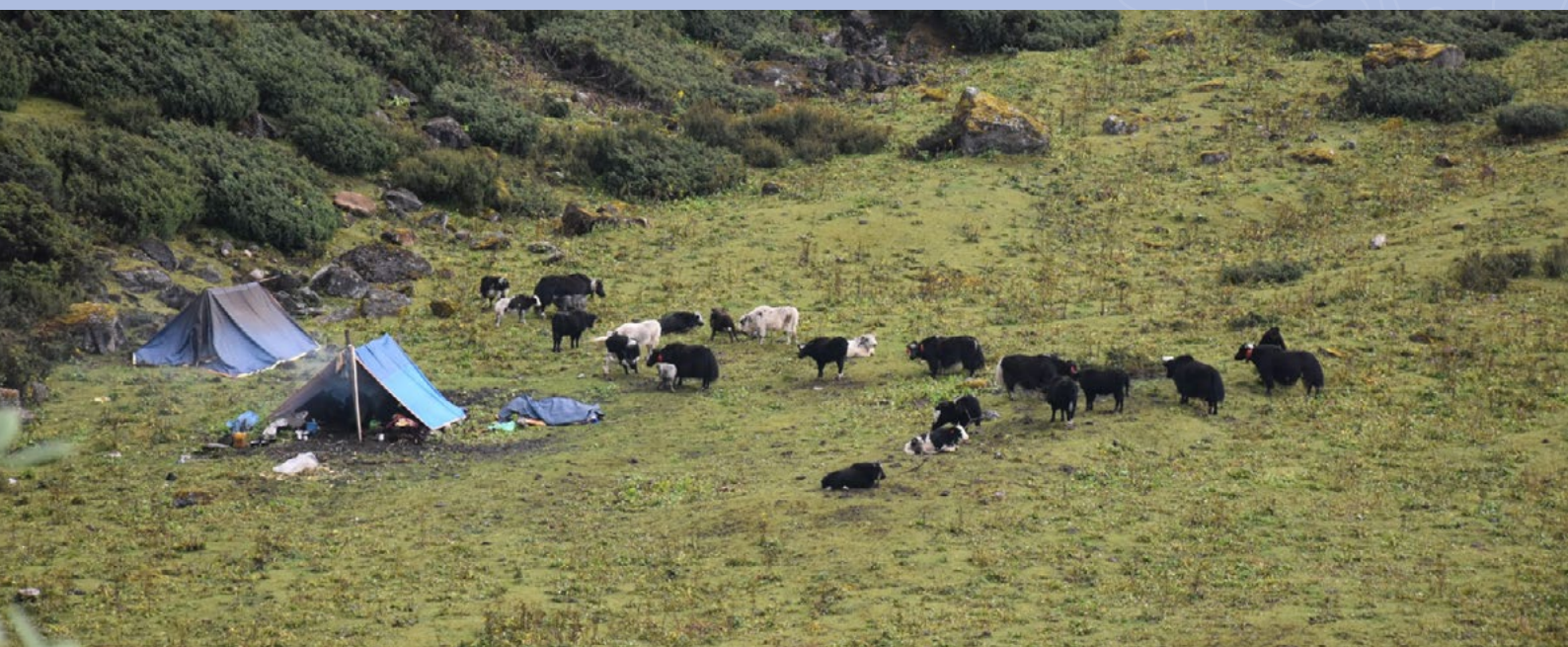
In Bolivia, the land titling process is lengthy and resource-intensive. In Kenya, the Community Land Act 2016 requires community registration before full land rights are recognized. Despite registration and statutory recognition, the slow pace and costly process of community land registration mean that many pastoral communities remain without formal titles. In Peru, recognition and titling of Peasant and Native communities requires a multi-step administrative process, including notarized assembly documents, field demarcation, boundary agreements, and registration with government agencies. While registration fees can be waived, communities bear significant professional, notarial, and logistical costs throughout. In Tanzania, the Joint Village Land Use Planning (JVLUP) process requires village-level registration, boundary surveys, land-use plan preparation, and approval by both Village Assemblies and district authorities before

any pastoral area obtains formal recognition. The process is administratively demanding and dependent on external technical and financial support, meaning that formalization has advanced unevenly and largely where development partners and NGOs have been actively involved.

In Mongolia and Nepal, pastoralists face no formalization barriers to practicing customary rights and livelihoods, but significant requirements apply when seeking to access state support mechanisms or formalize such rights, including registration, administrative approvals, and cooperative membership in Mongolia, and local government procedures in Nepal. In Mongolia, winter and spring camp possession certificates require *soum*-level approval. In Nepal, fees are imposed on pastoralists by Community Forest User Groups for access to grazing areas, creating additional financial burdens that fall most heavily on the poorest and most mobile households.

Unlike countries that require land titling for tenure recognition, Niger recognizes pastoral access rights without requiring individual land registration, although administrative procedures may still apply for corridor demarcation and dispute resolution.

Across all contexts, **these formalization and fee requirements impose transaction costs that result in effectively excluding those who most depend on flexible access arrangements.**



Yak and Chauri pasture land in Taplejung District. Photo: Suraj Ojha

6.4 Barriers Faced by Pastoralist Women

In addition to the above barriers, pastoralist women face compounded barriers to mobility and land access, as weak legal recognition, discriminatory customary norms, and disproportionate domestic burdens intersect to leave them simultaneously more exposed to the impacts of land loss and climate change, and less equipped to defend their rights. Table 8 shows the gender-specific barriers faced by pastoralist and mobile women cited as obstacles, by the country where such barriers are present.

Table 8. Barriers Faced by Pastoralist Women by Countries Where They Are Present

Barriers for Pastoralist Women	KENYA	TANZANIA	NIGER	NEPAL	MONGOLIA	BOLIVIA	PERU	TOTAL COUNTRIES
Increased domestic / care burden (childcare, elderly, household)	●	●	●	●	●	●	●	7
Reduced access to water and natural resources	●	●	●	●		●	●	6
Extractive industries (mining contamination, displacement)			●	●	●	●	●	5
Increased exposure to GBV and insecurity	●	●	●		●		●	5
Sedentarization / loss of access to traditional lands	●	●	●	●		●	●	6
Exclusion from decision-making and governance processes		●	●	●	●			4
Infrastructure restrictions (roads, dams fragmenting territories)		●		●		●	●	4
Unequal control over income / livestock access	●	●	●	●				4
TOTAL BARRIERS PER COUNTRY	5	7	7	7	4	5	6	

Despite gender-specific barriers and a general lack of legal recognition, states have no programs or policies to guarantee pastoralist women’s rights or safety. Across the seven assessed countries, **the design of pastoral infrastructure, government programs, and budgets almost entirely fail to account for women’s specific needs. This gap directly compounds the barriers women face.** For instance, where mobility corridors lack safe water points, secure stopping areas, and accessible services, the costs and risks of pastoral movement fall disproportionately on women, who bear primary responsibility for water collection, livestock care, and household provisioning during transhumance.

Evidence that the needs of pastoralist women are considered at the community level was identified in the case of Bolivia, Nepal, and Peru, but none actually provide legislative protection for women, reflecting isolated efforts rather than systematic policy. In Bolivia, NGOs have implemented rainwater harvesting projects on the Altiplano gender equity objectives. In Nepal, local governments, Conservation Area Management Authorities, and Community Forest User Groups have, in recent years, begun installing drinking water points, sanitation facilities, and personal safety notice boards along pastoral mobility corridors with the explicit aim of protecting women and girls. In Peru, where no formal pastoral corridors exist, some Peasant communities are bypassing national

policy processes altogether by incorporating women-specific protections into their community statutes, such as exempting pregnant women from obligatory communal labor and investing in community-led water harvesting infrastructure to address the seasonal water scarcity that falls most heavily on women pastoralists.

7. Customary Decision-Making in Exercising Mobility and Access Rights

Customary arrangements—the rules, norms, and agreements through which pastoral and mobile communities govern access to land, water, grazing resources, mobility, and decision-making—represent a critical layer of tenure security for pastoralists. The protection of communities’ rights to exercise such customary decision-making and their relationship to statutory law varies significantly across the seven countries, from explicit state recognition and legal backing to oral arrangements with no enforceable status. Table 9 provides a detailed view of the ways in which communities exercise their customary governance and the extent to which this authority is recognized by state-issued laws.

Table 9. Status of Customary Arrangements by Country

Country	Status of Customary Arrangements	Notes
Bolivia	State recognition of customary agreements	For community regulation: Communities, ayllus, markas, and suyus (traditional governing bodies) are governed by an Organic Statute and their respective Internal Regulations. For common use with other land users: Internal land consolidation (<i>saneamiento interno</i>) allows communities to document boundaries and common use areas in communal records validated by the government. Conciliation agreements reached under customary norms can be formally ratified and are legally binding.
Kenya	State recognition of customary agreements	The Community Land Act 2016 creates a framework for codifying customary governance rules through community land management plans. Reciprocal grazing agreements exist between communities but remain largely undocumented. Conservancy-based grazing plans aspire to incorporate customary use, though formalization lags.
Mongolia	Knowledge of customary arrangements only—no legal backing	Pasture use is governed in practice by oral agreements confirmed through consultation among senior local herders, guided by the customary principle of shared neighborhood obligation. A growing practice of written agreements is emerging, but these have no formal legal status.
Nepal	Knowledge of customary arrangements only—no legal backing	Access to protected areas requires a written permit from the Chief Warden. Outside protected areas, agreements between pastoralists and Community Forest User Groups (CFUGs) are almost entirely oral and undocumented, with some CFUGs issuing receipts for grazing fees as the only written record.

