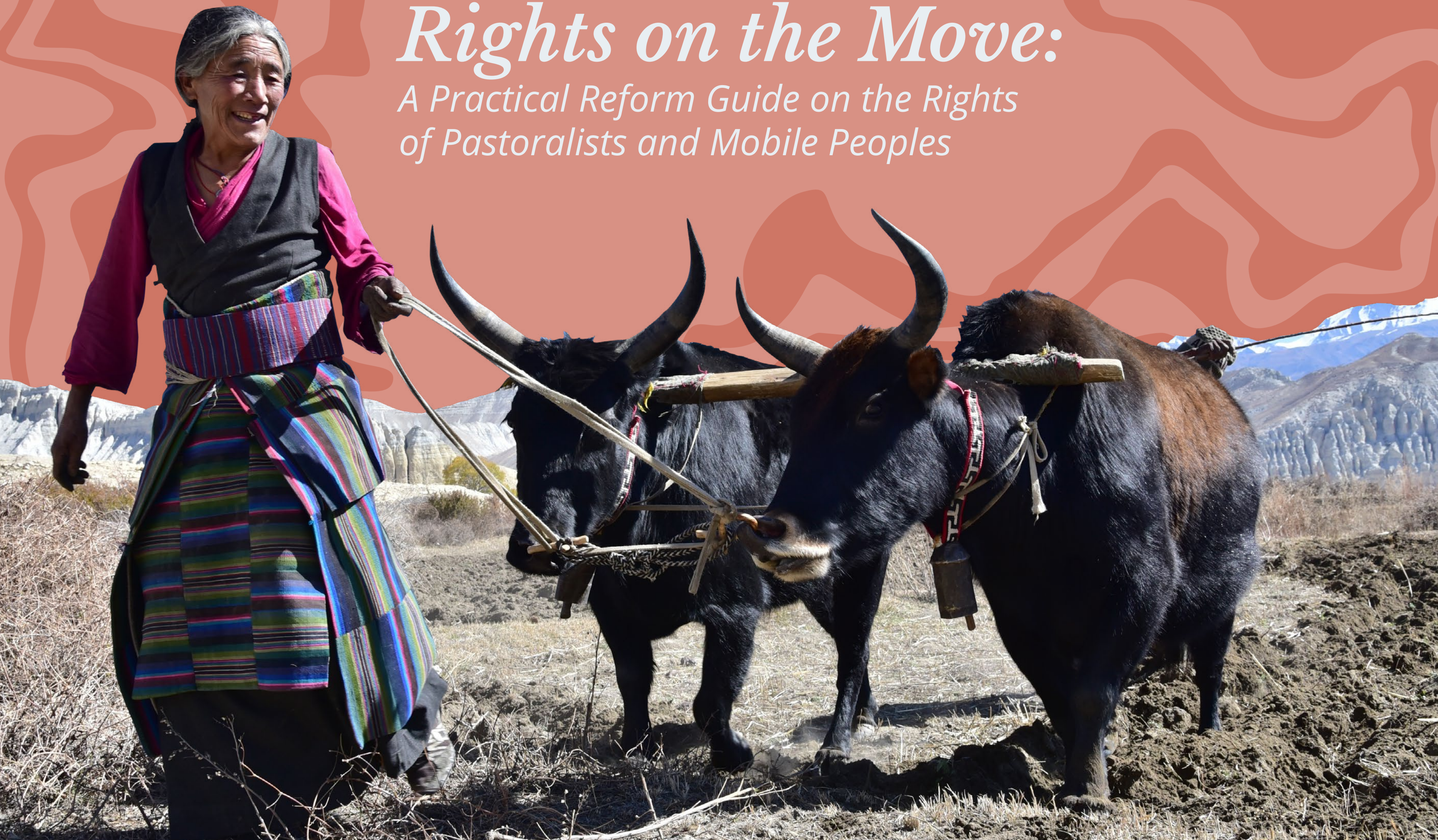


Rights on the Move:

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



Supports the



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Members of the Maji Moto Group Ranch herd goats and sheep in the distance. Photo by Tony Wild Photography for RRI.

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.
Photo by Shutterstock.*



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.



SECTION 1

Introduction

As many as half a billion people depend on pastoralism for their livelihoods, and rangelands cover more of the Earth's surface than any other land-use type.² Across Africa, Asia, and Latin America, pastoralist communities practice regionally adapted livelihoods and have governance institutions that are essential for the maintenance of fragile habitats and ecosystems, whilst ensuring food security to both transhumant and sedentary communities.³

In Africa alone, pastoralists “occupy and manage approximately 43% of Africa's landmass and keep nearly 1.2 billion heads of livestock that feed 268 million people” and contribute between “10–44% of national GDPs across the region.”⁴ In Asia, where transhumance is particularly widespread in temperate zones and some subtropical and arctic zones, pastoralists sustain key portions of the economy. In Mongolia, about one-third of the country's workforce are pastoralists (as of 2017), managing herds that are estimated to occupy 72 percent of the national territory.⁵ In Nepal, pastoralism is the mainstay of mountain people in the high mountain region, just after tourism.⁶ In Latin America, particularly in the Andes region, pastoralist traditions provide economic and livelihood support to about 1.5 million pastoralists in Peru⁷ and more than 50,000 families in Bolivia.⁸ Beyond this, there is significant value for pastoralism in high-altitude areas across all three regions. In these areas, pastoralism is often the only viable livestock-based livelihood and food source.⁹

Pastoralists are the largest and most visible constituency within a broader category of Mobile Peoples, which this guide understands as extending to customary nomadic and semi-nomadic peoples whose livelihoods, cultures, and relationships to land are organized around

mobility rather than fixed, sedentary occupation of territory.¹⁰ What unites these otherwise diverse peoples is not a shared livelihood but a shared legal vulnerability: because their relationship to land does not conform to conventional, boundary-based conceptions of occupation and tenure, Mobile Peoples as a whole have historically been among the least visible and least protected rightsholders under both national and international law.¹¹

Pastoralism and mobility extend beyond a production system that supports entire societies and communities. Pastoralist communities and Mobile Peoples are fundamental cultural and heritage keepers; stewards of rangelands and drylands; and conservation agents over vast areas of land at risk of degradation, sustaining essential ways of life for Indigenous Peoples and local communities. Their rights, and their adequate recognition and protection, are essential as they are food security providers, conservation agents, and key contributors to economies and livelihoods of both their own communities and society overall. But beyond that, protection of these rights is inherent to their human dignity and their collective distinctiveness.

Formal international recognition of pastoralists and other Mobile Peoples has developed gradually and relatively recently, building on broader human rights mechanisms such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). In 2018, the UN General Assembly adopted the Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), extending explicit recognition to pastoralists—alongside nomadic and semi-nomadic peoples—as rightsholders entitled to land, seeds, biodiversity, and self-determined livelihoods.¹²

Purpose of This Guide

Drawing on the growing recognition of the essential role and contributions of pastoralists and Mobile Peoples that resulted in the declaration of 2026 as the International Year of Rangelands and Pastoralists, this guide was developed to advance the legal recognition and consequent realization of their distinct rights. This guide sits within a wider body of demands already made by pastoralist and Mobile Peoples' organizations and their allies:

The 2002 Dana Declaration on Mobile Peoples and Conservation first called for legislative reform recognizing Mobile Peoples' land and resource rights—including customary law—alongside their right to full participation in decision-making.¹³

The 2022 Dana+20 Manifesto of Mobile Peoples documented how extractive industries, imposed protected areas, and even green transition projects continue to be imposed on Mobile Peoples' lands without their consent, and called on governments to formally secure customary rights to territories and shared resource use.¹⁴

The UN Special Rapporteur on the Rights of Indigenous Peoples' 2024 report on Mobile Indigenous Peoples found that mobile Indigenous Peoples face existential threats from discrimination, displacement, and restricted movement, and that many states fail to recognize them at all.¹⁵

The IYRP Working Groups' 2025 policy briefs call for legal frameworks that guarantee pastoral mobility and shared, non-exclusive land use as a right inseparable from livelihood. It also calls for broader adaptation policy and climate finance that funds pastoralist mobility rather than treating it as the problem.¹⁶

The 2025 Asian Pastoralist Women's Declaration MERA+15, adopted by more than 100 pastoralist women from eight Asian countries, demands permanent collective rights to grazing lands, water sources, and commons, and the legal protection of traditional migration routes within and across national borders. It calls for clear and separate consent from pastoralist women to be treated as mandatory where lands are

taken for development, conservation, or renewable energy projects, and that essential services reach communities along their migration routes rather than being conditioned on settlement.¹⁷

The Nairobi Call to Action, adopted by African Indigenous and Customary Pastoralist communities and organizations in 2026, calls on states to legally recognize pastoral land, tenure, and mobility rights as rooted in self-determination and customary governance rather than granted at the state's discretion.¹⁸

The 2026 Brasília Declaration, while broader in scope, applies directly to the rights of pastoralists and Mobile Peoples and calls for direct, flexible financing routed through community governance institutions, as well as for communities' rights to effective, meaningful, and inclusive participation in all land, resource, and ecosystem governance decisions.¹⁹

The guide is designed to be used by all those who hold the key to change, including: legislators and ministries responsible for land, water, wildlife, and local-government statutes; national human rights institutions and courts charged with assessing constitutional and international obligations; pastoralist and Mobile Peoples' organizations, including women's organizations; dedicated civil society organizations; donors; and UN or Convention bodies shaping funding conditions and reporting frameworks.

Methodology

This guide draws on RRI's Pastoralism and Mobile Peoples' methodology,²⁰ an adaptation of RRI's long-standing Bundle of Rights framework²¹ to the distinct realities of mobile livelihoods. Rather than measuring tenure security against a fixed model of property, the methodology asks whether a legal system recognizes and protects mobility, adaptive access, collective self-governance, and adequate remedy on pastoralists' own terms. The methodology does not create categories of protection of rights or static ownership of territories as the Bundle of Rights framework does, but instead monitors the status of legal recognition and surrounding implementation of the minimum set of rights that should be recognized and protected for these groups. As such, the methodology includes five categories of rights which are assessed herein:

- 1. Mobility**
- 2. Access and Use** to their traditional territories and resources, including corridors and seasonal grazing areas
- 3. Management and Governance** over their traditional territories and resources, including corridors and seasonal grazing areas
- 4. Consultation, extending to FPIC**
- 5. Due Process, Dispute Resolution and Compensation**

*A shepherd with a herd of sheep in Peru.
Photo by Shutterstock.*



Guide Structure

Following this introduction, Section 2 provides a summary of the status of rights recognition based on the data. Section 3 includes the complete reform toolkit developed in this guide, with one subsection per right category outlined above (mobility; access and use; management and governance; consultation, extending to FPIC; and due process, dispute resolution, and compensation). The guide then closes with an Implementation Pathway in Section 4, which synthesizes the resulting recommendations into short, medium, and long-term priorities, naming a lead actor for each so that governments, donors, UN and Convention bodies, and pastoralist and Mobile Peoples’ organizations can act on this guide’s findings in a sequenced, coordinated way rather than treating each section’s recommendations in isolation.

