

Rights on the Move:

A Practical Reform Guide on the Rights of Pastoralists and Mobile Peoples

Executive Summary

Moving Rights Forward,¹ this guide's companion report, documented the legal recognition of pastoralists' and Mobile Peoples' mobility and access rights. **This guide is structured to serve as a tool to advance legal, policy, and implementation reforms.** Where *Moving Rights Forward* focused on mobility and access alone, **this guide reviews the minimum set of rights that must be legally recognized for pastoralism and mobile livelihoods to be secure, including the specific rights of women within these systems.** The rights considered under this framework include: mobility; access and use; management and governance; consultation, extending to free, prior and informed consent (FPIC); and due process, dispute resolution, and compensation.

This reform guide is informed by the cross-country legal findings of a database covering seven countries and 10 tenure regimes across Africa, Asia, and Latin America (Bolivia, Kenya, Mongolia, Nepal, Niger, Peru, and Tanzania) and is presented here as a practical tool for legislators, national human rights institutions, international convening bodies (including under the Rio Conventions), pastoralist and Mobile Peoples' organizations, and donors.

Formal legal recognition of pastoralists' and Mobile Peoples' rights is uneven and rarely specific to mobile livelihoods. Mobility, the core of pastoralists' and Mobile Peoples' livelihoods, human rights, and customary institutions, is only recognized in

*Mongolian nomadic family in Uvs Province.
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one country. Even where rights recognition is present, customary institutions and laws are routinely undermined. In four of the seven countries studied, legal recognition for pastoralists exists only where rights are recognized for Indigenous Peoples or local communities under collective tenure law. While the importance of legal recognition of pastoralists as collective rightsholders is fundamental, applicable legal frameworks rarely include their distinct rights as mobile peoples. Only two countries (Niger and Nepal) provide direct and distinct recognition of pastoralists as rightsholders. Mongolia, on the other hand, fails to provide protection to pastoralists either through a pathway available for the collective communities they belong to or as a distinct approach (the country does not recognize the existence of Indigenous Peoples within its borders).

Gender gaps are nearly universal across the assessed countries and compounding rather than isolated. No country in the sample provides pastoralist women's mobility with any specific legal protection. Where women's rights are strongest, provisions tend to be formalistic. Where legal language appears to apply gender-neutral perspectives, women's rights are often constrained by registration practices that default to male heads of household. Pastoralist and mobile women's ability to exercise gender-neutral rights is, in practice, contingent on insecure governance and property rights.

Throughout, this guide is grounded in the voices and demands of pastoralist and Mobile Peoples' organizations, and in the wider body of international instruments that collectively form the basis for the reforms detailed here. With the International Year of Rangelands and Pastoralists, it is now the time for pastoralists and other Mobile Peoples to be recognized as the solution-holders and stewards they are, rather than treated as a threat to the lands they have sustained for generations. Recognition at the international level, however, has yet to translate into protection at the national level and policy across conventional bodies such as the three Rio Conventions. It is this very gap that this guide sets out to close.

A woman in traditional Bolivian clothing shepherds her goats and sheep in the Bolivian Andes near Sucre. Photo by Lea and Lennart Kocheise, Shutterstock.