Niger	State recognition of customary agreements	The Code Rural recognizes customary chiefs' authority to manage agricultural and pastoral lands according to custom and provides for the coordination of pastoralists and other land users through local institutions.
Peru	State recognition of customary agreements	Community statutes are legally recognized as the internal governing instrument of each Peasant or Native community. Oral inter-community agreements also exist for temporary water access during drought seasons, including one documented case in Badopampa involving a shared reservoir between the communities of Jarapampa and Pucayacu.
Tanzania	State recognition of customary agreements	Joint Village Land Use Planning (JVLUP) provides a statutory basis for formalizing inter-community and internal land use agreements, including grazing areas and livestock corridors.

Mongolia and Nepal rely predominantly on informal customary arrangements that, while deeply embedded in practice, lack formal legal protection. In Mongolia, pasture use is extensively governed by customary norms, seasonal reciprocity arrangements, and local *khural* (meeting) decisions, but these are not given legal recognition and are increasingly vulnerable to erosion from mining encroachment and land reclassification. This distinction matters: **Customary arrangements without legal recognition cannot be legally enforced when challenged by more powerful actors.**

7.1 Women's Rights in Customary Laws

“While continuing to advocate for national legal recognition, we must ensure effective implementation, organizing, and strategizing around customary practices. One effective way to do this is by strengthening women’s leadership within their customary institutions and ensuring they are recognized as full community members with a clear voice.”²⁶

— Solange Bandiaky-Badji, President and Coordinator, RRI

While formal legal frameworks in all seven countries nominally prohibit gender discrimination in land governance, they also often lack specific protections for pastoralist women (Table 5). The relationship between statutory laws, communities' customary practices, and the realization of women's tenure rights is complex and intersectional. It is shaped by the inherent cultural diversity of communities, legal pluralism, religious influence, and the multitude of gender-oriented values that are highly context-specific. The inadequate statutory protections identified in this study may not reflect community practices that are gender-equitable and support women's tenure security, or their negative impact may be compounded by customary arrangements governing pastoral communities that continue to systematically exclude women from meaningful participation in resource management decisions.

Table 10. Status of Women’s Rights in Customary Laws by Legal Recognition and Experiential Examples

Country	Status	Overarching Protections	Community Statutes and Implementation Gaps
Bolivia	● Protective legislation and both positive and discriminatory community laws	The Constitution (CPE Article 402.2) explicitly mandates the state to eliminate all forms of discrimination against women in access, tenure, and inheritance of land.	Identified some community statutes (ayllus, markas, suyus) formally include women as members with equal rights alongside men, consistent with national law. The Ayllu Originario Huancané statute (2019) explicitly admits women without discrimination. In practice, some communities invoke constitutionally recognized customs to impose disproportionate economic burdens that fall predominantly on women, functioning as a form of de facto subordination.
Kenya	● No gender-sensitive community laws identified	National Land Use Policy (2017) explicitly calls for recognition and protection of women’s rights in pastoral areas and proportionate representation of women in land governance.	Many customary pastoral institutions continue to exclude women from land and mobility governance in practice, despite statutory commitments.
Mongolia	● Protective legislation and positive community laws	The Constitution (Article 16.11) guarantees equal rights for men and women across political, economic, social, cultural, and family domains, and the Law on Ensuring Gender Equality (2011, Article 9.2) requires equal distribution of land and immovable property.	Traditional norms recognize women’s roles in livestock management, household decision-making, and inheritance of family property. Women participate in decisions on water sources, migration routes, and camp locations. Women’s associations exist at the <i>soum</i> (local government) level.
Nepal	● Protective legislation, but discrimination still present at the community level	Forest Act (2019, Section 22) and Forest Regulation (2022, Rule 42(8)) mandate equal participation of women in Community Forest User Group executive committees. Livestock cooperatives require women’s representation in decision-making bodies.	Women in Himalayan Indigenous communities exercise relatively high social respect and informal influence. Women remain largely excluded from formal pastoral decision-making, which is dominated by men and elders. Influence is predominantly informal rather than institutionalized.

<p>Niger</p>	<p>● No gender-sensitive community laws identified</p>	<p>Code Rural nominally prohibits discrimination in resource access.</p>	<p>Women are excluded de facto from customary resource governance bodies. They rarely participate in customary governance bodies responsible for managing pastoral resources, including pasture management committees, water point committees, and local land commissions. Customary rights over transhumance corridors and water points are predominantly held by male household heads or community chiefs.</p>
<p>Peru</p>	<p>● Both positive and discriminatory community laws, and no overarching legal protection for land tenure</p>	<p>The Constitution guarantees non-discrimination generally, but Peru fails to provide for an affirmation of women's property rights in law.</p>	<p>Historically, and still commonly, community statutes use generic male language (<i>comunero, jefe de familia</i>) that effectively excludes women from rights to land, pasture, water, and communal resources. Inclusive statutes remain exceptional rather than standard practice.</p> <p>Some community statutes have been revised to use gender-inclusive language and explicitly recognize equal rights for men and women (for example, Ccollana, Cusco, 2019; Chilcaymarca, Arequipa, 2020; San Agustín de Huaychao, Pasco, 2015).</p>
<p>Tanzania</p>	<p>● No gender-sensitive community laws identified</p>	<p>Land Act No. 4 (1999) and Village Land Act No. 5 (1999) affirm women's equal rights to land and prohibit discriminatory practices. Village councils must administer land without discrimination.</p>	<p>Local Customary Law (GN No. 436, 1963) prioritizes male heirs and grants widows conditional use rights only. Marriage and inheritance laws have never been reformed to align with land law, creating a structural contradiction: Land law guarantees equality while family and inheritance law continue to legitimize exclusion.</p>

8. Recommendations

1. Establish explicit legal recognition of pastoral mobility as a fundamental right.



Governments should enact or strengthen pastoralist-specific legislation that codifies mobility as a legally enforceable right.



Governments should ensure dedicated diplomatic and multinational legal efforts to provide pathways and protections for transboundary mobility, including by embedding regional and transnational frameworks and ensuring their full implementation domestically.



Where pastoralists are recognized within broader Indigenous or community tenure regimes, mobility rights should be explicitly named rather than implied.

2. Legally demarcate and protect pastoral corridors, water points, salt licks, and seasonal grazing areas.



Governments, in partnership with pastoral communities, should conduct and finalize inventories of pastoral spaces and translate these into legally binding land-use plans, integrating customary governance systems and with protections for encroachment by extractive, agricultural, or conservation actors.

3. Recognize and legally protect customary pastoral governance arrangements.



Dedicated legislative pathways should be created to formally recognize and protect these arrangements without imposing disproportionate formalization burdens or appropriating customary governance systems without community leadership.

4. Enact pastoralist-specific protections for women's mobility, land access, and participation in governance that guarantee women's mobility rights, equal membership in communities and corresponding governance bodies, and access to pastoral corridors designed with their safety and practical needs in mind, including safe water points, sanitation, and health services.

5. Align resource extraction, conservation, and climate finance frameworks with pastoral rights. Green and carbon projects, conservation area expansion, energy projects, and extractive industry licensing are emerging as among the most significant threats to pastoral mobility.



Governments and development partners should require mandatory pastoral rights impact assessments as a precondition for project approval, and ensure that Free, Prior, and Informed Consent obligations are enforced for all decisions affecting pastoral territories and that women are active participants and decision-makers.



Governments should immediately halt issuing approvals for mining exploration, mining licenses, enter into or authorize carbon project agreements, or any other relevant infrastructure and development projects that directly violate the rights of pastoralists, herders, and/or Mobile Peoples, particularly where these overlap with temporary or permanent settlements and pasturelands.