In particular, Section 3 sets out the five categories of rights that inform this guide. Section 4 addresses each in turn, structured to assess the status and importance of legal recognition and realization in practice, the good and weak practices identified across the assessed countries, model legislative language for direct reform that governments can adapt, the accompanying policy and implementation recommendations needed to realize those rights, and recommendations tied to the Rio Conventions (UNCCD, CBD, and UNFCCC) processes, where pastoralists’ and Mobile Peoples’ rights are frequently marginalized.

Figure 1. Structure of Chapter 3: Reform Toolkit



SECTION 2

Summary of the Status of Legal Recognition of Pastoralists’ and Mobile Peoples’ Rights

The below matrix presents the extent to which national laws and, where applicable, transboundary agreements recognize the rights of pastoralists’ and Mobile Peoples’ rights to mobility; access and use; management and governance; consultation, extending to FPIC; and due process, dispute resolution, and compensation as well as the extent to which the rights of women in these communities are explicitly recognized in law across the seven countries assessed: Bolivia, Kenya, Mongolia, Nepal, Niger, Peru, and Tanzania. The matrix shows only the legal indicators from the underlying database for every country and, where a country has more than one collective tenure regime with materially different findings, for each regime separately.

DETAILED REFERENCES FOR TABLE 1 (PAGE 9)

- **No Credit** = the right is not recognized
- ◐ **Partial Credit** = the right is only partially recognized, or recognized without a key protection (e.g., consultation without a consent requirement)
- **Full Credit** = the right is fully recognized in law
- ⊗ **Discriminatory** = law or policy actively works against the right
- **Not Addressed / Not Applicable** = the underlying right this indicator measures does not exist in that country’s framework
- CASE BY CASE **Case-by-Case** = more than one legally applicable regime governs the same right, with the outcome depending on which applies

Table 1. Status of De Jure Rights Across Categories, by Country

Rights ➤		MOBILITY		ACCESS AND USE					MANAGEMENT AND GOVERNANCE		CONSULTATION, EXTENDING TO FPIC		DUE PROCESS, DISPUTE RESOLUTION, AND COMPENSATION			WOMEN'S RIGHTS						
		Mobility Recognized as Fundamental Right	Transboundary Mobility	Access to Land Recognized	Distinct Human/Livestock Rules	Exclusive/Shared Access	Use Rights Over Pastoral Resources	Overlapping / Shared / Seasonal Use	Right to Manage / Participate	Communal Governance Recognition	Consultation Extending to FPIC	Government Can Override Consultation/Consent	Due Process	Compensation	Community Dispute Resolution	General Property Rights	Mobility Rights	Land Access Rights	Livestock Ownership	Livestock Inheritance	Voting Rights	Leadership Rights
Tenure Regime ▼																						
BOLIVIA	Territorio Indígena Originario Campesino (Original Peasant Indigenous Territory)	Partial Credit	Partial Credit	Full Credit	YES	DEPENDS ON AREA	Full Credit	Full Credit	Full Credit	Full Credit	Partial Credit	NO (CANNOT OVERRIDE) *	Full Credit	Partial Credit	Full Credit	Full Credit	No Credit	Full Credit	Full Credit	Full Credit	Partial Credit	No Credit
	Propiedades Comunitarias (Communal Properties)	Partial Credit	Partial Credit	Full Credit	YES	DEPENDS ON AREA	Full Credit	Full Credit	Full Credit	Full Credit	Partial Credit	NO (CANNOT OVERRIDE) *	Full Credit	Partial Credit	Full Credit	Full Credit	No Credit	Full Credit	Full Credit	Full Credit	Partial Credit	No Credit
KENYA	Registered and Unregistered Community Lands	Partial Credit	Full Credit	Full Credit	YES	DEPENDS ON AREA	Full Credit	No Credit	Full Credit	Partial Credit	Partial Credit	YES (CAN OVERRIDE)	Full Credit	Partial Credit	Full Credit	Full Credit	No Credit	Full Credit	Full Credit	Full Credit	Partial Credit	Partial Credit
MONGOLIA	Rights of Herders	Partial Credit	No Credit	Full Credit	YES	DEPENDS ON AREA	Partial Credit	Partial Credit	Partial Credit	No Credit	No Credit	N/A, NO CONSULTATION RIGHTS	Partial Credit	Partial Credit	Partial Credit	Full Credit	No Credit	No Credit	Full Credit	Partial Credit	Partial Credit	No Credit
NEPAL	Rights of Pastoralists	Partial Credit	Full Credit	Full Credit	YES	DEPENDS ON AREA	Full Credit	Full Credit	Partial Credit	Full Credit	Partial Credit	NO (CANNOT OVERRIDE) *	Partial Credit	Partial Credit	Full Credit	Full Credit	No Credit	Full Credit	Full Credit	Full Credit	CASE BY CASE *	CASE BY CASE *
NIGER	Pastoralist Communities	Full Credit	Full Credit	Full Credit	YES	SHARED ACCESS	Full Credit	Full Credit	Partial Credit	Full Credit	Partial Credit	YES (CAN OVERRIDE)	Partial Credit	Full Credit	Full Credit	Full Credit	No Credit	No Credit	Full Credit	CASE BY CASE *	No Credit	No Credit
PERU	Comunidades Nativas (Native Communities)	Partial Credit	No Credit	Full Credit	FREE ACCESS IN TITLED LANDS	EXCLUSIVE ACCESS	Full Credit	No Credit	Full Credit	Full Credit	Full Credit	YES (CAN OVERRIDE)	Partial Credit	Full Credit	Full Credit	No Credit	No Credit	Partial Credit	Partial Credit	Full Credit	Partial Credit	No Credit
	Comunidades Campesinas (Peasant Communities)	Partial Credit	No Credit	Full Credit	FREE ACCESS IN TITLED LANDS	EXCLUSIVE ACCESS	Full Credit	No Credit	Full Credit	Full Credit	Full Credit	YES (CAN OVERRIDE)	Partial Credit	Full Credit	Full Credit	No Credit	No Credit	Partial Credit	Partial Credit	Full Credit	Partial Credit	Partial Credit
	Pueblos Indígenas en Aislamiento y Contacto Inicial, PIACI (Indigenous Peoples in Isolation and Initial Contact)	Partial Credit	Partial Credit	Full Credit	FREE ACCESS IN TRADITIONAL TERRITORIES	EXCLUSIVE ACCESS	Full Credit	No Credit	Full Credit	Full Credit	Full Credit	YES (CAN OVERRIDE)	Partial Credit	Full Credit	—	No Credit	No Credit	Partial Credit	Partial Credit	Full Credit	—	—
TANZANIA	Village Lands	Discriminatory	No Credit	Full Credit	YES	DEPENDS ON AREA	Full Credit	Partial Credit	Partial Credit	Partial Credit	Partial Credit	YES (CAN OVERRIDE)	Partial Credit	Partial Credit	Full Credit	Full Credit	No Credit	No Credit	Full Credit	CASE BY CASE *	Partial Credit	Full Credit

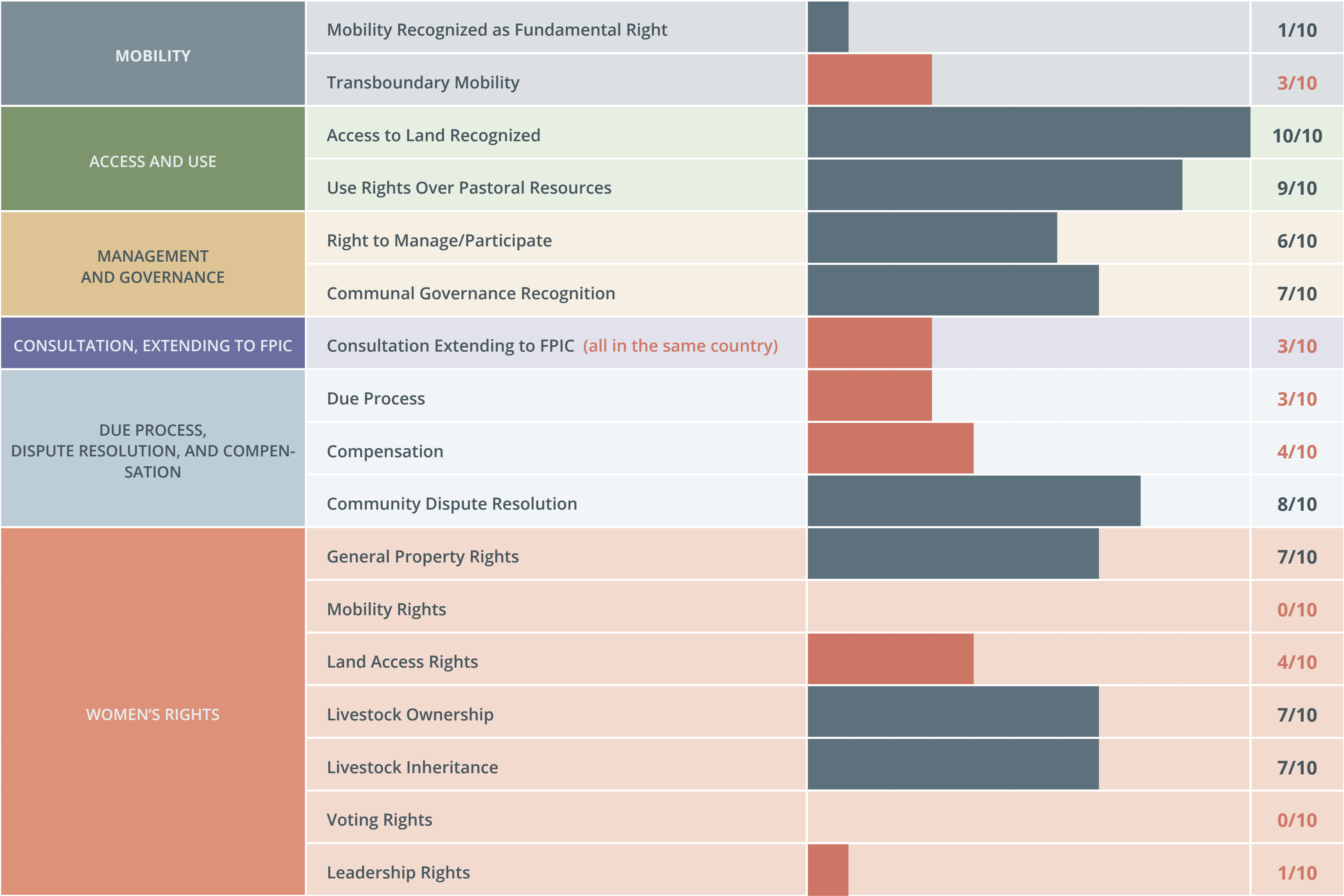
To understand what each score corresponds to in detail, please refer to the full methodology note.

