PASTORALISTS ARE PEOPLES: KEY ISSUES IN ADVOCACY AND THE EMERGENCE OF PASTORALISTS' RIGHTS

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Abstract

This article deals with the rights-based approach to development that in the last decade has informed discourse on pastoralism. It focuses on the organisations that have engaged in pastoral advocacy at the global level, considering the dynamic conceptions of development, human rights and policy that provide their cultural and operative background. It outlines the convergence of indigenous rights with the core challenges of pastoralism, and the emergence of the new concept of 'pastoralists' rights', eventually considered as a separate domain. It argues that the mobility paradigm of pastoral development may not by itself provide an adequate answer to the problems of pastoral communities, unless explicit consideration is made of the collective and procedural rights recognised under the international human rights framework.

PROBLEMS OF PASTORAL DEVELOPMENT

> Why development for pastoralists rather than the development of pastoralism? The answer, in a nutshell, is that almost all the attempts to develop, to improve on, or to replace traditional pastoralism have failed and the people have grown poorer; simply, the people must at last be put first. (Baxter 1994, 3)

When Paul Baxter wrote this inception to his short but sharp article 'Pastoralists are people', the field of pastoral development was dominated by the technocratic approach, inspired by rangeland experts who used to base their planning on incomplete scientific assumptions. Over the last twenty years, much has changed, leading several authors to speak about a paradigm shift in pastoral development (Moritz 2008, 2243–6; Turner 2011). The disequilibrium theory in rangeland ecology has increased awareness of the relevance of mobility as the most efficient way to exploit the drylands (Homewood and Rogers 1987; Behnke and Scoones 1993; Scoones and Graham 1994; Niamir-Fuller 1999; Oba et al. 2000; Sullivan and Rohde 2002; Vetter 2005, 322; Krätli and Schareika 2010). In economics and economic anthropology, a growing consideration for the informal economy and local perspectives on poverty led to questioning of the standard indicators. Through this new perspective, pastoral livelihoods were re-evaluated as the most efficient and sustainable way to exploit marginal rangeland environments, with benefit in terms of food production or cash income for household consumption, and as constituting a growing factor in national and international trade and environmental benefits (McPeak and Little 2006, Hesse and MacGregor 2006, Davies and Hatfield 2007, Tache and Sjaastad 2010, IUCN 2012). The third crucial contribution to the paradigm shift mentioned above came from the human-rights approach to development. Scholars, advocates, experts, organisations and activists brought attention to how the various processes of dispossession of land and natural resources, imposed on the pastoral peoples, were a root cause of pastoral poverty, as was the pastoralists' limited access to services, financial resources and markets. Such a people-centred perspective led to questioning the premise that had for a long time informed pastoral policy: that if mobility is a constraint upon service provision, then mobile lifestyles have to be eradicated as a precondition for development. In policy discussions today, the idea that services should be re-designed to suit mobile lifestyles is widely held (Krätli et al. 2013; Odhiambo 2013, 161–2).

Despite the changes in the discourse, little evidence has so far been produced that anything has really changed on the ground. Indeed, several scholars have already expressed scepticism about the impact of such paradigm shifts on actual practice. Matthew Turner points to the abstract use of concepts such as 'livestock mobility' and 'common property management' by scholars, practitioners and policy makers. Such elements are treated rather independently of the actual practices that the different pastoral peoples adopt in their respective environments. Vagueness allows the legacy of the old paradigm to remain embedded within the new one (Turner 2011, 470, 475). A group of scholars have elaborated further on the issue of continuity across paradigms, focusing on the mismatch between new theoretical perspectives and the persistence of methodological tools: the inadequate analytical concepts and practices of research silently reproduce the old images of the drylands for the purposes of policy (Krätli et al. 2015).

Several scholars have highlighted the new trend of the appropriation of pastoral land as a consequence of global land deals (Markakis 2011, Galaty 2013, 2014, Wolford et al. 2013). This is the process that under the influence of influential think-tanks came to be known as 'land grabbing'. Land grabbing is affecting several pastoral and agro-pastoral peoples at unprecedented speed, often depriving them of key resources

and seasonal reserves, especially along riverbanks.[1] Expanding on this theme, Gunther Schlee deconstructed the economic motivations used to justify the systematic dispossession of land available to pastoral communities. In order to explain the persistence of state-induced policies causing the eradication of pastoral life – despite the new paradigm mentioned above – Schlee suggested looking at continuity in the States' decisional dynamics, rooted in self-motivation by the state's decision-makers and unbalanced ethnic relations within the State (Schlee 2013). Mark Moritz, in turn, speaks about the current coexistence of two juxtaposed paradigms. The 'mobility' paradigm of pastoral development implies the protection of the remaining rangeland from encroachment by outsiders and other forms of land-use, while supporting the pastoral system and the inherent management of natural resources, and promoting access to services and market integration. The 'modernisation' paradigm of drylands development, by contrast, positively rates the past and current changes in the direction of mixed farming and an intensification of livestock production. According to the proponents of this approach, population growth, agricultural expansion and urbanisation have already produced such a pressure on the pastoral rangelands that extensive pastoral production is no longer viable. Developmental intervention should accordingly be designed to further sustain the ongoing trend (Moritz 2008, 2245–6). Moritz draws his terminology from classic modernisation theory, implying a deep transformation of society and its organisation of production. Of course, he does not exclude innovation and technological change from the mobility paradigm, but rather focuses on the misleading ideological assumptions that, as suggested by Krätli and colleagues, lead to 'putting pressure on pastoralists to transform their production system to accommodate ready-made problem solution sets' developed in temperate environments, which link the idea of modernisation to the demise of pastoralism (Krätli et al. 2013, 48).

