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**CONFERENCE ON
AFGHAN PASTORALISTS (KUCHI)
Report of Proceedings
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BACKGROUND

The Conference on Pastoralists (Kuchi) was an initiative of USAID through its programme RAMP, in collaboration with the Ministry of Frontiers and Tribal Affairs [MFTA] and the Ministry of Agriculture, Animal Husbandry and Food [MAAHF]. It was hosted in order to contribute understanding of the issues faced by the pastoralists (Kuchi) and the development of an overall Pastoralist Support Strategy. This was a three-day conference held from November 15-17, 2005 at The Foundation of Culture and Civil Society in Kabul, Afghanistan. The conference's agenda and list of participants are included as annexes to this report.

For this strategy to be implementable, it must be reached through broad-based consensus. Issues affecting the pastoralists are by definition cross-cutting and may only be resolved through the cooperation of many actors, and a process of broadly-based consultation. Pastoralism and the issues associated with it are not the exclusive concern of Afghanistan; other countries have nomads as well, and they often face similar trends. Important lessons can be learnt from these international experiences. Therefore several guests with international experience were invited to this Conference.

The idea of a conference was launched in a meeting held in the Ministry of Frontiers and Tribal Affairs in August 2005. A background document was prepared, to allow interested stakeholders to work from the same information base. That document, and other information related to Afghan pastoralists may be accessed on www.afghanpastoralists.com.

The Conference was a key step towards developing a Pastoralist Support Strategy; it was an opportunity for policy makers, donors and implementing agencies to meet with Kuchi representatives to share views and ideas. Key issues were drawn out.

Only some of many topics important to pastoralists were targeted for discussion by the Conference. These were focused upon agricultural issues, and excluded issues of education and health care. Institutional issues were also only addressed within the context of land tenure systems. The pastoral way of life was an important focus, along with recognition that many Kuchi have lost their animals and have begun or still require to build an alternative livelihood, for which support may be required.

In the overall Pastoralist Support Strategy, two alternate avenues for support to the Kuchi will need to be considered; 1) strengthening the 'pastoralist way of life', and 2) facilitating alternative livelihood support. Of course the two are closely interlinked and building synergies between them will be a core element of the strategy.

A draft Pastoral Support Strategy will be developed following the conference, led by the Pastoral Adviser to MFTA and MAHF. This will be distributed widely for discussion. The Strategy will elaborate priorities and identify areas for quick action and other areas which will require longer-term planning and input. This will require further localised consultation, and further research may be required.

This document provides the proceedings of the Conference, the key issues raised by the participants, and a brief discussion of the main outcomes of the Conference. A summary of all presentations made to the Conference is given. The full texts of these presentations are annexed or may be found on www.afghanpastoralists.com.

For more information about the Conference, or about the developing Pastoralist Support Strategy, please contact Frauke de Weijer at F.deweijer@planet.nl or at +93 70 278899.

PROCEEDINGS

DAY ONE:

1. Opening remarks by the Ministers of Frontiers and Tribal Affairs and the Ministry of Agriculture, Animal Husbandry and Food.

The Conference was officially opened by the Minister of Agriculture, His Excellency Obaidullah Ramin, and the Minister of Frontiers and Tribal Affairs, His Excellency Karim Brahowie. Both ministers reiterated the importance of the Kuchi for the national economy of Afghanistan, as evidenced by the fact that in the past export of livestock products constituted around 35% of total exports. Kuchi are important producers of meat, wool, and dairy products. Their production system is highly efficient because they use marginal lands for which there is no other productive use.

Both ministers stressed the effects of drought and war on the pastoralists, and how livestock numbers dropped severely, with the associated negative impact on the Kuchi way of life.

The Minister of Agriculture stressed the commitment of the Ministry of Agriculture and of the entire Cabinet to support the Kuchi, since they are 'our brothers'. However, in realistic terms, time is needed to solve the problems, due to the scale and range of the problems Afghanistan currently faces. The Ministry of Agriculture specifically mentioned its efforts in providing livestock services, through its collaboration with partners.

The Ministry of Frontiers and Tribal Affairs presented their efforts for the Kuchi, among which a collaboration with the Ministry of Public Health which has led to the establishment of a mobile health clinic around Kabul. In addition, 34 provincial boarding schools for Kuchi have been planned for. Additional project proposals have been prepared, including a restocking scheme, for which no funding has been obtained so far.

After delivering their speeches, both Ministers remained for the entire morning session, which was greatly appreciated. After their departure, they were represented by their deputy ministers, Mr. Jawad (MAAHF) and Mr. Babrakzai (MFTA).

2. Introduction on the purpose and objective of the Conference

The opening remarks of the ministers were followed by an introduction by Frauke de Weijer, the Pastoral Adviser, on the purpose and the objectives of this Conference. The full text of her presentation may be found as Annex III. De Weijer outlined the purpose of the Conference to provide an opportunity for policy makers, implementers, and donors to meet with Kuchi representatives to share views and discuss ideas. The objective of the Conference was to draw out key themes and issues that need to be considered when formulating the overall Pastoralist Support Strategy. In this sense, this Conference is an important step towards the formulations of such a Pastoralist Support Strategy, to which all the participants of the meeting will be invited to contribute further.

Frauke de Weijer introduced the speakers and the international guests brought in specifically to share their world-wide experiences with the participants, so that important lessons learnt in other parts of the world could be taken into consideration. For a brief introduction of these individuals, please refer to Annex IV.

