

# Commission on Nomadic Peoples

“Introduction”

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# Introduction

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## The crisis of pastoral land rights

Drought, famine, environmental degradation and declining productivity have become common measures for the plight of the drylands of Eastern Africa. While pastoralists are the most frequent victims of this downward spiral, they are neither the agents of this change nor the masters of their fate. Increasing evidence points to continental-wide decline in rainfall and changes in range use initiated by the state, rather than the continuation of extensive herding systems, as the major underlying causes of crisis. Development interventions and unplanned economic diversification often exacerbate rather than ameliorate environmental and economic conditions in the arid and semi-arid lands.

The correlates of arid and semi-arid conditions — relatively low population densities, periodic and temporary use of resources, high residential mobility — underpin the tenuous nature of pastoral rights in dryland resources. So it is no surprise that, faced with an increasingly unpredictable and unstable natural and political environment, most dryland inhabitants are now seeking greater security of access to resources and in rights to land (Hjort af Ornäs 1992). But, paradoxically, land reform and innovations in land tenure, though they in part respond to local political pressure, often diminish rather than secure the land rights of indigenous inhabitants. At worst, seeking security pastoralists harvest dispossession.

This special issue of *Nomadic Peo-*

*ples* presents case studies from Eastern Africa that illustrate the effects of changing systems of rangeland tenure and the outcomes of current conflict over range rights and resource use. The papers consider the effects of recent changes in policy regarding dryland property and resources on the security of indigenous inhabitants. The issue of "security" has several facets: "food security" bears on agrarian productivity and rural economy; "land security" bears on rights in resources; "environmental security" bears on resource management; and "political security" bears on conflict, violence and civil order. Covering many significant rangeland areas of Eastern Africa, this issue includes two case studies on Ethiopia, one on the Sudan, two on Kenya, two on Uganda and three on Tanzania. Unifying the papers are several aims shared by the authors, to assess the effects of recent changes in resource ownership and control in the arid lands, and to document and analyze the phenomenon of dispossession that is increasingly experienced by pastoralists in the region.

Most of the contributors are anthropologists, but also represented are specialists in rural sociology, political science and development studies; as the papers show, all contributors have had extensive field research experience in Eastern Africa and share concern with the political and legal questions of land tenure and dryland resource management in pastoral and agro-pastoral communities. In compiling an integrated volume on the

problem of pastoral property and land tenure, we aim to stimulate reflection on and reconsideration of issues relevant to land policy in Eastern Africa. Thus, it is appropriate that, in addition to academic researchers, we have included — here and in the meetings at which papers were originally presented — contributors who currently serve in policy-making positions in government and international bodies, or who are involved in community organizations, grassroots institutions or Non-Governmental-Organizations (NGOs). A more experienced group of researchers could not have been assembled to address the issues at hand.

The case studies illustrate and analyze the complex interplay between three pertinent phenomena: firstly, changing forms of land tenure (often from systems of common property to individualized tenure), secondly, the process of sedentarization and dispossession of indigenous herders, and, thirdly, decline in the quality of the rangeland environment. We focus on cases in which transformations in common property, transgressions of indigenous cultural rights, and threats to the arid and semi-arid land environment coincide, a relatively recent but potentially catastrophic turn of events in the region.

This special issue focuses on Eastern Africa, which has a significant proportion of Africa's drylands and livestock<sup>1</sup>. Nonetheless, our observations may well be applicable to other areas of the continent that share similar political and ecological conditions, namely the West African Sahara and Sahel, North Africa, and parts of Southern Africa. Moreover, the case studies and our reflections on agrarian land tenure may prove relevant for regions outside of Africa, given current rethinking of land policy elsewhere in the world.

## Dryland policy: debates and concerns

In this Introduction, we will consider four major topics relevant to the development of policy for the arid and semi-arid lands of Africa<sup>2</sup>:

- What changes in rangeland tenure policy and law have occurred in countries of Eastern Africa, and what motivates and rationalizes these changes?
- How have tenure changes affected the social fabric of local communities and their customary systems of land holding and patterns of land use?
- How have changes in systems of tenure and land-holding influenced levels of labour or land productivity in local agrarian economies and associated forms of dryland resource use?
- What are the implications of the findings presented in the case studies on changes in land holding and resource control for the evolution of national and international policy regarding land tenure and rangeland property?

