



Natural Resource Management & Land Tenure in the Rangelands

Lessons Learned from Kenya and Tanzania, with Implications for Darfur



Learning Route Visit

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CONTENTS

PURPOSE OF THE REPORT	6
INTRODUCTION	7
PARTICIPANTS AND CASE STUDIES VISITED	9
REFLECTIONS ON CONTEXT	11
OVERARCHING AND ENABLING LEGAL FRAMEWORKS – KENYA AND TANZANIA	12
THE CASE STUDIES IN KENYA AND TANZANIA.....	15
Olkiramatian Group Ranch (on group ranches)	15
Naibunga Conservancy (on group ranches).....	17
Resource Advocacy Project (RAP) and the Garba Tulla community (on common property regimes).....	18
Ujamaa Community Resource Team (UCRT) and Terrat Community (on Village Land Use Planning in Tanzania)	20
LESSONS, ACHIEVEMENTS AND FOLLOW-ON ACTION IN SUDAN	22
KEY LESSONS FOR DARFUR.....	25
ARTICULATED PRIORITIES FOR DARFUR.....	26
CONCLUDING REMARKS.....	29
ACKNOWLEDGEMENTS	29
ANNEX 1: LEARNING ROUTE PARTICIPANTS.....	30
ANNEX 2: PRIORITIES EMERGING FROM STATE SEMINARS.....	32
East Darfur.....	32
North Darfur.....	32
West Darfur.....	33
Central Darfur.....	34
South Darfur.....	34
Khartoum.....	35

ACRONYMS

DFID – UK DEPARTMENT FOR INTERNATIONAL DEVELOPMENT

DDPD – DOHA DOCUMENT FOR PEACE IN DARFUR

DRA – DARFUR REGIONAL AUTHORITY

HAC – HUMANITARIAN AID COMMISSION

IDP – INTERNALLY DISPLACED PERSON

ILC – INTERNATIONAL LAND COALITION

IWRM – INTEGRATED WATER RESOURCE MANAGEMENT

MARF – MINISTRY OF ANIMAL RESOURCES, RANGE, AND FISHERIES

MEFPD – MINISTRY OF ENVIRONMENT, FORESTS, AND PHYSICAL DEVELOPMENT

RAP – RESOURCE ADVOCACY PROJECT

RECONCILE – RESOURCE CONFLICT INSTITUTE

RMC – RESOURCE MANAGEMENT COMMITTEE

UCRT – UJAMAA COMMUNITY RESOURCE TEAM

UNEP – UNITED NATIONS ENVIRONMENT PROGRAMME

USAID – UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

VLUP – VILLAGE LAND USE PLANNING

WRUA – WATER RESOURCE USERS ASSOCIATION

PURPOSE OF THE REPORT

In order to safeguard long-term equitable and sustainable environmental management and governance, a clear and transparent relationship to land – whether an individual's, a community's, a government's or a private investor's – is essential. To this end, UNEP has begun to engage on land issues in Sudan, and will continue to do so through the next four year phase of programming, as part of supporting the people and the government of Darfur in rebuilding and redefining the social contract on natural resources and land.

This report demonstrates that exposing key decision-makers and technical staff to relevant experiences, or case studies, on natural resource management and land tenure in other, similar, dryland contexts can inspire homegrown solutions to local problems. This is especially true when those case studies reflect the fundamental relationship between tenure security and effective natural resource management, and when governance is strongly articulated. Learning about such experiences allows participants to observe how others have solved similar challenges, to reflect on this individually and with peers, and to take away lessons that participants deem appropriate for their respective contexts. Additionally, it allows practitioners and decision makers to discuss solutions and open dialogue amongst themselves for an extended period of time – something they very often do not have the opportunity to do while in their work environments.

This account reflects the most recent experience of incorporating learning from others, in a show-and-tell

format, within longer-term processes of policy support. It shows how taking a group of key actors from Sudan to learn first-hand about natural resource management and land tenure in the rangelands in Kenya and Tanzania has not only exposed participants to new ideas and experiences, but has built important relationships between key institutions and individuals and has also resulted in the articulation of home-grown priorities for the way forward in Darfur. Many of the relationships cultivated during this two-week visit have endured, setting the stage for continued meaningful interaction and engagement. This visit serves as a strong foundation for subsequent steps in a longer-term policy process, which includes continued dialogue and relationship building over land and natural resources in Darfur.

Over the last three years, UNEP has demonstrated that this type of 'learning by seeing' is an effective and high-impact approach to capacity building and policy influencing in Sudan. UNEP first used the exchange visit format in 2010, as part of a capacity building process on Integrated Water Resource Management (IWRM). Learning and exchange between Sudan and South Africa has resulted in IWRM principles becoming a staple feature of government discourse on water in Sudan, and concrete steps forward are now being taken by government on embedding IWRM in policy and practice, with the help and guidance of partners in South Africa.

INTRODUCTION

Sound environmental governance, which builds on equitable and sustainable management of natural resources, plays a key role in supporting sustainable livelihoods and building lasting peace.¹ For sound environmental governance to persist in the longer term, a clear, fair, and protected relationship to land and natural resources is needed.

Protracted conflict in Darfur has considerably and systematically weakened institutions and governance systems in the region², while concurrent processes of change (such as population growth, rapid urbanisation, and climate change) represent major additional pressures. Furthermore, disputes over access to and use of natural resources are aggravated by the multiple and parallel systems of natural resource management and governance that exist at both the formal and informal level. Combined, these factors create an environment in which confusion over claims to natural resources and land is common and where resource rights – whether those of a pastoralist, farmer, or investor – are often vulnerable to dispute. In addition, a mosaic of tenure arrangements, both statutory and customary, overlap and inter-play³, further complicating the situation. At the same time, foreseen migration, for example IDPs returning to their villages and staking new homesteads, further complicates an already complex situation.

It is important to note that land in Darfur possesses both utilitarian and symbolic value. From this perspective, land has become a highly emotive instrument of influence, particularly in the context of the conflict. Land has fueled animosities and stoked

tensions, which is why land has attracted special mention within peace negotiations and agreements (see the Doha Document for Peace in Darfur⁴). Improving natural resource management and environmental governance cannot resolve the political issues concerning land. However, it has been shown that when peace processes fail to address the management and governance of natural resources, there is a greater risk of a relapse into conflict, particularly during the early years after a peace agreement has been signed (UNEP, 2012).

It is also important to consider the ecological context in Darfur. The region is characterised by highly variable and unpredictable rainfall. This variability is normal in arid and semi-arid environments like Darfur, and has had a definitive influence on how livelihoods and the property regimes underpinning them have evolved. In Darfur, for instance, common property regimes (discussed further below) predominate. These regimes allow flexibility, negotiation and reciprocity in terms of who has access to resources, when and where, which accommodates the uncertainty that comes with variable climate.

It is against this backdrop that UNEP enabled 15 people from key Darfur institutions (see Annex 1) to visit Kenya and Tanzania for two weeks, as part of a ‘learning route’⁵ visit in 2012. The purpose of the visit was to allow the visitors to learn – in contexts that are ecologically similar to Darfur – about effective land management strategies and land tenure arrangements that secure livelihoods and user rights to natural resources in arid and semi-arid regions,

1 See: UNEP (2009). From Conflict to Peacebuilding: The Role of Natural Resources and the Environment; UNEP (2012). Governance for Peace over Natural Resources; UNEP (2012). Environmental Governance in Sudan.

2 Bromwich (2009). Environmental Impacts of Conflict: The Loss of Governance and Routes to Recovery. Pp. 309-319 in ‘Environment and Conflict in Africa: Reflections on Darfur’. Ed. Marcel Leroy. University for Peace, Africa Programme, Addis Ababa.

3 UNEP (2012). Environmental Governance in Sudan.

4 <http://unamid.unmissions.org/Portals/UNAMID/DDPD%20English.pdf>

5 A learning route is a “continuous process of learning in the field around successful experiences, case studies and good practice, where local actors themselves become trainers” (ILC, 2011. Learning route information sheet). Two learning routes were held with UNEP involvement, one in February and the other in September 2012. Sudanese participation was supported by DFID for the first visit and by USAID, through AECOM, for the second. Two representatives from Sudan attended the first visit through DFID support, one from the Darfur Land Commission (under the DRA) and one from the Nomad Development Council.



Photo: UNEP

where land is treated as commons⁶. Participants from Sudan (mainly from Darfur) represented key technical staff from ministries, government institutions and civil society with a stake in natural resource and land management and administration. Seven participants from Tanzania, Uganda and Ethiopia also took part in the visit to promote learning between participants from different country contexts. In addition, representatives from UNEP, Practical Action and Tufts University in Sudan also attended, to co-facilitate the learning process and ensure constructive links between the lessons learned from East Africa and the Darfur/Sudan context. The overarching aim was to guide the discussion towards a shared vision and set of priorities for Darfur that could contribute to equitable and sustainable environmental governance in the region.

The primary objectives of the visit were:

- To allow visitors to gain first-hand experience of a variety of land tenure and resource management options from similar rangeland contexts in East Africa.
- To inform future policies and practices on land and livelihoods in Darfur's rangelands, with a view to supporting livelihoods, the environment and peace.
- To support peace over natural resources in Darfur through building knowledge and capacity, and through fostering key relationships over land and natural resources.