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1. UNCCD. 2026. "Rangelands and Pastoralists." United Nations Convention to Combat Desertification, Bonn. Available at: <https://www.unccd.int/land-and-life/rangelands-and-pastoralists/overview>.
 2. In the context of this study and RRI's methodology on pastoralism and Mobile Peoples, refer to the expansive definition presented on this page. While the assessment across the seven countries presented herein may not include all of those communities referred to in the definition, the methodology has been developed in a way that can be expanded to include other countries, ecosystems, and pastoralist and Mobile Peoples. Within this assessment, the only mobile Indigenous Peoples included are the Indigenous Peoples in voluntary isolation and those with mobile livelihoods in Bolivia and Peru.
 3. Calí Tzay, J.F. 2024. A/79/160: Report of the Special Rapporteur on the Rights of Indigenous Peoples: Mobile Indigenous Peoples. Office of the United Nations High Commissioner for Human Rights, Geneva. Available at: <https://docs.un.org/en/A/79/160>.
 4. Full methodology and indicator definitions are available online, however, this methodology should be understood as an evolving framework that will be refined through practice and engagement with pastoralist and mobile communities. The methodology has been adapted and presented to better capture the diverse tenure rights and realities of communities across different regions and contexts. Country data files are available upon request.
 5. UNCCD. 2024. Global Land Outlook Thematic Report on Rangelands and Pastoralism. United Nations Convention to Combat Desertification, Bonn, vii, 8. Available at: <https://www.unccd.int/sites/default/files/2024-05/GLO%20rangelands%20full.pdf>.
 6. UNCCD. 2024.
 7. International Year of Rangelands and Pastoralists (IYRP). 2024. IYRP Working Group on Pastoralism and Land: Concept Note. Working group concept note, February 21, 2024. Available at: <https://iyrp.info/sites/default/files/Concept%20note%20WGW%20pastoralism%20%26%20land%2021.02.24.pdf>.
 8. Despite agreements regarding some of its borders, Kenya does not have an agreement facilitating the transboundary movement of pastoralists with Tanzania, the area where Maasai communities live and where customary movement takes place. In addition, for the agreements that Kenya is already a part of, implementation remains very poor. Securitization, discretionary enforcement, and a lack of domestic legal backing undermine protection. There is insecurity in border regions and weak implementation of regional and international commitments, including poor coordination and socialization and conflicting or unharmonized regional legislations/policies.
 9. Gautam, Ananda. 2025. "Halted Tibet Trade and Dwindling Income Push Yak Herders to the Brink." Kathmandu Post, March 25. Available at: <https://kathmandupost.com/province-no-1/2025/03/25/halted-tibet-trade-and-dwindling-income-push-yak-herders-to-the-brink>; Singh, Basant Pratap. 2026. "Livestock Farming in Crisis as China Tightens Cross-Border Grazing." Kathmandu Post, February 3. Available at: <https://kathmandupost.com/sudurpaschim-province/2026/02/03/livestock-farming-in-crisis-as-china-tightens-cross-border-grazing>.
 10. The only protection in Peruvian legislation for transboundary ways of life is for Indigenous Peoples in voluntary isolation. Decree 008–2007–MC recognizes that their territories may cross state boundaries and mandates the Ministries of Culture and Foreign Relations to arrange for the relevant bilateral agreements.
 11. Gagne, Marie. 2022. "Niger: Context and Land Governance." Land Portal Foundation, Enschede. Available at: <https://landportal.org/book/narratives/2022/niger>.
 12. See Sulle. 2021; and UCRT. 2024.
 13. Tanzania's land, livestock, and conservation laws do not recognize pastoralist mobility as a fundamental right, and in several instances actively constrain or criminalize it, reinforcing a sedentary and conservationist bias that aligns with long-standing political narratives portraying pastoralism as backward and in need of "modernization." While the Village Land Act (1999) and Land Use Planning Act (2007) acknowledge pastoralism as a legitimate land use and allow grazing areas, livestock corridors, and shared resources to be planned and managed, sometimes jointly, but only within fixed village or district boundaries and subject to administrative approval, treating mobility as a conditional land-use outcome rather than an inherent livelihood right. The Land Act (1999) further entrenches this bias through its emphasis on surveyed, registered, and territorially fixed rights, offering no protection for seasonal or long-distance livestock movement. The Grazing-Land and Animal Feed Resources Act (2010) explicitly regulates grazing and stock movement through permits, designated routes, and compliance requirements, framing mobility primarily as a problem of control, order, and environmental risk rather than as a socio-ecological strategy.
 14. National Statistics Office of Mongolia. 2025. Livestock Statistics: January–December 2024. National Statistics Office of Mongolia, Ulaanbaatar. Available at: https://downloads.1212.mn/LW4s_EFj0rbSK-PjdqG-Ml32-0z_2eJb-caGto_.pdf.
 15. FAO. 2021. Pastoralism in Mongolia: A Needed Balance Between Production and Sustainable Use of Natural Resources. FAO, Rome. Available at: <https://openknowledge.fao.org/server/api/core/bitstreams/66984f04-a8fb-46ee-8155-0944f82b2b38/content>.
 16. Calí Tzay, J.F. 2024.
 17. Leasing and sharecropping contracts are permitted on small, medium, and commercial properties, but expressly prohibited on communal and Indigenous community lands. Contracts must be written, registered with INRA, capped at three years, and cannot cover more than 50 percent of the landowner's actively used area (DS 29215, Article 165).
 18. Moritz, Mark, Flora Vern, and Saverio Krätli. 2025. "Securing Land Rights for Pastoralism." Policy brief, IYRP Working Group on Pastoralists and Land Rights. Available at: <https://iyrp.info/sites/default/files/2025-07/Policy-brief-Securing-Land-Rights-for-Pastoralism-final-14.22.50.pdf>.
 19. Decree No. 97–007/MAG/EL of January 10, 1997.
 20. In Bolivia, pastoralists belong to either Indigenous or Peasant communities, meaning they can access collective tenure through laws for Indigenous Territories and Communal Properties. In Tanzania, in village land areas that have been formally demarcated, registered and planned, exclusive land rights can be secured. In Nepal, the Land Act and the Rangeland Nationalization Act provide that a landowner, including pastoralist families, can hold the private land under a given ceiling (up to 8.75 acres, or 3.54 hectares) in the hills and mountain districts where they have exclusive rights over such privately owned pastureland.
 21. Article 394, inciso III, Article 30, Constitution; Supreme Decree 29215.
 22. CEDAW. 2022. General Recommendation No. 39 (2022) on the Rights of Indigenous Women and Girls. CEDAW/C/GC/39, para. 11. Available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no39-2022-rights-indigenous>.
 23. Law on the National Service of Agrarian Reform.
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NEPAL



Transhumant Pastoralists' Struggles Against the Tax Burden in Nepal

Dil Raj Khanal,¹ Pabihang Rai,² and Anila Onta³

Pastoralism in Nepal follows vertical transhumance, which involves movement between high-altitude mountain pastures in summer and lower-altitude temperate or subtropical pastures in winter. This is common in the Himalayas for maintaining the mountain ecosystem, local livelihoods, and socio-cultural practices. Transhumant pastoral systems involve seasonal migration patterns adapted to the diverse range of altitudes, often mobilizing different animal species, such as Yaks, Chauri, sheep, goats, and mountain goats. These systems employ various tiers of family-owned and community or public pastureland and rangeland. Dates and times for vertical transhumance pastoralists' mobility are deeply rooted in cultural and religious norms established by ancestors since time immemorial.

Customary Institution Converted into a State Agency

Traditionally, transhumant pastoralists were recognized as holding customary, seasonal, nomadic, or semi-nomadic grazing rights along specific routes or mobility corridors and in designated pastures or rangelands, exercised on a seasonal basis. Transhumant pastoralists had well-established customary practices, cultural norms, and rich traditional knowledge supporting transhumant pastoralism since the fifteenth century. As a pre-modern customary village institution and leadership, the *Mukhiya* system guided the transhumance pastoralism in Nepal until the pre-unification period. After Nepal's unification in the eighteenth century, the *Mukhiya* system was formally institutionalized as a state-supported revenue and administrative mechanism, resulting in challenges for pastoralists in Nepal.



A pastoralist woman is milking a Chauri in a pasture land in Taplejung. Photo: Dil Raj Khanal

1. Advocate, Natural Resource and Common Property Laws
 2. General Secretary, Yak Chauri Farmers Federation, Nepal
 3. Advocate, Human Rights Law (Women's Rights in Natural Resource Management Laws)

Feudal Levy to Use Pasturelands and Rangelands

With the local, regional, and state leaders (*Mukhiya*, Village Headmen; *Jamindar*, Land Revenue Collector; *Talukdar/Subba/Umrao*, Regional Collector; *Jagirdar/Birta Holders/Bada Hakim/Amali*, State Officials and Local Monasteries (*Gumba*)) recognized as state agencies after Nepal's unification, these entities imposed a monthly or annual levy on transhumant pastoralists, typically determined through informal negotiation. Pastoralists often paid livestock products, in-kind support, or labor to these leaders for grazing rights. While transhumant pastoralists disagreed with these impositions, they were compelled to pay heavy levies as the only users of pasturelands/rangelands because they lacked land ownership, operated under feudal control of pasturelands and mobility routes, and were politically marginalized.

After the abolition of land-based feudalism in Nepal through the Private Forest Nationalization Act (1957), the *Birta* Abolition Act (1959), the Land Act (1964), and the Rangeland Nationalization Act (1974), the transhumant pastoralists were able to use pasturelands and rangelands based on their own customary governance system. However, at the end of the nineteenth century, new state agencies emerged based on new state laws and imposed hefty taxes and fees on



transhumant pastoralists in the name of a permit system. Nepal's Constitution and human rights instruments, including ILO No. 169, which the Government of Nepal ratified, provide for consultation with affected communities—including pastoralists—when formulating laws that directly affect them. However, they have never been consulted when formulating laws related to the pasturelands/rangelands they have traditionally used, and the grazing taxes have been imposed arbitrarily and without consultation.

Rangeland in Baglung district in Nepal, used for pasture.
Photo: Mukesh Pokhrel

Taxes and Fees Imposed by State Agencies

The following state agencies and institutions impose taxes or fees on transhumant pastoralists at multiple levels, which creates an extra burden for them. Due to the absence of standards specifying which authority should impose how much tax for grazing which livestock and for what duration, different agencies have arbitrarily been charging fees ranging from NPR 200 to 500 (US\$1.50–\$3.50) per Yak/Chauri per month, and up to NPR 200 (US\$1.50) per sheep/mountain goat per month for grazing, which is extremely high and unbearable for communities.

Permit fee to access National Parks, Reserves, and Buffer Zones

Even before the establishment of protected areas, pastoralists had traditionally practiced livestock grazing and maintained cattle sheds since ancestral times. The livestock sheds/sheepfolds of a large number of pastoralists are located within the Himalayan national parks and their buffer zones in Nepal. According to the Mountain National Parks Regulation of 1979, pastoralists are permitted to graze livestock and keep livestock sheds/sheepfolds within the national parks and buffer zones. While grazing and keeping sheds/sheepfolds, some national parks and buffer zones charge a permit fee, while others do not; these permit fees vary from park to park. Due to this differential treatment of transhumant pastoralists, they have been demanding equal treatment and the removal or reduction of grazing and shed-keeping fees.

Due to the establishment of protected areas, pastoralists' customary grazing rights have been taken away. To restore these rights, pastoralists have submitted memoranda with their demands to Protected Area Offices, organized sit-ins, and held negotiations with government agencies. Through these efforts, they have achieved some success in restoring traditional grazing rights and obtaining exemptions from grazing fees. Some park authorities have waived the permit fees, considering the demands of transhumant pastoralists. Nevertheless, in some protected areas, customary grazing rights are still denied. To secure ancestral grazing rights, it appears necessary for customary institutions involved in pastoralism to become organized.

