



Pastoral Institutions for managing natural resources and landscapes

There are many ways in which pastoralists have adapted to the uncertainty of their environment, but a key feature is their strong social organisation and customary institutions. In the drylands, low and unpredictable rainfall means that the only effective management system is an opportunistic one: to go where the resources are. This means spatial flexibility (being mobile) and temporal flexibility (having variable herd sizes and risk management strategies).

Pastoralists have developed elaborate and complex mechanisms and institutions that enable flexibility and opportunism. These institutions govern mobility, resource use and redistribution, and have enabled pastoralist societies to withstand extreme pressures of both their environment and their competitors. Customary institutions are integral to the social safety nets and shared claims over productive assets that characterise pastoralist systems and which are a cornerstone of pastoralist resilience and risk management. However, these institutions are increasingly under pressure from a multitude of forces and a number of policy changes are required to ensure their survival:

- **Engage and respect pastoral institutions** - state institutions must engage pro-actively with pastoral institutions and respect their role in decision making over resource use as well as their roles in other areas of pastoral life; and
- **Strengthen pastoral autonomy** - policy interventions should seek to strengthen the powers of customary pastoral institutions to have influence on all aspects of pastoral life, and their healthy functioning has impacts beyond resource management and conservation, but as a social construct necessary for the good governance of such lands.

Pastoral lands are rarely if ever un-managed and their use is governed by customary institutions. It is incumbent upon state and local governments to work with, and integrate these institutions as the basis for land management and resource tenure security. Stronger institutions will be more capable of resolving conflict, of maintaining social safety nets and of reducing pastoral vulnerability, all of which facilitate positive conservation outcomes in the drylands.

Pastoral customary institutions

Institutions are regulatory systems of formal laws, informal conventions and norms of behaviour. They facilitate social interaction by allowing individuals to cooperate and achieve common objectives for the common good. In pastoral societies, institutions are often not recognised by the modern state (Box 1), but are habitual ways through which society manages day-to-day affairs. Institutions are not mere traditions but are adaptive responses that have evolved over time, often based on kinship or social classes. Pastoralists have developed indigenous institutions that have customarily handled all aspects of their social, economic, cultural and political lives. These institutions are based on clan ties and social relations where the clan chiefs, like Ugaz in Somali, Kedo Aba in Afar and Abba Gada in Borana, play coordinating roles in resource management, conflict resolution or prevention, and political and administrative matters of pastoralists. These institutions are governed by indigenous norms and values that enable the smooth operation of the pastoral system in the drylands. The sustainability of pastoral systems is threatened by the loss of such institutions that support sustainable management.

The effective functioning of customary institutions, found in all pastoralist societies, relies on the ability of those with authority to impose sanctions on those who break the rules and institutions for enforcement of rules. Amongst the Afar of Ethiopia, Eritrea and Djibouti, the use of natural resources is carefully regulated by well established rules and norms, overseen by traditional chiefs or Makaban. Enforcement of rules and application of punishment is carried out by an institution called the *fiqma*. Amongst the Sukuma of Tanzania the *ngitili* system is a traditional institution for decision making and enforcement, supported by traditional militia called *sungusungu* or *wasalama*. For the Barabaig, it is the *getabaraku* that has authority over the users rights and will impose penal sanctions.

Box 1: The Misunderstanding of Pastoralist Institutions

Rangeland policies have, since the colonial era, been driven by the entirely inappropriate theory, "the Tragedy of the Commons". This theory explains the impact that resource users have on their environment when unconstrained by any management control, yet most rangelands are anything but un-managed.

Intricate management mechanisms and institutions are found in communally managed rangelands that enable pastoralists to manage them effectively whilst maintaining the economic efficiency of mobility and resource pooling. In terms of grazing management, informal rules ensure that herds avoid grazing areas that are already in use, maintain an appropriate distance from other herds, and avoid grazing areas recently vacated. Such practices are critical for the rest and recovery of pastures.

Institutions for sustainable natural resource management

There are many institutionalised practices of natural resource management in pastoral society, including setting aside pasture buffer zones, preserving water resources, protecting trees, and ensuring that pasture self-seeds before it is grazed. Strict sanctions are used to enforce compliance, for example to prevent indiscriminate felling of trees that play important roles in dryland livestock systems, such as providing shade and browse.

Resource allocation and conflict is controlled by a range of different institutions that may exist within a pastoralist community. For example, in the case of the Barabaig of Tanzania, the highest decision making body is that of the tribal assembly (*getabaraku*), which brings



together all adult members of the community, but conflicts arising from clan land and other natural resources may be resolved at clan level by the *hulandost*, and private property disputes are resolved through the 'neighbourhood council', or *girgwaged gisjeud*. *Getabaraku* has exclusive authority on matters of common property, but it is the *girgwaged gisjeud* that has authority for allocating land to newcomers and determining the proximity of one large herd to another to ensure that livestock numbers do not overwhelm the pasture.