In Darfur, changes are taking place in terms of how land tenure is defined and access secured, with trends towards registration and privatisation. At the same time, common property resource management still exists, including among pastoralists. This type of resource management, which is often informal and

largely based on negotiation and reciprocity, has evolved as an adaptation to the unpredictable climate and resource availability of the drylands. Within this broader context, rangeland resource issues are particularly thorny given the absence of legislation for rangelands and the tension between competing claims for land and natural resources. This tension plays out particularly between livelihood groups around the boundaries of adjacent land use areas, for example between migratory routes and farming lands.

Previous experiences of natural resource and land governance in Darfur offer valuable and enriching lessons for today's policymakers. These must be considered and built upon; however, it can be argued that the 'right' configuration for effective and sustainable management of land and natural resources, which would support rural livelihoods and peace, has not yet crystallised for Darfur. Nor has the 'right', popularly agreed, configuration for land tenure emerged that would support effective and sustainable natural resource management.⁷ These issues have become particularly important in light of the widespread economic, social, political, and environmental changes that have been precipitated by years of conflict. Improving access to and management of land and natural resources from an environment and livelihoods perspective can help to alleviate conflict and build peace. Elements of this linkage are strongly echoed in the Darfur Document for Peace in Darfur (DDPD).

It is clear that valuable lessons can be learned from experience elsewhere. This document reports on the key lessons learned from the visit in September 2012; discusses the follow-on work that was spearheaded by the institutions and individuals who participated in the visit; and presents the jointly developed priorities for Darfur.

⁶ "Commons are defined as lands that rural communities possess and use collectively in accordance with community-derived norms" (Fiona Flintan (2012). *Making Rangelands Secure: Past Experience and Future Options*. ILC, Rome.) The commons in these ecological zones consist primarily of rangelands and are predominantly used by pastoralists.

⁷ Darfur Joint Assessment Mission 2007 and 2012. GoS (2011). Doha Document for Peace in Darfur.

PARTICIPANTS AND CASE STUDIES VISITED

During the visit in September 2012, 25 participants – 18 from Sudan and seven from East Africa – took part in the learning route, which was developed by the International Land Coalition (ILC),⁸ IFAD, IUCN-WISP, RECONCILE and Procasur, as part of a Learning Initiative on ‘Making Rangelands Secure’. This initiative was designed to inform, develop, and improve programmes and interventions on land in arid and semi-arid regions, and encourage learning from other, similar initiatives that aim to secure rights to resources and land for local users of arid and semi-arid lands (primarily rangelands).

Participants from Sudan, supported by USAID through AECOM, mainly represented line ministries, legislative councils, the Darfur Regional Authority and pastoralist unions from Darfur. Two participants represented the federal Ministry of Environment, Forests and Physical Development (MEFPD) and the federal Ministry of Animal Resources, Range and Fisheries (MARRF). Federal-level representation ensured that centralised institutions were aware and supportive of the Darfur-focused learning and dialogue.

The participation of East African attendees from Uganda, Ethiopia and Tanzania promoted wider

⁸ The ILC is “a global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue, knowledge sharing and capacity building.” See: <http://www.landcoalition.org/> for more information.

opportunities for cross-learning, allowing an exchange of ideas and experience not only between participants and host communities, but also between participants from different countries and contexts. Participation from East Africa was encouraged and supported by the Learning Initiative partners.

Participants visited four host communities and organisations in Kenya and Tanzania (see Table 1).

There are four key property regimes that are relevant to drylands⁹: (1) open access or *res nullius*, which denotes areas belonging to no-one, where there is no control over access to resources, and therefore a higher likelihood for competition and degradation; (2) common property, which refers to situations where an identifiable group controls rights to resources, where this group defines and enforces rules on who may use resources and how¹⁰; (3) state property; and (4) private property. However, it is worth noting that these categories of property regime are only intended as a broad frame of reference for the reader on tenure relevant to drylands. Different countries have their own interpretations and definitions under these broad headings, constructed to suit their specific contexts and needs. These varying interpretations and definitions are not easily transferrable or translatable across contexts; therefore, lessons emerging from exchange visits can serve only as guidance rather than blueprints.

⁹ Please see UNEP (2013). Governance for Peace over Natural Resources for further discussion.

¹⁰ This type of property regime is very common in rangelands where pastoral livelihoods predominate.

Table 1. Case study sites visited in Kenya and Tanzania

Case Study	Location
Naibunga Conservancy	Laikipia, Kenya
Resource Advocacy Project (RAP)	Garba Tulla, Kenya
Olkiramatian Group Ranch	Kajiado, Kenya
Ujamaa Community Resource Team (UCRT)	Arusha, Tanzania

Case studies visited

First case study: Naibunga Conservancy

TENURE SYSTEM = group ranch (privatised group tenure)

Main lessons:

- FORMAL COLLABORATION and consolidation among several neighbouring group ranches to achieve collective benefit, e.g. safeguarding livelihoods (primarily through ensuring mobility of wildlife and livestock across group ranch boundaries and collectively considering priorities for development) and improving security

Third case study: Olkiramatian Group Ranch

TENURE SYSTEM = group ranch (privatised group tenure)

Main lessons:

- COMMUNITY AVOIDS SUB-DIVIDING land within group ranch to safeguard livelihoods
- Land use is diversified within the group ranch but with strong complementarity between the multiple uses because the community understands the interdependencies (e.g. wildlife reserved area also acts as emergency grazing area)

KENYA

Garba Tula

Laikipia

• **Nairobi**

Olkiramatian

Second case study: Resource Advocacy Project (RAP)

TENURE SYSTEM = trust land, which is held in trust for the community by the local County Council and managed as a common property resource.

Main lessons:

- COMMUNITY ADHERES to customary forms of common property tenure, which do not have the same kind of tenure security as private tenure (individual or group)
- STRONG SYSTEMS of customary management of natural resources
- REVITALISED CUSTOMARY INSTITUTIONS striving to formalise Borana common property tenure in response to Kenya's new constitution's categorisation of 'community land,' which will replace 'trust land'

Fourth case study: UCRT

TENURE SYSTEM = registered village land

Main lessons:

- GOVERNMENT-INTRODUCED tenure system but with major recent revisions to legislation including strong mechanisms for grassroots participation in land use planning (Village Land Use Planning Act, 2009)

REFLECTIONS ON CONTEXT

In this experience, the lessons on land from other countries were meant to serve as food for thought rather than blueprints for direct transfer. Despite the similarity in ecological and socio-economic contexts between Sudan and the case study areas, the regions differ significantly in terms of the evolution of their discourses over land and their related laws and policy frameworks. Such differences have a fundamental effect on what steps can or should be taken with regards land.

In Sudan, control of land is ultimately under government authority, but the balance of roles of government and traditional leadership varies across the country. Communal tenure rights exist in the customary and ‘informal’ spheres and apply over vast tracts of rural land where government institutions either have weak reach or reduced interest. Statutory and customary paradigms for land therefore exist in parallel in Sudan, with points of contact between the two (e.g., consultation of the Native Administration¹¹ over land allocation at state and locality levels and recognition of customary land rights in the Doha Document for Peace in Darfur), but also many points of tension. According to De Wit (2001), there remains tension between ‘legitimacy’ and ‘legality’, i.e., between communal tenure rights and private or state land ownership¹². Complicating factors in Sudan include a low level of trust between people and government in some parts of the country, and a perceived reluctance to devolve power to the lowest levels, both of which make dialogue a primary concern.

”

Land tenure became important in the constitution because it is critical to social relations.” Director, Pamoja Trust

In Kenya, community land has been formally recognised since 1997. In 2010, it was elevated to become a formal category of land in the country’s constitution, replacing other group systems such as trust land and also likely group ranches (more on this below). It is recognised that traditional leaders and government officials share a role in land governance in Kenya, and that grassroots participation is key.

In Tanzania, the constitution clearly states that all land is government land whereas citizens have rights of use. Government is therefore the final authority. However, since the 1990s, progressive legislation has been enacted to ensure effective community participation in decision-making on land. Mechanisms have since been put in place to allow community members to participate at the smallest administrative unit. To enable that participation, the government established a new set of formal institutions, which have been embedded into the statutory hierarchy on land in the country. Mirroring Kenya, these structures show that the government recognises the importance of participation at the local level.

¹¹ System of traditional leaders administering their kinship groups or tribes.

¹² See also UNEP (2012). Environmental Governance in Sudan.

OVERARCHING AND ENABLING LEGAL FRAMEWORKS – KENYA AND TANZANIA

Community rights to land and effective participation have become enshrined in Kenya’s constitution. The most significant change with regards to land in Kenya was the establishment of a new category of community land under the new constitution (see Tables 3 and 4), which came into force in 2010. This category will include all forms of community/group tenure systems, including trust land and group ranches. This major reform came about after Kenya recognised that decisions regarding communal

lands were not always made with local community interests in mind. It also resulted from earlier failures to recognise and strengthen traditional resource management systems and institutions. The change in land status now provides communities more opportunity to strengthen their role in land administration and to secure rights to land. There is also greater opportunity for communal ownership of land to be recognised and for secondary users’ access rights to be protected.