★ Where marked, see the relevant details in Section 4: Tanzania’s mobility right is rated *Discriminatory* because the cumulative effect of its land, grazing, and conservation statutes forces sedentarization, not merely because mobility goes unrecognized (mobility). Bolivia and Nepal receive *No (Cannot Override)* on the government-override indicator at the top-line legal score because although they recognize FPIC, each carries a documented practical or textual qualification under-

cutting that protection (consultation, extending to FPIC). Nepal’s women’s voting rights depend on whether a community has formally registered as a Farmer or Livestock Group (management and governance).

★★ As per RRI’s methodology on pastoralists and Mobile Peoples, women’s rights indicators are based on whether women pastoralists and Mobile Peoples have recognized rights as part of those communities and within the decision-making structures and legal frameworks applicable to communities.

Figure 2. Share of the 10 Regimes Across Seven Countries Reaching Full Credit, by Right



SECTION 3

Reform Toolkit

*Woman milks a cow in northern Mongolia.
Photo by Katiekk, Shutterstock.*



3.1 MOBILITY RIGHTS

“

Mobility is not an aimless movement; it is the core of pastoral identity. It has everything to do with our fight for climate, land, livelihoods, and food security.”

— Anne Samante, MPIDO

Mobility is the organizing principle of pastoral livelihoods,²² but it is also one of the most misunderstood and poorly recognized rights. Across reviewed countries, Niger is the only jurisdiction to recognize mobility as a fundamental right (Table 1) and transboundary mobility rights are adequately recognized²³ by only three states (Kenya, Nepal, and Niger).

The lack of recognition of mobility as a right illustrates a wider structural gap. In most of the assessed countries, pastoralists’ and Mobile Peoples’ rights exist only because they are recognized as Indigenous Peoples or local communities under collective tenure law, without any additional legislation recognizing their distinct rights to mobility as pastoralists and Mobile Peoples. Some countries, such as Mongolia, fail to recognize any rights of Indigenous Peoples or local communities, including pastoralists, as distinct rightsholders.

Within the context of reviewed countries, **Tanzania** offers the clearest illustration of mobility as a conditional, permit-based form of land use. While the Village Land Act of 1999 and Land Use Planning Act of 2007 acknowledge pastoralism as a legitimate practice and allow grazing areas, livestock corridors, and shared resources to be planned and managed—sometimes jointly—mobility is only allowed within fixed villages or district

boundaries, subject to administrative approval. By treating mobility as a conditional land-use outcome rather than an inherent livelihood right, Tanzania effectively forces the progressive sedentarization of pastoralist communities. The exclusion of pastoralists from historically used rangelands has since been further entrenched in the Land Act and the Grazing-Land and Animal Feed Resources Act of 2010, as well as the Wildlife Conservation Act of 2009, which emphasized fixed territorial rights, the regulation of grazing and livestock movement, and the prioritization of wildlife protection over their enduring co-existence with pastoralist communities. Tanzania provides a clear example of where the language of ‘tenure security’ used by the state establishes a land tenure regime that degrades the integrity of mobile pastoralist systems.

A more common hindrance to mobility is implementation. **Kenya** is the only country in the sample with dedicated policies and programs to support pastoral mobility, but as a result of poor planning and delivery, implementation has so far been limited. As a result, even the sample’s strongest policy commitment on mobility has yet to close the gap between rules in form (de jure) and rules in use (de facto).²⁴ **Bolivia, Peru,** and **Niger** show related but distinct versions of the same problem: they recognize mobility-adjacent legal foundations reasonably well, but pasto-

Mongolian herders with their cattle on the grassland.
Photo by Hang Dinh.

ralists in these countries face consistent barriers in the form of extractive projects, expanding conservation areas, and new road and mining infrastructures. In these cases, the problem is not the absence of legal provisions for mobility but the overlapping frameworks and authority of administrative bodies to grant access and use rights to more powerful actors and interests over the rights of affected communities.

Women's Rights

No country in this sample gives pastoralist women's mobility explicit legal protection. This is the only universal gap identified in the data presented, and this matters beyond formal gender equality. The underlying data shows that mobility restrictions and infrastructure decisions fall unevenly on women: where corridors, water points, or resettlement schemes are planned without a gender lens, women face longer and less safe routes to water and firewood, disrupted access to health and education services during displacement, loss of key forms of income from pastoralist-based livelihoods, and heightened exposure to gender-based violence along unsafe or unlit corridors. Restrictions on movement also disproportionately affect women's ability to reach markets with the livestock products they manage, deepening existing economic exclusion.



Good Practice: Niger and Bolivia

Niger's *Code Rural* (Article 5) prohibits the appropriation of pastoral lands, preserving them as open, shared resources, and its Ordinance No. 2010-029 of 2010 on pastoralism (Articles 2, 3 and 20) builds mobility directly into the rights it protects.²⁵ The law explicitly defines transhumance as a way of life, a system of production, and an adaptation strategy centered on mobility and flexibility (Article 2). It recognizes mobility as “a fundamental right of pastoralists” and states this is a right recognized and guaranteed by the state (Article 3). Seasonal access to agricultural areas is guaranteed by the legal principle of closure and release of fields (post-harvest grazing).

Bolivia's Law 450 identifies transboundary ways of life as a specific category of “high vulnerability” warranting state protection (Article 2). It obligates the state to promote bilateral and multilateral coordination programs and joint actions with other states specifically to address the needs of Indigenous nations and peoples, including pastoralist peoples living a transboundary way of life (Article 4).²⁶

Weak Practice: Legal Regimes that Restrict Mobility Without an Explicit Prohibition

A mobility right can be undermined without a single statute ever prohibiting movement outright. Some countries in this sample illustrate different versions of the same underlying problem.

In **Tanzania**, no single statute is restrictive in isolation, but the cumulative effect of legislation prohibits grazing and livestock movement within national parks and game reserves regardless of prior or customary use.²⁷

Mongolia's Law on Land vests centralized state sovereignty over all pastureland, and mining licenses may be granted over the same land under the Minerals Law, with no legal mechanism preserving migration routes against subsequent mineral concessions²⁸ (see Mongolian case study in *Moving Rights Forward* for more details).

Peru, Tanzania, and Mongolia do not recognize transboundary mobility rights, leaving pastoralist and mobile communities whose seasonal range crosses an international border with no legal protection at the point where that protection is often most needed.²⁹

In **Nepal**, Rule 46 of the Forest Regulation (2022) and the Community Forest Guideline (2025) allow pastoralist communities to participate in identifying and mapping grazing corridors located within community forests, but this is a planning-process accommodation, not an affirmative mobility guarantee. This partial foundation faces active erosion in practice: poor legal and policy protection, significant tax barriers to accessing lands (see the Nepal case study in *Moving Rights Forward*), tenure insecurity, land conversion, conservation-area expansion, and climate change are all documented as ongoing barriers.

In **Kenya**, no statute forecloses mobility outright, but none affirmatively protects it either. The Constitution's general provisions on land use and community land, together with related policy instruments, can be read to imply a mobility right. Communities face many similar barriers expanded above for Tanzania, with rights often restricted for conservation areas. Even where a transboundary agreement exists, securitization, discretionary enforcement, and lack of domestic legal backing undermine protection and sometimes criminalize mobility.

Model Legislative Language

“The state recognizes mobility as a fundamental right of pastoralists and Mobile Peoples. Mobility is the center of these peoples’ ways of life, livelihoods, systems of production, and adaptation strategies. This right shall be recognized and guaranteed in accordance with customary community practices. No provision of this law, nor any subsidiary regulation, may be interpreted so as to require a pastoralist community to abandon its mobile livelihood as a condition of legal recognition, land access, or eligibility for state support.

The state has an obligation to guarantee the right to mobility through flexible recognition of territorial rights and seasonal movements, as well as the coordination of transboundary agreements and programs to ensure transboundary mobility is guaranteed.”

Policy and Implementation Recommendations

- 1** ***Legally demarcate and protect pastoral corridors, water points, salt licks, and seasonal grazing areas***, backed by completed and government-validated inventories of pastoral space and designed with explicit attention to women’s safety and access needs.
- 2** ***Ratify, domesticate, and fully implement regional and bilateral transboundary mobility agreements***, with dedicated enforcement plans.
- 3** ***Enact pastoralist-specific legal protections for women’s mobility***, specifically addressing women’s exposure to violence and unsafe conditions along mobility routes.
- 4** ***Establish dedicated rights-based budgets and institutional capacity*** to deliver on existing pastoralist support policies and programs.
- 5** ***Require impact assessments to address mobility explicitly***, particularly within cross-sectoral land, mining, energy, and conservation licensing processes, so that decisions taken under unrelated statutes cannot foreclose migration routes by default.

Rio Convention Reform Priorities

UNCCD

Link pastoralist mobility explicitly to Land Degradation Neutrality targets; recognize that restricting mobility accelerates degradation of arid and semi-arid lands.

CBD

Address the tension between area-based conservation targets and pastoral mobility; require that Protected Area and Other Effective Conservation Measure (OECM) designations respect and enable pastoral corridors, consistent with evidence that mobile pastoral systems are among the most biodiversity-positive land-use systems; include pastoralists as agents of conservation.

UNFCCC

Recognize pastoralist mobility as a climate adaptation strategy in Nationally Determined Contribution (NDC) guidance, not a source of emissions to be constrained; fund mobility and flexible tenure directly rather than sedentarization projects in pastoral lands mislabeled as adaptation.