## Changes in rangeland tenure policy and law

Our following discussion of recent changes in tenure policy considers several issues: actual changes in tenure law and in the actual implementation of rights over resources in the region; justification of and explanations for policy changes put forward by the agencies involved; the motivations that lie behind changes in agrarian property, which pertain to individuals and groups that

have both benefitted and lost as a result of these changes; the variety of outcomes that have resulted from tenure changes; and the range of national debates or conflicts that have emerged in response to these changes.

Beginning in the colonial period and accelerating in the wake of decolonization, land under cultivation became subject to two currents of tenurial evolution, associated with socialist (i.e. Tanzania and Ethiopia) or free-market policies (i.e. Kenya): firstly, towards village holdings, combined with the amalgamation of households into centralized residential villages, separated from fields; and, secondly, towards individualized or family holdings, often created through consolidation of fragmented or scattered plots. Although the drylands proved difficult to bring under either sort of transformation in land tenure, experiments in villagization (with radical title reserved by the state) and privatization (usually under freehold title) were attempted in pastoralist regions, often with dismal, sometimes with catastrophic results. Pastoralists have made rangelands habitable through developing practices and institutions appropriate to dryland ecology: extensive and rapid herd movements, shared water rights, community coordination of seasonal movements, shared access to grazing, use of communal areas for group celebrations, etc. (Sperling and Galaty 1990). The aim of 'normalizing' mobile communities through establishing fixed abodes ignored the very reasons why the arid lands are characterized by low population densities, flexible and opportunistic strategies of resource use, and high degrees of residential mobility (Behnke & Scoones 1993).

At the same time that arid land communities were either being villagized or privatized, governments across the

political spectrum appropriated rangeland as a precursor to a range of initiatives, most of which ignored local populations, many involving the importation of employees or settlers from outside the area. These initiatives included the creation of game parks and national reserves, state farms and ranches, commercial or cooperative ranches and plantations, often under irrigation. Where the state seriously undertook to create 'modern' agrarian enterprises in the arid lands, the results were invariably to appropriate the most favourable land and to channel funds for development away from local inhabitants.

In Ethiopia and Tanzania, pastoral villages were created, on the model of peasant associations, and in Kenya and Uganda, individualized farms and ranches were fashioned out of common rangeland holdings. In the former countries, state-owned ranching enterprises were also formed, theoretically intended to combine modern infrastructure with modern management practices, applied to the husbandry of imported breeds of livestock. In the Sudan, Ethiopia, Tanzania and Kenya, prized wetlands or highlands found amidst marginal grasslands were allocated to state or privately-owned commercial ranches or plantations and put under intensive cultivation or irrigation. In every case, the welfare of local pastoral populations was considered secondary to the requirements of national projects, most of which failed in their own terms (Goldschmidt 1981).

With the abandonment of the socialist model in the late 1980s, international lending bodies imposed conditions under "structural adjustment" programs for receiving aid in the form of grants or loans. Among these conditions were stipulations that many state-owned enterprises and land be privatized, though

land set aside for wildlife reserves or forest management will likely remain under state control. And, ironically, intense pressure for rural privatization has occurred just as renewed interest has been raised in systems of common resource management (Ostrom 1990; Peters 1994).

Thus, current debates surrounding rangeland tenure concerns the economic, environmental and social implications of three forms of property, usually subject to different types of management: private property under individual management; state property under bureaucratic management; and common property under community management. Each model of agrarian property involves its own form of political justification and management rationale. But lest our presentations here seem to render a very messy reality in the guise of an overly orderly and rational set of debates, we should emphasize that the disposition of landed property in the African range areas today resembles a brawl more than an argument. In Tanzania, the image of the American frontier is often evoked to describe the lawlessness of land claims, the sense of momentary opportunity ("land for the taking"), and the conflict between two forces, conceived as the "civilized" and the "primitive", and at the same time the civilized as the "ruthless" and the primitive as "the innocent".

Remarkably, there is little to distinguish the explanations put forward by governments guided by liberal versus socialist philosophy to justify the appropriation of land by the state: the general aim of serving the wider needs of a nation (to enhance economic growth, to preserve, or exploit, national resources, etc.) rather than the particular needs of a community; the unique role played by government in developing the state by stimulating "modern" forms of eco-

economic management; and the responsibility of government to ensure that critical resources are managed properly and that agrarian production is sufficient for national needs.

