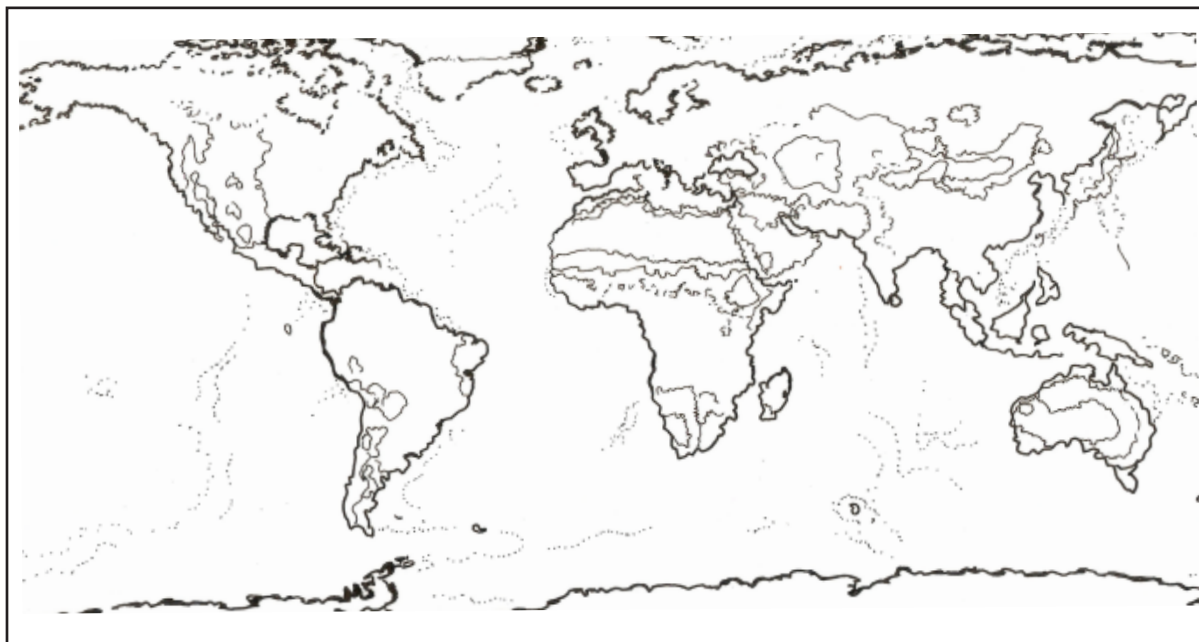


Securing Dryland Resources for Multiple Users



Close to one billion people worldwide depend directly on drylands for their livelihoods. Because of their variable and erratic climate and political and economic marginalization, drylands have some of the highest rates of poverty, including the world's poorest women and men. Users of dryland resources — including pastoralists, sedentary farmers, hunter-gatherers, and refugees — need to be assured of appropriate and effective access to sustain their diverse livelihood strategies in their risky shared environments.

SOURCE:

Mwangi, E. and S. Dohrn. 2006. *Biting the Bullet: How to Secure Access to Drylands Resources for Multiple Users*, CAPRI Working Paper No. 47, International Food Policy Research Institute, Washington, D.C.

Pastoral and sedentary production systems that coexist in drylands very often use common property arrangements to manage their access to and use of natural resources. However, despite their history of complementary interactions, pastoralists and sedentary farmers increasingly face conflicting claims over land and other natural resources. Past policy interventions and existing regulatory frameworks have not offered lasting solutions to problems relating to land tenure and resource access for multiple and differentiated drylands resource users. These users require flexibility of access; they adopt opportunistic strategies to cope with the uncertain conditions in which they operate.

It now seems to be recognized that drylands resources need to be secured for their users against some form of threat, often external. So too is the idea that some legal solution premised on local customary rules may be appropriate and effective in protecting group rights. These realizations are informed by earlier top-down, state-led approaches of individualization or na-

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tionalization that privileged some customary users over others, undermined authority systems regulating resource access, and opened up opportunities for non-customary users and immigrants to appropriate resources.

However, in seeking legal solutions for recognition and strengthening of group rights, there is increasing empirical evidence that threats to tenure security may also originate from within the groups themselves, with women's rights being particularly vulnerable. The question thus remains of how resources are to be allocated, accessed, used, and managed within groups. Another concern is not only how tenure security can be enhanced for multiple resource users, but also how it can be strengthened for multiple uses of drylands resources.