Grazing management is tightly controlled by customary pastoral institutions, for example with the Borana (Box 2). In the Horn of Africa, Afar pastoralists own land at clan level and clan leaders are responsible for the management of natural resources. The level of ownership and control over land differs according to the nature of the resource, and in particular whether the land is for dry or wet season grazing. This system provides grazing zones around the home, with permanent water points, for use during the dry season, and wet season grazing grounds with temporary water points that support transhumance. It also enables grazing areas to be reserved for the dry season and for pasturing weak and sick animals.

Box 2: The Borana Case

The Gada system of the Borana is an all embracing institution with important ritual, political, resource management and judicial dimensions. The Gada subsumes all other indigenous Borana institutions, including those for resource management such as well councils (*Kora Ella*) and grazing councils (*Kora dheda*), and provides the authority and legitimacy that enables them to operate effectively. The system encourages consensus based decision-making and peaceful co-existence in the community.

Pastoral institutions provide community support and there is often an overlap between institutions for social support and those for resource management. Reciprocity and negotiation is used in conservation, regulation and allocation of resources, and is the backbone of interdependence and collective action in pastoral societies. Institutions of reciprocity and social support are of tremendous importance in making the pastoralist production system effective. These institutions, such as ewoloto (Maasai), iribu (Afar), Qaaran (Somalia), or Bussa Gonefa (Borana), are crucial for diversifying risk, for example by ensuring that one herder has a claim to stock managed by other herders who are grazing in a different location.



Relationships between customary and State institutions

Almost without exception, customary institutions have been undermined by the emergence of the state, which often sees them as a threat or in need of 'modernisation'. Modern institutions compete with customary institutions over natural resource management, conflict management, justice and in other areas, as Tanzania demonstrates (Box 3). In many countries, a concerted effort has been made to weaken or eliminate the role of these institutions.

Customary institutions have been weakened inadvertently in some cases and deliberately in others. In Eritrea, the colonial powers considered the egalitarian nature of pastoral societies, particularly the Saho, to be chaotic and enforced the nomination of chiefs, which undermined customary practices.

Box 3: State-Pastoralist relationships in Tanzania

It is increasingly common to find customary institutions operating alongside systems of modern government. In Tanzania, pastoralists like other rural communities are organized around an administrative entity called a village, governed by a village council. Village councils are elected from among village members by general assembly with executive decision making powers on all matters in the village. In pastoral villages the role of pastoral institutions is increasingly being influenced by state institutions, with the latter making decisions according to official government policies on the management of natural resources. This practice adversely affects pastoralists' practices for natural resource management.

Elite capture and absenteeism are important phenomena in pastoral society, for example the emergence of new 'elites', or educated and politically connected individuals and groups that are often no longer part of the pastoral production system, but are of the same ethno-linguistic group. These individuals sometimes fill local government and civil society positions, and have significant power over pastoral communities. This can be a force for good or bad depending on the relationship between the individual and the rural community, and depending on whether the individual considers pastoralism to be worthwhile or not. These actors can have a significant indirect impact on pastoralism as well as more direct impacts, both positive and negative. For example, pastoralists can benefit from the linkages to urban areas created by this group and to the wider political economy, but when urban 'pastoralists' operate as absentee herd owners, they are often above the rules and regulations laid down by customary authorities and create new environmental pressures and degradation.

State appropriation of resources challenges the traditional institutions and knowledge systems that manage mobility, by establishing cultivation and settlements that block mobility routes or cause conflict between herders and cultivators. By appropriating pastoral resources and limiting the role of local-level pastoral institutions, state ownership has often fostered land use conflicts and the breakdown of collective action within and across pastoral groups. New concepts of individual and even group land title also risks undermining pastoral institutions. Grazing land is controlled by community groups but the limit of one community's territory is not clearly defined and is subject to change over time. Members of one group often have the right to graze the pasture of another group, subject to agreement, and new systems of land title risk undermining these negotiating abilities that are so instrumental to the management of uncertainty.

Changing Times: building on pastoral institutions

The role of customary institutions is being recognised under different contexts, for example their role in conservation, in conflict management, and in property rights. State governments may have been traditionally wary of these community structures, but with on-going process of decentralisation there is a growing space for these institutions to collaborate with government and achieve mutually supportive aims. There are risks, in that government can take simplistic views of these complex institutions and distort them by only working with a select few, but there are also opportunities to bring government to the people through such partnerships. There may also be room to enhance customary institutions through these partnerships, for example bringing in awareness and understanding of women's voice and empowerment.