In addition to such worries, in this paper I am concerned about the inter-relations of powers in the field of development, and the capacity of the most powerful and influential sectors of society to shape policy and specific programmes despite the new keywords – or, even worse, building upon them. Indeed, the mobility paradigm too may imply a deep transformation of property rights in the direction of social stratification, a process well illustrated in the literature from the 1980s on absentee herders. Larger and larger shares of the stock herded by mobile pastoralists are actually owned by persons engaged in non-herding activities, including administrative jobs, trade and livestock trading, often based in urban settings and not necessarily belonging to the same ethnic group as the rural herders. This trend has been associated with pauperisation, social stratification and proletarianisation, with several studies correlating it to overgrazing and the collapse of the customary structure of governance (Little 1985, Hogg 1986, Fratkin 1997). Once acknowledged that, in ecological terms, mobility is the most efficient way to exploit the environment, it is still possible to transform the relations of production through the monetarisation of pastoral labour, and by establishing new rules of association and governance that favour a concentration of productive capacity. While such trends may contribute to national economic growth through international trade, and may feature as 'success' in terms of development as measured by standard

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[1] Pastoral studies have focused on the relevance of key resources and drought fallback resources. Key resources are reliable source of fodder used by a pastoral community during the season of food scarcity, corresponding to the dry season in arid and semi-arid environments (Scoones 1991; Sullivan and Rohde 2002: 1598–1600). They are often located in or correspond to the land more suitable for agriculture, and are accordingly subject to alienation from the pastoral system. Availability of key resources enables the mobile pastoralists to exploit a large area of marginal land during the favorable season. Drought fallback resources are natural resources that, for various reasons, are only used at time of exceptionally-protracted dry weather, such as forests normally avoided due to the scarce value of the fodder or tse-tse infestation. They allow the pastoral community to get out of the event with at least a few survivors (Oba 2001). Several pastoral peoples do make conscious efforts to preserve both key and drought fallback resources for use at times of need.

economic indicators, if not carefully planned they can impose an increased deprivation upon the local pastoral communities, particularly on the remaining middle-to-low-wealth pastoral families, who are more vulnerable in terms of their personal network and their inability to diversify their economy. Simply put, it may turn into a process by which natural resources previously used by local pastoral families to feed their children end up feeding someone elsewhere, most likely abroad, resulting in an unbalanced financial and social capacity. Mainstream development thinkers are fully aware of this eventuality, but point to local gains in terms of macro-economic growth and job opportunities.

METHODOLOGY AND APPROACH

This article deals with the rights-based approach to development that in the last decade has informed discourse on pastoralism. It focuses on the organisations that engage in pastoral advocacy at the global level, considering the various conceptions of human rights and policy that constitute the cultural and operative background for such organisations. It is an article situated in the broad field of the anthropology of organisations, methodologically based on Nancy Sheper-Hughes' propositions about morally-engaged anthropology. Just as a political involvement in social processes enhanced Sheper-Hughes' understanding of community and enlarged her theoretical horizon (2005, 411), my engagement in global work on pastoralism facilitated the identification of issues that impact life at the local level, and a better understanding of the choices between different theoretical propositions.

I took part in collaborative research into pastoralism mainly from 2003 to 2007, corresponding to the period of the formation and consolidation of the World Alliance of Mobile Indigenous Peoples (WAMIP).[2] The data here presented were not collected as part of a formal and structured research project. Rather, knowledge was built as a result of interaction with actors at local, national and international levels, and through observation of and participation in key events. In this sense, some of the elements of multi-sited observation do apply to this research, but are complemented by features more often associated with action research: my engagement required continuous moving back-and-forth from practical to theoretical problems, and testing acquisitions in direct interaction with actors from the communities, customary leaders, advocates, activists, experts and policy-makers. Funding for travelling was provided by various organisations and networks on different grounds, without having any particular affiliation, and independently of my academic teaching work. Such voluntary or occasional engagement was complemented by a short phase of conventional applied anthropology in 2013, where I acted as a consultant for a national European cooperation agency operating in the Horn of Africa.

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[2] Before and after this period, I was mainly engaged in conventional academic research in anthropology and ethno-history, also with pastoral peoples.

Table 1: List of events attended.

Event	Main organisers/donors of pastoralists' advocacy	Researcher's role
5th World Park Congress (IUCN), Durban (South Africa), 2003	IUCN CEESP, IUCN CMWG, Dana Declaration Standing Committee, Equator Initiative	Advocate, involved in connection to a specific case-study
UNCBD COP 7, Kuala Lumpur (Malaysia), 2004	IUCN CEESP, IUCN TILCEPA, IUCN CMWG, UNDP Drylands Programme, Equator Initiative	Advocate, involved in connection to WAMIP
Meeting of the Borana, Gabbra Migo and Gujji Oromo Pastoralists with Representative of the Government of Ethiopia, Yaaballo, 2004	PCI	Consultant on customary institutions
Global Pastoral Programme Formulation Workshop, Nairobi (Kenya), 2004	UNDP-GEF	Advocate, involved in connection to WAMIP
Global Pastoralist Gathering, Turmi (Ethiopia), 2005	PCI	Invited observer
Horn of Africa Regional Pastoralist Gathering, Qarsaa Dembii, Yaaballo (Ethiopia), 2006	PCI	Invited observer
World Gathering of Nomadic and Transhumant Pastoralists, La Granja, Segovia (Spain), 2007	Red Pastor, Fundación Trashumancia y Naturaleza, CENESTA, IUCN TSL, WAMIP	Advocate, facilitator, and member of the Organizational Support Committee, involved in connection to WAMIP
IUCN World Conservation Congress, Barcelona (Spain), 2008	IUCN CEESP, IUCN TILCEPA, IUCN TGER	Advocate, co-organiser of side event, involved in connection to WAMIP
CBD COP 10, Nagoya (Japan), 2010	IUCN CEESP, IUCN TILCEPA, IUCN TGER	Advocate, involved in connection to WAMIP

FROM 'PEOPLE' TO 'PEOPLES'

When Baxter wrote his article, the debate on indigenous rights had not yet entered the discourse on pastoralism. Yet most of his school's work was dedicated to spelling out the specifics that marked out different pastoral peoples. Baxter was very well aware that only in certain regions were pastoral lifestyles entangled with ethnic identity, but he also noticed the interdependence among people-specific features of social organisation, values and property relationships (Baxter 1990, iii; Baxter 1994, 4-5). This clearly emerged in the collection *Property, Poverty and People*, which showed how responses by different pastoral peoples to externally-induced change in terms of property rights are embedded in and dependent upon the specific mode of social organisation (Baxter and Hogg 1990). In *Pastoralists, Ethnicity and the State in Ethiopia* (1997), Richard Hogg challenged explanatory paradigms that deal with pastoralism on

the foundation of one single variable, be it ecological or economic in kind. He instead focused on the historical, political and cultural forces that forged pastoralism as practiced and adapted by different peoples in Ethiopia. In line with Baxter, he suggested that

> pastoral development cannot just deal with 'pastoralism', but must deal with 'pastoralists'. Only by focusing on people rather than system of production, can the socio-political reality of pastoralists in Ethiopia today be properly understood. (Hogg 1997, 2)

In the conclusion of my *Decisions in the Shade* (1996), I discussed the institutions and norms of the Oromo-Borana of Ethiopia in terms of their egalitarian ethics. I suggested that the *gadaa* system of generational classes, the assembly structure with its inherent procedural rules, the norms governing the digging and use of permanent wells, and the norms and social settings of inter and intra-clan mutual assistance all contributed in synergy to avoid permanent social stratification or structural inequality (Bassi 2005, 138–40, 280–5). Differences of wealth have, at any given time, always been relevant among the Oromo-Borana, and tenant herding arrangements between stockless families and wealthy ones were normal. The normative provisions, however, ensured that that condition of dependency was only temporary, at least until the Borana pastoral system lost its overall viability after the impact of decades of policies promoting agriculture, the individualisation of natural resources and other processes of resource-alienation (Tache 2000, 2013, Bassi 2010, Tache and Oba 2010).