Doubtless, government had a central role to play in any country, most importantly in establishing the parameters for resource allocation and conservation. However, in recent experience in Eastern Africa, there is little to suggest that state-owned agrarian enterprises have been successful, either in achieving competitive levels of production or in providing models for peasants or pastoralists to follow. To the contrary, state ranches in both Ethiopia and Tanzania have monopolized scarce capital and expertise while producing at levels below their counterparts in the so-called "traditional" sector. Despite accusations by government, from the colonial period to the present, that pastoralists pursue non-economic strategies, the traditional livestock sector, beyond feeding itself, supplies the vast majority of animal products to burgeoning national markets and a growing export industry, throughout the region.

Critique of customary husbandry practices also emanates from advocates of privatization, who argue that only when ownership is individualized will competitive economic strategies be developed by the small-holders of the region. Furthermore, the argument is extended to the management of resources through the "tragedy of the commons" theory, which suggests that appropriate conservation of resources will be practised only when individuals can capture future benefits from present-day restraint: this condition theoretically only occurs when scarce resources are held privately rather than in common, since allegedly one cannot ensure that collective resources will be conserved, or that one can benefit from them in the

future (Ndagala \*).<sup>3</sup> However, the applicability of the tragedy of the commons argument to rangeland management has been subjected to considerable critique, both because pastoral communities do carry out coordinated forms of rangeland management and conservation, and because it is not clear that heavy exploitation of grazing at one moment will result in long-term degradation, given the resilience of grasses and the preponderant influence of climate on pasture quality (Behnke & Scoones 1993; Scoones 1994, 1995; Ellis 1995).

More to the point than economic and ecological arguments for particular tenurial forms is the pervasive importance of political factors in buttressing the case for rural privatization and in determining who will benefit from it. Although privatization is often advocated on the grounds that it will give security of title to the actual occupants of land and users of its resources, in fact enclosure more often represents an often uncontrollable and volatile moment which sees local inhabitants dispossessed rather than entitled. The realities of privatization drift far from its rationale, as the rich, the outsider, the civil servant, the politician, the merchant, the expatriate, devise incontrovertible reasons why they should be recipients of land titles and their interests protected, while the poor, the local, the peasant, the pastoralist, the commoner, find arguments supporting their customary rights dismissed, as their interests shrink or even disappear.

In a national climate of enclosure, pastoralists — whose influence, power and skill remains irremediably local — invariably prove to be the losers. However, when Ugandan ranches are given to politicians and members of the urban élite, as described here by Bazaara, or when farms in Tanzanian Maasailand are allocated to non-Maasai civil ser-

vants or to Maasai power brokers, enumerated here by Kuney, the losers are not only local pastoralists and agropastoralists but society as a whole. If enclosure is not coupled with effective strategies enhancing primary agrarian production or with increased investment of capital, then no larger benefit is realized. In far too many cases, privatization transfers land to absentee landlords, who, as described for Uganda (Baazara \*), then lease land back to its former users, or to speculators, as in Kenya (Galaty \*), who await rising land prices or use land titles as collateral for loans. Contrary to predictions from theory, then, privatization often results in decline rather than increase in agrarian production, given that it moves land into wider cycles of exchange and out of the hands of primary producers.

### The effects of tenure changes on local systems of land ownership and patterns of land holding

Most formal changes in agrarian tenure have involved nationalizing or privatizing community holdings, or privatizing state holdings. In this section we discuss the actual on-the-ground shifts in patterns of land holding and land use that have resulted from legal change. Tenure change has often been associated with transformations in local economic organization, through the formation of socialist villages, state-run enterprises, corporate enterprises, or small to medium sized private farms. But rather than focus solely on forms of legal and organizational change, we explore the social and economic implications of these changes. In some cases, certain ethnic or occupational groups displace others, i.e. peasants displacing pastoralists, large-scale plantations, ranches or farms dis-

placing small-holders, favoured ethnic groups displacing less favoured groups, etc. Formal changes may result in increasing inequality, poverty or dispossession; how do affected communities respond to these events? These changes, and responses to them, are invariably influenced by the state, whether engendering, passively observing or opposing the dramas played out through local transformations.