Grazing fee to access Conservation Areas

The Conservation Areas Management Regulations have authorized the Conservation Areas Management Committee (CAMC) to collect grazing fees from pastoralists by making provisions in the conservation management plans. However, the CAMCs have been imposing unbearable and extremely high grazing fees on pastoralists. Therefore, pastoralists are opposing such unjust fees.

Yak and Chauri pastureland in Taplejung District.
Photo: Suraj Ojha





Grazing fee to access Community Forests

Transhumant pastoralists have been the traditional users of Community Forests since before the establishment of Community Forests. However, Community Forest User Groups (CFUGs) are imposing unbearable and extremely high grazing fees on pastoralists, which is unacceptable to them. As traditional users of the Community Forests, transhumant pastoralists agree to pay a nominal grazing fee to the CFUGs, which should be defined transparently and through a participatory decision-making process.

“Since we are elected by the people, we must listen to and address their demands. In our local government area, there are a large number of pastoralists and many sheds/sheepfolds. In the past, they were charged a livestock tax, but now our local government does not collect this tax from them, and it is not appropriate for other local governments to impose such a tax either.”

— Nima Lama, Chairperson, Tsum Nubri Rural Municipality, Gorkha



Local taxes imposed by the local government

The Local Government Operation Act of 2017 has not authorized the local government to impose a grazing tax on transhumant pastoralists, but many local governments that are located throughout the mobility corridors impose local taxes on pastoralists in the name of livestock business. The pastoralists are refusing to pay these taxes, and the conflicts are increasing between local governments and pastoralist communities. In some instances, after the pastoralists opposed additional taxes, some of the local governments removed them.

Donations to Political Parties and Informal Gangs

During the decade-long war (1996–2006) between the Nepalese government and the Maoists, transhumant pastoralists were forced to pay large sums as donations. Even now, during elections and at various other times, transhumant pastoralists are compelled to give cash donations to political parties and informal gangs. Transhumant pastoralists have consistently opposed this practice.



Conclusion and Way Forward

Transhumant pastoralists in Nepal, despite their desire to continue their traditional livelihood, are being driven out of pastoralism by inequitable and fragmented taxation. Their political marginalization and lack of organization exacerbate this challenge. The path forward requires a concerted, organized policy advocacy campaign. This campaign must target the multiple agencies imposing taxes, urging them to collaborate with relevant government bodies, local governments, CFUGs, and pastoralists themselves to develop a single, harmonized grazing tax system.

MONGOLIA



Displaced by Mining: A Mobile Indigenous Woman Herder's Fight for Land Rights in Mongolia

By Bayarsaikhan Namsrai (Steps Without Borders, Mongolia), Guardians of Airag Homeland (Mongolia), Ariell Ahearn (University of Oxford), and P (anonymous)

P's¹ family lives in a traditional Mongolian *ger* in Dornogovi province, in southeastern Mongolia. The *soum* (county) where she resides is home to 306 herder households (as of 2025) and is characterized by the arid conditions of the Gobi Desert. Mobile pastoralism has been practiced here for centuries. Livestock graze freely on unfenced grasslands, where herders direct their seasonal movements based on traditional customs as weather and pasture conditions change. During droughts, *dzud*, or other hazards, herders travel greater distances.

Mobility is coordinated with local authorities and other herders and governed by reciprocity and customary norms, rather than by fixed, exclusive land parcels. This tenure system covers nearly all of Mongolia outside urban areas. Under Mongolia's [Law on Land](#), herders may obtain possession certificates for winter and spring camps for 15–60 years. Possession certificates can be extended once for up to 40 years. P's family holds such certificates, valid until 2033. However, the actual land required for mobile pastoralism spans hundreds of miles and far exceeds titled areas. P also relies on two wells built by her parents, though these are considered public resources.

Since the mid-2000s, the mining sector has expanded rapidly and is a major source of state revenue. The state began to expropriate land for industrial and commercial agriculture, thereby reducing herders' ability to maintain mobile tenure. Since 2010, the Government of Mongolia has issued mineral licenses in P's home county. [As of 2024, 39 licenses were active in the territory](#). All are located on former pastureland. Eight companies—including MCTT, Dunfanluma, Mönkh Bolor Khuree, Altrag Akhas, Dugui Uul, Altanbarga, and Ekleshia—operate fluorspar open-

1. Individual and family names have been anonymized throughout this case study to ensure participant privacy. All other data, including demographic characteristics and livestock numbers, remain factual. P is a woman herder of the Bor Övgön clan living with her family, who practiced traditional mobile pastoralism her entire life. The family once herded Mongolian breeds of sheep, goats, horses, cattle, and camels, once owning more than 700 animals, but now retains approximately 350 head of sheep and goats. Her livelihood historically followed a four-season migration pattern.

pit mines near P's winter and spring camps.² Mining involves open-pit extraction, mineral transport, wastewater discharge, and intensive use of local water sources. Groundwater is pumped out and released onto open pasture, restricting P's access to her spring camp (photo 1).

Mining-induced Insecurity in Mobile Tenure Systems

This case illustrates de facto tenure insecurity: **Even when herders have possession certificates for their winter and spring camps, they may still be forcibly displaced by government expropriation of pastureland for extractive development, rendering their formal rights meaningless.** Although rural land is state-owned, it functions as shared pastoral commons. Exclusive ownership of land is antithetical to traditional Mongolian pastoralist customary land use norms. Herder formal land possession titles apply only to small, fixed areas of winter and spring camps and do not reflect how land is used in practice, based on extensive mobility.

Pastoralists' tenure rights are rooted in customary practice and collective mobility. The loss of untitled but ancestrally occupied pastures and water sources is just as serious as the loss of titled land. Tenure regimes must meet pastoralists where they're at and recognize their self-determination by formally recognizing customary and mobile tenure systems.

When land is expropriated for mining and infrastructure, grazing systems are fragmented, access to pasture and water declines, and livelihoods are undermined. Herders have no legal right to prevent the granting of mineral licenses on their customary grazing lands and are often unable to obtain information when licenses are issued or pastures are reclassified for industrial use.

In P's case, mining companies use blasting, sometimes carrying out simultaneous explosions that shake the ground. Soil is torn and compacted, pasture is covered with dust, regeneration does not occur, and no rehabilitation is undertaken. There are no fences, warning signs, or restricted zones. Heavy truck traffic on unpaved roads further degrades the landscape. Biodiversity and wildlife have disappeared, and livestock occasionally fall into unprotected open mining pits (photos 2 and 3).

The process of open-pit mining causes groundwater to seep into pits, prompting companies to pump it out and discharge it onto the surrounding land. Groundwater levels—the main drinking water source in the Gobi—have fallen, compounded by declining precipitation linked to climate change.



Photo 1: Herder P's winter shelter collapsed due to the explosions made by the eight mining companies nearby, making it impossible to bring livestock inside. Photo: P (anonymous)

² P inherited one winter camp and one spring camp from her parents. Winter camps are essential in Mongolia due to extreme winter conditions.

The water level in P's household well and her livestock's primary water source has dropped sharply, while the spring camp well has been buried by mining debris, forcing P to travel over 15 miles (25 kilometers) to collect drinking water.



Livelihood Erosion and Gendered Impacts

Over the past decade, P's household has sold its entire herd three times and repurchased livestock. Animals develop hardened lungs and organs, suffer stunted growth, frequent illness, failed pregnancies, and reduced milk production because they graze on the dust from mining operations. The family now buys young animals, raises them to maturity, and sells them, yet disease persists, requiring significant spending on veterinary care. Keeping cattle and horses has become impossible.

Before mining, livestock productivity and incomes were high, disease levels were low, and preventive services were routine. Today, about 15 percent of household income is spent on medicines and veterinary services. Financial losses are constant, and food security has deteriorated.

Household labor patterns have also changed. P once focused on herding, food preparation, and dairy processing, while her husband trained racehorses, attended festivals and Naadam, and accessed services in the *soum* center. She now says *“that life no longer exists. We have become herders who fight against mining.”* She has become an advocate confronting mining companies and state officials on behalf of her family, community, and future generations.

For mobile pastoralists, livestock health is inseparable from tenure security. Repeated herd loss reflects not only economic harm but functional dispossession: Pasture is no longer ecologically viable, water and forage systems have degraded, and effective use rights over customary land can no longer be exercised. Environmental degradation has also eroded the family's ability to plan across generations, trapping them in unsustainable survival cycles. No decision has been made regarding fair relocation or compensation, which has caused P's family members to lose confidence and suffer from ongoing precarity regarding their future.

Photos 2 (left) and 3 (right): Companies extract groundwater when mining fluorspar. This directly affects the water level in the Gobi. The extracted water is dumped outside, causing livestock to become sick and poisoned. Photo: P (anonymous)

Disrupted Mobility, Cultural Loss, and Social Conflict

For P, their stable ancestral nomadic life has been replaced by fear and uncertainty. A sacred mountain worshipped for generations has been excavated on multiple sides, leaving only the community-built *ovoo* (cairn) (photo 4). This has caused deep emotional harm and undermined spiritual beliefs. Attempts to relocate 75 miles (120 kilometers) away failed as livestock returned to their familiar winter camp and water source. Horses and cattle would not remain at the new site. The family could not abandon the sacred mountain or the Tsagaan Del Cave, where generations stored milk and meat.

Under Mongolia's [Law on Environmental Impact Assessment](#), companies presented project assessments at *bag*-level meetings. Residents called for rejection, but mining projects were approved by those present. P was not informed of all meetings and was later removed from the *bag*'s official social media group, excluding her from information. She faced discrimination and pressure, including false public accusations by a company representative. No accountability followed beyond the dismissal of the employee.

Reflecting on her situation, P stated: *“The mine destroyed my dreams, my home, my property, and my family’s future, and my struggle no longer has the right to stop.”* Despite losing land and livelihood, she continues to oppose mining through formal complaints and advocacy.