Baxter's school echoes much anthropological work showing how requirements common to most pastoral groups are dealt with differently by various peoples, through articulated and sophisticated governance-settings built over hundreds of years of group-to-group interaction, social and cultural adaptation, institution and identity-building, all of which have taken shape in relation to the natural resources accessible by that group. Recalling Matthew Turner's warnings, those elements which in previous discourse on pastoral development had been treated by generic categories are now tailored to the specific social organisation, institutional settings and values of each pastoral group. This is the case for common property-resources institutions (Brottem et al. 2014), with inherent norms of inclusion and exclusion strongly dependent upon the type of social groupings (Little and Brokensha 1987) and the customary institutions, leaders and norms that provide the symbolic and enforcing dimensions of governance (Bassi and Tache 2011). The same holds true for indigenous coping mechanisms (Turton 1985, Oba 2001) and inter-group practices of exchange, mutual adaptation and negotiated access to shared resources, often described in the specialised literature in terms of bond partnership (Sobania 1991), or primary, secondary and tertiary rights of access to wells and natural resources (Brottem 2014; Oxby 2011; Davies and Hatfield 2007: 181).

I hope to have produced enough elements – albeit briefly – to show that territory, collective identity, and customary institutions, leadership and law are the building blocks of pastoral governance. They are also the key elements protected under international law on the rights of indigenous peoples, as defined by the 1989 Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention 169) – a binding treaty for those countries that have ratified it — and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the non-binding treaty adopted by the United Nations General Assembly in 2007.

In a recent article, Jérémie Gilbert explored the possibility that pastoralists might see their land rights recognised in terms of international law, considering that thus far 'no treaties include any specific rights

for nomadic peoples' (Gilbert 2012, 78). Gilbert considers the older tradition in international human rights to be inadequate, due to two problems connected to the way pastoralists use their land resources: common property and seasonal (or occasional) use. Older international-law instruments tend to treat land rights in terms of property rights, which in turn are predominantly treated on the basis of an individualistic approach (ibid., 79). In addition, the prevailing tendency is to recognise territorial claims on the basis of a permanent and settled use of land. Gilbert refers to the international principle of *terra nullius* ('empty land'), which was extensively used during the colonial era to legitimise states' appropriation of land unclaimed by other states. The principle of *terra nullius* was not only applied to regulate inter-state relations, but also deployed within colonial territories to legitimise the administration's appropriation of some areas that were not 'empty' in any literal sense, but used by indigenous communities (ibid., 78).[3]

As an alternative to the direct protection of land rights, Gilbert identified some international legal instruments related to cultural rights which have already produced a consolidated jurisprudence in relation to the pastoralists, mainly in America and Africa. They are the ILO Convention 169, UNDRIP (both mentioned above) and the International Convention on the Elimination of Racial Discrimination (ICERD). The latter instrument indirectly protects rights to common land in terms of non-discrimination, based on the right of the pastoralists to different lifestyles. The Committee overseeing the implementation of the convention (CERD) has often taken a proactive role, expressing concern about various vulnerable ethnic groups traditionally practicing pastoralism, shifting cultivation or hunting-gathering, with follow-up actions taken by the Human Rights Council of the United Nations (Gilbert 2012, 16–17; Bassi 2014, 59–60). Collective rights to land, territory and natural resources are instead directly recognised under ILO Convention 169 (articles 13 to 19) and UNDRIP (articles 25 to 30). UNDRIP also builds on the ILO Convention 169 in defining 'process rights', thus establishing special procedures of participation and consultation in the implementation of projects which potentially affect the land and territories of indigenous peoples, with the objective being to ensure self-determination in the context of development programs (Gilbert 2012, 80–3).

Speaking about indigenous rights is not popular in several distinguished academic environments dealing with Africa and Asia, and with many decision-makers at national and international levels. There are good theoretical reasons for such a refusal, especially after the extension of the qualification of 'indigenous peoples' from its classic context in America, Oceania and northern Europe – where it clearly differentiates the dominant national elite symbolically associated with alien continental origin from the conquered local population or First Peoples – to Africa and Asia. Controversy centres upon the criteria for and processes of identification of groups deserving special protection, and the principle of priority of occupation of a given territory, which is implicit in the notion of indigeneity (Kuper 2003; Igoe 2006; Pelican 2009; Schlee and Shongolo 2012, 50). It is, however, evident that today we should draw a distinction between the use of the concept in its historical sense and its use as a principle of international law (Pelican 2009, 53–4).

The issue of who should be considered 'indigenous' has been discussed at length within dedicated international fora. It was also spelt out in a consolidated body of international and national directives, regulations, standards, best-practices and ethical codes. The debate was articulated around attempts to

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[3] The principle of *terra nullius* has been operating during the colonial time even if it was not cited as such, as (for instance) in the juridical case of the Lambu Forest reported by David Anderson (2002, 232–66).

draw objective criteria — such as marginality within the state power-structure, differential culture or language, relation to territory, presence of customary institutions or customary law, vulnerability – and the principle of self-identification, which is the process through which peoples with collective identity qualify themselves as indigenous through active participation in indigenous fora.

Over time, the combination of the three main defining elements – priority of time, differential language and marginality – proved to be impractical, in the sense that at a global level only a few groups fit all three features, while similar protections were still required for many other peoples. The ILO Convention 169 has already differentiated the indigenous from the tribal peoples, but only in terms of objective criteria, while simultaneously (in its first article) stressing the principle of self-identification. The protections defined by such a treaty apply equally to both categories. The reference to tribal peoples allows for the inclusion of groups that do not necessarily speak a language different from the national one, and whose ethnic boundaries are not necessarily qualified by reference to priority of time. This is particularly relevant for the pastoralists in Asia and in the Middle East, who simply practice a different lifestyle based on customary or reconstructed governance.