3. The Central Asian Context of Pastoralism

Dan Miller, the Agriculture Development Officer of USAID and champion of this initiative, spoke of the Central Asian context of pastoralism, showing pictures from the Central Asian Highlands. He reiterated some of the core elements of sustainable pastoralism, such as 1) pastoralism as an evolutionary adaptation of mankind to the use of rangelands, 2) rangelands as a resilient and varied ecosystem, 3) the rationality of pastoralism, 4) the importance of mobility, 5) the importance of adapted species, 6) the important contribution of women to the pastoral economic system, 7) the wealth of indigenous knowledge, 8) the lack of sufficient realization among governments of the rationality and value of pastoral systems to the country. The full Power Point presentation may be found on the website.

4. Presentation on Land tenure and Pasture Access

Dr. Liz Alden Wily, an internationally renowned land tenure specialist who has done extensive research on land tenure issues in Afghanistan, presented her views on the situation in Afghanistan regarding land tenure and pasture access. Her full presentation is attached as Annex V.

The key points of Alden Wily's presentation were:

- Current policy and law relating to pastures is out-dated and unworkable and its paradigms are hotly contested on the ground.
- A new policy process is needed for rural land relations in general, in order to arrive at fair, peaceful and workable arrangements.
- Modern national land policy is not easily arrived at through centralised paper exercises. These tend to reproduce the same systems, under different names.
- A fresh approach to land policy requires practical investigation of new systems – and with land users themselves.
- This means adopting a bottom-up, participatory and learning by doing approach to those issues which are proving most difficult to resolve.
- Rights over pasture is one such area – and in fact the most important rural tenure issue in Afghanistan.
- The logical framework for carrying out a learning-by-doing approach is through discrete community-based pilot initiatives; research and consultation is not enough, and ***policy and law should not be finalized until lessons have been drawn from these pilots.***
- Community based means including the resident and the nomadic communities when the subject is pasture access.
- A clear institutional focus and political commitment is required to support piloting of new approaches and to bring the lessons into policy making and new legal drafting to entrench the policies and new practices.
- The main outstanding issue for rural land policy to address in Afghanistan is to sort out how pastures are owned, accessed and managed.

Alden Wily outlined why the pastures should be the main focus:

- In terms of hectares, pastures are the major rural resource.
- Pastures are the site of the most unresolved and provocative tenure policy issues: These include policy failures to provide properly for common property, an excessive reach of the State over pastureland, unclarity as to the distinction between Government Land and Public Land and therefore the powers of Government over the latter; a failure in policy and law to properly distinguish between ownership rights and access rights; a failure to devolve authority over specific pastures to pasture users, and therefore make them more responsible for its environmentally sound use; and failures to limit the claims of individuals to community and public land pastures.
- Pastures, not farms, are the areas of least security of tenure by owners and users
- The most serious property disputes concern rights over pastureland.

- The character of pastoral conflicts does not lend itself to court or document-centred resolution; these need to be sorted out by the contestants themselves with mediation.
- Inequity and polarization within rural society is most strongly occurring in respect of pastureland access; the rich and powerful are capturing pastures as their own property.
- Pastoral commons and public lands are the only asset of the very poor and action to protect those interests is critical.
- Pastures are the site of the most dramatic land use changes, and generally for the worse.
- The value of the pastures is rising due to overall land shortage, but to whom the benefits should accrue, has not been resolved; government, individuals, communities, or users?

Liz Alden Wily then described an approach through which the problems associated with rural pastures could be practically resolved. This process would have to be followed at the local level, by local people, and with the involvement of seasonal users of pasture.

An early step would be to draw a practical distinction in each site between those pastures which are customarily owned by settled communities and those upper or remoter pastures which are more properly public land. All parties would have to come to agreement as to the exact location of the boundaries, and this would need to be mapped and marked on the ground.

Clarification and agreement would also need to be achieved as to the meaning of 'private rights' over pastureland, and how far these enable the holder to exclude other users or uses (such as collection of shrubs for winter fuel and fodder by local community members). Seasonal users like Kuchi and local community users would be assisted to arrive at sensible rules such as fixing a line in each area beyond which no cultivation of pastureland would in future occur. Participating communities would need to agree on procedures for allocating, accessing and using specific pastures or areas within large pastures.

These rules would need to include mechanisms for dealing with those who break the rules. Local institutions such as a Pasture Committee would have to be put in place, and in due course recognised as the local land authority over the particular pasture, bound to regulate access in fair ways and take steps to improve the quality of pasture through rotational grazing or other steps. This body would be bound to uphold agreements, be accountable to all users through clear procedures, and subject to sanction for failures. Kuchi seasonal users would have to be properly represented on these decision-making bodies.

Liz Alden Wily gave an example of how such an approach would be implemented in the field:

1. First a Facilitation Team is formed, comprising an experienced Tenure Facilitator and a Senior Government representative, and who take ultimate responsibility for the implementation of the trial initiative. Periodic inputs from a Range Management Specialist would be secured to provide rangeland assessments and recommendations relating to a particular pasture. This core team identifies uses and users of the pasture, past and present. It does this through thorough local consultation with settled communities and with representations from the Provincial Kuchi Shura. The Team calls representatives of these groups together and assists them to form a combined Local Land Review Team
2. This Team closely examines each and every pasture on the ground and with the guidance of the facilitators, sets out to identify for example -
 - (i) workable boundaries between local community domains and public land pastures as may be agreed and upheld by both parties;
 - (ii) the access rights that exist by decree, allocation or custom over both local Community Pastures and adjacent Public Land Pastures;
 - (iii) Conflicting claims of ownership and access which cannot stand together and where compromises need to be made;
 - (iv) Clarification of exactly how local community pastures (Community Domains) are considered owned, used and regulated, resolving for example conflicting claims by certain groups within the community or between two communities;