Table 2. Statutory tenure in Kenya

<p>ᐃᐃ</p>	<p>Unregistered lands vested in county councils, which hold them in trust for the benefit of all people residing thereon; formerly known as 'native land'</p> <p><i>Migai, J.M. (2006). Land, the Environment and the Courts in Kenya. Background Paper for the Environment and Land Law Reports. DFID/Kenya Law Reports Partnership.</i></p>
<p>Community Land</p>	<p>Vested in and held by communities identified on the basis of ethnicity, culture or similar community interest. Community land consists of land lawfully registered in the name of group representatives; land lawfully transferred to a specific community by any process of law; and any other land declared to be community land by an act of Parliament. It is lawfully held, managed or used by specific communities. Any unregistered community land shall be held in trust by county governments on behalf of the communities for which it is held.</p> <p>From <i>The Constitution of Kenya, 2010. Article 63 (1) and (2).</i></p>
<p>Private Land</p>	<p>Registered land held by any person under any freehold tenure; land held by any person under leasehold tenure; and any other land declared private land under an act of Parliament.</p> <p>From <i>The Constitution of Kenya, 2010. Article 64.</i></p>
<p>Public Land</p>	<p>Includes land in respect of which no individual or community ownership can be established by any legal process; land transferred to the state by way of sale, reversion or surrender; all minerals and mineral oils as defined by law; government forests (with exceptions), government game reserves, water catchment areas, national parks, government animal sanctuaries, and specially protected areas; all roads and thoroughfares provided for by an act of Parliament; all rivers, lakes and other water bodies as defined by an act of Parliament; the territorial sea, the exclusive economic zone and the sea bed; the continental shelf; all land between the high and low water marks; any land not classified as private or community land under the constitution; and any other land declared to be public land by an act of Parliament.</p> <p>From <i>The Constitution of Kenya, 2010. Article 62.</i></p>

Kenya’s constitution also provides for conflict resolution. It promotes the devolution of responsibility and authority to communities, and encourages the development of home-grown conflict management frameworks, particularly in relation to land. Community

land boards will be established to manage access to land, and a land commission is in the pipeline, envisioned as a transparent and autonomous institution with responsibility for land in Kenya.

Kenya's current constitution is still relatively new, having been put in place in 2010, and some of the new reforms have been difficult to operationalise. For example the definition of 'community' is problematic and will require further discussion and clarification.

There is also ambiguity in terms of what constitutes community land. This will require further discussion. The Kenya Land Bill and the Community Land Bill, in draft since 2011, will need to provide some clarity on these issues.

Table 4: Statutory tenure in Tanzania

Reserved Land	Includes state-protected or designated land such as national parks, wildlife reserves and land for public utilities as well as land that has been classified as hazardous, which means that its development would pose a hazard to the environment (e.g. mangrove swamps and river banks)
Village Land	Includes registered village land, land demarcated and agreed as village land by relevant village councils, and land (other than reserved land) that villages have been occupying and using as village land for 12 years (including pastoral uses) under customary law
General Land	All other land (i.e., neither of the above), which includes woodlands, rangelands and urban and peri-urban areas that are not reserved for public use

Source: USAID (2011). Tanzania: Property Rights and Resource Governance Profile.)

In Tanzania, a process of 'villigisation', begun in the 1970s, bound every citizen to a specific location or village. This process, which was driven by socialist ideology, aimed to bring people together in designated areas to work on a cooperative basis. This development posed serious challenges to livelihoods dependent on mobile strategies, since the system inherently promoted settlement.

All land in Tanzania is government land and citizens have right of use. There are three categories of land in the country: village land, which is land registered to a village (a legacy of 'villigisation'); reserved land, which includes national parks, wetlands, and other land set aside for special purposes; and general land, which is land that is neither village land nor reserved land.

In the early 1990s, a commission of enquiry was set up to deal with corruption. The findings of this commission led to major land reforms, including the establishment of the Land Policy (1995), which emphasises sustainable land use and community participation as a requirement; the Village Land Act (1999), which promotes community participation and allows individuals and groups to hold land; the Participatory Land Use Planning Act (2007), which empowers village councils through their village assemblies to prepare, approve and implement village land use plans; and the Guidelines for Developing Village Participatory Land Use Planning (2011), which provide step-wise guidance on how to go about participatory land use planning.

By establishing official channels the community level for participation in resource management and conflict resolution, government has promoted effective grass-roots participation in land use decisions. The system is of course not without its challenges. For example, there are problems with double allocation of land, competing laws and legislations that provide loopholes for authorities to reallocate land for other purposes despite title deeds, and high levels of corruption

and political interference.

”

Critical to working on a solution to land is to understand the notion of ownership as understood by different groups; what is the Borana notion of ownership? What is the Luo notion of owning land? This is critical as not everyone means the same thing by ownership... you must also understand the economy of interests on land – this is essential.

Director, Pamoja Trust

Group Ranches in Kenya

In the early 1960s, the Kenyan Group Representatives Act created exclusive land ownership among groups of Maasai¹³ residing within specific areas. A land title was issued to each group that formalised its collective rights to the land and that was recognised by the Ministry of Land. These group ranches "aimed to privatise Maasai land, albeit collectively, and reduce further encroachment and appropriation" of common property resources¹⁴. Group ranches were designated to groups who saw themselves as homogenous collectives.

”

Good legislation must build into it a process for participation”

Director, Pamoja Trust

Group ranches are official tenure arrangements that recognise that communities are capable of governing their own affairs, while still subject to the laws of Kenya. Group ranches are also a way of recognising customary institutions without promoting their negative aspects (e.g., the exclusion of women). However, over the years the group ranch system has attracted

¹³ Predominantly pastoralist groups.

¹⁴ Fiona Flintan (2012). Making Rangelands Secure: Past Experience and Future Options. ILC, Rome. Pp. 17.

some criticism. One of the drawbacks cited is the sub-division and privatisation of land within group ranches. Sub-division and privatisation began to be promoted in the 1980s by government and by group ranch members themselves, reportedly due to increasing population pressure, the idea that ‘vacant’ group-held lands should be made available to settlers from overpopulated areas elsewhere in the country, and the notion that individual ownership of land was the best way forward to secure development and progress. Subsequently, however, collective decision-making began to break down and it became more difficult to enforce traditional livestock and settlement patterns¹⁵. In addition,

...the process of allocating parcels of land from the previously held collective unit was exclusionary and unequal. Poorer herders with little influence were assigned smaller parcels relative to wealthier ones or to those with direct connections to the management committee. Youth and women were excluded from the ranch committees’ decision-making

processes altogether, and their rights to the collective holdings were subordinated to the group members’ need to maximise the size of their individual landholdings. Community identity and membership were replaced by inheritance rights as the chief factor in land claims.¹⁶

There are, however, positive lessons to be learned from the group ranch model, as demonstrated by the case study areas that were visited during the learning route.

”

People can contribute to proper and sustainable resource use and security through collaboration, participatory planning and influencing local based initiatives. The high premium put on this in Kenya demonstrates the high level returns of adopting this type of approach.

Programme Coordinator, RECONCILE

¹⁵ Ibid

¹⁶ Ibid. Pp. 17

THE CASE STUDIES IN KENYA AND TANZANIA



Photo: UNEP

Olkiramatian Group Ranch (on group ranches)

The Olkiramatian group ranch¹⁷ was registered in 1970 with 1,300 members; it covers 26,162 hectares. The group ranch has its own constitution and by-laws, and the primary livelihood within the group ranch is pastoralism. However, there are also other complementary livelihoods within the ranch, like agriculture.

”

We saw that the Borana and the Maasai communities are very aware of their environment and of changing climate. We also saw that they respect their customary institutions as well as government regulations. This is key for the success of the group ranches we observed during the visit.”

Bashir Abdalla Mohamed, Director General, Ministry of Animal Resources, Fisheries and Rangelands, East Darfur

A group ranch committee serves as the community’s overarching management structure. Using a participatory process, the committee oversees all activities on the land and guides the implementation of the constitution. The committee also enforces the group ranch’s by-laws, which define the benefits allocated to

members versus non-members. The constitution and by-laws also state how resources will be shared among the members of the community. The group ranch has a title deed and a register that names all of the members; both of these documents are recognised by the Ministry of Lands.

The area of the group ranch is divided roughly equally into three land use zones, which complement and support one another: a grazing zone where drought-resistant *zebu* cattle are kept, an agricultural zone, where food and cash crops are produced, and a conservation zone for conservation purposes and ecotourism. The conservation zone is made up of a core conservation area and a buffer area that is opened up to grazing during extreme drought. The community was responsible for the original zoning of these areas, each of which now has its own resource management committee, building on principles of co-management¹⁸. These committees are in turn linked to the

17 For a more detailed discussion see Fiona Flintan (2012). Making Rangelands Secure: Past Experience and Future Options. ILC, Rome.

18 Co-management is a “process of collective understanding and action by which human communities and other social actors manage natural resources and ecosystems together, drawing from everyone’s unique strengths, vantage points and capacities” (Borrini-Feyerabend et al. (2007) in UNEP (2012) Governance for Peace over Natural Resources).



Photo: UNEP

higher-level group ranch committee. Each zone has its own strict community rules and controls, which are observed.