In Africa, the intellectual deconstruction of the category of tribalism (Mafeje 1971) made self-attribution to a 'tribal' category more difficult. The prevalence in Africa of pastoral and marginalised groups with a different language favoured the adoption of the 'indigenous' category, even if the feature of priority of time could not apply, especially in relation to pastoralists who have historically been moving, incorporating local communities and developing new collective identities (Schlee 1989, Bassi 2011). In the international arena, the tendency was to simplify by converging upon the single legal category of 'indigenous rights', without any objective definition of indigenous peoples. Michaela Pelican has briefly reconstructed the controversy that finally led to the adoption of the UNDRIP (Pelican 2009, 54–6). The demands by some African states were accommodated, taking into account the mediating advice of the African Commission on Human and Peoples' Rights about the particularity of the African indigenous peoples. Self-identification, therefore, remains the dominant principle in determining which communities should be considered indigenous, with no reference to either priority of time or differences in language. Similarly to the substance of the ILO Declaration 169, which assimilates indigenous and tribal peoples to a single legal category, the specific protections contained in the UNDRIP define those to whom it applies. Engagement in indigenous fora at national and international levels is the main source of legitimacy to their claim of indigeneity.[4]

The change described in the legal understandings of 'indigenous peoples' is the result of heavy engagement by African and Asian NGOs in the global indigenous movements, beginning in the early 1990s (Igoe 2006). Such activity received the attention of the African Commission on Human and Peoples' Rights (ACHPR) of the African Union (AU), which in 2000 established the Working Group of Experts on the Rights of Indigenous Populations/Communities in Africa. The Report of the African Commission's Working Group on Indigenous Populations/Communities was adopted by the AU in 2003. It provides the main reference for indigenous issues in Africa (ACHPR/IWGIA 2006, 25–6). The ethnic groups recognised as 'indigenous' through self-identification are, in the context of the AU, mainly peoples traditionally practicing pastoralism and hunting-gathering, plus some small-scale farmers

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[4] Such practical paths to achieving recognition open up a debate on the possibilities of and capabilities for marginal communities to engage in such processes, and whether they have access to the relevant knowledge. This is why the mediating role of advocates, NGOs, associations and international organisations remains crucial.

(ACHPR/IWGIA 2006, 9, 15–16). Although some scholars have interpreted such composition as the instrumental capacity by some groups to exploit the romantic image of pre-modern livelihoods, thus evoking the idea of 'priority of time' and thereby gaining a privileged international status, what we really see here is the effect of the principle of *terra nullius* operating at a national level. Pastoralism, hunting-gathering and shifting cultivation imply a less settled relation to the territory, and a use of natural resources in ways that have less impact on ecological processes, as opposed to permanent settlement and the radical ecological transformations induced by more intensive agriculture. The territories of such communities include large tracts of lands which have the appearance of 'natural spaces', apparently 'empty' in terms of human occupation. Such territories are at risk of being presented by the dominant elites as 'unused' or 'underutilised' land, hence becoming available for appropriation under the imperative of national development. This principle has been operating throughout the colonial and post-colonial time, with the progressive encroachment of agriculture upon pastoral land, and it is more openly quoted today in relation to large-scale land leases. It should accordingly not surprise us that communities characterised by mobile livelihoods more actively engage in indigenous-rights politics.

It is this shift in international law, added to an acknowledgement of the diverse social, economic and institutional governance of natural resources by various pastoral groups, that today justifies the move from considering 'pastoralists as people' – as did Baxter and his school in the 1980s and 1990s – to 'pastoralists as peoples', in line with the international terminology adopted by the indigenous peoples themselves.

THE EMERGENCE OF PASTORAL RIGHTS

In the previous section I discussed the global process by which indigenous-rights movements became interconnected with the core problematics of pastoralism. In this paragraph I consider a second international trend that led organisations, scholars, experts and activists to speak in terms of pastoralists' rights and eventually consider them as a separate domain specific to pastoralists. This was rooted in a combination of different elements, including initiatives and events that have recently been taken as a sign of an emergent 'pastoralists' movement' (Upton 2014), as well as literature produced by think-tanks and advocacy organisations, sectoral legislation at the national level, and some provisions of 'soft' international law.

In connection with the emergence of the mobile paradigm of pastoral development, several publications and pieces of grey literature were produced by advocacy organisations on the problem of the abuse of 'pastoral land rights'. Thinking upon 'pastoral rights' is a central motivation for the emergent pastoral movements, especially in the component more clearly dissociated from the broader indigenous and mobile peoples' movement. It should, however, be taken into consideration that the meaning of 'rights' as prevalent in such literature differs from 'rights' as implied in international law. The dedicated study commissioned by the World Initiative for Sustainable Pastoralism (WISP) is enlightening: it consists of a review of case-studies by country, analysing how pastoral communities have directly or indirectly managed to secure their customary rights within their own national policy and legal environment (IUCN 2011). 'Rights' are therefore simply the customary, often informal access-rights of the pastoralists to the natural resources. When we come to international law, the same organisation returns to considering the

rights of all minorities and the rights of indigenous peoples, corresponding to the cultural rights discussed in the previous section.[5]

National legislation in line with the new mobility paradigm was created in various African and Asian countries, often as a result of long-term civil-society engagement at the national level, in combination with a phase of internal political renovation or post-socialist transition (Mearns 1996, Odhiambo 2013, Odote 2013).[6] The experience with the 'pastoral codes' from the 1990s in various countries of West Africa is often quoted as one such process of change. Pastoral codes were developed with support from international organisations, to redress the needs of pastoralists after the introduction of rural reforms that aimed at securing land rights for farmers (Touré 2004, 1). The pastoral codes recognise land primarily dedicated to pastoral use, and establish 'corridors', strips of uncultivated land connecting disparate pastures, intended to ensure the pastoralists can engage in long-range transhumance. The establishment of corridors requires a re-definition and re-negotiation of land rights, and the development and management of new water points, with a growing role for new pastoral associations in the overall structures of governance (Brottem 2014, Oxby 2011).

The development of favourable national legislation implies that pastoralists have some influence upon national politics, a condition which in turn suggests the possibility of enhancing an alternative advocacy strategy to the claiming of indigeneity. In this perspective, Moritz and his colleagues' criticism of the classic negative representation of 'absentee herd owners' seems relevant. Their study in northern Cameroon showed that absentee stock owners do not necessarily undermine mobility or affect common pool grazing resources, as they are in many cases pastoralists themselves (Moritz et al. 2015, 148–50). More importantly, they 'may offer better representation of mobile pastoralists at local, regional, and national levels of government' and 'act as critical nodes or bridges between 'mobile pastoralists in the bush' and the 'government officials in the city'' (ibid., 150). Wealthy pastoralists, well-positioned in the power structure, can therefore exercise a strong political influence in support of the mobility paradigm. But do they also necessarily promote the interests of the 'mobile pastoralists in the bush'? A very interesting complementary perspective is given by Clare Oxby, based on her follow-up research in central Niger. She reports a reliable opinion indicating that fifty per cent of livestock grazing in the local rangelands were not directly owned by the herders, but rather entrusted to them under some monetary arrangement (Oxby 2011, 61). By being in the care of pastoralists on the ground, such stock actually does gain direct access to the customary pastoral resources. Such a figure correlates to a new line of competition that emerged from the application of the 2010 Pastoral Code in Niger, between local pastoral communities and actors engaging in long-range transhumance. By establishing new wells managed by new pastoral associations supported by international NGOs, external users were able to access and overuse key resources previously utilised by the local community based on customary rights (Oxby 2011, 73). This was made possible by the Code's empowerment of Territorial Committees rather than

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5 The construction of the WISP webpage on Human Rights (http://www.iucn.org/wisp/pastoralist_portal/human_rights/) was based on a collaboration with the UN High Commissioner for Human Rights. The original report by David Martin Cobo is apparently no longer accessible on the IUCN website.