Leadership and advocacy

During this period, P became a human and environmental rights defender. Due to her efforts, the National Assembly Resolution (2019) and the Government Resolution (2025) were passed, which placed the Tsagaan Del Cave under special state protection. In 2021, she spoke at international conferences of women human rights defenders in Madrid. She trained as a herder paralegal, gaining knowledge of environmental and human rights law, and co-founded the NGO “Guardians of Airag Homeland.”

Because Mongolia lacks a legal framework for social and cultural impact assessments, P and others have received no compensation for social and cultural losses. Land acquisition has occurred without processes to safeguard herder livelihoods.



Photo 4: P with her husband at their sacred mountain cairn in July 2025. The sacred mountain has been excavated on all sides by fluorspar mining. Photo: P (anonymous)

NIGER



Community Management and Customary Mechanisms for Access to Grazing Lands in the Bajada Pastoral Area in the Rural Municipality of Matankari, Niger

Dr. Rabiou AMADOU CHARIFI and Dr. Abdoukader AFANE

The Bajada pastoral area, covering 1,598 hectares in the rural municipality of Matankari (Dosso region, Niger), is a legally protected and officially designated inter-community area belonging to the state's public domain (Order No. 009/CR/MAT/DU, October 26, 2018). It is mainly inhabited by Fulani and Tuareg communities, and is located in a semi-arid climate characterized by highly variable pastoral resources. Land pressure, agricultural expansion, and infrastructure are reducing the spaces for mobility that are essential for the survival of herds and pastoral households. Although the Code Rural and Ordinance No. 2010-29 guarantee mobility and collective use rights, actual access is largely based on customary rules, which organize grazing lands and water access points and help prevent conflicts between pastoralists and farmers.

“Without the rules inherited from our parents, there would be no shared grazing lands here.”

— Amadou Issa, Fulani pastoralist (2025)

Customary Access Mechanisms

In Matankari, customary mechanisms are overseen by the group leader for nomadic communities and the canton leader for populations living in settlements, supported by village chiefs and customary councils. These dignitaries are representatives of the state. The main instruments are:



Traditional lands: Each pastoral community has a priority right to its traditional grazing lands, as recognized by custom and Decree No. 97-007/MAG/EL of 1997. Access is generally free for community members.



Transhumance corridors: Marked itineraries enable seasonal movement of herds between grazing lands and water access points. Monitoring is carried out by local transhumance committees.



Rotation rules: To prevent over-grazing, community rules organize rotation between grazing lands. Conflicts are mediated by elders.



Water management: Access to water points depends on the type of livestock and the proximity to traditional lands. Water resources are also managed through a traditional access mechanism.

The mobility of people and herds is governed by a pastoral calendar that supports the sustainable management of grazing lands and water resources.

“We respect the elders for knowing when and where to move the herd. It’s the only way to ensure that each herd has enough pasture and water.”

— Baki Deli, Mada tribal chief (2025)

The Rights and Roles of Women Pastoralists

Access to land and pastoral resources remains a major issue for vulnerable groups, especially women. In most settled communities, patriarchal family organization makes the man the main property owner, despite the guarantees of equality provided by national law. Yet women pastoralists play an essential role in the pastoral system. They manage small ruminants (sheep and goats), ensure animal health through traditional knowledge, collect water, prepare fodder in the dry season, and organize transhumance logistics. Their contribution is crucial to the resilience of pastoral households.



Photo: Dr. Rabiou AMADOU CHARIFI and Dr. Abdoukader AFANE

“Even though we don’t have the right to make decisions about large grazing lands, we know how to organize transhumance movements, manage small herds, take care of animal health, and finally, make use of all livestock by-products to improve households’ livelihoods. Without us, the livestock wouldn’t survive.”

— Hadjara Orodji, woman pastoralist (2025)

Challenges

- **Land pressure** and the increase in settlements, marked by agricultural expansion and the grabbing of pastoral land
- **Gender inequalities**, which marginalize women’s access to priority grazing land and decision-making bodies
- **Insecurity**, which limits mobility and leads to the closure of certain transhumance routes
- **Climate change**, with unpredictable droughts requiring constant adaptation

“Today, even when the rain comes, we don’t know if the grazing lands will continue to exist.”

— Issoufou, transhumant pastoralist (2024)

Community Governance

Pastoral governance in Bajada illustrates effective community organization despite severe constraints. It is based on customary rules of access to grazing lands and water sources, gradually formalized and recognized by local authorities since 2018.








-  Mediation by elders helps to prevent and resolve conflicts through restorative solutions;
-  Seasonal grazing rotation limits overgrazing (every year, the elders collectively set the opening date for the rich yet fragile lowland grazing lands);
-  Equitable management of water access points reduces tensions (during peak periods, women pastoralists organize water distribution for small ruminants, while men look after the larger herds); and
-  The growing involvement of women strengthens the resilience and inclusiveness of pastoral governance (some experienced women are consulted to determine the safest routes, particularly in times of insecurity). Their knowledge of water access points and fallback grazing areas is widely recognized by the community.



Photo: Dr. Rabiou AMADOU CHARIFI and Dr. Abdoukader AFANE

Gaps Between the Legal Framework and Local Practices in Bajada

-  The law recognizes pastoral mobility, but insecurity and agricultural encroachment on corridors limit its effective implementation.
-  Although written documents guarantee pastoral areas, their effective protection depends largely on community vigilance.
-  State management of natural resources remains largely ineffective in the face of more flexible, responsive, and socially legitimate customary mechanisms.

“Our community has survived thanks to the rules our parents left behind. But for our daughters to have the same rights as us, these rules must be adapted to women and to the changing climate.”

— Djouli Laya Samro, youth pastoralist (2025)

TANZANIA



Securing Mobility: Women's Innovation and Land Governance in Pastoralist Tanzania

Neema Seki and Dr. Emmanuel Sulle

Pastoralist and Mobile Peoples in Tanzania depend on secure access to land, water, and grazing resources, with mobility forming the foundation of livelihoods, cultural identity, and ecological stewardship. Seasonal movement across rangelands enables communities to manage climatic variability, sustain livestock productivity, and support land-based economies in arid and semi-arid areas.¹ **Access and mobility are, therefore, inseparable.** Without secure access to rangeland resources, mobility becomes constrained, fragmented, or criminalized. This case study examines how land governance reforms, collective action, and women's governance innovations shape efforts to secure pastoralist access and mobility in Tanzania.

Strategic Mobility and Ecological Stewardship

While regional and global frameworks increasingly recognize communal tenure systems and mobile livelihoods, national-level implementation in Tanzania remains constrained by policy biases that favor sedentary land use and individualized ownership.² For the 2025–2026 fiscal year, Tanzania proposed a livestock sector budget of TZS 476.7 billion (US\$193 million), with the majority allocated to development expenditure.³ However, these economic gains increasingly coincide with shrinking rangelands and constrained pastoral mobility.

Major investments financed through this allocation, including livestock markets, milk collection centers, national vaccination campaigns, and climate-smart dairy initiatives,⁴ depend fundamentally on secure access to grazing land, water resources, and livestock corridors. Without land governance systems that protect mobility and strengthen communal tenure, such investments risk reinforcing inequality, intensifying resource conflicts, and undermining the long-term sustainability of pastoral systems.



1. Homewood, Katherine. 2008. *Ecology of African Pastoralist Societies*. James Currey, Ohio University Press, Athens; and Scoones, Ian. 1994. *Living with Uncertainty: New Directions in Pastoral Development in Africa*. Intermediate Technology Publications, London.
2. FAO. 2018. *Pastoralism in Africa's Drylands: Reducing Risks, Addressing Vulnerability and Enhancing Resilience*. Food and Agriculture Organization of the United Nations, Rome.
3. United Republic of Tanzania (URT). 2025. "Budget Speech of the Ministry of Livestock and Fisheries." Ministry of Livestock and Fisheries, Dodoma.
4. URT. 2025.

Land Formalization, Legal Frameworks, and Lived Realities

Since the early 2000s, Tanzania has implemented a range of land reform initiatives, most notably Village Land Use Planning and systematic land registration, to improve tenure security and reduce land use conflicts.⁵ For pastoralists and hunter-gatherer communities, however, the outcomes have been mixed. Formalization processes have frequently prioritized individualized land titles, an approach poorly aligned with mobile livelihoods that depend on shared grazing areas, livestock corridors, and seasonal access to water resources.⁶

Legally, Tanzania's land governance framework is grounded in principles of equality and non-discrimination. The National Land Policy of 1995, revised in 2023, together with the Land Act of 1999 and the Village Land Act of 1999, recognize customary tenure and equal land rights for women and men.⁷ In practice, however, the division of land into village, general, and reserved categories creates overlapping mandates and institutional ambiguity. Sectoral laws governing wildlife and forests frequently override customary grazing rights, even where long-standing access exists. Centralized authority and unclear jurisdiction thus enable dispossession and restrict access, undermining pastoral mobility.⁸

Photo of the founding members of the Pastoral Women's Council. Photo: Pastoral Women's Council



5. Sulle, Emmanuel. 2017. *Of Local People and Investors: The Dynamics of Land Rights Configuration in Tanzania*. DIIS Working Paper No. 2017:10. Danish Institute for International Studies, Østbanegade.

6. Sulle, Emmanuel. 2021. *Evaluation of Village Land Use Planning and Pastoral Land Governance in Tanzania*. ILRI Evaluation Report. International Livestock Research Institute, Nairobi.

7. URT. 1999a. *The Land Act, No. 4 of 1999*. Government of Tanzania, Dodoma; and URT. 1999b. *The Village Land Act, No. 5 of 1999*. Government of Tanzania, Dodoma.