Agriculture is a recent addition to the livelihoods portfolio within the group ranch. Agriculture is not a traditional practice in this area, but people began to diversify as times changed and drought increased. The different land uses, including agriculture, are not seen as replacement activities for pastoral production but are rather seen as complementary to it, to spread risk. Individual families may have plots of farmland in the agricultural zone and also livestock in the grazing area.

Most of the water in the agricultural area is provided from permanent rivers through irrigation developed by the Ministry of Agriculture. Water acts as a limiting factor on the amount of agricultural land that can be cultivated. The amount of water available allows the cultivation of up to about 8000 ha, though so far only 350 ha have been cultivated.

In the grazing areas people rely mainly on local, drought-resistant breeds of cattle (the *zebu* breed), which are well adapted to the climate. There are also some larger breeds (e.g., Borana cattle) that the community is now trying to cross-breed with the *zebu* cattle to try to increase productivity. But the *zebu* variety remains the best adapted and most resistant to local diseases.

Livestock are allowed to move between the different

land use zones during drought. For example, there are contingency grazing zones within the buffer area of the conservation zone. The grazing committee and the conservation committee jointly manage this process, again demonstrating effective co-management in practice.

Olkiramatian has good relationships with its neighbouring group ranches, and mobility is allowed between group ranches in times of extreme drought. The group ranch committees sit together and agree access; no money changes hands. One of the group ranch members expressed the rationale clearly: “Given the variable and unpredictable rainfall in these regions, it could be us next year – you scratch my back and I scratch yours.” Another example of a collaborative activity between the different group ranches was a recent joint loan application for funds to construct a water pipeline for the benefit of all communities. The pipeline was built and the group ranches paid back the loan together.

One member of the group ranch stated: “We pride ourselves on the fact that we are not sub-divided like other group ranches. We have, to a large extent, maintained communal patterns.” This, he shared, was a lesson learned from observing the pitfalls of sub-division elsewhere, where community members’ livelihoods had been threatened by reduced flexibility and mobility in times of drought.



Photo: UNEP

Naibunga Conservancy (on group ranches)

The Naibunga Conservancy¹⁹ is composed of nine independently registered group ranches that decided to unite. The groups had a number of reasons for joining together: to better protect against cattle rustling and raiding by neighbouring Samburu; to create a large conservancy area that facilitates trans-boundary movement of livestock and wildlife; to allow collective thinking in terms of planning for development and supporting livelihoods; and to facilitate joint natural resource governance. A high-level committee meets in times of drought to bring together the management bodies of the different member group ranches; together they decide livestock movement between the group ranches. Benefit-sharing from tourism is also agreed between the different group ranch committees, and the resulting incomes are distributed based on the priorities of each group ranch. Together these group ranches cover an area of 44,000 ha. The conservancy's board of trustees has 18 members, including the chairman of every one of the nine group ranches, in addition to others.

A neighbouring private ranch of about 21,000 ha works closely with the Naibunga Conservancy. According to the ranch manager, this collaboration was borne out of mutual interest. The ranch shares a common border with the conservancy and also depends on ecotourism, which means that wildlife issues are common to both. The owners of the private ranch also share some of the same security concerns as Naibunga. The ranch also allows cross-border grazing in times of drought.

Participants visited the Koiya group ranch, which is

¹⁹ Conservancies generally refer to areas where a number of private land holdings come together in a partnership for the purpose of nature conservation, and are administered by an overarching body. In Naibunga, the conservancy refers to a partnership of nine individually registered group ranches that have been brought together under the auspices of the African Wildlife Foundation. The conservancy model is one that was introduced by conservation organisations in Africa to improve conservation and land management. However, 'conservancies' do not have a legal definition under Kenyan law.

one of Naibunga's nine members. Within Koiya the community is implementing holistic rangeland management²⁰. This approach, which provides a framework for decision-making, involves a number of steps: (1) dividing land into grazing blocks and then mapping these blocks (including water points, local conditions, challenges, etc.); (2) assessing forage and the number of days that livestock can be sustained on this forage; (3) combining herds to maximise the impact of fertiliser and hoof action on the soil; (4) deciding the sequence of use of the grazing blocks while factoring in sufficient fallow time to allow regeneration; (5) promoting the grazing of different sections within a block; and (6) monitoring animal and soil impact. The process takes into account four ecosystem processes – the water cycle, energy flow, community dynamics, and the nutrient cycle – and uses fire, grazing, animal impact (hoof action), technology, and fallow periods as range management tools. The community grazing committee supervises all activities, prepares the relevant by-laws and charges fines where necessary.

To manage its water, Naibunga relies on the Water Resource Users Association (WRUA), an organisation that was registered in 2010 and that is intended to facilitate co-management of water resources. This institution manages water resources in four districts and five zones, an area much larger than Naibunga. Four representatives are elected from each zone and one technical person is appointed from government to help resolve any problems. Users pay for water, which ensures the sustainability of the WRUA. Group ranches pay a fee of 5000KSH each, conservancies pay 10,000 KSH, and farmers pay 3000 KSH.

²⁰ Based on Savory, A. (1999) *Holistic Management, A New Framework for Decision Making*. Washington DC: Island Press.



Photo: UNEP

Resource Advocacy Project (RAP) and the Garba Tulla community (on common property regimes)

This case study of the Garba Tulla community offered an example of a common property regime. The host of this case study was the Resource Advocacy Project (RAP), which is composed of active members of the Borana community and which works with the community of Garba Tulla to more effectively manage and secure resources and land. RAP is the outcome of a process of community self-mobilisation that was inspired by a series of elders' meetings that began in the early 1990s and continued throughout the 2000s.

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The reason we are against the Group Ranch model is that for example in Laikipia, 70% of the land is owned by 48 people due to sub-division of land; this doesn't fit at all with the concept of communal management. We have essentially learned lessons from other tenure systems and that's why have decided to stick to our own customary communal system.

Executive Director of RAP and Garba Tula elder

Land in Garba Tulla was traditionally part of a common property regime²¹ implemented by the Borana community. Ownership of the land was vested in the community and supervised by complex governance mechanisms with a hierarchy of customary institutions.²² For the Borana, the *deedha* is the largest recognisable geographic unit for grazing and range management. The *deedha* council manages water

(through an *aba herega* who is the manager of the well), pasture,

mobility/livestock, and socio-political affairs. The Garba Tulla community has established community institutions, including a council of elders, to manage land and resources. Customary institutions also manage access to water, mineral resources and forests.²³

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Though we have a river running through our land, which we depend on in the dry season, we are not powerful enough to stop upstream users from taking our water for flower plantations. This has severely reduced our water flow.

Executive Director of RAP and Garba Tulla elder

With colonialism came the breakdown of the common property regime, which was gradually replaced by private and individualised ownership of land. The colonial land laws placed community lands 'in trust' under county councils, which made decisions on behalf of communities, with ultimate authority vested in government.²⁴ Since then, the extent of the rangelands has been shrinking, land use change has increased (particularly involving settlement and sedentarisation), and communal land has increasingly been converted to private land.²⁵ The relationship between the formal and informal systems has been varied, and often fraught, as the two systems are based on divergent views of development, with the formal system allowing weaker tenure for communities that depend on communal resources. Now, with critical reforms to land enshrined within the constitution, community land rights have come to the fore. Land in Garba Tulla is currently still 'Trust Land', but this will likely change due to the changes in the new constitution and related land policies and laws.

21 "Common property is characterised by overarching ritual and cosmological relations with traditional lands; community 'rights' of control over land disposal (sometimes delegated to traditional leaders); kinship or territory-based criteria for land access; community-based restrictions on dealings in land with outsiders; and principles of reversion of unused land to community control" (Fiona Flintan, 2012. "Making rangelands secure: past experience and future options". ILC, Rome. Pp. 9).

22 Flintan, F. and Puyo, D. (2012). Resource Advocacy Project (RAP), Garba Tula, Kenya. Resource material for use during learning route on 'Making Rangelands Secure'.

23 Ibid

24 Ibid

25 Ibid



Photo: UNEP

Despite Garba Tulla's interest in maintaining customary systems, this does not mean that there are no mechanisms in place that foster collaboration between communities and government. For example, Resource Management Committees (RMCs) have been set up as a means of allowing the traditional Borana grazing management system to function within a state-created and officially recognised body. In fact, many of the people on this committee are from the Borana community. By creating a joint forum for government as well as community decision-making, RMCs enable co-management. There are also WRUAs in place to regulate and manage water resources, which function similarly.

The main livelihood in Garba Tulla is pastoralism, and Borana customary institutions, as previously mentioned, are heavily involved in managing pastures and water within this system. For example, Borana institutions have put in place contingencies for drought as part of their grazing management approach. Large areas have been designated as reserve grazing areas, with boreholes located throughout. During normal years the motors of these boreholes are removed and kept locked away. Reserve grazing areas are only opened up once there have been two failed seasons in a row (meaning four consecutive failed rains). The Borana also manage water very strictly. For example, a 'father of the well', or *aba herega*, strictly controls who can access wells, when, and for how many livestock. Rule breakers are fined and repeat offenders are eventually barred.

With regards to meshing the customary with the statutory, the Deputy District Commissioner made the following observation:

...we are encouraging stronger community participation. On management issues the government is pulling back and letting people do things for themselves. Before, everything was too centralised and cumbersome. We used to come out from the centre, do all the technical work, and collect revenue that would then go back to the centre for

re-distribution. If something malfunctions then we have to look for funds and come back from the centre. This is extremely burdensome, and it would make everyone's life easier if we empower people locally.