6 The networks of NGOs are a very efficient way to raise awareness. They operate by promoting thematic studies, best practices and events, often in collaboration with scholars based in the local academic institutions. The Regional Learning and Advocacy Programme for Vulnerable Dryland Communities (REGLAP), established in Kenya as component of Disaster Risk Reduction (DRR) of the EU ECHO of ECHO (European Commission Humanitarian Office), and the Pastoralist Forum Ethiopia (PFE), an umbrella NGO based in Ethiopia, are two such influential organisations operating in East Africa.

customary leaders, and by the Code's emphasis on seasonal access-rights for 'highly mobile livestock keepers coming from other areas' (ibid., 64).

Changing perspectives on pastoralism, legal developments in several countries in Africa and advocacy by international and national organisations all paved the way for the joint AU Commission and UNOCHA initiative that led to the formulation of the Policy Framework for Pastoralism (AU 2010) by the Department of Rural Economy and Agriculture of the African Union, and its formal adoption by the AU at the Eighteenth Ordinary Session of the Executive Council in January 2011. The process included the formulation by regional experts of a draft policy, a broad stakeholders' consultation, approval at ministerial level in member states and then, finally, its adoption. The Policy Framework for Pastoralism can accordingly be considered the first relevant inter-governmental instrument of soft international law specifically dedicated to pastoralism, with explicit mention of the 'rights of [the] pastoralist community' in the title. The AU Policy Framework for Pastoralism builds on some elements relevant to pastoralism already contained in the existing AU Framework and Guidelines on Land Policy in Africa (AU et al. 2010):[7] these include trans-boundary and regional cooperation, an acknowledgment of the legitimacy of indigenous land-rights systems and institutions, and the need to build an interface between customary and state institutions; it also acknowledges the importance of informal land rights (AU et al. 2010, 11, 14, 26, 34). The Policy Framework for Pastoralism is highly detailed on the topic of mobility, which is considered the prerequisite of pastoralism and the most appropriate livelihoods strategy for the arid lands in Africa. It acknowledges the problems created by various process of rangeland expropriation, and it outlines a number of rights belonging to pastoralists, which are to be secured by processes activated though national and regional development policies and programs. They include:

- improving the governance of pastoral rangelands and thereby securing access to rangelands for pastoralists;
- recognising communal land-holdings;
- legitimating traditional pastoral institutions and providing an interface between customary institutions and state-led systems, with special reference to conflict resolution, management of land, tenure, mobility, and interaction between pastoralists and other interest groups;
- ensuring consent and compensation in relation to development projects and investment in pastoral areas.

In terms of normative content, the 'rights of pastoralists', as emerging from this process, are not different from the internationally-defined 'indigenous rights'. Yet reference to indigenous rights is never made. Considering that in international law the tendency is towards building connections and reciprocity across different sets of rights, one is tempted to speculate that the lack of cross-reference is a deliberate outcome which can be explained an attempt either to include 'pastoral communities' that are not marginalised within the state's relations of power, or to provide an alternative paradigm altogether to the indigenous-rights framework. Indeed, we are dealing with a notion of 'rights' that is not conceived as an internationally-enforced protection of individuals or communities against abuses committed by states or other powerful actors. The operational philosophy of the AU policy frameworks is based on a positive and constructive attitude, as clearly spelt out in the AU Land Policy. Although they use the language of rights, such policies are not actually constructed as normative frameworks, nor as policy models for direct

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[7] The AU Assembly of Heads of States and Governments had approved and adopted the Framework and Guidelines on Land Policy in July 2009.

adoption by member states. They are, rather, guidelines to inform policy-making and development process at a national level (AU et al. 2010, 1). As noted by Schlee (2010, 161), the Policy Framework for Pastoralism does not contain any mechanism for follow-up, nor do the decision-makers at the Department of Rural Economy and Agriculture of the AU consider their institutional role to involve them in implementation, since this would interfere with the principle of sovereignty of the member states.[8]

THE ESTABLISHMENT OF WAMIP

The systematic engagement by pastoralists and their local NGOs with global organisations led to a number of unilateral declarations, statements and official speeches at international fora, but it is in the field of biodiversity conservation that a formal organisation of pastoralists and other mobile peoples – the World Alliance of Mobile Indigenous Peoples (WAMIP) – was established in order to articulate their perspectives at the global level. It is indeed only in the context of the International Union for the Conservation of Nature (IUCN) and the UN Convention on Biological Diversity (CBD) that a relevant body of international soft law developed, giving specific attention to mobile communities and their modalities of territorial governance.[9] In this international legislation, the rights of the mobile communities are treated as part of the rights of indigenous peoples and local communities, and all resolutions and recommendations specific to mobile peoples make explicit reference to international law on indigenous peoples.

In conservation circles, awareness about the positive biodiversity implications of mobile livelihoods grew quite early. In *The Drylands of Africa: Local Participation in Tree Management* (1996), Edmund Barrow outlined the relevance for conservation of pastoralists' customary tenure-rights and cultural practices. It was, however, in the intellectual environment of the Refugees Study Centre of the University of Oxford where the notion of mobile peoples was first connected to indigenous rights. Caroline Upton has outlined the continuities between the Dana Declaration and the definition of 'mobile indigenous peoples' adopted by WAMIP, though stressing that in the Dana Declaration no reference is made to the indigeneity of mobile peoples (Upton 2014, 212). The Dana Declaration (Nomadic Peoples 2003) was adopted by a group of academics and professionals in biodiversity conservation during the Wadi Dana Conference (Jordan), held in 2002 to develop 'a comprehensive approach to mobile peoples and conservation' (Chatty 2002, 2). A committee was then selected for the follow-up, with secretarial work hosted at the Refugees Study Centre. Two of the members of the new Dana Committee had in 2002 edited the book