Pastoralist land use routinely transcends village boundaries, with migration routes, salt licks, and dry season grazing areas extending across multiple administrative units and, in some cases, national borders. Planning frameworks that confine access rights to fixed village units, therefore, fragment rangeland commons and restrict mobility. In addition, poorly coordinated public financing that does not adequately consider the rights of pastoralist and mobile communities, combined with reliance on donor-supported planning, has left many pastoralist areas only partially planned or entirely unprotected. These areas remain vulnerable to reclassification as general or reserved land for conservation or commercial investment.⁹

Collective Action and Women's Governance Innovations

Despite persistent constraints, pastoralist communities—particularly Maasai communities in northern Tanzania—supported by research institutions, government agencies, and civil society organizations, have pursued collective strategies to secure land access and sustain mobility. These strategies include inter-village grazing agreements, shared dry season reserves, negotiated water access arrangements, and Joint Village Land Use Planning. Implemented across more than five districts, these approaches have enabled communities to formally protect communal grazing areas, livestock corridors, and seasonal reserves as village land.¹⁰

Over the past two decades, the Ujamaa Community Resource Team (UCRT) has advanced its Ujamaa Model, which emphasizes landscape connectivity and collective tenure. By 2024, UCRT had supported participatory land-use planning across more than 3.5 million hectares and secured over 2 million hectares under communal land rights through Certificates of Customary Rights of Occupancy (CCRO).¹¹ Complementing this work, in Kiteto District, the International Livestock Research Institute, working with the Government of Tanzania and local NGOs, has supported Joint Village Land Use Planning across four village clusters. These processes have secured more than 163,000 hectares of shared grazing land managed through legally recognized livestock keepers' associations, such as the OLENGAPA Livestock Keepers Association, which holds a CCRO on behalf of its member villages.¹²



Women from the Pastoral Women's Council pose for a photo.
Photo: Pastoral Women's Council

A Maasai man sits near cattle in Ngorongoro National Park near Arusha, Tanzania.
Photo: Shutterstock

8. Shivji, Issa G. 2006. *Let the People Speak: Tanzania Down the Road to Neo-liberalism*. CODESRIA Books Publication System, Dakar.

9. Benjaminsen, Tor A., Maganga, Faustin P., and Jumanne Moshi Abdallah. 2009. The Kilosa Killings: Political Ecology of a Farmer–Herder Conflict in Tanzania. *Development and Change*, 40(3): 423–445.

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11. UCRT. 2024.

12. Sulle, Emmanuel. 2021.

Alongside improvements in tenure security, these initiatives have generated significant governance innovations led by pastoralist women. Through women's rights and leadership initiatives supported by UCRT and the Pastoral Women's Council (PWC), 97 and 137 Women's Rights and Leadership Forums (WRLFs) have been established, respectively.¹³ One major milestone achieved through PWC-supported WRLFs has been the facilitation of land ownership for 1,197 women through the issuance of CCROs, while an additional 1,395 women have had their land formalized, with PWC and partner organizations working toward securing CCROs for these women by 2026.¹⁴

In the area of leadership, these initiatives have also reached over 5,000 women, contributing to the election of 748 women into village and district governance structures by 2025.¹⁵ Although Tanzanian law guarantees equal land rights for women and men, land formalization processes often privilege male household heads, thereby limiting women's influence over land access and decision-making.¹⁶ Nevertheless, pastoralist women have increasingly emerged as key governance actors, mobilizing through women's groups, village councils, and land committees to advocate for the protection of water sources, settlement areas, and livestock access routes essential for household and livelihood security. Women's participation has enhanced transparency, strengthened conflict-resolution mechanisms, and increased attention to the social impacts of land-use decisions, underscoring the importance of gender-responsive approaches to securing land access and sustaining mobility in pastoral systems.¹⁷



Conclusion

Securing mobility for pastoralist and Mobile Peoples in Tanzania depends not only on the legal recognition of customary land rights but also on governance systems that actively protect collective tenure, landscape connectivity, and inclusive decision-making, combined with strong local institutions and women's leadership. Recognizing mobility as a legitimate land use and women as central governance actors are essential to sustaining pastoralist livelihoods, strengthening social cohesion, and maintaining productive and resilient rangeland ecosystems.

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KENYA



Pastoralist Mobility, Land Rights, and Tenure Insecurity in Kenya

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Pastoralism remains one of the most viable and climate-resilient livelihood systems in Kenya's arid and semi-arid lands,¹ supporting millions of people and contributing significantly to national food systems, livestock economies, and ecosystem stewardship. Mobile pastoralists in Kenya, often referred to as nomadic pastoralists, include Maa, Borana, Somali, Turkana, and Pokot communities, among others.² These communities depend on seasonal and opportunistic mobility as the foundation of their production system. This mobility is not random, but highly structured through customary institutions that govern access to dry-season grazing reserves, wet-season pastures, water points, salt licks, and livestock corridors.

Mobility underpins not only livestock survival but also cultural identity, social cohesion, intergenerational knowledge transfer, and conflict management. Elders' councils, age-set systems, and negotiated reciprocity agreements regulate when, where, and how grazing occurs, allowing pastoral systems to function within highly variable climatic conditions.³ Historically, this flexibility enabled pastoralists to adapt to droughts, floods, and ecological shocks without degrading rangelands. However, over the past three decades, pastoralist land tenure systems in Kenya have been pressured by land privatization, subdivision of group ranches, infrastructure expansion, wildlife conservancies, commercial agriculture, extractives, and emerging climate change mitigation and adaptation initiatives, including just-transition approaches and carbon markets.⁴ These processes have progressively fragmented rangelands and undermined communal tenure, transforming once-contiguous grazing landscapes into enclosed and contested spaces.

1. Mohamed, Abdi Ali. 2024. "The Impact of Climate Change on Pastoralist Livelihoods in Kenya." *The International Journal of Humanities and Social Studies*, 5(10). Available at: <https://www.ijohss.org/index.php/ijhss/article/view/2>.

2. Liwenga, E. T. 2018. *The Technical and Social Knowledge Systems of Pastoral Mobility in East Africa*. Pastoralism and Climate Change in East Africa: 107.

3. Fernandez-Gimenez, Maria E., and Sonya Le Febre. 2006. "Mobility in Pastoral Systems: Dynamic Flux or Downward Trend?" *International Journal of Sustainable Development and World Ecology* 13 (5): 341–62. doi:10.1080/1350450060949685.

4. Wangu, J.M. 2014. "Pastoral Land Privatization and Community Adaptability to Climate Change in Maji Moto, Kenya: On Opportunities and Negative Implications of the Tenure Reform." Utrecht University, Utrecht. Available at: <https://studenttheses.uu.nl/handle/20.500.12932/18385>.

Tenure Insecurity and the Erosion of Customary Governance

Statutory land administration frameworks that favor individualization and enclosure are increasingly undermining pastoralist tenure systems. Community authority over land allocation, dispute resolution, and resource management has weakened under county-level spatial planning and privatization processes. Without legal recognition for pastoral mobility corridors, communities are unable to defend customary claims when land is alienated for conservation, infrastructure, or commercial use. In regions such as Laikipia and Samburu, elites have captured land, displacing herders, reducing pasture access, and intensifying tensions with neighboring communities.



Pastoralist Women's Rights Within Pastoral Tenure Systems

Pastoralist women experience the impacts of tenure insecurity most acutely. Despite their central role in milk production, small livestock management, and household economies, pastoralist women rarely hold registered land rights across pastoralist regions. Widows, divorced women, and female-headed households are particularly vulnerable to eviction following land subdivision and privatization.

In Kajiado, women from Olgulului and Eselenkei group ranches reported losing access to critical milk-producing areas once communal lands were individualized. Women from Keekonyokie Community Trust Land walked more than 20 kilometers to present a petition to the deputy county commissioner following ongoing land grabbing in their community. While the Community Land Act (2016) formally recognizes women's inherent rights to land ownership and management, pastoralist women continue to experience dispossession and exclusion from meaningful participation in both customary and statutory land governance structures. Progress toward gender-equitable land rights remains slow and uneven.



Ewuaso Kedong Area (above)
A fence that was erected along the Kedong Ranch, a critical mobility route for pastoralists from the Ewuaso Kedong area toward Nakuru. Photo: MPIDO

Construction of the SGR in Naivasha (middle)
The construction of the SGR to access the Dry Port in Naivasha has blocked critical mobility routes for both wildlife and livestock. Photo: MPIDO

A Maasai man of the Maji Moto Group Ranch in Kenya stands near his cattle. Photo: TonyWild Photography for Rights and Resources Initiative



The Realities of Pastoralist Communities in Kenya

Across Kenya's rangelands, pastoralist communities face intersecting pressures that illustrate how development, conservation, and climate interventions can undermine mobility and tenure when pastoralist rights are insufficiently protected.



In the southern rangelands, the subdivision of group ranches, the expansion of wildlife conservancies, and the rise of carbon projects have severely disrupted traditional grazing systems. In group ranches such as Imbirikani and Olgulului, pastoralists have reportedly lost access to more than 60 percent of grazing areas, forcing herders to concentrate livestock in shrinking open areas. This intensifies pasture degradation, livestock losses, and inter-community conflict, as experienced during the 2022–2023 drought.⁵



In northern Kenya, large-scale carbon projects—particularly under the auspices of the Northern Rangelands Trust (NRT)—have generated significant land rights tensions.⁶ Communal grazing lands have been designated for carbon offset activities without comprehensive, inclusive consultation with all customary rightsholders. Project governance structures often privilege registered landholders and conservancy elites, sidelining customary institutions and further marginalizing women, who are rarely featured in benefit-sharing plans. As a result, some pastoralist communities have lost access to key grazing areas, watering points, and mobility corridors. This undermines pastoral livelihoods and exposes them to the risks of market-based climate solutions that fail to respect communal tenure and pastoral mobility.