Advances in service delivery in pastoralist areas is slowly enhancing human capital, both health and education, and is increasing exposure to new ways of working and decision making. This is enabling pastoralists to engage more pro-actively with government institutions within the framework of their own customary institutions, and enables them to build on their indigenous knowledge. The role of educated 'pastoral elites' can be important for strengthening these partnerships and enabling customary institutions to come to terms with new government institutions.

Some governments are gradually accepting the importance of pastoralism, and policies are less frequently designed for its elimination. Many countries have policies that are supportive of pastoralism, and some countries have land acts with provision for customary ownership and management. Range management acts and wildlife policies are evolving in the recognition that conservation is most effective when it is achieved in partnership with the resource users rather than at their expense.

Constraints to institutions

Institutions are dynamic entities, not static structures, and they are constantly changing. Emergencies can be particularly disruptive to customary institutions, particularly when emergencies become common place and sustained. For example, in Afar wild animals are protected under the Medaa rules and anybody who kills wild animals should be fined. Yet in recent years wild animals have increasingly been shot for food, particularly during droughts and other periods of food shortage. Box 4 highlights a similar situation for the Maasai.

Box 4: Breakdowns of customary rules in Tanzania

Amongst the Maasai the killing of game is considered almost blasphemous, yet it is increasingly carried out, particularly by those who are under economic stress. Similarly, Maasai trade in wild products, such as honey, timber and grass for thatching and fodder is increasing, and previously sacred objects, such as ostrich feathers and Ficus plants, are now often traded. Such a development is not necessarily a bad thing and diversification of the pastoral economy will help pastoralists to strengthen their livelihoods, but new controls have to be developed in order to limit the exploitation of natural resources in the face of burgeoning demand.

Poverty and population dynamics are significant threats to customary institutions, which struggle to enforce natural resource management restrictions in the face of need. For example, restrictions on the felling of trees are weakening in the face of growing demands for alternative incomes and the opportunity that charcoal production presents. It is questionable as to whether pastoralists will be able to adapt their institutions to deal with such threats unless external support is provided, since many of the solutions are external to the pastoral society and economy.

Loss of autonomy is a key problem for pastoralists who are adapting to new institutions that have taken decision making power away from their customary institutions. Such new institutions can offer opportunities for educated people to exploit their advantage, and, in particular, educated people who also understand the way pastoralist institutions function but often have a weaker understanding of how pastoral systems function. Pastoralist communities as a whole need to have more control over the changes that are being forced on their institutions so that they have more choice over which changes are made and the impact that they have.

Privatisation of property rights divests customary institutions of decision making powers, and individualisation of property undermines the cornerstone of these institutions. In countries such as Tanzania, pastoralists themselves assert their private property rights in an effort to protect themselves from encroachment or expropriation, and the consequences have been lost mobility, reduced productivity and environmental degradation. Elsewhere, as in Sudan, non-pastoralists register title to pastoral lands that are untitled and therefore considered to be vacant.

Violent conflict is a phenomenon that is particularly associated with pastoralism in Eastern Africa, and with particular pastoral groups. As institutions for negotiating settlement and resource use are eroded, their capacity to avert and manage conflict has also diminished. Increased conflict in some pastoral areas further undermines customary institutions and reduces livestock mobility and access to certain critical resources, leading to undergrazing and biodiversity loss. Increased conflict, within and between communities, is exacerbated by the failure of the state to provide security and by the wide-spread availability of guns.

Conclusions

The application of the theory of the "Tragedy of the Commons" in a context for which it was not intended has turned it into a self-fulfilling prophecy. The assumption that resources are not managed has led policies to be adopted that have destroyed the mechanisms for their management, and rangelands have become more of a free-for-all in the resulting power-vacuum.

Pastoralist management strategies rely on a deep understanding of the rangeland environment, a rich knowledge of dryland ecosystems and the institutional arrangements to enable pastoralists to use this knowledge effectively. The extreme uncertainty of such environments still defies modern science to pre-empt the climate and manage the drylands differently. The only viable solution is to enable opportunism through mobile pastoralism, and this is dependent on effective customary institutions, not external "quick fixes".

These customary institutions are dynamic and have withstood the test of time, yet they are increasingly under threat. Many efforts have been made in recent years to dismantle customary governance systems, leading to the loss of resilience and environmental management as well as weakening of the capacity to manage conflict. The outcomes include weakening of authority over resource use, loss of resilience to shocks and changes, and insecure no-go areas where under-grazing leads to rangeland deterioration.

Governments are beginning to recognise the important roles that pastoralist customary institutions must play if drylands are to be conserved. Efforts are being made to reverse the trend of weakening customary institutions, though there is still much to do. Trying to undo the changes of past years would be inconsistent with the dynamic nature of customary institutions, but recognising and enhancing the role they play is essential for sustainable rangelands management.