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[8] Interview with the author of this paper, at the African Union Headquarters in Addis Ababa, on 9 April 2013.
[9] The 5th IUCN World Park Congress, held in Durban in 2003, adopted Recommendation V.27 (Mobile Indigenous Peoples and Conservation), specifically dedicated to mobile peoples, Recommendation V.26 (Community Conserved Areas) recognising governance by indigenous and mobile communities, Recommendation V.9 (Integrated Landscape Management to Support Protected Areas), and Recommendation V.25 (Co-management of Protected Areas). Attention to mobile peoples and their governance was equally given in the Message of the 5th IUCN World Parks Congress to the Convention On Biological Diversity, in The Durban Accord, and, in particular, in The Durban Action Plan (Brosius 2004, 611). IUCN's consideration for mobile peoples was confirmed during the IUCN World Conservation Congress held in 2004 in Bangkok, with the adoption of Resolution 3.018 (Mobile peoples and Conservation), and Resolution 3.049 (Community Conserved Areas). The IUCN World Conservation Congress, held in Barcelona in 2008, adopted Resolution 4.053 (Mobile Indigenous Peoples and Biodiversity Conservation), and Resolution 4.049 (Supporting Indigenous Conservation Territories and Other Indigenous Peoples' and Community Conservation Areas). In the context of the CBD, attention to mobile indigenous peoples and their governance of natural resources is given in the 2004 Programme of Work on Protected Areas (from the CBD COP 7) and in Aichi Biodiversity Targets integrated with the Strategic Plan for Biodiversity 2011–2020, adopted during the CBD COP 10.

Conservation and Mobile Indigenous Peoples, based on a conference organised in Oxford by the Refugees Studies Centre. The conference gathered experiences of engagement by indigenous peoples in issues related to protected areas, subsequent to the adoption of the CBD (see Chatty and Colchester 2002).

By about the same time, a highly committed group of international experts was leading the IUCN Commission on Environmental, Economic and Social Policy (CEESP) and the IUCN Theme on Indigenous and Local Communities, Equity, and Protected Areas (TILCEPA), including a member of the Dana Committee highly committed to pastoralism (see Farvar 2003). They advocated for a more decisive consideration of the rights-based approach in biodiversity conservation.[10] The 5th IUCN World Park Congress (WPC), held in Durban in 2003, was the first occasion to facilitate a large participation by pastoralists and local communities, along with the well-organised presence of representatives of indigenous peoples, as part of the initiatives organised for the WPC Governance Stream (Brosius 2004, 609).[11] Pastoralists were mobilised from their local communities in preparation of the 'Mobile Peoples and Conservation Workshop', a side event organised as a follow-up to the Dana Declaration (Borrini-Feyerabend and Farvar 2002). It was attended by forty-five persons, of which twenty-six were themselves pastoralists who had engaged in the field of pastoral development and biodiversity conservation for various reasons and with various roles (Rahmanian 2003).[12] The pastoralists in attendance identified the need for a global association for their self-representation, an issue discussed throughout the following days.

The first meeting dedicated to the new organisation was held on 15 September by pastoralists and supporters, but the Steering Committee was only formed by persons belonging to pastoral and mobile groups, including a scholar with an international research profile on pastoral issues and Joseph Ole Simmel. The latter had a record of long engagement in the indigenous movement as National Coordinator of the Mainyoito Pastoralists Integrated Development Organisation (MPIDO) in Kenya. He was nominated Chair of the Steering Committee. The Centre for Sustainable Development (CENESTA), being the host organisation of the CEESP Secretariat, offered to provide the service of technical secretariat for the new organisation during the transitional phase (CENESTA 2003a). At this stage, no decision about including the term 'indigenous' in the name of the organisation had yet been made. With very few exceptions, the attendant pastoralists only had their first occasion to interact with the indigenous movement at the Durban Congress. Most of them immediately sympathised with the indigenous cause and methods; in their internal discussions the members of mobile communities recognised that their problems were of the same type as those suffered by the indigenous peoples worldwide, but ran deeper. Due to the remoteness of their territories and their mobile lifestyle, they have been even more severely excluded from access to state services, marginalised in state politics, exposed to the expropriation of their territorial resources, and subjected to forced settlement and restrictions on cross-border movements. Some

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[10] CEESP was chaired by Taghi Farvar; it was organised into working groups, including the Collaborative Management Working Group (CMWG) – in 2015 changed into the Theme on Governance, Equity and Rights (TGER) – and the Theme on Sustainable Livelihoods (TSL). TILCEPA was set up in 2000 by CEESP and the World Commission on Protected Areas (WCPA); TILCEPA was co-chaired by Ashish Kothari and Grazia Borrini-Feyerabend. The latter was also Chair of the CMWG. The adoption of the rights-based approach is clearly visible in *Policy Matters*, the official CEESP journal, particularly issues no. 10 (2012), no. 12 (2013) and no. 13 (2014), all of which have at their core the vision and empowerment of local, mobile and indigenous communities, and also no. 15 (2007), which is entirely dedicated to human rights and conservation.

[11] TILCEPA, CEESP and the CMWG were the key organisations within the IUCN that provided the institutional link to the IUCN decision-makers. Grazia Borrini-Feyerabend was co-organiser of the 5th WPC Governance Stream.

[12] The workshop was chaired by Edmund Barrow, Taghi Farvar and Dawn Chatty. Financial support was provided by several organisations, including the UNDP Drylands Programme, IIED, IUCN and the Dana Committee.

of the supporters, however, discouraged the identification of their new organisation with the indigenous movement, fearing that the traditional resistance by African and Asian states to indigenous rights could either hamper the development of pastoral rights or weaken the growth of WAMIP in Africa and Asia. In addition, to qualify the mobile peoples as indigenous peoples had the potential to cut out relevant pastoral components who might not have wanted to classify themselves as indigenous; for instance, those in southern Europe, South America, the Middle East and Mongolia, where many pastoralists are not culturally distinguished from the national majority (Fratkin 1997, Westreicher et al. 2007). Some concerns were raised within the indigenous caucus, centring on the fear of introducing a divisive element within the indigenous movement at a key historical point, just when the draft Declaration on the Rights of Indigenous Peoples was in the process of being adopted in the UN system. The controversy was alleviated by intensive mediation by pastoralists and information-sharing by supporters. The adoption of the term 'indigenous' was finally agreed-on by all the pastoralists attending as a temporary solution, postponing the final decision to a later stage, after hearing the results of a consultation that TILCEPA had agreed to provide in the meantime in support of the new organisation. On the following day, the newly-formed Steering Committee met to decide the main organisational features of the Alliance and its next steps, including the Terms of References for the TILCEPA consultancy (CENESTA 2003b).