Traditional mud hut in Niger. Photo by Adobe Stock.



3.2 ACCESS AND USE RIGHTS

“

Pastoralists continue to sustainably steward pastoral rangelands albeit with minimal support from policy, development, and funding actors, including intensifying extreme weather conditions”

— Kimaren Ole Riamit, ILEPA

Community rights to access and use customary lands and resources, including corridors, rangelands, freshwater, forests, and wildlife, are recognized, in some form, in every country assessed. However, considerable variation exists in terms of the extent or associated conditions, particularly in the context of livelihoods and communities’ economic survival (Figure 3). For example, in **Mongolia**, herders enjoy a general right to access pastureland and freshwater, but their use of forest and wildlife resources—critical to groups such as the Duha reindeer herders—requires permits and is subject to restrictions. Mongolia also does not formally protect pastoral corridors; instead, it treats all pastureland under a single category of state-owned agricultural land that leaves it open to incompatible land use activities, such as mining and infrastructure development. These resources are held by Mongolian herders not as natural assets alone but as sacred, central to cultural and spiritual life. When such restrictions are imposed, pastoralists’, herders’, and Mobile Peoples’ rights to their cultural heritage, to freedom of religion, and to their own spiritual practices are equally violated.

Across all seven countries, subsistence-based use of pastoral resources consistently has the highest level of legal recognition, whereas commercially-focused uses, such as **Kenya’s** community wildlife conservancies or **Peru’s** *vicuña* regime for *Comunidades Campesinas*, are seldom recognized by states.³⁰ In all other reviewed instances, the commercial use of resources recognized for subsistence purposes is either unaddressed or actively restricted in the legal regime. This pattern has a direct economic consequence. Pastoralist communities are free to use their resources to meet their subsistence needs but cannot use the same for economically valued ends without separate, burdensome authorizations. This is a striking inequity given how much pastoralist communities already contribute to national economies and food security. Even where use rights are recognized, laws fail to account for the mobile-based livelihoods of communities. Use rights are often limited to specific areas, without accompanying recognition of seasonal movement and corridors.

“

Women play a central role in pastoral work; however, their contributions tend to be systematically overlooked.”

— Kimaren Ole Riamit, ILEPA

A second common pattern across reviewed cases is that the same legal systems that recognize pastoral use rights also preserve pathways for the state to override these rights in favor of extractive industries, including mining, hydrocarbons, and, in several countries, large infrastructure, conservation, or carbon projects as highlighted by the weak practices listed below.

Finally, even where use rights are legally recognized, rightsholders often face procedural and social barriers that make those rights difficult to exercise in practice. These may include permitting requirements, administrative fees, seasonal restrictions tied to non-inclusive calendars, and dependence on the goodwill of local officials or institutions whose relationship to pastoralist communities is often weak or strained. In **Nepal**, for instance, pastoralists seeking seasonal grazing permits in protected areas must navigate a costly and time-consuming process, often in a language they neither speak nor write. And since most are not listed as primary forest users under community bylaws, use rights often depend on relationships with forest officers, which most pastoralists lack.

Women's Rights

Women's explicit right to access community land and resources is recognized in only three countries (**Bolivia**, **Kenya**, and **Nepal**) and, even where it does exist, significant non-legal barriers—structural, cultural, or economic—restrict their actual ability to own or manage livestock despite formal legal equality (Table 8 of *Moving Rights Forward*). Further, two key rights connect to pastoralist and mobile women's access and use rights: property and inheritance rights. Women's general right to property is recognized in all countries except **Peru**, though only three countries protect the specific property rights of community women (**Bolivia**, **Kenya**, and **Nepal**).

For pastoralist women, it is livestock ownership specifically that often gives a property rights guarantee practical content since a woman's ability to use a corridor, pasture, or water source depends on whether she owns, or has a legally secure claim to, the herd she is moving and grazing. Livestock ownership is one of the strongest-performing women's rights in the data, with all seven countries providing for some legal avenue for this recognition. Yet formal recognition is frequently undercut: certificates are often registered under the household head's name, which is commonly a man.

Women's property rights are equally important to their inheritance rights, as succession regimes can preclude ownership when they prioritize their male counterparts. Women's inheritance rights are inconsistently protected across the countries, with legal pluralism recognized in **Niger** and **Tanzania**, allowing for discriminatory customary or religious succession rules to govern inheritance by default whenever no will exists. In these instances, the outcome for a woman depends on which of several legally applicable regimes her family falls under, not on a general rights guarantee.

Figure 3. Recognition of Use Rights by Tenure Regime, Resource, and Purpose

Tenure Regime ▼		Use Rights ▶			CORRIDORS			FRESHWATER			RANGELANDS			WILDLIFE			FOREST		
		CULTURAL / RELIGIOUS	SUBSISTENCE	COMMERCIAL	CULTURAL / RELIGIOUS	SUBSISTENCE	COMMERCIAL	CULTURAL / RELIGIOUS	SUBSISTENCE	COMMERCIAL	CULTURAL / RELIGIOUS	SUBSISTENCE	COMMERCIAL	CULTURAL / RELIGIOUS	SUBSISTENCE	COMMERCIAL	CULTURAL / RELIGIOUS	SUBSISTENCE	COMMERCIAL
BOLIVIA	<i>Territorio Indígena Originario Campesino</i> (Original Peasant Indigenous Territory)	●	●	—	●	◐	○	●	◐	◐	◐	◐	○	●	●	◐	●	●	◐
	<i>Propiedades Comunitarias</i> (Communal Property)	●	●	—	●	◐	○	●	◐	◐	◐	◐	○	●	●	◐	●	●	◐
KENYA	Registered and Unregistered Community Lands	●	◐	○	◐	◐	○	●	●	◐	◐	◐	◐	●	●	◐	●	●	◐
MONGOLIA	Rights of Herders	—	—	—	●	●	○	◐	◐	◐	◐	◐	○	◐	◐	◐	◐	◐	◐
NEPAL	Rights of Pastoralists	●	●	—	●	●	—	●	●	◐	◐	◐	○	●	●	◐	●	●	◐
NIGER	Pastoralist Communities	●	●	◐	●	●	◐	●	●	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐
PERU	<i>Comunidades Nativas</i> (Native Communities)	—	—	—	●	●	●	●	●	○	—	●	○	●	●	◐	●	●	◐
	<i>Comunidades Campesinas</i> (Peasant Communities)	—	—	—	●	●	●	●	●	●	●	●	◐	●	●	◐	●	●	◐
	<i>Pueblos Indígenas en Aislamiento y Contacto Inicial, PIACI</i> (Indigenous Peoples in Isolation and Initial Contact)	●	●	○	●	—	—	●	●	○	●	●	○	●	●	○	●	●	○
TANZANIA	Village Lands	●	●	○	◐	◐	○	●	●	◐	◐	◐	◐	●	●	◐	●	●	◐

Good Practice: Niger and Peru

Niger's *Code Rural* (Article 21) and Decree No. 2006-112/PRN/MDG explicitly protect transhumance routes, post-harvest field release, and reciprocal pasture and water access as the ordinary condition of pastoral land use.

Additionally, while **Niger** allows for concessions on pastoral land, it also provides explicit protection for mobility. Ordinance No. 2010-029 stipulates that the state may not grant a private concession in a pastoral zone if it impedes the mobility of herders, as the entire pastoral area is classified as part of the state's public domain.

Peru's Water Resources Law (Ley No. 29338, Article 64) expressly recognizes communities' rights to use water for economic, cultural, and survival purposes, while its *vicuña* regime (Ley No. 26496) gives *Comunidades Campesinas* commercial rights other countries withhold entirely.³¹

Weak Practice: Recognition of Overlapping and Shared Use Across Borders

Peru (all three tenure regimes) and **Tanzania** provide no legal recognition for overlapping, shared, or seasonal resource use across community boundaries, leaving pastoralist and mobile communities legally exposed whenever their seasonal range crosses into another community's recognized territory.³²

Every country in this sample preserves a legal pathway allowing extractive projects to override pastoral use rights, although the mechanism differs:

For Indigenous Peoples in Isolation and Initial Contact in **Peru**, Law 28736 declares Indigenous reserves intangible and prohibits any activity other than ancestral use, but its own implementing regulation allows the state to authorize third-party resource extraction within a reserve for reasons of public necessity.³³

Bolivia declares mining a matter of public necessity, with hydrocarbon easements available after consultation.³⁴

In **Kenya**, the government has approved several infrastructure, energy, and carbon projects, bypassing the Community Land Act's own governance process.³⁵

Mongolia permits mineral licenses over pastureland, with compensation available only once a court affirmatively establishes harm.³⁶

Nepal allows land acquisition for mining, hydropower, and infrastructure projects under a "public purpose" declaration.³⁷

Niger permits mining concessions over pastoral land upon a declaration of public utility.³⁸

Tanzania allows village land to be reclassified for mining, with compensation but no consent requirement.³⁹

Model Legislative Language

“Pastoralists and Mobile Peoples have a right to access and use their traditional territories, including customary corridors and routes, seasonally. Their use rights extend to the right to access and use forests, rangelands, pastoral corridors, wildlife, and freshwater for subsistence, commercial, cultural, and customary purposes. Where any registration, fee, or other requirement is imposed as a condition of exercising a commercial use right, the state shall provide direct, accessible support to communities in meeting that requirement, including through waiver, subsidy, or simplified registration procedures for pastoralist and Mobile Peoples’ communities. The law protects the right to the shared use of rangelands and water points among different pastoralist and mobile communities and other land users, and the state shall provide for the inclusion of seasonal or permanent easements in land titles in favor of pastoralists and Mobile Peoples.”

Add in **core legislation**: *“The definition of pastoralists [and Mobile Peoples] explicitly includes women, guaranteeing them full membership in the community as well as complete equality of rights, free from any discrimination.”*

Policy and Implementation Recommendations

- 1 Recognize commercial use rights over the same resources** and pair this with a state obligation to support communities where registration, fees, or other requirements would otherwise place commercial use out of reach and establish corresponding programs to implement this support.
- 2 Establish direct, flexible financing mechanisms, administered through community governance institutions rather than external intermediaries**, to help communities build community-led pastoralist economies consistent with the Brasília Declaration’s call for financing that reaches communities directly and is governed by them.⁴⁰
- 3 Legally recognize overlapping, shared, and seasonal resource use across community and administrative boundaries**, and create administrative processes with direct community representation and voting, including women. Create shared land use, corridor planning, and seasonal calendars.
- 4 Close regulatory carve-outs that allow extractive projects to override use rights and FPIC.**
- 5 Collect, in coordination with communities, and publish sex-disaggregated data or census information on communal land and livestock use** so that women’s formally guaranteed ownership rights are independently visible and enforceable without making individual registration a precondition for protection.