The traditional managements systems of the Borana are not yet officially recognised. Therefore RAP is currently documenting all of the traditional institutions, rules and processes (e.g., grazing arrangements and water management systems) together with Borana elders. This process is intended to inform the development of by-laws, which the government would formalise and recognise through the county council. RAP is also mapping the resources – water points, pastures, forests, drought reserve pastures, etc. – to make clear what resources exist and where. The organisation also puts a lot of emphasis on awareness raising, and is currently piloting a radio programme that broadcasts downscaled climate projections blended with customary drought indicators to help pastoralists plan ahead. This combination of science and local knowledge can help pastoralists plan better and avoid risk.

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Getting resource management right means you have more money for your people and for development, as you need to spend less on conflict and security.

Deputy District Commissioner, Garba Tulla, Kenya

While group ranches enable local mobility, they do not enable long-range mobility, which requires other forms of common property of land. There is also strong community endorsement and respect for the customary system in Garba Tulla, despite it being informal. This shows that tenure security is not only about a physical title to land but also about perceived tenure security, i.e., where people *feel* secure. Given Kenya's new constitution, there is greater opportunity for traditional common property regimes to become formally recognised. Steps are already being taken to blend the formal with the customary. For example, traditional rules are being documented and processes



Photo: UNEP

have been introduced to mainstream those rules into the formal system.

Ujamaa Community Resource Team (UCRT) and Terrat Community (on Village Land Use Planning in Tanzania)

In this case study participants were hosted by the UCRT, which is a Tanzanian NGO that works closely with communities on issues of participatory land use mapping. The group's aim is to bring multiple resource users around the table on common resource-based issues.



Tribalism is very much discouraged in Tanzania, but we have no problem with customary management systems.
Participant from Tanzania

It is said that village lands make up 70% of all land in Tanzania. Within this category of land, communal rights and individual rights to land are afforded the same level of security. Such a set-up should provide a relatively secure tenure framework for communal land uses such as pasture and forest use²⁶. Current land legislation requires villages to allocate village land between individual and communal categories for which the village council gives certificates of rights of occupancy (CROs). Current land legislation also requires that villages set aside some lands for future use (*akiba*).²⁷ A further distinguishing feature of Village Land Use Planning (VLUP) is that communities within villages are heterogenous, with multiple backgrounds and interests. They are not composed of a single ethnic group or livelihoods system.

As mentioned previously, a set of guidelines has been developed to guide the Village Land Use Planning (VLUP) process in Tanzania (see Flintan (2013) for a review of good practice and lessons on land use planning in Tanzania's rangelands). These guidelines

comprise a series of sequential steps that, when followed, can help users develop a village land use plan that demarcates the priority land use zones. There can be complementary grazing systems between villages, and livestock can move, with agreement and negotiation, between the villages. Cross-border grazing is allowed and respected. However, such an arrangement is based on informal negotiation between the villages since each village produces its own VLUP independently of the other. This process can be facilitated by, and formalised through, a joint village land use plan, a natural resource management sector plan, or a Customary Certificate of Rights of Occupancy to a Pastoral Association, which is given for a shared grazing area. All the above are provided for under the law but have yet to be implemented.



If government doesn't work with what are seen as local leaders there will be difficulties, since the formal system was never necessarily accepted.
UCRT presenter, Tanzania

Each village sets its by-laws and agrees overall priorities, which are discussed at the village level and then discussed again and validated at the sub-village level. The Village General Assembly, which requires a quorum of 50%, is the final decision maker on the different types of land use within a village. The Village General Assembly, which meets every three months, is meant to represent all people in the village. There is also the elected Village Council, which meets once a month, as well as a village land use management (VLUM) committee. This committee serves as a forum for popular participation and provides an opportunity for traditional natural resource management systems to be included in land use decisions. The committee is responsible for developing a village land use plan with the local (district) participatory land use management (PLUM) team. A Village Land Committee, which is housed within the Tanzanian

26 Sacco, V. and Flintan, F. (2012). Ujamaa Community Resource Team (UCRT), northern Tanzania. Reference material for learning route on 'Making Rangelands Secure'.

27 Fiona Flintan, 2012. "Making rangelands secure: past experience and future options". ILC, Rome.



Photo: UNEP

judicial system, is responsible for resolving disputes that arise over land. This committee constitutes seven people elected by the community, with a minimum of three women. Committee members cannot be government employees.

The institutions described above represent the results of clear efforts to promote the co-management of natural resources. Given the very local nature of these institutions, their members represent the community. In essence, Tanzania has managed to establish a participatory approach within the formal government architecture. Given that their members come from the community, these structures take on local norms and customs, without absorbing along with them the problematic aspects of traditional institutions, namely gender bias and discrimination.

There are major advantages associated with the Village Land Use Planning Process (VLUP) and its prerequisite steps. Before village land use planning can take place, village boundaries must be clearly demarcated and village land must be registered and certified. By forcing clarification, such requirements can help to resolve boundary conflicts between villages. Once village boundaries have been defined, the village members jointly draft and consent to a land use plan that

prioritises and defines how the land will be used. This process can also help to ease tensions between different land users within the village. Another advantage of VLUP is that it can help to protect livestock migratory routes. Communities know the locations of local migratory routes and these can be drawn into the land use map. Given the cross-boundary nature of migratory routes, clear demarcation on a map also helps neighbouring villages coordinate mobility and reduces the risk that the corridors will be blocked.

There are, however, drawbacks to this approach. Because boundary issues are often complex, community members may spend many years negotiating their village land use plan before they arrive at a resolution. Another drawback is that it is expensive to certify village land and go through the VLUP process. It costs approximately USD4,800 to certify village land and produce a VLUP per village, and can cost considerably more (reportedly up to USD21,000) in villages where there are boundary conflicts, as the process in such cases takes much longer. There are over 14,000 villages in Tanzania, each of which requires a VLUP. This is too daunting a task for government to tackle alone; therefore, NGOs and others have stepped in to assist.



Photo: UNEP

LESSONS, ACHIEVEMENTS AND FOLLOW-ON ACTION IN SUDAN

In visiting the case study sites, participants were exposed to a number of enriching experiences of management and tenure arrangements that can help safeguard livelihoods and the environment in rangelands. Among the central issues highlighted during the visit were the importance of strong management systems to support common property resource use and the need for well-defined policy and legislation for rangelands. Indeed, effective management, policies and legislations that are appropriate to ecological and socio-economic context encourage vibrant and environmentally sustainable livelihoods. They also contribute to peaceful relationships over natural resources.

Following the visit, a draft joint statement of priorities for Darfur was drafted during a one-day workshop in Khartoum. Returning participants, UNEP, Tufts University and Practical Action convened to draw on lessons learned from the visit and summarise the outcomes of the discussions and reflections that the visit inspired among the Sudanese participants. The draft statement of priorities emphasises a need to identify and build on common interests; the importance of defining and recognising rights to resources; the need for community participation and collaborative management; the importance of land use planning; and the need to strengthen institutions and their structures whilst clarifying those institutions' mandates. These draft priorities will be subject to further discussion, with the aim of developing a more detailed and consensus-based set of priorities to improve natural resource management and tenure in Darfur.

Participants have taken things a step further too. Following the one-day priority-drafting workshop, participants have hosted, through their respective institutions, seminars to share lessons learned with a wider audience in each of Darfur's five states as well as in Khartoum. (Seven seminars were held; see Table 6 for details.) These seminars played a dual function; they informed a broader audience of lessons learned, and they also acted as fora where individuals from a cross-section of Darfur and Khartoum-based institutions were able to voice their own insights, reflections and

recommendations for the way forward for Darfur, expanding and adding rigor to the existing draft priorities, and adding a contextual dimension for the various states.

The Darfur and Khartoum seminars were attended by a wide cross-section of institutions that were identified and invited by the host ministry/institution. Both government and non-government institutions were represented, including government ministries, the Humanitarian Aid Commission (HAC), Native Administration, civil society, academic institutions, UN agencies and NGOs.

These seminars substantially increased the number of people who benefitted from the original case study visits. There were also some noteworthy highlights from these seminars, including that the opening remarks for the South Darfur seminar were made by the Director General of the Ministry of Animal Resources together with the Director General of the Ministry of Agriculture and Forestry. This joint statement brought these two ministries together in a public event as co-hosts around an issue of common importance, reportedly for the first time.

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The learning route has provided me with useful knowledge and insights to better engage on issues relevant to pastoral livelihoods, land tenure and the environment. This is particularly useful in the context of promoting peaceful coexistence and sharing of natural resources, leading to longer-term promotion of sustainable peace. The knowledge gained has also helped me identify trends and key issues relevant to the subject, and is also useful to share with communities, both farmers and pastoralists.