Pastoral productivity and the cultural viability of pastoral communities has been undermined by the alienation of range resources, through the imposition of freehold title, the development of ranching enterprises, in the encroachment of both subsistence and commercial agriculture, as well as in the creation of wildlife reserves. Further, collective resource allocation is being eroded or replaced by state regulation or individual prerogatives. And increasingly pastoralists are being pressured into more marginal lands, which end up being steadily and progressively degraded. And at the same time social disintegration and inequality is fostered, exacerbating social differences between the genders, ages and generations and classes.

The diversification of land use in drier regions is not negative per se, and indeed pastoralists are everywhere expanding their repertoire of productive activities. But all too frequently the alienation of grazing land is carried out preemptively by interlopers, despite customary land rights held by local inhabitants. The latter, having lost their most desirable locales and sequestered on smaller portions of less productive land, are then subjected to accusations of mismanagement of resources. Yet, notwithstanding theoretical arguments about the difficulties inherent in managing common property, rarely do individuals or the state, operating unilater-

ally outside the orbit of community collaboration and sanction, prove successful in achieving the sort of coordinated monitoring and productive use of range resources as do native inhabitants. And all too often, mining of arid and semi-arid lands for marginal agricultural returns or the exploitation of scarce water sources for intensive irrigation created and administered by outsiders is achieved at the expense of local productive activities.

However, the question of how dry-land resources will be used, and whether extensive pastoralism, more intensive animal husbandry, rainfed cultivation, irrigation agriculture and wildlife conservation and tourism will prove compatible, is distinct from the question of who gains or retains rights over land and which communities benefit from diversified activities. As the case of the Afar of Ethiopia described here by Ayele (\*) demonstrates, pastoralists are too often the last to benefit from investments in their regions, and those who do benefit are often a narrow élite. Thus the moment of enclosure and reallocation of land resources often entails a rupture in conditions of social equality; some benefit not due to their own productive effort or to customary entitlement but because fortuitously they have access to outside influence or power. Furthermore, at the particular historical moment of enclosure and/or privatization when community resources are irrevocably partitioned and distributed (often unequally), differences defined by principles of kinship, age, gender, class or ethnicity often widen, causing unsurmountable social cleavages. This is proving the case in relations between the Maasai and Arusha of Tanzania, described here by Kuney (\*), between members of different age-sets among Kenyan Maasai, described by Galaty (\*),

and between Hadendowa lineages, described by Salih (\*).

In extreme cases, pastoral regions are experiencing severe conflict and even warfare. This is especially the case where there has been a proliferation of firearms, which upsets whatever balance of force previously existed. Ocan (\*) describes how the release of automatic weapons into Karamoja at the fall of Amin in Uganda, as well as the proximity of the region to the civil war in Southern Sudan, resulted in an increase in cattle raiding, with deadly results under conditions of famine. The arming of some Southern Ethiopian groups at the fall of Mengistu had a similar effect, injecting fatal asymmetries into the balance of force between pastoral groups, both in Ethiopia and across the border into northern Kenya.

Pastoral communities have been both victims and perpetrators of spinoff conflicts resulting from wars in Somalia, Ethiopia and the Sudan. However, in numerous instances, it has been precisely the dynamic process described above, of conflict over land and local loss of control over resources, up to the point of dispossession, which has in part engendered some of the more severe outbreaks of violence in Eastern Africa. Little has been mentioned of land conflicts underlying the Rwandan civil war, or the role of state land appropriations in alienating local populations prior to the outbreak of civil strife in Eritrea, Tigrea, Afar or Somalia, and to more modest degree in the Rift Valley of Kenya. In addition to questions of justice and development, pastoral land policy engages the most fundamental issues of national unity and civil order in Eastern Africa.

The effects of tenure changes on productivity and resource use  
What transformations in resource use

(ie. from extensive herding to dryland or irrigation farming, or from pastoralism to ranching) have resulted from changes in systems of ownership and land-holding, and what form of compatibility or conflict exists between them? Have new forms of resource utilization resulted in the higher levels of efficiency sometimes predicted (measured, for instance, in terms of output or the productivity of labour or land), which would then lead to greater social benefit? And are there environmental costs, in land degradation, loss of tree cover, water pollution, diminishing soil fertility or biodiversity, to changes in tenure and resource use? These highly complex issues can only be addressed here<sup>4</sup> in terms of the conflicts which arise between different forms of land use: pastoralism, ranching, cultivation and game conservation.