A Focus on Process

Among a range of innovations tackling these problems are legal reforms that seek to adapt customary and local systems to wider statutory obligations. However, key concerns are the oversimplifying of complexities and the exclusion of secondary and temporary users in rural areas. In such multi-use environments, process—rather than content—should be the focus of policymakers. Instead of the allocation of rights, tenure regulation needs to center on rules and mechanisms for regulating access and use among multiple interests.

Attempts to secure access for multiple users in variable drylands environments should identify frameworks for negotiated conflict resolution. This requires crafting rules from the ground up, in addition to a more generalized or generic identification of rights. Elite capture and exclusion of women and young people continue to pose significant challenges in decentralized processes.

Local actors are the competent authorities to determine the forms of insecurities that exist and levels of appropriate action that might alleviate them. To secure access options to drylands resources and opportunities for differentiated local actors, negotiated processes must have meaning in local settings, and elite influence must be strategically confronted. Efforts to reform rights systems may yield little benefit if pushed too soon, too quickly, or without appropriate synchronization between different components of institutional change. These efforts will be more effective if timing matches local priorities and schedules, allowing continuous learning and integration between changes in policy, regulation, and practice.



Negotiating Access Rights

Attempts to support tenure policies must try to reconcile legitimacy, legality, and practice of tenure rights. To create legitimacy on the ground requires promotion and support for dialogue and negotiation among resource users. This works best within a legal framework that centers on process, leaving details to local people and enabling them to adapt their local systems to specific external and internal threats to tenure security. Law thus sets the principles and procedures of accountable, transparent, and inclusive negotiation and dialogue. Even then, the state would need to function as a capable mediator and enforcer.

The process may also benefit from an explicit description of what constitutes security of access for different categories of users or different resources, at different times and scales. Seeking answers to the fundamental question of what security means, for whom, and against what threats may well open up a range of useful policy options for securing land access rights. Unpacking tenure insecurity may also provide some clues on how powerful interests may be countered for the benefit of a wider segment of society. For rights to be meaningfully secured, there is need to identify the nature and sources of threats that create insecurities.

Addressing accountable, inclusive, and transparent procedures for negotiating and arbitrating disputes at local levels provides an avenue out of the need to record and legalize all manner of rights and negotiations. These should be based on local, salient values of what is fair and equitable. Recent attempts at decentralizing authority and functions to local and district levels have remained incomplete, thus strengthening local elites and increasing the vulnerability of those already marginalized. A system of incentives is required to ensure that central and local institutions are more responsive and accountable to local populations as a whole.

There are, however, limitations: negotiation may not be practicable, either due to prior injustices or unequal capacities of parties, and the elite may capture the process. Though the state's theoretical role as the ultimate guarantor of property rights and mediator of conflicts is fairly clear, the complement of institutions and actors that comprise the state have proved incapable (and perhaps unwilling) to perform this role effectively. A state's institutional weakness is bound to lead to the failure of mediation, without which there can be no consensus and no general framework of dynamic relations between actors in rural development.

Conclusions

Instead of allocation of rights, tenure recognition needs to center on the rules and mechanisms for regulating access and use among the multiple interests. While enhancing security of tenure is the question on one hand, it is also important to see to it that there are mechanisms for strengthening the access of multiple users to the dryland resources in question.

Multiple Users and Uses of Resources

Many resources, including private property and the commons, are used by different people for a wide variety of purposes. For example:

- The same piece of land may be used for growing different crops, grazing, and gathering.
- The same water source can be used for irrigating, washing, taking care of the farm animals, or income-generating activities.
- The same area of forest can be used to produce timber, fruits, leaves, firewood, shade, or other commodities.

Most analyses of the efficiency of natural resource management have failed to recognize that resources often have multiple uses, and that sub-groups of users often can be characterized by their use patterns. As resources become increasingly scarce, strategies need to be devised that will minimize conflicts for resources among different categories of users and put forth enduring solutions that respond to the interests of multiple users, particularly those whose livelihoods depend on the utilization of natural resources.

It is critical to involve local people to come up with appropriate actions to negotiate access rights. Legal solutions based on customary rules are appropriate to protect rights of various groups dependent on the same resources. Legal reforms need to take customary and local systems into account.

The process of negotiation needs to take into account the capacity of differentiated local actors to facilitate continuous learning for integrating policy, regulation and practice. The state should limit its function to mediation to bring and build consensus.

Suggested Readings

Juul, K., and C. Lund (eds). 2002. *Negotiating Property in Africa*. Portsmouth, NH: Heinemann.

Payne, G. (ed). 2002. *Land, Rights and Innovation: Improving Tenure Security for the Urban Poor*. London: ITDG.

Sourcebook on **Resources, Rights, and Cooperation**, produced by the CGIAR Program on Collective Action and Property Rights (CAPRI)