Nadia Ibrahim Ahmed, Director General, Ministry of Agriculture, West Darfur

BOX 1: USING RELATIONSHIP PARAMETERS TO ASSESS RELATIONSHIPS

Dimensions

Directness – amount and quality of contact

Commonality – shared purpose

Parity – equity and contribution within a relationship

Multiplexity – broad knowledge of one another

Continuity – shared storyline

The learning route emphasised high levels of contact between individuals (directness), established a common storyline between them, and fostered connectedness (continuity). It also gave people the opportunity to get to know each other outside the confines of a narrow professional focus (multiplexity) and built on a sense of shared purpose around natural resources, land and tenure (commonality). This occurred in a neutral context in Kenya and Tanzania, which helped participants feel they were on equal footing and had equal opportunities to contribute (parity). (Schluter and Lee 1993)

Commonalities among the participants included a technical background and involvement in natural resource and land management as well as tenure issues. The shared purpose of being on this visit was to improve the relevant knowledge base to inform their day-to-day work. These participants then spent two weeks together, full-time, sharing accommodation and meals and spending 14-hour days engaged in learning and discussion.

At the beginning of the journey, it was clear that there were very few connections among the participants, since most participants either did not know one other or knew each only in a professional context. As the days progressed, and as people spent more time together interacting in a variety of ways and contexts, communication between participants became easier, less formal, and covered a wider range of issues beyond shared professional interests.

People began to speak more openly about important issues relevant to Darfur, in particular about land, with reduced fear of judgement. Debates would sometimes become heated, but these sessions were always constructive, and people did as much listening as they did contributing.

A particularly telling sign that positive relationships were being formed was the fact that participants refused to share accommodation with each other

at the beginning of the visit but then willingly chose to do so towards the end. Also, at the beginning participants of similar professional rank stayed together, but quite soon the aspect of rank reduced in importance.

Real and positive relationships were built between people, across institutions, and between states. For example, presentations made during the follow-up seminars were given jointly by representatives of the participating institutions in that state. For example, the two participants from the federal MEFPD and from the MARF presented jointly during the seminars in Khartoum, once in the MARF auditorium to participants invited by that Ministry, and once at the MEFPD to an audience selected by that institution. In West Darfur, the presentation was given jointly by the Director General of the Ministry of Animal Resources and by the Director General of the Ministry of Agriculture. In South Darfur, despite the fact that the learning route participants were not senior members of either the Ministry of Agriculture or the Ministry of Animal Resources, participants from the two ministries advocated for – and succeeded in organising – a joint presentation on the premises of the Ministry of Animal Resources, with opening speeches made by both Director Generals of the respective ministries.

The content of the learning route was highly welcome and deemed useful at state level. This was made evident by the enthusiasm with which participating institutions suggested seminars to share the experience and lessons learned at state and federal level. These institutions also led in terms of organising these seminars, providing the venue at no cost, and inviting relevant counterparts.

For more on the relational metrics approach, please see: Schluter and Lee (1993) “The R Factor” Hodder and Stoughton; Also, UNEP forthcoming “Relationships and Resources”

UNEP also disseminated the results of the case study visits in Khartoum, where lessons learned were presented to an audience including DFID, USAID, AECOM, UNEP, Practical Action, Tufts University and others.

Overall, the learning route made a number of achievements:

- Sudanese government and civil society technical staff learned lessons from East Africa on land management and land tenure arrangements that support livelihoods on an environmentally sustainable basis in the rangelands, and that also contribute to peaceful relationships over resources.
- Relationships were built within each of the Darfur states, and between the different states. These relationships developed between technical staff from a number of key government institutions, linking together sectoral specialists from a wide array of specialisations. Relationships were also established between government actors and civil society institutions (pastoralist unions). UNEP and partners' relationship networks have also expanded in all Darfur states as a direct result of the learning route (see Box 1). The significant amount of intensive time that participants spent with one another around a mutual issue of interest allowed them to share their own personal experiences and ultimately helped them to craft a shared vision. A level of familiarity and comfort also arose among the participants as a result of the experience, which lays a positive foundation for future collaboration between participants and their institutions. As a group, the participants now represent a critical mass that can take forward action.
- A joint draft statement of priorities for Darfur was prepared and then made more robust as a result

of validation and discussion in Darfur and Khartoum.

- Dissemination seminars have been held in the five Darfur states and in Khartoum to share the lessons learned from the learning route, multiplying the impact of the learning route visit.
- Both UNEP and the Learning Initiative partners have supported the implementation of 'innovation plans'. These plans constitute proposals by participants on how to translate learning into practice in their respective locations. Two innovation plans have been supported for Sudan. One is specific to West Darfur and aims to further disseminate lessons from Kenya and Tanzania at the local level, with the purpose of informing state level policy. The other is a federal-level plan that aims to raise awareness about the importance of land use planning and securing tenure with community participation.

The next step is to take on board participants' recommendations to fundraise for additional exchange visits in the future. Such visits would target decision makers, the Native Administration, and key representatives among natural resource users including pastoralists and farmers. This would ensure that exchange visits would be embedded within an ongoing capacity building process, in a logical and step-wise manner that could inform policy through knowledge-building and facilitated dialogue.

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We've come from an area which is so restricted, it's good to be able to learn and exchange freely like this.

Sudanese participant

KEY LESSONS FOR DARFUR

Over the course of the two-week visit, participants from Darfur and Khartoum were encouraged to reflect on the lessons learned during each of the case study visits. Every two days along the journey, Sudanese participants and the co-facilitators from Sudan met to discuss the issues that were most relevant to Darfur and Sudan. On return

to Khartoum, a one-day workshop was held (on 29th September 2012) to organise and summarise the main lessons, which were articulated as either enabling factors or obstacles to good land management, as shown below. During this workshop, priorities for Darfur were also identified (see following section).

Table 5: Synopsis of lessons learned from the visit – participants' and host reflections

Enabling Factors	Obstacles
Legislations and policies in place that clarify the state of land and that recognise the community's central role in natural resource management (based on principles of co-management).	Still unclear on how the constitution and policies are to be applied in practice (Kenya)
Though tenure systems have been put in place in a top-down manner in both Kenya and Tanzania, there is now space for real community participation from the bottom up.	Poor local knowledge of the legal context
Clear, effective and respected natural resource management systems in place (formal or informal).	Expensive to implement Village Land Use Planning and competing priorities for local government spending, with VLUP still low on the priority list (Tanzania)
Communities know the boundaries of their resources and also the membership within those boundaries.	Meaningful political representation on behalf of communities still weak
There are clear and functional institutional structures in place with defined roles and responsibilities. These are recognised by government and by communities.	Women's participation still weak though growing
Communities have the authority to manage their own natural resources. There are strict community rules for resource use, which are enforced and respected, either through community action (e.g., taking cattle as fines) or through government enforcement (e.g., armed rangers or game scouts).	Poor services, extension and market opportunities provided by government and others (NGOs, donors, etc.), despite considerable returns from tourism
Community knowledge and capacity to manage and allocate land, and plan land use recognised; communities conduct land use planning on their own behalf.	Signs of changing lifestyles
Government engages with and/or recognises customary systems.	Little trust in government in some places
In Kenya a common factor has been found which provides a win-win situation for government and communities (wildlife).	
Community resource management systems continue to allow flexibility to accommodate variable and unpredictable climate (reciprocal arrangements between neighbors, negotiated access, etc.)	
There are strong national institutions in the different case studies that advocate for rangeland and pastoral issues.	

ARTICULATED PRIORITIES FOR DARFUR

The following priorities for Darfur were drafted during the one-day workshop in Khartoum. Discussions during the workshop were the culmination of a conversation that was maintained throughout the visit; these discussions were meant to help participants work towards defining a set of

shared priorities. These priorities draw on lessons learned during the visit and serve as a foundation for wider discussion, with the aim of developing a more detailed and consensus-based set of priorities and actions that would improve natural resource use, management and tenure in Darfur.

Identify and Build on Common Interests

- Identify the key elements that would encourage a win-win situation for government as well as communities in Darfur. In Kenya it is wildlife, which benefits communities and government alike. Similar elements of mutual interest need to be identified for Darfur.

Promote Rights to Resources

- Legal instruments are needed that recognise community land, which in turn empowers local natural resource users.
- Document customary law as well as governance institutions and systems and promote their recognition and inclusion in formal legislation.
- Approach land and resource rights as a 'bundle of rights.' Discussion should be encouraged at local and state level of what these might be and who is entitled to them.

Community Participation

- Communities are capable rangeland resource managers. There is a need to encourage and strengthen existing management and institutional mechanisms.
- Promote collaborative management of rangeland resources.
- Allow real decision-making power at the community level in terms of managing natural resources (e.g., grazing and water).

Land Use Planning

- Clearly identify and map land and its uses. This should be community driven, either formal or informal, and supported/recognised by government.

Institutions, Structures, and Mandates

- Delineate areas of control over resources.
- Put in place clearly structured and effective community management institutions that are informally and formally recognised. For example, the group ranch system includes formally recognised technical sub-committees, while the Borana in Garba Tulla have informally recognised water management institutions.
- Identify incentives that would improve enforcement; in Kenya this is mostly through coordinated efforts between government, the international community, and local communities. Also, customary rules exist and are enforced.

Development

- Pay attention to pastoral communities and their specific needs, and focus on their education and other services. This empowers communities, reduces grievances, builds resilience and decreases dependence.
- Identify diversification opportunities that build on peoples' existing adaptive mechanisms and their own priorities.