#### *Commercial ranching versus pastoralism.*

Ranching is aimed at meat production for market while pastoralism is primarily, but not exclusively, aimed at milk production for home consumption. While pastoralism is an essentially labour intensive process<sup>5</sup>, which uses home labour to produce sustenance for a domestic community, ranching essentially involves decreasing labour needs by introducing a more extensive and less personal form of husbandry through using such capital inputs as fencing, motor transport, and preventive medicine, and practising less mobile strategies of herding. Since pastoralism exceeds ranching in its involvement and support of a larger community, a shift to ranching invariably leads to a smaller rural population. Thus, ranching is often associated with the eviction of people from their land, as benefits accrue to fewer herdowners. That said, most small-holding pastoralists now practice combined subsistence-



commercial strategies, actively supplying markets for livestock and meat without shifting their productive strategies towards the ranching model (which, in any case, given scarcity of rural credit, would prove difficult). Both state and privately-owned commercial ranches have proven less productive than evolved small-holder pastoralism, the more so when increased capital costs are taken into account (Behnke and Lane 1993).

*Agriculture versus pastoralism.*

Because of demographic pressure, discussed here by Fratkin (\*), many pastoralists have started cultivating, while peasant cultivators have come to occupy certain pastoral areas. Theoretically, agricultural and pastoral schemes could be designed such that they would complement one another and would enhance regional food security. However, where irrigation schemes have been created, the benefits have invariably gone to commercial farmers or the State and not to pastoralists. Ideally, coordinated land use policies could be developed for arid and semi-arid regions which would efficiently optimize seasonal resource allocation among productive sectors, benefitting the community as a whole, but since agrarian innovations are often associated with different communities, diversification is too often associated with ethnic competition and strife. In this regard, pastoralist resistance has increased, not as a rearguard rejection of economic change but as part of a larger struggle to retain rights over resources and the viability of local communities.

*Game Parks and Reserves versus pastoralism.*

The uniquely rich wildlife resources of Eastern Africa largely coincide with regions occupied by pastoralist communities, since both rely on grasslands.

Moreover, in historical context, pastoralism has sustained the preservation of wildlife in a type of symbiosis, as both domestic and wild grazers have nourished the pastures used by both. In contrast, agriculture has proven inimical to the perpetuation of wildlife communities. But, given the Western philosophy of wildlife preservation adopted in Africa, vast wildlife parks and reserves from which local inhabitants and their livestock are excluded have been carved out of pastoral areas thus bringing wildlife and human interests into conflict. At the same time, wildlife is protected as it utilizes grazing areas outside parks in proximity to livestock, although wildlife predators threaten domestic stock and humans alike, and certain ungulates transmit diseases to livestock. It is vital, then, that wildlife management strategies be developed which bestow on local communities rights to wildlife resources, making them partners in conservation and co-beneficiaries in maintaining wildlife populations and giving them a role in administering the industries that surround wildlife management and exploitation, most importantly through tourism (IIED 1994).

*Policy implications and pastoralists' responses*

Throughout Eastern Africa, fully occupied and utilized rangeland areas are considered 'frontier' zones, open to appropriation by outside settlers or the state. In several countries of the region, namely Ethiopia, Sudan and Tanzania, the state holds title to rural lands, so when customary rights are superseded can allocate land at will; for example, Tanzania has recently passed legislation abolishing certain customary land rights of villagers (Lane \*). Contributors concur that rangelands should

not be considered as 'frontiers', subject to appropriation by outsiders, but as well-defined and demarcated territorial units which are effectively utilized by local communities. Local communities should retain control over their land and those who wish to seek access to resources should be required to negotiate locally rather than appeal directly to the state or to regional power brokers. The notions underlying the frontier idea, that rangelands are unoccupied and their resources either over- or under-utilized are false, and reflect the self-interested justifications of those who would benefit from defining away legitimate rights of occupancy and resource control for pastoralist communities.