- (v) Reaching of agreement as to boundary limits of cultivation on these Community Domains and the steps that will be followed to bring existing cultivation beyond these boundaries to a halt;
 - (vi) Definition of clear rules through which community members agree the Community Pasture Domain will in future be accessed, and in ways which are fair for poorer members of the community;
 - (vii) Establishment of norms through which Kuchi could access those Community Domains on certain conditions;
 - (viii) Similar clarification in respect of Public Land pastures beyond Community Domains, in terms of right-holders and user groups. This will include examination of how seasonal users subdivide their individual or shared access to these areas and how local community users exercise rights of access to those same zones; with agreement by the representing parties of acceptable norms, and how these will be entrenched and upheld;
3. Formal agreements on all the above follow, step by step;
 4. The institutional basis is established through which Agreements and Regimes for Regulating Access and Use will be sustained and upheld, and disputes arising handled;
 5. Following community wide consultation and agreement, with significant district and provincial participation, final Agreements are signed;
 6. Mapping of each domain is undertaken, on the basis of GPS readings taken by the Team;
 7. Arrangements for district and provincial registration of these agreements are made, including detailed descriptions of each boundary agreed, the associated rights, right-holders and rules of access and use for each area, and agreement as to the precise procedures that will be followed in the event of breach.
 8. The process is documented, including the resulting Agreements and types of tenure norms established, with a view to feeding these innovations directly into wider policy making.

5. Expression of views of Kuchi representatives and Plenary discussion

It was initially envisaged that the participants would split up in working groups, but due to time constraints it was decided to discuss in plenary. The key issues discussed are presented in the next chapter.

One Kuchi paravet has been trained in Herat, and is working actively among his Kuchi community. This person could be an example for others.

Over the years there has been a shift in policy from free supply, via subsidized drugs and subsidized service delivery, towards a policy of full cost recovery. Slowly but steadily a institutional environment is agreed upon, where veterinary service delivery is placed in the private sector, of with a regulatory and monitoring role for the government.

The key issues with lack of inclusion of Kuchi are the following:

- Most Kuchi do not come to VFU unless their animals die or become sick.
- They need to understand the importance of preventive medicine.
- Most of Kuchi flocks are looked after by shepherds, not the owners.
- Illiteracy.

Suggested approaches for increased Kuchi inclusion are:

- Awareness through extension work
- Radio/TV information
- Information through VFUs and infectious disease incidence reporting system
- Extension work visit and pamphlets and charts distribution
- Paravet / BVW training, for them to move with the Kuchi
- Design a pilot project for Kuchi on animal health care such as vaccination, deworming, feed storage and providing drinking water for livestock during difficult years.

3. Presentation on Animal Production and Rangeland / Marketing Opportunities for Livestock (meat).

Euan Thomson gave two presentations; the first one on Animal Production and Rangeland; the second one on the opportunities and constraints for marketing of livestock (and to some extent of livestock products). Through increasing productivity of rangelands, improving livestock productivity and improving the returns on the animals and their products when they are marketed, the overall livestock production and income levels can be increased.

In order to develop a strategy to increase overall livestock productivity of the extensive livestock production system, the following need to be targeted specifically; the range condition, winter nutrition of ewes, timing of sale of the animals, and the efficiency of the marketing chains. This is in addition to the very important topic of access to the resources, which was discussed at length on the first day.

Recommendations for how to tackle these four elements were given in the two presentations, and these are posted on the website www.afghanpastoralists.com. In summary;

Rangelands

- Selection of pilot areas needs to take account of range condition in the areas selected. The area should include a spectrum of range conditions, from good to poor.
- The surface area of each pilot site will need to be large to enable a meaningful evaluation of the range management practices that will be applied.
- The knowledge of Kuchi regarding the use of rangelands should be investigated and documented and then applied when appropriate. It is important to understand how the Kuchi take decisions about when to move their animals and to where.
- Critically examine which aspects of 'textbook' range improvement practices are relevant. For example, rotational grazing may be relevant but reseeding with exotic grass species is not.
- Defer implementing the types of activities that are being proposed by GL-CRSP and instead use the funds to train Afghan staff to the MS level in topics relevant to the project, particularly community-based approaches, land tenure, pasture access, common property rights, and sustainable natural resource management.

Improved winter feeding

- Design a winter feeding programme with participation of Kuchi.
- Evaluate the potential of urea-treated straw with a view to establishing private enterprises to supply the treated straw to sheep owners.
- Explore the potential to grow barley in designated areas of rangeland.
- Assess the potential of establishing salt-tolerant fodder shrubs in areas where drainage water from irrigation systems accumulates. This water is often saline to some degree.

Exploiting added-value potential of sheep

- Conduct rapid rural appraisal (RRA) to document the main marketing strategies of Kuchi, market demand for fattened sheep and the availability of feed supplies needed to fatten them. It is anticipated that a range of practices are found, from selling of six-month old lambs in order to raise much needed cash to fattening sheep in order to exploit their value-added potential.
- A credit scheme will be needed to help the less wealthy Kuchi start fattening animals.
- Depending on the outcome of the RRA, implement a number of small-scale pilot fattening operations

More efficient marketing chains

- Identify with kuchi participation the main marketing constraints.
- Implement activities that could improve the efficiency of marketing chains.
- Ensure that kuchi benefit from the value-added potential of animal fattening, possibly by linking nomadic (they supply the lambs) to settled kuchi (who have access to the feed).
- Ensure kuchi and traders are fully aware of marketing regulations.
- Collect and disseminate livestock prices through markets, VFUs and radio programmes.
- Given the apparent deficit of wool from Afghan sheep, explore whether the precious wool from these sheep could be sold to Afghan carpet makers resident in the country rather than exported.
- Assess whether there is scope to improve the processing of locally produced wool.