The Olkaria Geothermal Power Plant in Naivasha is another example of infrastructure development posing as a climate mitigation and adaptation intervention that has constrained pastoral systems. This mega project, which constructed wells, pipelines, roads, and other associated facilities, has reduced access to both dry- and wet-season grazing areas, while facilitating the spread of invasive species into formerly productive rangelands. In some cases, when aluminum-coated pipes were vandalized, they exposed the pastoralist communities to fires that caused injuries and livestock deaths. Additionally, emissions, noises, and odors from geothermal wells have rendered nearby grazing areas unusable, further restricting mobility and intensifying pressure on remaining pasture.




Pastoralists (above)
Mass action by pastoralists because of infrastructure construction in pastoralist areas.
Photo: MPIDO


Naivasha Dry Port (middle)
The Naivasha Dry Port blocks migratory routes and critical livestock grazing areas.
Photo: MPIDO


Pastoralist Women in Action (below)
Pastoralist women from Keekonyokie Community Trust Land walk more than 12 miles (20 kilometers) to present a petition to the Deputy County Commission of Kajiado West Subcounty against land grabbing. Photo: MPIDO

5. Makena, Betty. 2024. "Analysis of Drought-Flood Abrupt Alternation Events and Their Impacts in Kenya." University of Nebraska Lincoln, Lincoln. Available at: <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1395&context=natresdis>.

6. Annemiek Pas, Elizabeth E. Watson, and Bilal Butt. 2023. "Land Tenure Transformation: The Case of Community Conservancies in northern Kenya." *Political Geography*, 106. doi:10.1016/j.polgeo.2023.102950.

 **In Isiolo and Marsabit counties, the proliferation of private ranches and conservancies has increasingly blocked seasonal migration routes to dry season grazing areas.** During drought years, these restrictions have contributed directly to livestock mortality, demonstrating how corridor closures translate into livelihood collapse. Reduced mobility has intensified competition over pasture and water, fueling conflict among neighboring communities.

 **In Turkana and West Pokot counties, commercial agriculture and expanding settlements along the Turkwel and Kerio river valleys have encroached on historical grazing lands and riverine dry-season reserves.** These developments have restricted access to key resources, increased livestock deaths, and weakened customary conflict-resolution mechanisms that once regulated resource sharing along these corridors.

 **The Kedong landscape in the greater Naivasha area illustrates the cumulative impacts of infrastructure and industrial development on pastoral mobility.** Historically, Kedong functioned as a vital seasonal migratory corridor linking grazing areas to water sources, salt licks, and livestock crossing points. The establishment of the Naivasha Dry Port, occupying approximately 1,000 acres, alongside a 6,000-acre Special Economic Zone and the Standard Gauge Railway (SGR), has resulted in extensive fencing and land enclosure. These developments have blocked or narrowed traditional livestock routes, forcing pastoralists to take longer, more hazardous paths to access essential resources. This has resulted in livestock fatigue, increased mortality, pressure on remaining open rangelands, and the erosion of traditional grazing management systems. At the same time, the dry port and Special Economic Zone have accelerated settlements and livelihood diversification, fundamentally reshaping pastoral mobility and land use in the Kedong landscape.



Pastoralists Reclaiming Livestock Pathways
Pastoralists reclaim their traditional livestock pathways by filling trenches dug by influential figures in government. Photo: MPIDO



Lessons and Implications for Advocacy during the International Year of Rangelands and Pastoralists

Pastoralist tenure security is inseparable from mobility, access, and gender equity. Fragmentation of rangelands threatens livestock survival, food security, climate resilience, and sustainable land management.

BOLIVIA—ANDES



Progressive Fragmentation of Grazing Areas is Rendering Pastoralism Unsustainable: The Case of Ayllu Kari Baja in Bolivia (Kari Baja Indigenous Community)

Arminda Velasco Torrez

The area being studied is located in the *Ayllu Originario* Kari Baja, an Indigenous community in the municipality of Caquiaviri within the Pacajes province. This area is situated in the central highlands of Bolivia's La Paz department and has an average altitude of 3,987 meters above sea level.

The natural conditions of the region's Andean highland ecosystems have led to the development of pastoralism based on the extensive use of local plains for multi-species (sheep, cattle, and camelids) grazing. These plains are home to bunchgrasses such as *chillihua* (*Festuca dolichophylla*), *paja brava* (*Festuca orthophylla*), and native *chiji* grasses, as well as *bofedales* (high Andean wetlands). For the *Ayllu* (Quechua term for community), pastoralism is not only the main source of income but is also central to their way of life and the continued existence and intergenerational transmission of their social and cultural practices.

In recent years, the *Ayllu* Kari Baja has been dealing with the progressive fragmentation



Bolivia, the Altiplano, and pastoralism.
Photo: Arminda Velasco Torrez and CAOI

of grazing areas, mainly due to the subdivision of land during inheritance proceedings. This process has negatively impacted pastoral systems in several ways, including reducing available areas, restricting livestock mobility, and intensifying the use of forage resources.

This has caused unsustainable social and economic conditions for families, forcing some members—primarily young people—to migrate to large cities in search of better economic opportunities.

This study was conducted based on a review of community maps, membership records, and historical documents, as well as field work involving interviews with authorities, communities, and pastoralists.



Situation in Ayllu Kari Baja

Kari Baja—an ancestral, pre-colonial *Ayllu* (Indigenous community)—is recognized by Articles 2, 30, and 403 of the Political Constitution of the Bolivian state, as well as by Supreme Resolution No. 428/2019, with Legal Personality and its Organic Statute and Internal Regulations.

To analyze this case, the Agrarian Reform of 1952 has been used as a historical reference. According to testimonies of community authorities, during that period the community was made up of 13 *sayañeros* (Indigenous pastoralists), which implied an average tenure of approximately 85 hectares per family. These lands were used for raising sheep, cattle, and llamas under an extensive multi-species grazing system, which allowed ancestral pastoral families to sustain their social, economic, and environmental practices across generations.

Bolivia, the Altiplano, and pastoralism.
Photo: Arminda Velasco Torrez and CAOI

At present, according to community membership records, the deeds granted by the National Institute of Agrarian Reform (INRA, as per its acronym in Spanish)—and as a result of inheritance proceedings over a generation—the ownership rights of 50 families (60 percent men and 40 percent women) have been consolidated, with an average area of 21.97 hectares of grazing land per family and a total of 1,098.49 hectares owned by the entire *Ayllu*.

Of these 50 families with land titles, only 15 permanently reside in the community and continue to engage in pastoralism. The rest have migrated to urban centers, maintaining a purely formal connection with the community in order to protect their land ownership rights. The root causes of this migration may vary.

Mama Thalla Valeria Alvarado M. points out that the titled land does not always correspond to a single nuclear family. In many cases, the land is shared among several adult siblings, rendering subsistence farming unviable. A review of the land title records confirms this; with an average of three co-owners per title, the effective area of use is reduced to approximately 7.3 hectares per nuclear family.¹

This land fragmentation is critical. An average of 7.3 hectares per family could only support 18 sheep units or 1.5 cattle units per year, which is clearly insufficient to guarantee the economic, social, and environmental sustainability of the production unit. Land fragmentation is a key driver of migration among pastoralist families.

This systemic problem is compounded by the longstanding low prices for rural farmers' agricultural products. According to Tata Waldo Copa—a member of the *Ayllu Originario* Mallku, an Indigenous community—historically, the rural farming sector has not been able to market its products at fair prices. This situation is aggravated by the absence of public policies and rainwater harvesting programs to irrigate native pastures, increase biomass production, and improve the quality of forage in pastoral ecosystems, which would expand families' economic opportunities.

On average, the 15 families that remain in the community have a herd of 36 sheep, seven cattle, and six llamas per production unit. The number of livestock results from applying various management strategies related to grazing areas, such as closing pastures during the rainy season, cultivating forage barley to supplement periods of low water levels, and renting pastures belonging to community members who have migrated.



Sharing during *Ayllu* community meetings. Photo: Arminda Velasco Torrez and CAO1

1. Data sharing siblings of landholders registered in the Real Property Registry.



Within the community governance framework established in the Organic Statute and Internal Regulations, the *Ayllu* Kari Baja assumes the principle of complementary *Chacha-Warmi* gender duality with equal rights. Farm management and day-to-day care of livestock is mostly the women's responsibility.² Productive management is led by men in only four of the 15 resident families. In order to mitigate migration processes and move toward a sustainable pastoral management system, the education and training of women and children who remain in the community must be prioritized.



Interviews with pastoralist sisters.
Photo: Arminda Velasco Torrez and CAOI



Conclusion

-  A key driver of migration and pastoralism's unsustainable economic, social, and environmental conditions affecting the *Ayllu* in Bolivia is the progressive land fragmentation due to inheritance proceedings.
-  Pastoralism is increasingly facing constraints that undermine the sustainability of family livelihoods. Women play a central role in the sustainability of pastoral systems, although they are often overlooked.

2. Men usually seek temporary occupations or are public employees.

BOLIVIA—LOWER LANDS



Gender Gaps in the Governance of Water Resources and Grazing Lands in Guaraní Communities, Bolivia

Lourdes Baigorria Guzmán

This case study was conducted in the Itatiki and San Antonio del Parapetí communities, located in the Parapitiguasu area of the Charagua Iyambae Guaraní Autonomous Territory, in the department of Santa Cruz, Plurinational State of Bolivia. There are 360 families living in San Antonio del Parapetí and 41 families in Itatiki.

Disparity Between Women’s Productive Work (Animal Care) and Their Political Participation (Assemblies and Leadership Positions)

In both communities, there are ongoing disparities between the roles traditionally assigned to men and women. Interviewees distinguished between small livestock,¹ which are cared for by women, and large livestock,² which are men’s responsibility. Small livestock are considered part of women’s domestic work, which they carry out—as mothers, wives, and daughters—alongside tasks such as cooking, washing clothes, and caring for children.