Rio Convention Reform Priorities

UNCCD

Recognize shared and flexible resource use as a land-restoration tool; support National Action Plans that formalize reciprocal cross-community access agreements as a drought-resilience strategy.

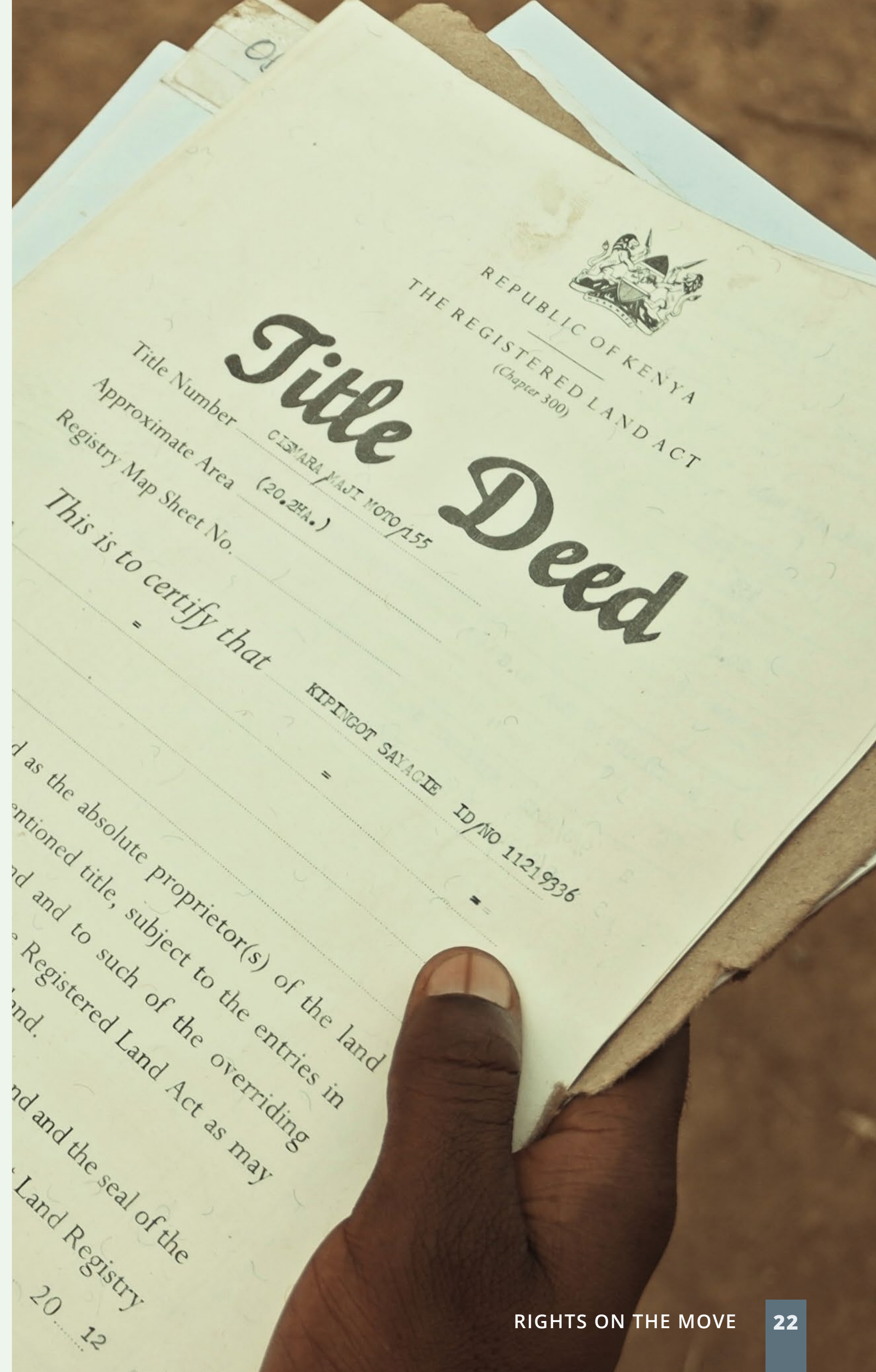
CBD

Require Parties to report explicitly on pastoralists' and Mobile Peoples' commercial customary use when implementing the Kunming-Montréal Global Biodiversity Framework Target 9, which commits Parties to "protecting and encouraging customary sustainable use by indigenous peoples and local communities" as a pathway to social and economic benefit;⁴¹ National Biodiversity Strategies and Action Plans (NBSAPs) currently updated or submitted under Target 9 should be required to disclose whether commercial use of traditional resources is legally recognized (and where it is not) to set a specific national target and timeline for closing that gap.

UNFCCC

Flag regulatory carve-outs that allow climate- or carbon-related land designations to override community resource-use rights; require Parties to disclose such exceptions in NDC land-use reporting.

A member of the Maji Moto Group Ranch holds his land title deed. Photo by Tony Wild Photography for RRI.



3.3 MANAGEMENT RIGHTS AND CUSTOMARY GOVERNANCE

“

Secure tenure and mobility do not only depend on formal recognition of rights, but on the security of customary and inclusive decision-making.”

— Dr. Emmanuel Sulle, Assistant Professor, Aga Khan University, and Research Director, AKU Arusha Climate and Environmental Research (ACER) Centre

Mobile Indigenous Peoples, including Indigenous pastoralists, have a right to self-determination, which extends to freely determining their economic, social, and cultural development and to developing and controlling the lands, territories, and resources that they traditionally possess.⁴² For Indigenous Peoples living in voluntary isolation, as is the case of the Indigenous Peoples in Isolation and Initial Contact (PIACI) legal regime in Peru, this right includes respect for their self-determination and decision to remain in isolation where the observance of their rights is guaranteed.⁴³ Similarly, other **customary pastoralist communities, including those who identify as local community, have a right to land individually and collectively, including the right to sustainably use and manage land and water bodies, pastures, and forests for their livelihoods, safety, and cultural development.**⁴⁴ In monitoring Mobile Peoples’ right to self-determination and management, RRI’s methodology looks at (i) whether there is a recognition of the right to manage lands through mere participation, co-management with government bodies, or a full community right to manage; and (ii) whether there is legal recognition of customary governance institutions.

More than half of the assessed countries (Bolivia, Kenya, Peru, and Tanzania) recognize a genuine community management right in all applicable tenure regimes. Mongolia, Nepal, and Niger recognize only co-management or participatory arrangements alongside state or other actors. For instance, in **Niger**, pastoralist communities have a priority right of use in their traditional territories according to the *Code Rural*, granting them genuine authority to occupy, use, and manage the land. However, even where genuine management rights are recognized, levels of protection vary.



In **Bolivia**, communities have a constitutionally recognized right to manage pastures, lands, and spaces of seasonal mobility through their own autonomous and self-governed institutions.⁴⁵

In **Peru**, all pastoralists and Mobile Peoples, be they Indigenous Peoples, Peasant Communities, or Indigenous Peoples in voluntary isolation, all have a recognized right to management through their own self-governed institutions.⁴⁶

In **Kenya**, pastoralists have legally recognized rights to manage or participate in the management of grazing lands and seasonal corridors, but the realization of these rights varies in practice.⁴⁷ Under the law, communities must exercise this right through Community Land Management Committees (CLMCs), government-imposed management structures composed of community members, including women, explicitly. In practice, pastoral rangeland governance often combines CLMCs and institutions established under the law, with customary management systems. Traditional governance structures, such as councils of elders, have historically regulated grazing access, migration routes, and water resources while also facilitating negotiations between neighboring communities during periods of drought or scarcity.

In **Nepal**, pastoralists have differentiated rights depending on whether they have chosen to register their land rights or not. Registration can be burdensome for communities—titling a fixed, surveyed parcel as private family property, evidenced by a land ownership certificate issued by the Land Revenue Office—and limits the land area that pastoralists can claim. For registered areas, pastoralists have the right to manage family-owned grazing land of up to 0.55 hectares.⁴⁸ In unregistered areas, pastoralists rely on their customary rights to co-manage shared landscapes with others, including local governments, Community Forest Groups, or government authorities.⁴⁹ However, due to weak communication and a lack of outreach activities, pastoralists are often deprived of participation in joint planning and decision-making processes.

In **Tanzania**, pastoralists' rights to management are defined by the Village Land Act via government-determined institutions composed of village members, but in practice—similarly to Kenya—communities tend to rely on their own customary institutions to manage their lands and resources.

In **Mongolia**, herders can participate in management and joint decision-making processes through meetings convened by local governments, but because pasturelands are vested in the state, final decisions can only be sanctioned by public authorities. Herders are nevertheless allowed to use pastures for traditional purposes, follow seasonal migration patterns, and participate in sub-national government bodies (i.e., *soum* or *aimag*). Further, in practice, herder participation in these processes may be limited due to their workload preventing travel to meetings, distance from *soum* or *aimag* centers, or due to the need to move to a new region because of environmental hazards or drought.

Despite strong recognition of mobility and customary rights in **Niger**, pastoralist communities only have a right to participate in the management of pasturelands, pastoral corridors, and pastoral resources within land commissions established by the government under the *Code Rural* and pastoralism ordinance. Local governance is based on a network of Land Commissions at the departmental, municipal, and village/tribal levels.

Communities have governed their lands for centuries through customary institutions, including establishing rules for seasonal access, reciprocal grazing, and locally accountable authority. Where the law fails to treat these institutions as binding management structures, pastoral land management falls under state authority, thus perpetuating the narrative that pastoralists are a threat to be managed rather than stewards of their traditional territories and a solution to be protected for the sustainable stewardship of rangelands and other critical biomes.⁵⁰

Women’s Rights

In many mobile communities, women already make the decisions that shape day-to-day livelihoods (e.g., livestock care, household resource management) by virtue of their role in the household, with or without formal authority. Yet women’s voices in community decisions are rarely protected. **No country assessed fully protects women’s voting and leadership rights under RRI’s methodology.** These rights are the two levers that turn voice into authority and provide community women with the protections needed to access management rights as part of their collective.