Following this workshop, and over the course of six months, seminars to share lessons from this exchange visit were held in each of Darfur's five states, and also at the federal level in Khartoum. Rich discussion followed the presentations on the learning route experience, and participants were then asked to define priorities. They were not provided with the set of priorities that were defined during the workshop on 29th September; this left space for seminar participants to articulate and discuss priorities within their own context.

Table 6. Post-exchange visit seminars

Location	State	Host Institution	Attendance	Date
Geneina	West Darfur	State Ministry of Animal Resources	85 persons	16.10.12
El Fasher	North Darfur	State Ministry of Urban Planning and Public Utilities	55 persons	18.10.12
El Daein	East Darfur	State Ministry of Animal Resources, Fisheries and Rangelands	80 persons	22.10.12
Zalingei	Central Darfur	State Legislative Council	42 persons	06.11.12
Nyala	South Darfur	State Ministry of Animal Resources	91 persons	06.12.12
Khartoum	Federal	Federal Ministry of Environment, Forests and Physical Development	23 persons	10.02.13
Khartoum	Federal	Federal Ministry of Animal Resources, Range and Forests	40 persons	17.03.13

Presented below are some key shared priorities as expressed by participants, following the exchange visit, and by participants in the seminars in Darfur and Khartoum. For a full list of the priorities that emerged from the Darfur and Khartoum seminars, see Annex 2.

Table 7 shows greatest consensus around the priorities of community-driven land use planning (supported and recognised by government), and documentation of customary law, governance institutions and systems in Sudan for the purpose of formal recognition and inclusion in statutory legislation. In Darfur, the Darfur Land Commission under the Darfur Regional Authority has already undertaken a comprehensive review of customary law and tenure to inform the way forward for Darfur. However, this work seems to be little known in Darfur. A practical next step would be to help disseminate the content of this review, to identify and fill gaps, and to facilitate dialogue to ensure and develop consensus around the core messages of the work. A review of existing experience with land use planning in Sudan, and lessons learned over the years, is also needed to identify the potential reasons why it has failed to gain traction.

For the time being, further analysis on trends in priorities is limited. Wider consultation and discussion on land is needed to emerge for robust analysis.

LR = Learning Route Participants;
 K = Khartoum; ND = North Darfur;
 ED = East Darfur; SD = South Darfur;
 WD = West Darfur; CD = Central Darfur

Table 7: Shared priorities for Darfur

Location							Number of Endorsements	Priority
L R	K	N D	E D	S D	W D	C D		
							7	Clearly identify and map land and its uses (land use planning). This should be community driven, either formal or informal, and supported/recognised by government.
							7	Document customary law as well as governance institutions and systems and promote their recognition and inclusion in formal legislation.
							4	Allow real decision-making power at the community level in terms of managing natural resources (e.g., grazing and water).
							4	Disseminate widely lessons emerging from the learning route

								4	Find ways of enforcing existing legislation
								4	Enabling policies and legislation which support peace (with mention of Kenya's new constitution)
								4	Need for special focus on rangelands as rangeland issues are inadequately addressed in Sudan
								3	Repeat this exchange visit for others
								3	Document Sudan's experience over the years with land and natural resource management and learn from this. Also learn from existing systems throughout the country – what works and what doesn't.
								3	Communities are capable rangeland resource managers. There is a need to encourage and strengthen existing management and institutional mechanisms.
								3	Identify incentives that would improve enforcement; in Kenya this is mostly through coordinated efforts between government, international community, and communities. Also customary rules exist and are enforced.
								3	Integrated view of natural resources needed together with integrated management.
								3	Coherent vision and strategy on natural resources and land
								3	Consider changing relationship to natural resources as well as ongoing, concurrent processes of change
								2	Put in place clearly structured and effective community management institutions that are informally and formally recognised. For example, the group ranch system includes formally recognised technical sub-committees, while the Borana in Garba Tulla have informally recognised water management institutions.
								2	Pay attention to pastoral communities and their specific needs, and focus on their education and other services. This empowers communities, reduces grievances, builds resilience and decreases dependence.
								2	Identify diversification opportunities building on peoples' existing adaptive mechanisms and their own priorities.
								2	Identify the key elements that would encourage a win-win situation for government as well as communities in Darfur. In Kenya, for example, wildlife benefits communities and government alike. Similar elements of mutual interest need to be identified for Darfur.
								2	Raise awareness of existing laws and legislations
								2	Raise awareness on key environment and natural resource issues
								2	Need for integration and coordination between the different sectoral departments in government
								2	Provide basic services along with other land interventions
								2	Need for equitable rules and policies
								2	Prioritise funding for land interventions
								2	Review policies and legislations with a view to better mainstreaming environment and natural resource concerns
								2	Strengthen environment and natural resource-related institutions
								2	Tenure which does not restrict mobile strategies
								2	Pay greater attention to wildlife issues

CONCLUDING REMARKS

This report does not set out to provide answers on land tenure for Darfur. Rather it tries to illustrate that learning from the experience of other countries, contexts and people who face similar challenges in similar ecological zones and socio-economic settings can broaden thinking on solutions to local problems, and can kick-start a process of dialogue and reflection that can evolve into real, consensus-based policy change and action.

The learning route described above enabled clear lessons to be learned on natural resource management and tenure arrangements that work for dryland contexts, which were identified collectively by a broad base of Darfuri stakeholders. Through this process, a draft set of priorities for Darfur has emerged. These

draft priorities – which emphasise inclusive dialogue, genuine community participation, strengthened institutions, policies and legislation, and land use planning – should be refined through further consultation and development.

The priority now is to continue the conversation on land in Darfur, and to include higher-level decision makers, the Native Administration, and local resource users (to include pastoralists and farmers) in future exchange visits. This will constitute a key aspect of the next four-year phase of UNEP Sudan programming on land and natural resources in Darfur, and will help take forward capacity building and policy development for land and natural resource management in Darfur's drylands.

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ANNEX I: LEARNING ROUTE PARTICIPANTS

#	Name	Institution	Position	Geographic Focus
Learning Route Visit, February 2012 (Sudanese participation supported by DFID through UNEP)				
1	Mohammed Zain Musa	Nomad Development Council	Researcher – Animal Resources Research Corporation	Khartoum-based institution with Darfur focus and mandate
2	Elshazali Abdalla Osman	Darfur Land Commission – Administration of Natural Resources and Land Use	Director of Natural Resources Administration and Coordinator of Natural Resources, Land Use Map and Database for Darfur States.	Khartoum-based institution with Darfur focus and mandate
Learning Route Visit, September 2012 (Sudanese participation supported by USAID, through AECOM)				
3	Mohamed Adam Ali Ayad	Pastoralist Union	Member	North Darfur State
4	Ahmed Ismail Ibrahim Salih	Ministry of Physical Planning and Public Utilities	Director of Land Department	North Darfur State
5	Mamoun Eisa-Abdelgadir Ahmed	Darfur Regional Authority; Ministry of Environment and Natural Resources Development	Secretary General	North Darfur State
5	Ali Yahya Mohammed	Ministry of Agriculture and Forests	Agricultural Engineer	South Darfur State
6	Ahmed Ishag Ahmed Idris	Ministry of Animal Resources	Range and Pasture Officer – Range and Pasture Department	South Darfur State
7	Mohamed Dahab Adam Khasham	Pastoralist Union	Head	Central Darfur State
8	Idris Hasan Ibrahim Jouma	Legislative Council	Council Member	Central Darfur State
9	Bashir Abdalla Mohamed Ahmed	Ministry of Animal Resources, Fisheries and Rangelands	Director General	East Darfur State

10	Abdalla Sineen Musa Madbbo	Ministry of Agriculture	Natural Resources Officer	East Darfur State
11	Nadia Ibrahim Ahmed Mohamed	Ministry of Agriculture	Head of Agricultural Planning and Information Department	West Darfur State
12	Mohamed Elamin Abdelkarim Dira	Ministry of Animal Resources	Director General	West Darfur State
13	Hanan Hamid Mohammed Nour	Ministry of Animal Resources, Fisheries and Range	Assistant Manager – Department of Pasture and Fodder	Federal – Khartoum
14	Abdelrahman Mohamed Alkhalifa	Ministry of Environment, Forestry and Physical Development	Head of Planning and Assessment Unit	Federal – Khartoum
15	Abuelgasim Adam	Senior Advisor	UNEP	Darfur
16	Magda Nassef	Project Manager	UNEP	Darfur
17	Abdelhafiz Mohamed	Programme Coordinator	Tufts University	Khartoum
18	Mohamed Siddiq	Programme Coordinator	Practical Action	North Darfur

ANNEX 2: PRIORITIES EMERGING FROM STATE SEMINARS

Priorities are presented in the way in which they were articulated during the seminars.

East Darfur:

- Revert to customary leadership to guide decision-making on land use.
- Revive customary leadership and institutions and revert to customary leadership to guide decision-making on land use.
- Promote participatory as well as evidence-based land use planning.
- Plan land use in ways that promote human development and livelihoods.
- Disseminate more widely the experiences from Kenya and Tanzania, at multiple administrative levels.
- Enforce existing laws related to the environment, e.g. the law on organising farming and grazing land.
- Conserve wildlife.
- Develop a coherent state-level investment plan.
- Improve agricultural productivity vertically rather than horizontally.
- Improve livestock breeds.
- Improve technical extension for livestock, for example to support model dairy and fodder farms.
- Formally register migratory routes.
- Open blocked migratory routes, for example the eastern corridor.
- Limit pastoral mobility and diversify livelihoods to reduce pressure on land.