4. Plenary session

Due to time constraints it was decided to forgo the working group discussion and draw out the main issues in a plenary session. The key points of that session are given in the next chapter.

5. Presentation on opportunities and constraints on marketing of carpets

Aref Adamali of the OTF group gave a presentation of the marketing of Afghan carpets, and the OTF's strategy for promoting the Afghan carpet sector. He started by presenting the Afghan carpet industry and its characteristics.

The majority of Afghan production is located in the north, where a combination of traditional and newer *Chobi* carpets is woven. Kabul is a relatively new centre of production, focusing on *Chobis* (literally means 'of wood'; e.g. in warm natural 'woody colours'). Traditional carpet production in Herat is in a vulnerable state.

Access to good quality wool is the number one business barrier faced by carpet producers.

In terms of marketing of its carpets, Afghanistan has a poor reputation as a supplier; trustworthiness and reliability of supply are the most important factors. The challenge lies in addressing this, especially considering the status of the infrastructure and communication networks in Afghanistan, and the lack of foreign language and computer skills among the

suppliers. An additional problem is the reluctance of foreign (in particular American) buyers to travel to Afghanistan, due to security concerns.

A market survey conducted in the US and Germany shows that the most important attributes of a carpet are its type of fibre, design and colour. The least important attributes are country of origin, a quality guarantee, green production and labour conditions.

In a marketing strategy, the product's aesthetics, quality of inputs, and value should form the foundations of a national carpet brand. However, the brand should also be tailored to account for regional market variations. It is common in the US for identical carpets to be produced in many different sizes, referred to as 'programmed carpets.' They are not sold as unique products, but as standardized interiors items. Germany's emphasis on weave and uniformity, as opposed to size, indicates that oriental carpets are still purchased as original artisanal products, valued for the quality of the workmanship.

The OFT group is using a three phase approach to carpet marketing:

1. Establish export-oriented consortia of suppliers
2. Develop marketing strategy and branding campaign
3. Hold an international carpet exhibition in Afghanistan

The entire presentation can be found on the website www.afghanpastoralists.com

6. Intermezzo

Frauke de Weijer stressed the importance of Aref Adamali's earlier statement that the most important barrier faced by carpet producers was 'access to local wool'. There is a high demand by carpet producers for high quality hand-spun wool, and this is where the Kuchi have an important role to play.

Wool from the Ghazni area is well-known for its good quality, and is famous in the region. This wool comes almost entirely from Kuchi flocks. According to carpet and wool traders, there is a high demand for good quality hand-spun wool. Hand spinning of wool adds characteristics to the wool, which cannot be obtained through machine spinning (e.g. the density of the wool in the thread, and the slight variations in thickness which creates a lively effect after dyeing).

Most of the wool from the Kuchi in Ghazni is sold to the traders in a raw, unwashed and unprocessed state, and most of it is transported in this state to Pakistan where it is processed further. There may be opportunities to increase the processing of wool in Afghanistan, and for involving the less migratory or settled (destitute) Kuchi in these value-adding processes as an income generating activity. These Kuchi have a comparative advantage in the sense that they are socially linked to the more migratory Kuchi producers.

The wool traders in Ghazni complain that there are large quantities of wool imported from Iran, Iraq and to some extent from Pakistan, which corrupts the market. This wool is cheaper than the Ghazni wool, but the quality of most imported wool is lower than that of Ghazni wool. According to traders this corrupts the wool market, and will damage the reputation of the Afghan carpets in the long run. They pleaded for a ban on import of wool, which may not be fully realistic (not enforceable, and partly caused by the low supply of local wool in Afghanistan). However, they may have a point when stating that quality control over the Afghan carpets is important, and it should start with the wool.

7. Plenary session

Due to time constraints it was again decided to forgo the working group discussion and draw out the main issues in a plenary session. The key points of this session are given in the next chapter.

8. Institutional arrangements for further strategy development

Frauke de Weijer, the Pastoral Adviser, presented the following:

As discussed earlier, there is a need for a process of integrated strategy development, in which the Ministry of Frontiers and Tribal Affairs plays an important role in advocacy and coordination.

The focus of the Conference has been mostly on land tenure and pasture access, and themes like education and health have only been mentioned in passing. However, it is clear that these issues are cross-cutting and all the relevant line ministries and other stakeholders need to be involved.

In the initial meeting held in the Ministry of Frontiers and Tribal Affairs in August 2005, several sectoral working groups were formed:

- rangeland
- livestock production
- animal health
- governance
- macro-economic regeneration (marketing of livestock and livestock products)

In particular the first two groups have actively shared ideas and information, mostly by e-mail. The animal health group has been actively pushing for specific interventions to take place. Actors in the field of wool marketing have met regularly, mostly initiated by the OTF group.

The group on governance has not been active so far. It is suggested that since governance issues are closely related to the institutional arrangements that are required for proper land tenure arrangements, that the topic of governance be merged with that of land tenure.

De Weijer suggested that the following sectoral working groups become operational:

- Rangeland
- Livestock production
- Animal health
- Land tenure and governance
- Macro-economic regeneration (marketing of livestock and livestock products)
- Education
- Health care

Members of these sectoral working groups could share information and views, either over the e-mail or in person. These working groups could select one delegate who will report back to the larger working group in the Ministry of Frontiers and Tribal Affairs. Participants of the workshop were requested to comment on this suggested arrangement.

The Conference participants were informed that should they have suggestions or be interested in being part of one of these working groups they should send an e-mail to <F_deweijer@planet.nl>.