Women’s right to vote or take equivalent binding action in community assemblies is recognized partially in most of the countries studied, but no country ensures a quorum of women at community meetings. A guaranteed leadership quota or quorum is far rarer: **Nepal** has the strongest legal protection for leadership, but whether protections apply depends on whether a community has formally registered as a Farmer or Livestock Group; and **Niger** recognizes neither a voting nor a leadership guarantee for women at all.⁵¹ Regional research on gendered roles in Sahelian pastoral systems reaches the same conclusion, documenting the economic marginalization of women alongside their exclusion from formal decision-making structures across pastoral communities in the region.⁵²

“Even if pastoralist women do not have the right to decide over rangelands and pasture lands, without them, the livestock would not survive.”

— Dr. Rabiou Amadou Charifi, University Abdou Moumouni de Niamey

Figure 4. Women’s Rights to Voting and Leadership

TENURE RIGHTS	VOTING RIGHTS		LEADERSHIP RIGHTS	
Bolivia (Across Tenure Regimes)	Partial / Restricted	Women have a right to vote as members of their communities and their equality in decision-making is guaranteed through requirements in national law.	Not Recognized	No leadership rights are guaranteed. In practice, women participate through the principle of <i>chacha warmi</i> .
Kenya	Partial / Restricted	Women have the right to vote in the community assembly under the Community Land Act, but no quorum of women is required for the assembly to act.	Partial / Restricted	A minimum quota of women is required on CLMCs per the constitutional two-thirds gender rule, but no quorum of women is required for binding decisions.
Mongolia	Partial / Restricted	Women have a constitutionally guaranteed right to vote and participate in local government decision-making bodies (<i>aimag, soum</i> , and pasture user groups), but no quorum.	Not Recognized	No law establishes a minimum quota for women in community-level executive bodies.
Nepal	CASE BY CASE	If registered as a Farmer or Livestock Group, communities need to make a provision for equal voting rights and a quota (at least 33 percent) and quorum of women in the decision-making bodies.		
Niger	Not Recognized	The law recognizes a general, sex-neutral right of all citizens to participate in public affairs, but does not specifically guarantee women’s right to vote in community decision-making bodies.		
Peru (Comunidades Nativas)	Partial / Restricted	Women have a legally guaranteed, binding right to vote in the community assembly on equal terms with men, provided they are recognized <i>comuneras</i> , but no quorum of women is required.	Not Recognized	Neither the law governing <i>Comunidades Nativas</i> nor its regulations establish any quota or quorum for women’s representation.
Peru (Comunidades Nativas)	Partial / Restricted		Partial / Restricted	A minimum 30 percent quota for women on the governing board (<i>Directiva Comunal</i>) is legally guaranteed, but no quorum of women is required for the board to act.
Peru (PIACI)	Not addressed by the law	Not addressed. The law recognizes PIACI’s general right to self-determination but does not regulate internal community governance.		
Tanzania	Partial / Restricted	Women have an equal constitutional right to participate in public affairs without gender discrimination, but no quorum of women is required for a community decision-making body to act.	Full Recognition	Village Councils, the executive body at the village level, must include at least one-quarter women members, and the quorum of a village adjudication committee shall, be five, of which at least two members shall be women. Furthermore, 3 of the 7 members of the Village Land Council must be women, with a quorum constituting 4 persons of whom at least 2 are women (Section 60, Village Land Act).

* Where a rationale is merged for voting and leadership rights, the rationale applies to both.

QUICK REFERENCES

- Not Recognized
- Partial / Restricted

- Full Recognition
- Not addressed by the law
- CASE BY CASE Case by Case

Good Practice: Niger and Bolivia

Bolivia and **Peru** recognize communal governance as an exercise of the community's own self-determination, guaranteeing communities' authority to organize their own governing bodies, with no single body defined by national law. Form and structure are left to each community or people to determine.⁵³

On women's representation specifically, **Kenya** extends its general constitutional two-thirds gender principle directly to CLMCs. **Nepal** requires a minimum 33 percent quota of women as executive body members and a quorum of women present before the body can take binding decisions when registration occurs, pairing representation with an actual precondition for exercising authority.⁵⁴

Weak Practice: Legal Regimes that Restrict Mobility Without an Explicit Prohibition

A law can recognize management rights and communal governance and still fail to recognize pastoralists' own governance institutions. For example, where the recognized body is created and structured by the state rather than through a self-determined body. As detailed above, four countries in this sample show how this distinction plays out differently but with the same underlying effect:

In **Mongolia**, no law names or empowers herders' collective governance over pastureland as a distinct institution; participation runs instead through general local-government bodies (*soum*) open to all residents.⁵⁵

Kenya's Community Land Act establishes CLMCs with real management authority, but on closer reading, these are government-created entities composed of community members rather than customary institutions in their own right. These entities sometimes sit in tension with the pre-existing councils of elders that have historically governed rangeland access.⁵⁶

Nepal and **Niger** recognize only co-management or a right to participate in management alongside other actors, rather than a standalone community management right.

Model Legislative Language

“Mobile Peoples and pastoralist communities have a right to organize and govern themselves through their own customary or self-determined institutions in the form and structure each community or people determines for itself; no provision of this law shall be interpreted to require a single, uniform governance body as a condition of legal recognition.”

“Community-level executive and decision-making bodies recognized under this law shall include a minimum of one-third women members and shall further require a quorum of women members to be present as a condition of exercising binding decision-making authority; no decision taken in the absence of this quorum shall have legal effect.”

Policy and Implementation Recommendations

- 1** ***Where coordination is required, establish inclusive land governance institutions with Mobile Peoples—*** including pastoralists’ representation—rather than routing pastoralist management rights through general local government structures not designed around mobile livelihoods.
- 2** ***Legislate women’s voting and leadership rights with an equivalent quota and quorum requirement for both*** so that neither right is left to depend on the other; extend both to every collective tenure regime operating within a country.
- 3** ***Support the development of pastoralist organizational structures*** for the coordination of flexible, mobile management amongst communities.
- 4** ***Establish formal liaison and registration mechanisms between existing intercommunity coordination bodies and state enforcement institutions*** so that decisions reached through functioning shared-governance arrangements can be enforced against external third parties.
- 5** ***Direct climate, conservation, and biodiversity finance to customary institutions*** as implementing partners rather than routing it through parallel state-created structures or external intermediaries.

Rio Convention Reform Priorities

UNCCD

Recognize dedicated pastoral land governance institutions as an implementing mechanism for Land Degradation Neutrality commitments under National Action Plans.

CBD

Require that co-managed protected areas overlapping pastoral territory name pastoralist institutions as decision-making partners, not merely consulted stakeholders.

UNFCCC

Reference pastoral management institutions in National Adaptation Plans as the appropriate implementing body for locally led climate-adaptation and rangeland-restoration finance.

A herder walks with their animals in the Annapurna mountains, Nepal. Photo by Adobe Stock.



3.4 CONSULTATION RIGHTS, EXTENDING TO FREE, PRIOR AND INFORMED CONSENT

“

Pastoralists should have access to an organized structure to organize collective advocacy campaigns. We must all work together for a collective voice.”

— Dil Raj Khanal, Policy Advisor, FECOFUN

The right to consultation and the right to FPIC are part of an integrated process within a single continuum as opposed to distinct but tradeable rights. In this sense, consultation is an essential step toward FPIC, but it does not, in and of itself, fulfill a state’s human rights obligations. Similarly, consent requires something consultation alone does not: a genuine ability to say ‘No’, ‘Yes’, or ‘Yes with conditions,’ and to have that decision respected and revised if the circumstances, conditions, or impacts of an action change.⁵⁷ A procedure that satisfies only the first three elements of FPIC while treating consent as a formality to be recorded rather than a genuine decision to be respected and validated over time does not meet the FPIC standard and significantly dilutes the right, regardless of how thorough the information-sharing or consultation process leading up to it may be. Framed this way, **most of the seven countries in this sample fall short of fully recognizing all aspects of FPIC.**

Four of the seven countries (Kenya, Niger, Tanzania, and Peru’s collective tenure regimes) openly preserve government authority to proceed against a community’s decision after consultation. Two countries (Nepal and Bolivia) provide greater protection without making this absolute, and one (Mongolia) fails to protect consultation rights altogether.

Women’s Rights

No country in the sample legislates a distinct requirement that women participate as decision-makers in consultation or FPIC processes specifically. Where consultation processes exist, women’s participation depends entirely on their general standing within the community assembly. This means that the voting and leadership gaps identified in Figure 4 affect who is consulted before a project involving pastoral land and resources is approved.

Bolivia's constitutional guarantee of free, prior and informed consultation is among the strongest, but its legal record to date shows that the government has systematically ignored, violated, or manipulated consultation processes, including a failed 2015 Supreme Decree that explicitly attempted to eliminate prior consultation for hydrocarbon projects. The Decree was successfully challenged through constitutional action.⁵⁸

Mongolia's law plainly articulates the state's authority to make decisions with or without the opinions or consent of citizens due to the absence of a formally recognized right to consultation.