The consultancy was assigned to an international team. Its results were discussed at the WAMIP Second General Meeting, held on several sessions during the 7th Conference of Parties (COP-7) to the United Nations Convention on Biological Diversity (UNCBD), held in 2004 in Kuala Lumpur. The consultancy confirmed that, at that particular historical time, no international rights were recognised for mobile peoples outside the minority and indigenous framework (WAMIP 2004a). The consultants explored in detail the issue of mobility in relation to the available international instruments, and found no contradiction between it and them. Mobility emerged as a feature producing special problems of territorial abuse and discrimination in services provision, thus strengthening awareness about the need for a global association gathering together not only pastoralists, but all peoples and communities whose livelihoods depend on mobility, as defined in the Dana Declaration. From the Second General Meeting onwards, the name WAMIP was formally adopted. WAMIP documents make consistent reference to indigenous rights and to its broad composition as including non-pastoral mobile groups, as is evident from Article 2.b of the Statutes adopted in 2007 at the First Congress:

> Mobile indigenous peoples (e.g., pastoralists, hunter-gatherers, shifting agriculturalists and sea nomads) are a subset of traditional and indigenous peoples whose livelihoods depend on some form of common property use of natural resources, and where mobility is both a distinctive source of cultural identity and a management strategy for sustainable resource use and conservation. (WAMIP 2007b)

During the Second General Meeting in 2004, WAMIP defined its organisational structure by adopting the first version of the Statutes, with key elements that remained unchanged in the 2007 version. Full membership with voting status at the General Assembly was reserved to Mobile Indigenous Peoples or their sub-groupings, with decisional capacity assigned to the customary leaders. NGOs and associations can be delegated by the community for full membership where customary leadership does not apply, and can participate in WAMIP activities through a traceable process of delegation, organised as per the terms of the indigenous culture. Supporting membership, without voting status, is open to individuals and organisations (WAMIP 2007b). The 2004 version of the Statutes changed the Steering Committee into the

Coordinating Committee (with no change of personnel), and confirmed the Secretariat to be hosted at CENESTA (WAMIP 2004b).

During its initial phase (2003–7), WAMIP was run without any salaried personnel, with work done on a voluntary basis by the Steering Committee, supporters and personnel assigned by CENESTA for secretarial and liaison services. Funding was event-driven and provided by a variety of donors, mainly to cover travel expenses, with only a very small structural grant from the 2004 Darrell Posey Fellowship for Ethnoecology and Traditional Resource Rights.

THE INTERLINK OF WAMIP WITH ADVOCACY IN PASTORALISM

During the years between 2003 and 2007, WAMIP interacted with two other organisations engaged in advocacy for pastoralism at global level, the Pastoralist Communication Initiative (PCI) and the World Initiative for Sustainable Pastoralism (WISP). Both organisations were sustained and directed by international actors, but operated in different fields with different strategic approaches.

PCI ran from 2002 to 2009. It consisted of a series of DFID projects, housed by UN OCHA Ethiopia until 2008. It focused on the political arena, bridging communicative and representational gaps between the pastoralists and formal state institutions, and promoting mutual communication among pastoralists (Brocklesby et al. 2010, 12–13, 63). PCI has consistently avoided taking any stand, simply facilitating direct communication between actors. In line with the UN OCHA philosophy expressed in the Policy Framework for Pastoralism, the assumption was that pastoralists can more actively be involved in influencing policy. Slowly, the PCI initiative scaled up from the Ethiopian to the global arena. Much of the PCI work was based in the country of the Oromo-Borana, and involved the customary leaders of this pastoral group. The Oromo-Borana were also among the most active members of WAMIP, being represented on the WAMIP Steering (later Coordinating) Committee. WAMIP members and supporting members have accordingly been involved in PCI pastoralist-to-pastoralist initiatives, beginning with the 2004 meeting of the Borana, Gabbra Migo and Gujji Oromo held in Yaaballo (Ethiopia). In 2005, PCI facilitated the Global Pastoralist Gathering in Turmi (Ethiopia). This was the first time that pastoralists from all over the globe had a chance to meet in large numbers and share their own experience (Scott-Villiers 2005).[13] In 2006, PCI organised the Horn of Africa Regional Pastoralist Gathering, in Qarsaa Dembii, Yabello (Ethopia), which was again in the territory of the Oromo-Borana.

WISP was the advocacy initiative which most strongly focused upon the mobility paradigm of pastoral development. Its programme was designed during the Global Pastoral Programme Formulation Workshop held in 2004 in Nairobi, an event organised under the leadership of Maryam Niamir-Fuller and involving other experts that had long engaged in promoting pastoral development and mobility. Both WAMIP and PCI were invited to the Formulation Workshop. WAMIP supporting members gave presentations on the relevance of the rights-based approach to development in the field of pastoralism; WAMIP members have themselves more directly engaged in arguing against the concept of 'livestock development', an expression prevalent in the programs supported by most international organisations, which makes pastoral peoples with their lifestyle, identities and territorial rights invisible. WISP was initiated with a grant from

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[13] This gathering was attended by more than two hundred people, most of whom were pastoralists, from several continents.

the Global Environment Facility (GEF) implemented by UNDP. Its office was established at IUCN ESARO, Nairobi.[14] WISP maintained coordination with WAMIP on several initiatives, but did not emphasise minority and indigenous rights. Its strategy was mainly aimed at reversing the negative image of mobile pastoralism, presenting it as a viable productive system and using language and rhetoric appropriate to policy-makers at international and national levels. It mainly produced studies and reviews showing the relevance of mobile pastoralism to national economies, while simultaneously highlighting positive implications in terms of environmental sustainability, environmental services and the conservation of biodiversity (Davies and Hatfield 2007).

The PCI-facilitated 2005 Global Pastoralist Gathering had a crucial impact in building transcontinental networks of pastoralists. This enabled pastoral associations and activists in Spain and Europe to take the lead in 2007, when they organised the World Gathering of Nomadic and Transhumant Pastoralists in La Granja, Segovia (Spain), in conjunction with the Eighth Session of the Convention of the Parties to the United Nations Convention to Combat Desertification.[15] WAMIP planned to combine this Gathering with its First Congress; three WAMIP supporting members served in the Organisational Support Committee for the Segovia Gathering. At that stage, WAMIP was facing the institutional dilemma that set large representation against a strict observance of the organisation's rules on delegation and representation. WAMIP supporting members in the Organisational Support Committee obtained the adoption of nomination procedures for pastoralists' representatives at the Segovia Gathering, which was compatible with WAMIP regulations. As noticed by Upton (2014, 213), however, such procedures proved to be difficult to apply in the case of such a global gathering. While WAMIP could rely on established links with its members through the intermediary role of supporting members, and could engage in time consuming nomination processes at grassroots level,[16] most of the participants were funded by various international organisations that simply sponsored NGOs that had working links with them. In order to accommodate the demand of the new applicants who were attending the Segovia Gathering, at the beginning of the WAMIP First Congress the decision was made to waive the sixty days required for checking the credentials of new members. The Coordinating Committee (in charge) recommended the urgent review of all newly-submitted application forms, but in the meantime all applicants were admitted to the deliberative process. The Congress revised the Statutes, elected WAMIP officers and the Board of Trustees, and decided about the Secretariat (WAMIP 2007a).[17]

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[14] It was later financially supported by IFAD, the Ford Foundation and other organisations.