9. Health Issues by Dr. Maarij

Dr. Maarij of the Ministry of Public Health took the opportunity to present to the participants the activities of the Ministry of Public Health (MoPH) in relation to nomadic groups. In particular he mentioned the fact that the MoPH was actively engaging Kuchi in their vaccination campaigns; that the MoPH in collaboration with the Ministry of Frontiers and Tribal Affairs had established a mobile health clinic for Kuchi in the areas surrounding Kabul; and that the MoPH had plans to train village health workers which has scope for Kuchi being trained as well.

He expressed the need for more information on their hygiene practices, and on potential mechanisms how these could be improved.

DAY THREE:

The third day of the Conference was earmarked for pulling together the key issues and recommendations from the first two days, and to form a basic outline for a pastoralist support strategy.

The key findings from the first two days were summarized briefly by the respective speakers, and discussions ensued regarding practical approaches that could be adopted. The main points raised in these discussions are described in the next chapter under the relevant headings.

Interestingly, the Kuchi representatives were less politically outspoken on this day, and were more actively engaged in trying to look for practical solutions. De Weijer urged the Kuchi representatives to take responsibility for their own development, that it had reached a point where using the Conference to raise their political profile was inappropriate, as was using the Conference as an occasion to express their dissatisfaction with the Afghan government and the international community, without offering constructive suggestions. It was explained that this was an opportunity in which they could sit and discuss practical solutions to their problems with technical people and policy makers who are genuinely looking to the Kuchi representatives for guidance.

These statements by Frauke de Weijer were enforced by Dr. Ilse Köhler-Rollefson, who gave a brief presentation on her work with the nomads in Indian Rajasthan, where 'endogenous development' and active problem-solving for self-reliance is the core element of the program. She stated that those nomads had in effect lost ten years, due to poor attitudes and lack of self-reliance. She warned that this should not be repeated in Afghanistan. The Kuchi representatives welcomed these statements and accepted the wisdom of thinking and acting constructively rather than complaining.

The discussions of the day started on the topic of land tenure, which consumed the greater part of the morning. Around 11.30 AM the focus was shifted to rangeland and animal productivity. Interestingly the discussion kept returning to pasture access issues, and several Kuchi representatives advised the organizers of the Conference that "As we have only one and a half hour left in this conference, could we please continue talking about the pastures? Once we have secured access to the pastures, we will be able to tackle livestock production issues, and as for the condition of the rangeland, and we can do that ourselves".

KEY ISSUES RAISED BY THE PARTICIPANTS

➤ On the Conference itself

- Especially on the first day of the Conference, many Kuchi representatives were very vocal in expressing their grievances on how they felt that their rights had been deprived; how they had suffered so much through war and drought; and how nothing has been done for them. They expressed their disappointment with President Karzai, whom they all voted for, but who had not done anything for them. Their disappointment also extended to NGOs and the international community. In addition they expressed their dissatisfaction with the newly elected Kuchi members of parliament, who they perceive not to be 'real Kuchi'. At the same time, it was commented that these newly elected Kuchi MPs should have been present. It was pointed out that they had indeed been invited, but had not shown up.
- The need for an integrated approach was raised, with the request that all line ministries be represented. The importance of the Ministries of Education and Public Health was stressed. Responding to these comments, it was pointed out that: 1) these two ministries had indeed been invited, even though these issues were not specifically placed on the agenda of this Conference which had a more agricultural focus, and 2) that one of the outputs of this Conference was meant to be an institutional framework, probably in the shape of sectoral working groups, that would continue to work further towards policy and strategy formulation.
- Gratitude was expressed by the Kuchi participants to the organizers of the Conference, who felt that they were provided with an opportunity to express themselves and share their feelings with the other participants and the outside world, and to learn more.

➤ On Land tenure and Pasture access

- Mr. Ashraf Ahmadzai, the head of the National Kuchi Shura stressed that the Kuchi never 'stole' any land, or appropriated land which did not belong to them. According to him three types of pasture land exist:
 - private pasture, purchased by an individual.
 - pasture over which (Kuchi) communities have received user's rights through documentation (per royal decree or through other administrative allocations)
 - pasture over which traditional / customary arrangements exist, in the shape of user's rights.Other than the first type, which is clearly ownership over the pastures, the Kuchi seem to refer to the other two types as 'user's rights' and not 'ownership rights'.
- The lack of rule of law was emphasized. How can problems over the pastures be dealt with when rules and laws are not obeyed? How can the communities take decisions themselves, when they are subject to the powers of commanders? Kuchi leaders reiterated that they do not have problems with local communities but with local commanders who incite local populations against Kuchi.
- The Deputy Minister of Frontiers and Tribal Affairs, Mr. Babrakzai, mentioned the fact that the Ministry of Frontiers and Tribal Affairs, in collaboration with MAAHF, MRRD, and Min of Justice prepared a draft law on the pastures, which was subsequently sent to the Ministry of Justice. However, this law was returned without any action taken.
- It was mentioned by several participants that 'if only there was rule of law' and if only 'disarmament was fully completed', the problems would be solved, because the laws are

all there. There are laws that serve to protect the pastures, and specify that the pastures can be used for livestock grazing by all people, regardless of whether they are nomadic or settled. A discussion ensued between two parties; those who felt that with a strong government and rule of law these problems would automatically be resolved. The other party disagreed, using the arguments that 1) the law itself is unclear and is part of the problem, 2) that it is exactly through empowering the local communities in decision-making that the power of the commanders may become undermined, and 3) that any decision that was not supported by both competing parties could never be maintained, no matter what the law states.