We question here assumptions often made about how changes in rangeland property will influence the nature of production. For instance, privatized tenure has been proposed as a means of advancing agricultural or livestock development, but is privatization necessary to attain higher levels of range productivity? Large-scale land holdings, found under traditional systems of community resource management, were adaptations providing for wide-ranging pastoral mobility, which allows for efficient use of dispersed resources and discourages local degradation. Can large-scale holdings be reconciled with managing resources locally? A global trend towards individuation and privatization is undoubtedly inappropriate for the African rangelands. However, if under certain conditions privatized holdings are either appropriate or inevitable, how can certain forms of community or common property continue to be used and in what ways should individual control over resources be limited or restricted to reconcile individual and community interests in allocating and managing range resources? Dis-

possessed communities are often cultural minorities, with internationally-recognized customary or 'indigenous' land rights; the policy implications of this reality have yet to be defined or implemented in Africa.

The papers presented here criticize both state centralization of control over land (whether to retain or allocate it) and the pursuit of comprehensive privatization. If we turn from analysis to advocacy, we can recommend that certain steps be taken. State control, so often abused, should be reexamined, as should the desirability of privatization of the African rangelands. The role of the state should be to implement and enforce changes in currently impractical or destructive land laws and policies, some of which result in lower productivity and undemocratic and inequitable processes of resource allocation and decision-making. Further, the possibilities of utilizing local institutional mechanisms for resource management and control, within the wider national legal and administrative framework, should be considered. In this way, mechanisms to empower communities to control their own resources can be developed and where such mechanisms have been suppressed by colonial and post-colonial administration, they should be refashioned.<sup>6</sup>

Governments have found it virtually impossible to provide land tenure security for pastoralists. Despite centralized control of the legal and administrative channels for land adjudication, actual power over the allocation process is often ceded to localities, providing opportunity for 'land grabbing' and corruption. Unless a dramatic turn occurs in national land policies in the region, pastoralists will find it increasingly difficult to secure access to and control use of their own resources. Pastoralists must come to terms with

new administrative and legal frameworks, such as privatization of group ranches in Kenya (Galaty \*), the issuing of village titles and the leasing of land in Tanzania (Ndagala \*; Lane \*), the establishment of autonomous regional governments in Ethiopia (Gadamu \*), or the assertion of state ownership of pastoral lands in Sudan (Salih \*). It may be unrealistic to expect individuals or groups from otherwise politically marginal communities to be able to negotiate access to resources controlled by the state or through individual title. Local peoples may only be able to secure communal access to land if they become formally organised, and on that basis negotiate the means by which effective customary practices based on ecological principles can overlay the new tenurial frameworks that are emerging (Lane & Moorehead 1994).

We see a trend emerging, that pastoralists increasingly recognize the need to enter the political arena, to become more engaged with government and to participate more fully in processes that influence policy and practice on matters related to land. In Eastern Africa, this recognition has led to the registration of non-governmental organizations (NGOs) by indigenous pastoral groups, at least ten having been formed in Tanzania alone. Each differs from the others, with some representing cultural groupings, others being location-specific, some personality-driven, and yet others issue-oriented; but all aim to better represent the interests of their constituencies, and put security of land high on their agenda.

One type of NGO, the pastoral indigenous non-government organizations, has been created with the aim of helping to organize people at the grassroots level, to represent pastoralist interests to policy makers, to provide an effective challenge to inappropriate

administrative provisions and laws, to raise community awareness, to carry out advocacy and to undertake legal action on their own behalf. Some organizations in Tanzania, like the Korongoro Integrated People's Orientation to Conservation (KIPOC) in Loliondo, have made good use of publicity here, in having alien land titles revoked in Ngorongoro district. Where there is thought to be an infringement of land rights, and the possibility for negotiation between protagonists has been exhausted, some organisations have become confrontational and conducted international campaigns in support of litigation, sometimes brought against the state. However, as the recent case brought by Barabaig pastoralists against a Tanzanian state corporation shows, litigation is time-consuming and costly, and does not always succeed in winning what local advocates see as justice (Lane \*).

In other cases, like the allocation of Group Ranch holdings to outsiders in Kenya (Galaty \*), the eviction of pastoralists from Mkomazi Game Reserve in Tanzania (Mustafa 1995), the expulsion of herders from the Awash Game Park or the Awash River schemes in Ethiopia (Ayele \*), or evictions of local producers from the Masaka, Bunyoro and other ranching schemes in Uganda (Bazaara \*), it has become clear that there are costs associated with generating adverse publicity about the role of government. Whereas there are possible advantages to be gained through attracting international attention in monitoring court actions and discouraging local repression, stimulating wider publicity can also galvanise bureaucratic resistance, stimulate greater intransigence in judicial process, and prompt retribution and inflict severe penalties on protagonists (Lane & Swift 1992).