Current challenges in East Darfur

- Unclear boundaries between existing hakuras, instigating conflict.
- Expansion of agriculture land at the expense of grazing land.
- Illegal felling of trees.
- Livestock numbers beyond the capacity of available grazing land.
- Statutory law not considering or building on customary law.
- Misuse of lands and lack of a scientific approach to land use.
- No representation for the protection of wildlife.
- Government not doing enough to ensure security and prohibit hunting and overgrazing.
- Legislation in support of investment, such as oil extraction, is a major challenge for pastoralists and farmers.
- Lack of water services along migratory corridors is a major challenge.

North Darfur:

- Register land to empower land users, organise land use and enable access to credit.
- Put in place enabling legislation to allow land registration.
- Promote participatory land use planning and establish a national land commission. Land use planning must not be led at federal level, though government should play a prominent role.

- Promote a holistic view of land. Agricultural land must be discussed alongside pastoral land and forest, since they are all connected.
- Consider trans-boundary issues when planning for land, particularly in relation to the international border given the trans-boundary nature of land use in Sudan.
- Find tenure arrangements that do not restrict mobility. For example, while the group ranch model could be of relevance for areas where cattle and small ruminant herders dominate, it will not be suitable for camel herders since it restricts mobility.
- Learn from experiences within Sudan. How have other communities in Sudan solved their natural resource and land issues?
- Learn from the experiences of institutions in Sudan. For example, SOS Sahel is present in Niger and Mali, as well as in Sudan, and can share a lot of experience.
- Reinstate customary institutions and give them a greater role, while ensuring coordinated action across the region.
- Disseminate more widely experiences from Kenya and Tanzania, for multiple audiences.
- Put in place sound and enabling policy and legislation that contribute towards peace. Without sound policy, Darfur will continue down the route of failed attempts at sound approaches (e.g., Jebel Marra project)
- Enforce existing laws.
- Promote the creation of organised institutions at the community level.
- Identify a common incentive for government and communities. In Kenya, it is wildlife. Darfur must find its own common incentive.
- Develop a unified vision and coherent strategy for natural resources. For example, the gold mining phenomenon in the state is attracting stovepipe interventions with no consideration for how this activity links with other activities in the state.

West Darfur:

- Document Darfur's traditions and customs to inform statutory laws on natural resources and land, keeping in mind the changes that have taken place in Darfur.
- Register customary land to empower landowners and allow access to credit.
- Promote integrated planning on land. Agricultural land must not be viewed in isolation from rangelands and forests and constructive dialogue should be promoted between different land user groups. A conference should be planned at state level to start this process.
- Promote participatory approaches to planning, but also ensure that communities are well informed so they can become effective contributors.
- Train communities on land use planning approaches. Training materials should accommodate and match between traditional norms and modern disciplines.
- Link customary and statutory systems.
- Put in place enabling legislation, for example within Sudan's Constitution.
- Effectively apply existing laws to stop the deterioration of the environment, for example the 1992 law to organise pastoralists and farmers.
- Raise awareness about existing laws as these are not widely known.
- Raise awareness about key natural resource issues among communities and why these are important. This is more effective than trying to enforce laws.
- Put in place a policy to organise mining activities (e.g., gold mining).
- Disseminate more widely the lessons learned from Kenya and Tanzania, particularly among Native Administration at all levels. Also ensure that this knowledge informs annual state planning processes.
- Promote further exchange visits.
- Identify, review, document and learn from experiences from within Sudan.
- Resolve issues of overlapping mandates and lack of coordination between institutions.
- Put in place an environment authority at the state and local levels.
- Promote integration between sectoral government departments, for example between FNC and the Range and Pasture Department. This is particularly needed in the migratory route committees, which meet to deal with issues along migratory routes.
- Put in place a radio-based climate early warning system.

Central Darfur:

- Develop a vision and strategy on land.
- Factor in future demand for natural resources when planning for current use.
- Ensure security, as without this no good practice can be implemented.
- Clearly delimit various land uses. This is especially important now that skills and social networks within livelihood groups are no longer as strong as they used to be, which leaves larger margin for error and conflict. For example in some areas skilled herders have been replaced by unskilled youths who are more likely to stray off course and into farmland causing problems.
- Clearly demarcate migratory corridors, with real commitment from government to do this.
- Provide services alongside land use planning, to reduce the push factors for migration linked to a lack of services.
- Revive the Native Administration and give it a more substantial role.
- Enforce existing rules and mechanisms. There are a lot of good laws in Sudan, only they are not enforced or implemented.
- Put in place equitable rules and policies and remove biases towards some groups over others, e.g. towards investors.
- Prioritise funds for activities related to land and natural resources.
- Revise policies and legislations to harmonise natural resource issues across them.
- Raise awareness of rules and legislations. This is as important as a need for good rules and legislations. Also raise awareness on key environmental issues, particularly at community level.
- Promote stronger engagement of women in the natural resource debate.
- Emphasise laws to protect wildlife, alongside laws for livestock and farming.
- Strengthen institutions to manage natural resources.
- Properly plan and coordinate water development that brings communities and authorities together. Poorly planned water development has an enormous impact on the environment.
- Put in place strong on-site management of water developments, for example through the Native Administration.
- Rebuild trust between government and communities.
- Meaningfully connect communities and government to achieve real development.
- Put in place peace committees that bring together pastoralists and farmers.
- Disseminate the lessons learned from Kenya and Tanzania more widely.
- Repeat this exchange visit for mixed groups of pastoralists and farmers, to encourage learning, dialogue and discussion.
- Address social as well as environmental change. Society is changing, relationships between people and communities are changing, and relationships to natural resources are also changing.

South Darfur:

- Implement land use mapping to clarify what is farmland, what is rangeland and what is forest.
- Take urgent action on rangeland issues, as these are currently not addressed at all.
- Provide services alongside appropriate land use planning to guard against migration caused by a lack of services.
- Enshrine natural resources and land issues in the constitution and in the country's laws, which should be established in a participatory manner.
- Introduce land and natural resource issues into peace negotiations. These issues have never featured.
- Promote tenure arrangements that accommodate mobility. Most of the examples cited from Kenya and Tanzania would hinder rather than promote mobility.
- Define priorities from the bottom up, and ensure that this process is fully integrated within the formal system.
- Promote greater consultation of the different livelihoods groups, particularly pastoral groups who are often under-represented.
- Promote community participation in planning for and managing their own resources.
- Ensure real political will and community participation. This is the reason that approaches worked in Kenya and Tanzania, because there was a vision and people actively worked towards it.
- Review and assess experiences from within Sudan. Sudan has a lot of good practice that needs to be collated, reviewed, and shared.

- Conduct further exchange visits to learn from others and to share experience.
- Promote strategic planning, effective implementation and equitable allocation of resources.
- Review and analyse existing laws and policies, and identify ways of implementing them more effectively.
- Take into consideration climate change, population increase and expansion of farmland when discussing land and natural resource issues.
- Prioritise funds for activities related to land and natural resources.
- Promote the diversification of livelihoods.

Khartoum:

- Properly address land issues within Sudan's constitution. The constitution will be a crucial framework for action, particularly if steps forward will be taken on addressing conflict over natural resources.
- Clarify and define the relationship between government, people, and land.
- Amend Sudan's land laws, including the investment law.
- Promote land use planning in Sudan while minimising the gap between the planner and the land user. Land use planning must also recognise all land users' rights to resources, and raise community awareness on laws and policies.
- Promote grassroots participation in defining the way forward on natural resources.
- Promote integrated discussion and planning of natural resources. Natural resources are needed equally across many sectors, and therefore planning and responsibility should be joint.
- Avoid land registration in rural areas since this would severely limit flexibility in livelihood strategies. Registration and monetisation of land also actively excludes the poor.
- Promote the formal registration of rangelands.
- Promote clear and strong laws, policies and rights on land and natural resources. Increased emphasis on land and natural resources also helps create demand within the job market, pushing students to choose this course of study in the knowledge that there will be demand for their skills.
- Put in place specific policies on rangelands, as these do not exist.
- Recognise customary tenure alongside formal tenure (land registration). Also pay attention to rural tenure regimes as well as urban.
- Equitably recognise different systems of natural resource use and management.
- Resolve issues of overlapping mandates on land and lack of coordination between institutions.
- Strengthen the Range and Pasture Department. Currently this department is weak, underfunded, and also vulnerable to continuous changes in institutional affiliation.
- Promote rules and regulations that are bottom up and therefore responsive to livelihoods needs. Kenya and Tanzania have demonstrated that this increases the probability that rules will be respected.
- Disseminate more widely the lessons learned from Kenya and Tanzania, particularly in fora where these lessons can influence decision making, for example in discussions on the constitution.
- Implement further exchange visits for government and for NGOS to promote learning and exchange of ideas.
- Review and assess experiences from within Sudan. Sudan has a lot of good practice, which needs to be collated, reviewed, and shared. This also allows identification of gaps. For example, a review of range management experience is needed.
- Include issues of investment, concessions and mining, particularly relating to petroleum, in discussions on natural resources and land. These issues are never discussed, while returns from investment do not benefit local resource users.

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