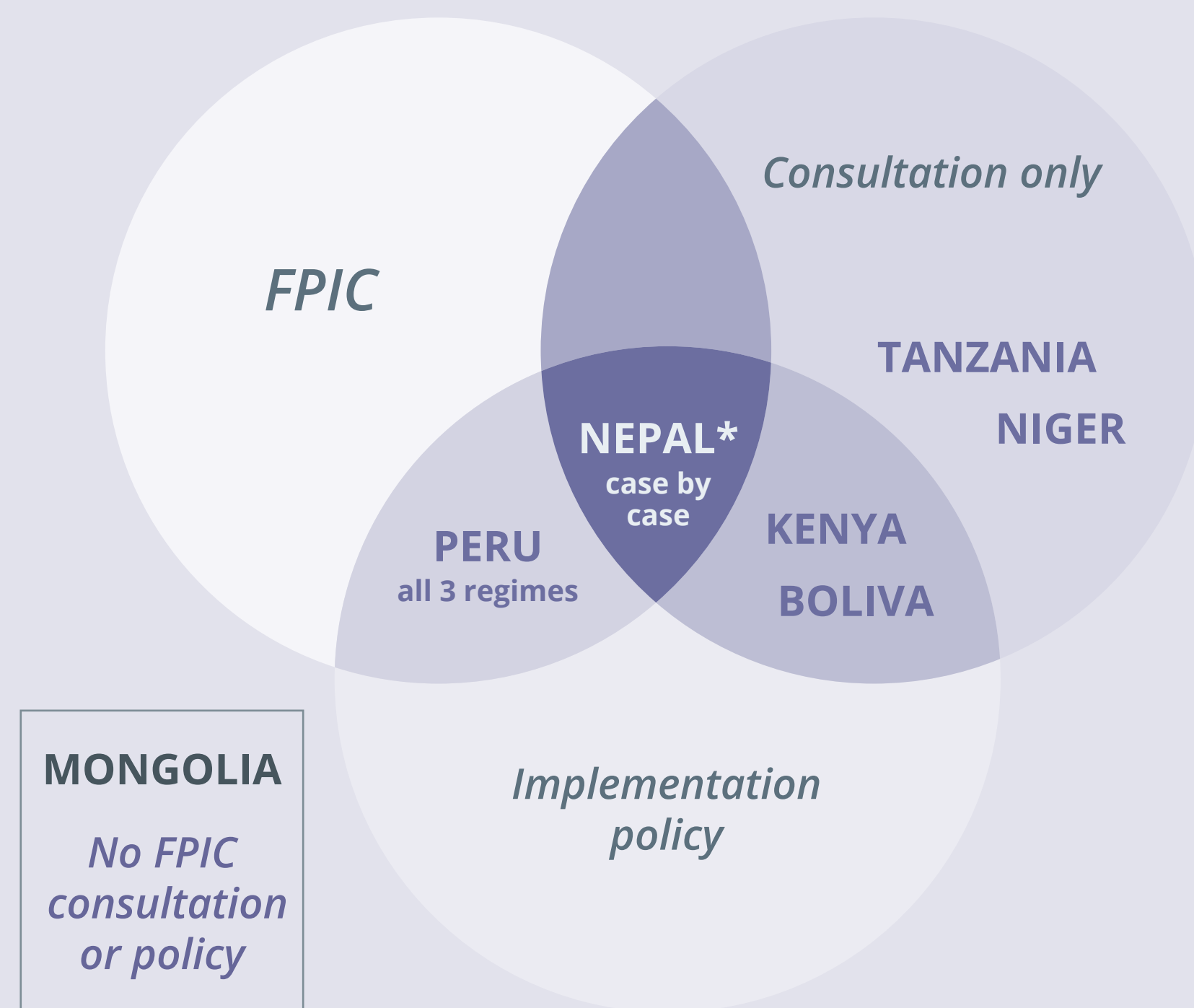
Peru's prior consultation framework fails to meet the Inter-American Court of Human Rights standards because the law provides no opportunity to withhold consent or veto a project, even in cases of displacement.⁵⁹

Oftentimes, the recognition of FPIC or the lesser right to consultation fails in practice due to the lack of operationalizing instruments. Kenya, Nepal, and Peru all have functional consultation policies or procedures, but the government's ability to override decisions invariably undermines confidence in the rigor of FPIC rights. Bolivia's own account is even more fragmented, with policies available in some areas but no single, unified national FPIC procedure, so the strength of the constitutional guarantee varies by sector and region rather than applying uniformly.

“Women play a central role in pastoral work; however, their contributions tend to be systematically overlooked.”

— Kimaren Ole Riamit, ILEPA

Figure 5. Status of Rights to FPIC, Consultation, and Accompanying Policies



*** Nepal sits at the center** because its legal position is split between two circles: its legislation applicable to pastoralists (Forest Regulation 2022, Land-Use Regulation 2022, and Community Forest Guideline 2025) establishes only a participatory planning process, with no explicit consent mechanism (consultation only). But Nepal has separately ratified ILO Convention 169, and under Section 9 of Nepal's Treaty Act 1990, ratified treaties take direct domestic legal effect. This means that ILO 169's FPIC guarantee (Articles 6 and 16) arguably applies as Nepalese law in parallel with and independent of the narrower framework.

Good Practice: Bolivia and Nepal

While not fully embedding consent, **Bolivia's** Constitution recognizes FPIC as a fundamental right, enforceable through a constitutional claim where government decisions omit or annul it.⁶⁰

Nepal has not enacted domestic legislation specifically guaranteeing FPIC. However, under Section 9 of its Treaty Act 1990, ratified international treaties take direct effect as Nepalese law, meaning ILO 169's consultation and consent guarantees apply domestically.⁶¹

Kenya's standards for FPIC have been directly shaped by *Endorois v. Kenya* and *Ogiek v. Kenya*, and its National FPIC Guidelines were developed in direct partnership with rightsholder organizations. The Indigenous Livelihoods Enforcement Partners Association (ILEPA) supported drafting it alongside UNDP and the Kenyan State Department of Environment and Forestry.

Weak Practice: Government Authority to Proceed Without Community Consent

Mongolia does not recognize consultation rights. Because no consultation right was ever incorporated into domestic law, there is also no implementation policy to compensate for the legal gap.

Kenya's participation right is framed as public consultation rather than a consent requirement in the law. In practice, despite strong rights-based standards and binding jurisprudence, the state has approved activities on pastoral lands despite a lack of community consultation and consent.⁶²

Niger and **Tanzania** both allow government decisions that can limit or annul community rights for general-interest reasons, without a consent requirement.

Peru (all three tenure regimes) preserves the same override authority. For PIACI specifically, the PIACI Regulation Article 35 carve-out (Section 2) gives the state an additional, parallel pathway even within reserves declared intangible by statute.

Bolivia and **Nepal** are the only two countries where the top-line legal finding is fully protective of community consent. However, this protection is not always translated into practice.

While states can limit consent as not necessarily equivalent to an absolute veto,⁶³ they are still required to ensure such limitations are properly outlined in the law, proportionate, narrowly constructed, and safeguard the rights of communities.⁶⁴ **None of the carve-outs identified above meet this standard.** A general 'public necessity' exception, available without a rigorous impact threshold, functions as a blanket override rather than the exceptional, safeguarded limitation contemplated in international human rights law.

Model Legislative Language

“No public authority, concession, license, or authorization affecting pastoral or mobile communities’ lands, waters, or resources shall have legal effect unless the free, prior, and informed consent of the affected community has been obtained through the community’s own representative institutions and inclusive processes, guaranteeing the meaningful participation of community women. A decision purporting to proceed on the basis of consultation alone, without consent or meaningful accommodation, is void and subject to challenge by any affected community member before a court of competent jurisdiction.”

Policy and Implementation Recommendations

- 1** **Recognize consultation as the floor, not the ceiling**, and extend it to a full, judicially enforceable right of FPIC, with a clear consent—not merely consultation—requirement.
- 2** **Adopt procedures that meet all four elements of FPIC:**
 - Free:** A self-determined process, voluntary, and without coercion, intimidation, or manipulation;
 - Prior:** Conducted before any project decision or authorization, with adequate time, and without a preliminary decision already being presented to communities;
 - Informed:** In culturally appropriate form and language, inclusive of communities’ most vulnerable members such as women, youth, and elders; sufficient for the community to understand the project’s full implications; and
 - Consent:** An authoritative, collective decision reached through the community’s own customary decision-making structures, capable of taking the form of ‘No,’ ‘Yes,’ ‘Yes, with conditions,’ or ‘No, but ongoing conversation’ and revocable at any subsequent stage, not fixed at the moment it is first given.⁶⁵
- 3** **Close statutory and regulatory carve-outs that allow government override of a recognized consultation or consent right**, including “public necessity” or “national interest” without meeting a narrow necessity and proportionality standard.
- 4** **Pair consultation or FPIC guarantees with a dedicated enforcement budget, policy framework and monitoring body**, consistent with the Brasília Declaration’s call for “full, transparent, and culturally appropriate information grounded in Free, Prior and Informed Consent as essential to effective self-determination.”⁶⁶
- 5** **Ratify ILO Convention 169** where not yet done and, for states already party to it, ensure the Convention’s consultation and consent guarantees are given direct domestic legal effect.

Rio Convention Reform Priorities

UNCCD

Require FPIC and meaningful consultation as a precondition for any land-restoration or anti-desertification project sited on pastoral land under National Action Plans.

CBD

Require FPIC and meaningful consultation as a precondition for any Protected Area or OECM designation overlapping with pastoral territories or corridors or impacting pastoral resources.

UNFCCC

Require FPIC and meaningful consultation as a precondition for carbon-credit and green-finance projects on pastoral lands, consistent with the IYRP's call to guarantee equitable access to climate funds and ensure FPIC.

*An Indigenous Maasai man walks in the distance.
Photo by Adobe Stock.*



3.5 DUE PROCESS, DISPUTE RESOLUTION, AND COMPENSATION

Due Process and Compensation

Due process and compensation are the mechanisms through which other rights, including mobility, access and use, management and governance, and consultation, become enforceable rather than aspirational. These rights determine what happens when a right is violated, whether a community can be heard, and whether the harms can be repaired. Where these mechanisms are weak, absent, or inaccessible, even a strong legal guarantee for rights to mobility, access, use, management, governance, consultation, and FPIC offers little practical protection.

None of the seven countries assessed guarantees strong recognition for both due process and compensation rights. While Bolivia and Kenya recognize the right to challenge government decisions by including general due process rights and community-specific mechanisms in the law, the right to compensation in both countries is restricted:

Bolivia’s constitutional actions provide broad, well-defined standing, including for communities acting as collective legal persons. However, its compensation claims require proving legal personality, documented territoriality, and a direct causal link between state action and harm.⁶⁷

Kenya’s due process right rests on constitutional rights, equality, and participation guarantees, backed by the Community Land Act.⁶⁸ Compensation, also constitutionally guaranteed, relies on market-based valuation of individually titled property that excludes non-material values such as mobility routes, drought reserves, shared grazing, and cultural losses.⁶⁹

Figure 6. Due Process and Compensation Recognition

DUE PROCESS STRONGER	EQUAL BUT LIMITED	COMPENSATION STRONGER
Bolivia Kenya	Mongolia Nepal Peru (PIACI) Tanzania	Niger Peru (Comunidades Nativas) Peru (Comunidades Cam-pesinas)

Niger and Peru's *Comunidades* regimes show the reverse, with compensation recognized more strongly than due process:

Niger's dedicated pastoral compensation tools exceed its general due process protections by establishing pastoralist-specific, in-kind mechanisms such as livestock kits, destocking support, and a rapid-response fund.⁷⁰

For **Peru's** *Comunidades Nativas* and *Comunidades Campesinas* to exercise their due process rights, they must determine legal personhood, an assembly act, and other formalities that make it difficult in practice for communities to access redress. However, once that burden is overcome, compensation rights are strong. The case law holding that ancestral possession—rather than formal title—is sufficient for accessing compensation.