Clearly, in strengthening pastoral land rights, there is much room for

collaboration between academic researchers, policy-makers, and advocates active in community development; also, the international community can usefully cooperate with local actors. Nonetheless, the most important interest groups will be those formed by pastoralists themselves. Faced by the opposition of those who covet their holdings, pastoralists in many countries see the need to become better organised if they are to stem loss of their lands. By forming groups, they represent a wider constituency, give greater legitimacy to their positions, speak with greater authority, benefit from economies of scale, more easily attract support from donors, and provide a base for lobbying. To do so, pastoral organisations should broaden their agenda and acquire competence in new areas. If they become more familiar with laws and legal systems that administer them, gain an understanding of the processes by which policies are formulated, and become more competent lobbyists and more skilful campaigners, they will prove increasingly able to defend their rights.

While it is clear that pastoralists themselves must, as far as possible, defend their lands, it is currently unrealistic to expect them to compete alone against all the forces that work against them. Experience has shown that rich and powerful interests can harness considerable economic and political force to ensure they prevail, and if necessary to circumvent due legal and administrative procedures, where they exist. The formation of indigenous NGOs, while a creative and valuable step, will not automatically solve the problem of pastoral vulnerability; the strategy they adopt is also crucial. While some NGOs have adopted a confrontational approach to government, making use of publicity and litigation, others have been more conciliatory, attempting to

lobby government, to provide assistance and service in policy-making, and to influence the decision-making process. The example of the evolution of a pastoral organisation, Inyuat e-Maa, in Tanzania, may provide some lessons as well as signal potential problems for the development of other indigenous organisations.

Inyuat e-Maa first grew out of a conference held in 1991, at which representatives from all major Tanzanian Maa-speaking localities took part: greater Kisongo, Loita, Purko, Parakuyo and Arusha. Participants included select Maasai traditional leaders, government officials and politicians, prominent Maasai with formal education, and some international researchers and colleagues.<sup>7</sup> The organizers pursued an overall strategy of forming an organisation, with the involvement and blessing of key government leaders, to develop Maasai culture and economy; in turn, the organisation would help empower the traditional leadership, which would assume a more prominent role in debating contemporary issues, to help unite all Maa-speakers in this endeavour. A second meeting, held two years later, included representation from the Maasai districts of Kenya, and this experience encouraged the latter to form an equivalent body to help unify the Kenyan Maasai.

The importance of Inyuat e-Maa lies in its potential to unite Maa-speakers, in a marriage of traditional and contemporary leadership, so they can respond in a more concerted fashion than before to the challenges they all experience, most importantly the threat to their land. The potential capacity of the organisation to influence policy and decision-making is enhanced by a tripartite alliance between the local community, sympathetic (mainly Maa-speaking) government officials and politicians, and researchers.

The differences that have emerged between PINGOs in their stance towards government — some confrontational, some conciliatory — may prevent a broader base of unity to be forged. But it may well be that in this complex arena of political struggle the pursuit of several strategies may prove more effective than embracing one in seeking a single end, of diminishing the political marginality of pastoralists and making their voices heard regarding the land crisis they face.

### Conclusions

The trend towards privatization of the arid and semi-arid lands of Eastern Africa, encouraged and supported by international donor agencies and the World Bank, is short-sighted and based on faulty premises. The process of individuating and privatizing of rangeland areas has resulted in civil strife, dispossession and growing inequality, without achieving commensurate gains in economic productivity or environmental protection. To the contrary, privatization of rangelands often leads to lower levels of productivity, decreasing numbers of people supported on equivalent land, and in some cases unsustainable or even destructive use of natural resources.

Herding communities suffer the indignities of indigenous peoples elsewhere: loss of access to resources and diminished rights to occupy and use their own land, pressure to move into increasingly marginal areas, the experience of social ridicule and cultural loss, and threats of ever greater levels of physical insecurity. Yet herding communities continue to make an indispensable contribution to perhaps the single most important economic sector in the wider region of Eastern Africa, by reliably producing livestock and a con-

sistent supply of meat and other animal products for sale to both domestic and international markets, sustaining urban populations and ensuring valuable export revenues.