- An important comment was made that it should be avoided to create an impression that land tenure conflict was always between sedentary farmers and pastoralists. This is not necessarily the case, competition or conflict does also occur between 1) two Kuchi tribes, 2) two settled communities, 3) between the poor and the rich (powerful elite) in a village, 4) between the landlord and the community, 5) between a commander and the community, and 6) between returnees and resident people. All these potential layers of conflict may however be tackled through the same local negotiation process.
- The advisor on Kuchi in the Ministry of Frontiers and Tribal Affairs, Mr. Nuristani, informed the participants that they had recently settled a conflict between two Kuchi tribes in Logar province (Stanikzai and Ahmadzai tribes). A government delegation went to mediate between the two parties and three methodologies were used:
 - Scrutiny of documents
 - Site visit
 - Discussion on customary mechanisms of land use (through witnesses)A decision was made by the government team; compensation was paid by one of the parties and the issue was solved. This example showed clearly that the current procedures used by the government included both the documents and the customary practices. It was also clear that, although the decision was ultimately taken by the government, the decision was based upon a compromise that both parties could adhere to.
- Dr. Alden Wily's comment that in the local negotiation process 'guns and documents' should be left at the door was quite heavily disputed. Both Kuchi representatives and government officials felt strongly that the documents should play an important role in the mediation of the conflicts. They feel quite strongly that their rights are embedded in these documents. The counter argument was that the documents suffer from their own weaknesses; they are often forged and they are often not specific enough and do not clearly delineate the boundaries. But yes, it is important to use the documents to testify who the claimants are. Otherwise "150 tribes could claim Nawor", in the words of Ashraf Ahmadzai.
- At the same time however, the potential for compromise seemed present among the Kuchi. The Kuchi in particular started to see how the only solution to the conflict over the pastures was through local negotiation, compromise and agreement. The main differences in opinion lie in:
 - The role of government in decision-making (is it the government that ultimately takes the decision, or is it the community that takes the decision with Government as mediator?)
 - The need for a strong and impartial mediator to mediate between the parties was unanimously agreed upon. But questions were raised regarding: 'who is this 'impartial mediator', 'who is really impartial in land issues in Afghanistan', 'what is the role of government', 'how impartial is government really', 'isn't the fact that government has always been partial part of the problem', etc.
- It was mentioned that in case such an approach was tested it is important to include a public information campaign. The general public needs to be informed that such

initiatives have started and the importance of the Kuchi to the economy, about the mechanisms and the need for compromise from all parties, and how this is an attempt to empower the communities and dis-empower the commanders.

- The Kuchi representatives were challenged with a practical question; 'if it was suggested that such an approach as has been outlined by Dr. Alden Wily was piloted in for instance Nawor district of Ghazni province, did they think that it was going to be successful? In other words, could a compromise be reached and be upheld? The answer was a strong YES. The next speaker, Mohd Arif Rasuli of the World Bank, suggested that Nawor district might not be a good place to start this pilot; it may be too contentious. The Kuchi vocally and strongly disagreed and insisted that Nawor district was a very good site for a pilot. The Kuchi shura representatives were requested to discuss among themselves, and to identify possible pasture areas where it would be viable to initiate pilot projects designed to clarify access rights between settled and nomadic pasture users.
- At the end of the discussions (on the third day) conclusions relating to the ownership and access of the pastures were briefly summarized by Dr. Alden Wily. She stated that, even though the heated discussion at times might not suggest this, in fact there was evident consensus on critical points. For example, participants agreed that 1) conflicts may only be solved in a lasting way by the contestants themselves through their shuras and jirgas which is the Afghan way, 2) Such a negotiation process needs to be facilitated, and to provide neutral facilitation is a primary role of of government, 3) The facilitating or mediating party needs to be accepted by all parties as being impartial, 4) the facilitating or mediating party needs to carry a considerable political authority, 5) that decisions regarding the pastures needed to be taken at a local level, and that national level discussions or law-making – important as they may be – will not lead to solutions at the local level, 6) Local people need to be involved and agree to decisions themselves for these to be upheld beyond the immediate short-term.
- There was also consensus that sorting out the conflicting claims of ownership, access rights and uses of the pastures was a priority. Once this foundation was built, both local communities and pastoral communities (Kuchi) could begin to manage the use of the pastures better, and that there was consensus that Kuchi are now ready to negotiate access to the summer pastures.
- Issues that require further discussion relate to: 1) the exact role of the government in the facilitating or mediating party, 2) the role of documents in the local negotiation process, 3) mechanisms to empower the communities and disempower the local commanders, and 4) approaches on how to deal with the dynamics created when poppy is being grown in a certain area.
- Dr. Alden Wily made a few final comments before the first day of the Conference ended:
 - There is a need for a strong institutional framework to support his process; there already is a Land Commission in the Ministry of Agriculture, which needs strengthening with technical assistance and an administrative secretariat.
 - The old ideas of the role of the government need to be put away; the new government has a new idea of doing things, and one of the key elements of this new approach it empowerment of communities to take their own decisions – this is what democracy and decentralized governance is all about
 - Pilots should be initiated in different areas in varying circumstances, to get the ball rolling and to learn a wide range of lessons.
 - Both Kuchi and settled people understand that part of the problem is that the power of ordinary people is undermined by the powerful and the elite. That is why it is very important that ordinary people re-claim their rights, which is what they will achieve through localised learning by doing initiatives.