In **Mongolia, Nepal, Peru's** PIACI reserves, and **Tanzania**, both due process and compensation rights are recognized, but due process is only recognized as per overarching and constitutional protections for the entire population. Compensation, meanwhile, is either not community-specific and adapted to mobile livelihoods or, in the case of Tanzania, only available where there is formal title. The result is that while the constitution guarantees a general right to seek redress before the courts, this right is not specific to pastoralists and the state retains broad discretionary power over decisions in the wildlife and forest sectors that limit the practical effect of that general guarantee even where it formally applies.⁷¹

Even where a compensation right is recognized, countries calculate compensation through different, and not equally protective, methods. **Niger's** dedicated pastoral compensation tools replace what was lost in a form pastoralists can use directly, restoring livelihood capacity rather than approximating its value in cash. In **Bolivia** and **Tanzania**, evidentiary and valuation standards are designed around fixed, individually titled property that do not always reflect the mobile or customary uses of pastoralists and Mobile Peoples.

Women's Rights

No country in this sample legislates a distinct right for women to bring or participate in dispute-resolution or compensation proceedings. This gap compounds two others. First, the general absence of specialized justice mechanisms for gender-based violence means that where a woman's claim to due process or compensation is bound with an experience of violence such as displacement accompanied by assault or dispossession following a domestic dispute over land, no dedicated forum exists. A compensation or dispute-resolution right that is formally gender-neutral offers community women little in practice, particularly when the underlying property or participation rights that tie women to their communities and territories are poorly protected.

Dispute Resolution

Communities not only have a right to access justice through formal state mechanisms, but part of recognizing their right to due process and self-determination is ensuring the recognition of customary institutions, including community-based dispute resolution. **Five of the seven countries assessed recognize this right as part of communities' governance rights.** But despite the overall recognition and real-life application of customary dispute resolution across all seven countries, **when a third party is part of a dispute, communities' customary mechanisms are either not recognized or lack enforceability. This makes it challenging for communities to exercise their self-determination when rights violations of territorial encroachments occur by private actors.**

Bolivia, Kenya, Nepal, Niger, and Peru (*Comunidades Campesinas* and *Comunidades Nativas* regimes) recognize dispute resolution through community bodies.

Mongolia shows a more restricted form of recognition, where community-based mechanisms for resolving disputes among herders are recognized to some extent and are primarily used to deal with local disputes. However, this recognition is voluntary, and the final decision rests with state bodies.

Tanzania's Ward Tribunals, Village Land Councils, and Wildlife Management Area Authorized Associations are recognized in law but are created, staffed, and overseen by the state rather than functioning as autonomous customary institutions.⁷²

Caveat

For the PIACI in **Peru**, the community-based dispute resolution indicator is not fully applicable. The law establishes a committee to coordinate conflicts and protect each reserve, but this body is composed of state representatives rather than the PIACI's own representative institution since their situation of voluntary isolation precludes the direct community participation this indicator otherwise measures.⁷³ Given that the self-determination right of Indigenous Peoples in Isolation and Initial Contact requires respect and guarantee of such a way of life, this legislative provision combined with the protection of their right to the self-determined management of their traditional territories is considered strong.

Good Practice: Bolivia and Nepal

Niger is the only country studied with compensation mechanisms designed specifically for pastoralists, including a rapid-response fund for natural disasters.⁷⁴

Tanzania's Village Land Act establishes a clear statutory principle of “full, fair and prompt compensation” for any revocation of or interference with customary land use. Its layered system of Ward Tribunals, Village Land Councils, and Wildlife Management Area Authorized Associations gives communities a dispute-resolution forum at the local level rather than requiring every dispute to be escalated to a distant national court.

Weak Practice: Government Authority to Proceed Without Community Consent

Bolivia, Kenya, Mongolia, Nepal, and **Tanzania** recognize the right to challenge government decisions more strongly than the right to be compensated once harm is established. This is consistent with compensation regimes built around documented, often static, title and formal claims processes that mobile, collectively held, or customarily used land does not always fit cleanly into.

Niger remains the exception with dedicated pastoralist-specific compensation tools. But the *Code Rural's* own commission structure shows bias in practice: pastoralists without formally documented herding rights are compensated less consistently than farmers with registered cropland.

Model Legislative Language

“The state shall maintain a standing compensation mechanism, including rapid-response mechanisms for climatic or natural disasters affecting mobile livelihoods, administered by a body with equal representation of pastoralist and agricultural land users and no less than one-third women members.”

“Any revocation of or interference with a recognized land or resource use right shall be subject to full, fair, and prompt compensation, calculated on the basis of land, resources, or livelihood capacity of equal quality and value rather than monetary payment alone.”

“Community members, including women independently of any household or community representative, shall have direct access to a dispute-resolution forum at the local level, including through their own customary institutions.”

Policy and Implementation Recommendations

- 1** **Legislate dedicated, livelihood-specific compensation mechanisms** for mobile communities rather than rely on general expropriation-compensation clauses designed around fixed, titled property.
- 2** **Create a compensation and due process pathway for communities** without registered legal personality so that the absence of formal and fixed title registration does not categorically bar access to remedy.
- 3** **Audit compensation bodies for structural power imbalances between land-user groups.**
- 4** **Establish dedicated compensation and loss-and-damage mechanisms** for climate change-induced losses to pastoralists' and Mobile Peoples' livelihoods, recognizing that these communities bear disproportionate exposure to climate harm.
- 5** **Establish gender-transformative mechanisms** that support community women's meaningful access to due process, compensation, and dispute resolution, with dedicated pathways for cases where a land or resource rights violation intersects with gender-based violence.

Rio Convention Reform Priorities

UNCCD

Require accessible and livelihoods-adapted grievance and compensation mechanisms consistent with UNDRIP Article 28 as a condition of UNCCD-financed land restoration projects affecting mobile communities.

CBD

Require that any Protected Area, OECM, or other conservation designation overlapping with pastoral or community territory include a named grievance mechanism and a compensation or benefit-sharing formula agreed upon with the affected community.

UNFCCC

Require carbon-project and climate-finance grievance mechanisms to be accessible to communities, including mobile communities, and require climate loss-and-damage finance to include a dedicated pastoral compensation window, consistent with the Loss and Damage recommendations of the IYRP climate policy brief.⁷⁵

An Indigenous Maasai woman pulls her cattle to prepare for milking. Photo by Asha Stuart for RRI.



SECTION 4

Implementation Pathways

Priorities for action in the above sections are comprehensive by design, with each addressing distinct rights on their own terms. This section groups those recommendations by how long meaningful progress realistically takes. Short-term priorities are actions a government could take within its current legal and institutional capacity. Medium-term priorities require building new institutions or dedicated budgets. Long-term priorities require sustained structural or cultural change that no single legislative act can complete on its own.

SHORT TERM — THROUGH 2030	
LEAD ACTOR	RECOMMENDATION
National governments	Halt approvals of extractive, infrastructure, and carbon projects that proceed without community consent.
National governments	Enact explicit legal recognition of pastoralists and Mobile Peoples as distinct rights holders, including the recognition of their rights to mobility and pastoralist women’s mobility specifically.
National governments	Reform programs that currently support pastoralists and Mobile Peoples to ensure rights-based approaches.
National governments	Legislate subsistence and customary use rights over every resource in this guide’s indicators—including an explicit freshwater right—paired with a commercial-use layer that recognizes communities’ right to build community-led economies on those same resources. Dedicate state support for communities in meeting any registration, fee, or other requirement conditioning that right.
National governments	Ratify and domesticate ILO Convention 169, and domesticate UNDRIP and UNDROP.
National governments; UN/Convention bodies	Ensure consultation and FPIC rights are realized in national and international processes, including by adopting policies or action plans dedicated to the engagement of pastoralists and Mobile Peoples as rights holders.
National governments; UN/Convention bodies	Adopt legal or policy language, as applicable, formally recognizing pastoralists as solution-holders and stewards whose mobility and customary management are central to climate adaptation, rangeland restoration, and Land Degradation Neutrality. Explicitly denounce the narrative that pastoralists are a threat to the lands they steward or that their value to society is restricted to their productive output.
National governments; donors and development partners	Collect and publish sex-disaggregated data or census information on communal land and livestock use.

MEDIUM TERM — 5–7 YEARS	
LEAD ACTOR	RECOMMENDATION
National governments; pastoralist and Mobile Peoples' organizations	Establish dedicated, self-determined pastoral and Mobile Peoples' land-governance institutions alongside state–community coordination mechanisms, where necessary, for shared use or seasonal movement planning.
National governments; donors and development partners	Legally demarcate and protect pastoral corridors, water points, and seasonal grazing areas in full consultation and joint planning with communities. These must be designed in consultation with community women and with women's safety and access needs in mind.
National governments; donors and development partners; UN/ Convention bodies	Establish direct, flexible financing mechanisms, including by directing climate, conservation, and biodiversity finance to communities, administered through community governance institutions rather than external intermediaries.
National governments; donors and development partners	Legislate dedicated, livelihood-specific compensation mechanisms and a compensation pathway for communities that are culturally competent, just, transparent, and accessible.
National governments; pastoralist and Mobile Peoples' institutions	Legislate women's voting and leadership rights with matching quota and quorum requirements across every collective tenure regime in the country.
National governments; regional bodies	Ratify, domesticate, and resource the enforcement of transboundary mobility agreements.
National governments; donors and development partners	Use the sex-disaggregated data and census information collected in the short term to design and resource gender-responsive land, resource, and governance reforms while expanding the dataset itself to close remaining gaps.

LONG TERM — 8–10 YEARS	
LEAD ACTOR	RECOMMENDATION
National governments	Close every remaining legal carve-out that allows the state to override a recognized right in favor of extractive industries.
National governments; donors and development partners	Audit and restructure governance and compensation bodies found to carry internal power imbalances.
Donors and development partners; pastoralist and Mobile Peoples' organizations	Support the growth of independent, durably financed pastoralist and Mobile Peoples' advocacy organizations.
National governments; UN / Convention bodies	Establish durable enforcement budgets and monitoring bodies for FPIC for the enforceability of customary management and dispute-resolution decisions.

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- 16** IYRP Working Group on Pastoralists and Land Rights, Securing Land Rights for Pastoralism (IYRP 2026 Global Secretariat, May 2025); IYRP Working Group on Pastoralism and Climate Change, Powered by Variability: Rethinking Climate Policy for Pastoralism (IYRP 2026 Global Secretariat, October 2025).
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