Without dismissing the value of individual and/or private land holding in some areas under appropriate conditions (i.e. in regions where intensive agriculture is possible, settlement areas, urban areas, or where individual capital must be invested, for wells or boreholes, businesses, etc.) and where such land is not claimed or crucial to pastoralist existence, we are convinced that the enclosure and parcelling out — through individuation and privatization, through freehold or leasehold titles — is regrettable and short-sighted in agrarian land policy. This policy results in the creation of land holding at scales that are economically and ecologically unviable, in the speculative fragmentation of community holdings and dispossession of local inhabitants through subsequent land transactions, in decreases in the productivity of land, and in the disruption of coordinated economic and social practices on which the viability of arid land communities depend.

Pastoralist land rights rest on four bases: on their inherent right to hold and use the resources they have customarily held and used; on their economic right to sustain themselves and to participate in a wider market economy, which depends on retaining continued access to land; on their right to retain their group identity and nurture their cultural traditions; and on their rights as indigenous minorities to exercise power over their own destinies comparable to those exercised by more politically dominant peoples who occupy the social mainstream in countries which they inhabit. This is not to say that only pastoralism should be practised in the arid and semi-arid lands,

or that only pastoralist voices should be heard. To the contrary, diverse forms of land use can be and are being reconciled, including various forms of animal production, intensive and extensive agriculture, and wildlife preservation and ranching. However, the allocation of resources between different groups and land use forms should occur at the level of local communities, where negotiation can occur between diverse interests. In this regard, community-based systems of land holding and resource management may prove of continuing viability, and the formation of indigenous non-governmental organizations by pastoralists should be encouraged, in order to give institutional support to a strengthened community role in land management. In some cases, communities, supported by NGOs, might actually hold private title to rangeland holdings. But the tendency of governments to consider rangelands as 'frontier' lands, available for allocation to outsiders with neither recourse nor due compensation provided for local inhabitants, is highly regrettable, certainly illegal under international law, and reprehensible according to international standards for the treatment of political and cultural minorities.

### Notes

<sup>1</sup> To illustrate, in the eight countries of Eastern Africa, about a third of Africa's population occupies slightly less than a fifth of its land but possesses about 45% of the continent's cattle (Sperling and Galaty 1990:71).

<sup>2</sup> The Introduction elaborates on discussions held during the Workshop on "Pastoral Policy, Politics and Property in Eastern Africa", held in Tepetzlan, Mexico, August 2-3, 1993. Each of the four Workshop sessions concerned one of the four topics presented here. Many

of the points made in this Introduction were drawn from summaries prepared by the Chairs and Rapporteurs of these sessions: Session 1. Chair: C. Lane; Rapporteur: N. Bazaara; Session 2. Chair: M.L. Parkipuny; Rapporteur: N. Kipuri; Session 3. Chair: E. Fratkin; Rapporteur: Ayele Gebré Mariam; Session 4. Chair: D. Ndagala; Rapporteur: F. Gadamu.

<sup>3</sup> We refer to chapters in the current collection with an asterix (\*).

<sup>4</sup> This question demands treatment beyond the scope of this introduction. Clearly, comparison between production systems are additionally difficult, even under similar ecological conditions, when they involve different levels of capital investment, since access to capital or even credit frequently introduces political factors into the equation. Even when capital costs are discounted, assessment of differential productivity of land should factor in non-marketed output and long-term environmental costs. Equally, gains in productivity realized through intensive cultivation on concentrated high potential resources should be weighed against losses in pastoral productivity resulting from moving critical resources out of cycles of animal husbandry. For discussion of the limitations on comprehensive privatization, and scepticism about development gains, see Bruce (1993).

<sup>5</sup> However, although pastoralism like other forms of non-commercial smallholder agrarian production is labour rather than capital intensive, it achieves relatively greater labour productivity in animal husbandry than does agropastoralism or peasant farming, given that it specializes in herding, manages relatively larger herds and practices management at a larger-scale (sharing labour, combining herds, coordinating watering, sharing grazing areas, etc.) than can sedentarists (Galaty and Johnson 1990).

<sup>6</sup> A relevant refashioning of a traditional institution to meet contemporary needs is the case of the hema system in Syria, a mechanism of grazing regulation which, in the wake of pasture overgrazing due to the nationalization of rangelands, was successfully revived by the state (Shoup 1990).

<sup>7</sup> Including two editors of this volume, J.G. Galaty + C. Lane.

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