➤ **On animal health**

- Various people, in particular veterinarians working with the Dutch Committee for Afghanistan in several parts of the country, expressed their views on the extent to which Kuchi are using the existing veterinary services. Some disagreed with Dr. Nasserri, who had mentioned that the key issues affecting the inclusion of Kuchi in veterinary service delivery stem from the facts that; 1) most Kuchi do not come to the VFU unless their animals are severely sick, 2) they do not understand the importance of preventive medicine, 3) most Kuchi flocks are looked after by shepherds, and 4) lack of literacy. Some veterinarians disagreed with these statements and said that there were many VFUs that considered the Kuchi to be their main source of income. One particular Kuchi paravet was mentioned, who works in Herat province almost entirely with Kuchi and is very successful. Also the statement that Kuchi do not recognize the need for preventive treatment was challenged; it was felt that they do understand the value of vaccination very well.
- Mr. Ashraf Ahmadzai, the head of the National Kuchi Shura, said that he wanted Kuchi to be trained as paravets, and he wanted a special training centre to be established for this purpose in Kabul. Dr. Nasserri responded by saying that this issue had already been discussed with the National Kuchi Shura, and that DCA would be very willing to train Kuchi as paravets, but that they would have to go to the existing Charikar training centre, which is located relatively close to Kabul.
- The Kuchi representatives confirmed that it would be relatively easy for them to identify 20 Kuchi that could be trained as paravets. Some discussion ensued regarding the criteria for selection. Normally the minimum education level is 12th grade, but possibly exceptions could be made to this rule. The one trained Kuchi paravet in Herat had only learnt to read and write from the local mullah, and had never attended formal schooling. Dr. Nasserri stated that possibly the duration of the course could be extended, and maybe some literacy training could be included. It was also stressed that it was important that the right candidates were selected, both from the perspective of the community (trustworthy, hard-working, reliable, good communication skills) and from the side of DCA (level of education, willingness to learn, ability to function independently, attitude towards full cost recovery mechanisms, etc.)
- As a component of pilot projects, Kuchi Basic Veterinary Workers could also be trained, which could then be linked up to Kuchi trained paravets or other existing VFUs.
- The lady Kuchi representative, Farida, mentioned that the rights of the Kuchi women should not be forgotten. It was unclear whether these comments were meant specifically in relation to training of Kuchi in the context of animal health. In any case, the possibility of training female Kuchi Basic Veterinary Workers could be explored.
- A Kuchi representative complained that the services delivered by these doctors were not of good quality. DCA admitted that in the past a lot of people had been insufficiently trained, but they also had to understand that the capacity of the University of Kabul had been limited. It requires time to re-establish a high-level education facility, which is exactly the reason why DCA has been training mid-level veterinary cadre. It was also mentioned that Kuchi tend to go to the clinic to describe the disease without bringing the animal. Dr. Sherman explained that even for the best veterinarian, it is difficult to diagnose a disease at long distance!

➤ **On rangeland and animal nutrition**

- When discussing rangeland, the topics tended to change back to 'access to the pastures' instead of the pastures themselves. When the Kuchi were asked directly what they felt the current status of the pastures is, they mentioned that the ploughing up of the

pastures had a large negative impact on the pastures. They said that the drought itself had had a negative effect on the pastures, but 'pastures do not die in a few years time except for when they are ploughed up!'

- It was mentioned that the Kuchi tended to graze their animals continuously on the land, thus not leaving the land any time to regenerate. The counter-argument was raised that nomads tend to graze their animals alternating between areas, and would prefer not to stay in one area; 'when the grass is gone, there is no reason to stay!'. However, this applies only in situations when mobility is not reduced. There is a need to investigate locally what grazing systems are used, and whether improvements could be practically implemented which would leave more time for the range to recover.
- The issue of growing poppy on the pastures was often mentioned. The Kuchi representatives explained that it is normally the powerful elite or commanders that grow the poppy, because the local village people do not have the means to do so (tractors, tube wells).
- Euan Thomson mentioned the possibility in select areas to grow rain-fed barley on the pastures, with its associated risks of environmental degradation when extended outside these specified areas. This issue was picked up by a Kuchi leader, who asked for wells to be sunk to provide water for growing barley.
- Dr. Zafar of FAO mentioned that in the past plans were prepared for the establishment of mills to produce compound feeds, and he suggested that these be reinstated. Euan Thomson countered by saying that in developed countries such mills were commonplace but in developing countries they faced considerable challenges. The composition of the feed had to be carefully checked, there are problems with the supply of ingredients and often demand was poor because the compounds were too expensive.

➤ **On marketing of livestock and livestock products**

- There was some disagreement over the reputation of the Afghan carpets. Several participants stated that in the past the quality of the Afghan carpet was considered to be among the best. And that it should not be so difficult to acquire that reputation back.
- Karakul used to be an important commodity, and should be reinstated, according to the Kuchi representatives. An international market should be created. However, in the past, traders would come and force them to kill the ewes before taking the lambs; this practice should not continue, because in such a way the benefits do not go to the Kuchi. A participant mentioned that in the West, public opinion had turned against karakul for reasons of animal rights' protection.
- The Kuchi representatives suggested that the government should buy livestock products such as skins and wool from the Kuchi, preferably with a subsidy, so that the producers obtain a good price. Also the price paid to producers for animals should be considered, because currently there is a large difference between retail price at the butchers and the price paid to the producer.
- A discussions arose between the participants regarding the appropriateness of large slaughterhouses. Euan Thomson felt that in the current situation it was appropriate to focus more on small-scale slaughter slabs, and not to invest in large slaughter houses. His main arguments were that large slaughterhouses require a lot of water and electricity which is not readily available, that the hygiene and sanitation control capabilities were insufficient, and that processing large quantities of liquid waste poses considerable problems. Counter-arguments were that especially in large cities the slaughter process did need to be brought under increased control, due to lack of hygienic procedures in the

current set-up. In district centres, slaughter slabs may be sufficient, but in the larger cities slaughter houses were preferred.