In the Guaraní communities, land ownership is communal, which has led to the development of collective livestock projects. Their management requires techniques such as water harvesting, reservoir construction, vegetation management, silvopastoral systems, and forage conservation. In Itatiki, the livestock project is considered successful, while some difficulties have arisen in San Antonio del Parapetí, though they are currently being addressed.

In both communities, the implementation of the livestock projects involved meetings, assemblies, training activities, and efforts to secure financial and technical support. Although women have been involved in community meetings

1. Small livestock includes goats, pigs, and poultry, which are raised mainly for family consumption and occasionally generate cash income.

2. Large livestock consists primarily of cattle.

and assemblies, interviewees noted that they tend to remain silent, which points to gaps in decision-making processes. However, some progress has been made. Currently, the position of the Mburubicha (chief or leader) responsible for gender issues on the governing council in San Antonio del Parapetí is held by a woman, and in Itatiki, the position of treasurer is also held by a woman.

Institutional and Cultural Barriers to Women’s Participation in Decisions Around Land Use and the Location of Livestock Infrastructure

In Guaraní communities, the use of land, forests, and water sources has traditionally been defined according to their worldview. Decisions regarding land use and the location of livestock infrastructure are made by community assembly.

In both communities, according to internal norms, cattle ownership is permitted at the family level (where the head of household is male), as well as for single women over 18 and widows. Grazing is also allowed on fallow land and in forest areas. However, land use and the location of livestock infrastructure³ are determined by the community assembly, based on technical criteria for sustainable community livestock production.

The implementation of a livestock project involves four stages: (i) participatory planning; (ii) implementation of planned activities; (iii) training of families; and (iv) administration and management. According to the women interviewed, they are active in the participatory planning stage, but many are reluctant to make their voices heard. In the second stage, women support the process by preparing food for the men who build the necessary infrastructure. In the third and fourth stages, women rarely participate, as these activities are generally considered the domain of men. This situation appears to be linked to cultural barriers (gender roles) that limit women’s ability to leave the community to attend training activities. Only women who have their husbands’ permission, or single women—who often face gender biases that undermine their credibility—are able to participate in training. Criticism and a lack of support come not only from men, but also from women in the community who still do not fully recognize the contributions of women leaders.

Women also lack information about the size, characteristics, and boundaries of their community. Limited literacy skills, which still persist among some women, make it difficult for them to take on responsibilities related to project management. In addition, they lack technical training in livestock management, and the reproductive roles they are expected to fulfill limit their ability to assume responsibilities within livestock projects.

3. Water wells, reservoirs, pastures, corrals, fencing, and cattle chutes.

Access to Ownership: Livestock Ownership and Grazing Rights

Both communities are located in the Native Indigenous Peasant Territory (TIOC, as per its acronym in Spanish) of Parapitiguasu, which holds a collective land title.

Both women and men in these communities are entitled to exercise their rights over the territory and the sustainable use of land, water sources, and forests, which enables them to raise both small and large livestock. However, decision-making positions within livestock projects are held primarily by men, highlighting existing gender gaps. Since livestock production is the main productive activity in both communities, women are at a disadvantage when it comes to being included in positions of representation and power.

The interviews revealed that the livestock projects are carried out within the framework of community statutes and regulations. Although it is not explicitly stated in writing, women's right to own livestock and benefit from livestock projects—on equal footing with men—is recognized. In the communities, it is accepted that from the age of 18, both men and women may individually access ownership of livestock projects, regardless of their marital status. Women are not excluded, and they have the right to be recognized as key actors in the land recovery and consolidation process.



In both communities, the benefits of sustainable community livestock production are evident. These include the consolidation of the territory, the reduction of social, economic, and environmental risks, improved family well-being through improved food security,⁴ and the development of local capacities, which is reflected in the work of trained promoters involved in livestock management and administrative tasks.

Recommendations for Strengthening Inclusive Governance in TIOCs



Ensure that the statutes and regulations for livestock projects currently under revision explicitly recognize women—as well as men—as full beneficiaries, and do not exclude them from decision-making positions.



Implement training modules for Guaraní women on technical aspects of livestock management, administration, and project management, adapted to women's conditions, literacy levels, the Guaraní language, and their caretaking responsibilities.

4. Milk for family consumption and school breakfast, along with meat, cheese, and other by-products.

PERU



Governance in the Rural Communities of Pasco, Peru: Barriers to the Participation of Pastoralist Women

Luis Vittor and Anonymous

In Peru, the internal norms that regulate the lives of pastoralists may incorporate, limit, or exclude women pastoralists from access, use, and control of natural resources, including grazing lands. This study applies a comparative gender-focused analysis to the current statutes of the communities of San Francisco de Asís de Yarusyacán (2014), San Juan de Yanacachi (2015), and Santa Ana de Tusi (2021), all located in the Pasco region.

Co-Owner Status and Inclusion in Communal Registry

The designation of co-owner (male or female) serves as the main regulatory mechanism governing rights in rural farming communities. In Yarusyacán and Yanacachi, although the statutes formally recognize men and women as co-owners, restrictive criteria associated with the “head of household” figure or the principle of “one co-owner per family” persist. Yarusyacán’s statute establishes that in the case of co-owners who are spouses, only the “head of household” will be registered in the communal registry (Article 17). The Yanacachi statute states that it is not permitted for both spouses to be co-owners (Article 27.d). In these situations, the female co-owners are excluded from the registry and from the enjoyment of rights. However, Tusi shows significant progress by explicitly granting equal formal recognition to male and female co-owners (Article 10). This express recognition reduces interpretative ambiguity and strengthens the legal security of women as subjects of rights.



Kevin Olazo Paredes in Pasco, Peru.
Photo: Luis Vittor, Anonymous, and CAOI

Grazing Rights and Stocking Rate

According to the statutes, communal assemblies control the grazing lands, including the area, maximum stocking rate, and location. The right of usufruct over plots of grazing lands depends on the status of a qualified co-owner, which in practice means the exclusion of women whose co-owner status is not recognized or depends on their partner. Under the statutes of Yarusyacán (Article 20), Yanacachi (Article 31.a), and Tusi (Article 75), co-owners registered in the communal registry have the right to usufruct land and grazing areas. In Yarusyacán and Yanacachi, although they manage the daily grazing activities, married pastoralist women (who are not registered in the registry because they are the wives of co-owners) do not have the right to apply for plots of land, thus marginalizing their role and knowledge. In Tusi, by being explicitly recognized as co-owners, women can access the same rights.



Community of Pucayacu in Pasco, Peru.
Photo: Lenin Milla Muñazqui (CAOI)

Community Governance and Participation

In the communities, the traditional requirements for access to positions (seniority, previous experience, registration in the registry, compliance with tasks and assemblies) operate as indirect barriers to pastoralist women's participation. In Yarusyacán, co-owners registered in the communal registry have the right to elect and be elected (Article 20), but to be President, one must be "head of household" (Article 63), implicitly excluding women. In Yanacachi, wives are expressly prohibited from participating in place of their partners in community assemblies and tasks without documented justification (Article 145). In Tusi, **all qualified co-owners (men and women) have the right to speak and vote in the assemblies (Article 14.d), and its statutes establish a minimum quota of 30 percent of women in the communal board of directors (Article 30).** It is the first and only gender quota identified among the Pasco communities' statutes and is aligned with national legislation in Peru (Law 30982).

Transfer of Inheritance Rights

Land tenure security for widowed women is vital. The three statutes provide for the transfer of rights and possession of land after the death of a co-owner, giving priority to the widow and children to ensure the continuity of the family unit and the use of the plots. In Yarusyacán, inheritance passes automatically to the husband, wife, or cohabitating partner for use together with the children (Article 130), while Yanacachi establishes that it will be immediately inherited by the widow and/or child (Article 31.i). Tusi specifies that possession rights are first granted to the spouse, then the children (Article 82). None of the statutes makes explicit reference to the female daughters of the co-owners in the order of succession.

Obligations and Recognition of Caregiver Duties

The registered co-owners are obligated to attend the assemblies and fulfill the tasks according to the statutes. However, women are rarely—if ever—exempted from these obligations due to caregiving work; if so, the exemptions are minimal. Only Yarusyacán (Article 99) and Tusi (Article 21.e) establish maternity exemptions. In Tusi, they must only attend assemblies during pregnancy, and, in Yarusyacán, they are exempt from carrying out certain tasks and attending assemblies for 45 days before and after childbirth.

Gender-Based Violence





The Yarusyacán and Yanacachi statutes do not contain any reference to how to address gender-based violence within communities or families. Only Tusi has institutionalized mechanisms to prevent and respond to gender-based violence, establishing support systems for women and minors who are victims of violence (Article 45.d). This includes promoting the creation of a training program and access to psychological treatment for families experiencing domestic violence (Article 45.e).



Community of Pucayacu in Pasco, Peru.
Photo: Lenin Milla Muñazqui (CAOI)



Conclusion

-  Sustainability of high Andean pastoral systems requires dismantling gender barriers in community governance. **The example of Tusi proves that it is possible to harmonize communal autonomy with women's rights, exercising self-government without excluding them.**
-  Two of the three communities (Yarusyacán and Yanacachi) have established mechanisms that exclude women from the formal registry, impeding their rights of access and use.
-  Exclusion from the registry generates a domino effect that reinforces pastoralist women's exclusion from the system in other ways. If they are not registered in the registry, they cannot apply for grazing plots, they have no voice or vote in communal assemblies, and they cannot be elected to office.
-  Through regulatory innovation, Tusi demonstrates the compatibility between communal autonomy and women's rights by instituting a 30 percent quota of women on the communal board, establishing formal mechanisms to address gender-based violence, using explicitly inclusive language, and removing formal barriers.



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