[15] Red Pastor and Fundación Trashumancia y Naturaleza were the lead Spanish organisations. The Government of Spain provided the largest share of financial support, with relevant contributions from WISP, IFAD and the Christensen Fund. CENESTA and WAMIP supporting members provided facilitation services during the event. The event was attended by over a hundred mobile pastoralists from thirty-eight countries in Africa, America, Asia and Europe. It produced two main unilateral outputs, the Segovia Declaration of Nomadic and Transhumant Pastoralists, and a Message to the Delegates of the UN CCD COP8.

[16] For instance, various local meetings attended by several customary leaders were held among the Oromo-Borana, who after internal discussion delegated one *abbaa gadaa* for attendance, with an interpreter. Preparation involved costly travels to the capital town to obtain the passport, visa and international travel for two persons (Bassi 2007).

[17] The General Assembly was renamed Congress and the Coordinating Committee was named Council. The composition of such organs underwent a significant change of personnel, with the election of President, Vice-President, Treasurer, and twenty-two Councillors. At this stage, due to the overwhelming incorporation of pastoralists, other livelihoods categories went highly under-represented in the membership and were absent from WAMIP governing organs. The Secretariat was temporarily confirmed as being hosted by CENESTA, with Taghi Farvar elected Executive Secretary.

In the phases that followed, WAMIP continued its global advocacy for biodiversity conservation, and engaged with the UN Permanent Forum on Indigenous Issues.[18]

COMPETING HUMAN RIGHTS PARADIGMS IN PASTORAL ADVOCACY

Over the last couple of decades, the field of development of pastoral areas underwent deep changes. Actors operate today in an environment marked by competing interests and the co-presence of different paradigms, ideologies and values. Moritz's theoretical juxtaposition of 'mobility' and 'modernisation' paradigms is the most obvious, but there are variations of those two ideal types that have deep implications for the inhabitants of the drylands. The promotion of large-scale land leases, aimed at economic growth, can in fact be regarded as the extreme version of the modernising paradigm. A subtle diversification marks the mobility paradigm too, as evident from the dilemma that WAMIP had to face during its inception phase, and from the emerging category of pastoral rights conceived as a domain separate from that of minority and indigenous rights. The analysis presented here emphasises how thus far no global treaty of any particular relevance has been agreed-on by states to protect mobile lifestyles, apart from those of well-established minorities and indigenous peoples. The Policy Framework for Pastoralism is a very interesting new development, with an expanded focus on mobility and on the historical processes of resource-alienation. In the philosophy of the policy framework, however, respect for pastoralists' rights is not the aim. Rights are here conceived as shared, abstract principles to be kept in mind by policy- and decision-makers during the process of incorporating them into development programs at regional and national levels. As mentioned in the introductory part of this article, such processes are highly influenced by the political influence of strong international and national actors, particularly including national governments, international development agencies, lobbies of global and national investors and, finally, the best-connected, most influential and wealthiest pastoralists. The case presented by Clare Oxby on the Pastoral Code in Niger is highly instructive. We see that the technical and financial resources made available by international and national programs for the implementation of the Pastoral Code in actuality favoured the best-connected actors. The Code itself introduced new governance mechanisms empowering pastoral associations to the detriment of the customary sector, further depriving the local pastoral communities from access to natural resources, all of which happened in line with the new mobility paradigm.

If not qualified in terms of whose herds are mobile, on whose pasture and using what water, a focus on mobility may easily lead to the further alienation of the pastoralists' rights to land and water-sources. In other words, the economic imperative for economic development needs to be ethically qualified, whether it be aimed at keeping pastoralism or achieving its demise. In this respect, advocacy has a crucial role to play. All the organisations considered above have been driven by international donors in one way or another, but they differ in composition, approach and strategy, with different outcomes in terms of the global discourse they help construct. The options were either to align with the pastoralist development paradigm supported by the trend emerging in favour of mobility – a discourse excluding any reference to minority and indigenous rights — or, more decisively, take the rights-based approach with reference to

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[18] This last activity started in 2006, but was implemented after the WAMIP First Congress with larger funds from IFAD and support from the Dana Declaration Standing Committee. In 2010, WAMIP was among the organisers of the Global Gathering of Women Pastoralists in Mera (India), which led to the production of the Mera Declaration.

the minority and indigenous framework. Among the three organisations, only WAMIP has chosen the rights-based approach, so far achieving some success primarily in the field of biodiversity conservation. Today, territorial dispossession under the assumption of *terra nullius* is still the most serious threat to mobile communities. Market integration and economic development in the drylands and other rangelands are necessary to overcome the difficulties of population growth and the incapacity of the natural resource base to sustain the growing population. As also suggested by Moritz, on-ground conditions reflect a combination of solutions, with an increased settling of people alongside mobile lifestyles, pastoralism and intensified production (Moritz 2008, 2251), and a wide range of other potential productive activities. But such processes should take place in sectors of the economy and forms that do not erode the natural resource base available to the local pastoral communities. If development intervention is not negotiated through effective mechanisms, when conflicts of interest arise the voiceless pastoral communities will have no option but to see their meagre resources taken away by rampant global and national investors and large-scale development. In this sense, the territorial and procedural rights established by the international treaties on minority and indigenous rights remain the most appropriate reference, despite their contradictions and limitations when applied to pastoralism. Making reference to customary settings in the indigenous-rights framework does also potentially allow for balancing the decision-making processes in the case of development, and activating the governance mechanisms that each mobile people has developed in their specific environment. This is, for instance, the approach claimed in 2007 by the Oromo-Borana in the Yaaballo Statement on the Borana Conserved Landscape (Bassi and Tache 2011). But, as implied in the Statement itself, to make it workable the local pastoral community needs both the national government to adopt policies appropriate for pastoralism, and international actors to align with the rights-based approach (IUCN 2012).

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