- A number of participants stated that the government should ban the import of foreign wool. The refugees, who are active in carpet weaving, should be brought back into Afghanistan, so that the industry is transferred back to Afghanistan. New technologies for wool processing should be introduced.
- The deputy minister of Frontiers and Tribal Affairs, Mr. Babrakzai, explained that the entire economy of Afghanistan is at a low level at the moment, and in particular the Kuchi economy. To boost the Kuchi economy, all Kuchi households should be provided with 50 sheep each, on a revolving basis, so that they are given the opportunity to once more contribute actively to the economy.

FINAL DISCUSSION

The Conference brought forward a number of important issues. All participants agreed that it had been a good opportunity to meet and discuss these important matters, be it from a slightly different perspective.

The Kuchi saw the Conference as an opportunity to be seen and heard; to express their dissatisfaction with the efforts of the government and the international community so far; and to stress how their rights had been deprived.

The participants from the international community took this Conference as an opportunity to meet with like-minded people, to be brought together with people working on similar topics and struggling with the same issues; and to be able to discuss these topics with the 'real experts', the Kuchi. However, the first two days, the Kuchi were rather pre-occupied with their own agenda, and were more concerned with emphasizing their rights than with searching for constructive, practical and realistic solutions to the problems.

The third day however, all these perspectives came together. Opinions had been vented, information absorbed and digested, and real progress could be made. Practical approaches were discussed, consensus was reached on a number of important matters and areas for further discussions were identified. It was generally agreed that it was important to start testing some of these approaches on the ground, at the local level, and that more discussion at the national level would probably not bring results.

The Kuchi representatives appeared to have gained a lot from the meeting, they started to see how they had to take responsibility into their own hands; how they had to cooperate with the government and the international community in order to jointly formulate strategies; how they have complementary roles to play but have to work hard to bridge the gaps.

The Conference had the effect of stimulating a great deal of interest within the donor community as to possible ways forward. The pasture-based local negotiation approach, as outlined by Dr. Alden Wily, was of particular interest to several donors, who agreed that practical piloting is a key way forward beyond the current deadlocks; that further paper policy development or drafting of laws at national level is counter-productive at this point and possibly even dangerous, without clear guidance from practical testing. Through grounded and participatory investigation and trial, new legal procedures and constructs will be able to be developed. This includes ways to entrench agreements made by communities and Kuchi as to where boundaries between local and public pastures lie and the access rules that are to be followed. New local level committees or other institutional frameworks run by the representatives of pasture users could also be trialled and the results fed into new national land policy relating to the ownership, use and management of pastures. The suggestion that

piloting needed to be accompanied by a solid institutional focus for policy development and through which lessons learnt may be fed, was also accepted.

The pasture based local negotiation approach would also provide an institutional foundation, upon which other interventions can be built. It provides the community institutions which can be used for sound community based approaches in the fields of animal health and production, range management and even health care and education. It also provides a basis for a future system of local governance.

It was clear that, at least for the Kuchi representatives, the issue of securing access to the pastures held the highest priority. One of the Kuchi representatives said "In Persian there is a proverb that says 'you have to first fill the barrel with wheat, before you can think about taking a wife". In this case 'access to the pastures' is the barrel with wheat....

ANNEX I: LIST OF PARTICIPANTS

List of Participants		
#	Name	Organization
1	Ab. Wali Modaqiq	UNEP
2	Abdul Bari Babakarzai	Cordaid
3	Alan Roe	AREU
4	Amanullah Assil	MRRD
5	Antonio Rota	FAO
6	Aref Adamali	OTF
7	Arif Rasuli	World Bank
8	Bastiaan Reydon	EMG
9	Bob Smith	USAID/USDA
10	Bram Schreuder	DCA
11	Bryan Rhodes	CRS
12	Chris Ostergaard	MERCY CORPS
13	Chistine Jost	Tofts Unversity
14	Daad M. Amir	RAMP
15	Dan Miller	USAID
16	David Sherman	DCA
17	Don Bedunah	Chemonics
18	Dr. A.A. Nasser	DCA
19	Dr. Ab. Qader Fakhri	DCA
20	Dr. Darwish	DCA- Mazar
21	Dr. Hayatullah	MC
22	Dr. M. A. Masoodi	Ministry of Agriculture
23	Dr. M. Din. Maarij	MoPH
24	Dr. Mustafa Zafar	FAO
25	Dr. Naqibullah Durani	DCA
26	Euan F. Thomson	Independent Consultant
27	F.K Najimi	FEWS NET
28	ILSE Kohler Rollefson	LPPS
29	Gerry Turnbull	IFDC
30	Herman Vis	MC
31	Mariko Peters	NL Emb
32	Marlis Lindecke	GTZ Germany
33	Mia A. Saboor	USAID
34	Mohmad Afzal	Ministry of Agriculture
35	Najmuddin	VARA

36	Nihal Fernando	World Bank
37	Anton van Engelen	Cordaid
38	Paul Hicks	CRS
39	Penny Anderson	MERCY CORPS
40	Phillipe Chabot	USDA
41	Roger S. Windor	EC
42	Tom Fattori	RAMP/Chemonics
43	Tracy Atwood	USAID
44	Wali Mohammad Dawari	Cordaid
45	Wolfgans Pittroff	VC DAVIS / CRS
46	Yan Zhaoli	ICIMOD
47	Yar Mohammad Nuristani	MFTA

Kuchi Representatives		
48	M. Ashraf Ahmadzai	Head of Kuchi Shura
49	Redi Gul Nasser	Member of Shura Laghman
50	Noor Abas Zakhil	Member of Shura Kabul
51	Haji Nasrullah Ander	Member of Shura Ghazni
52	Sakander Sinzai	Member of Shura Maidan
53	Haji Khan Sinzai	Member of Shura Nangarhar
54	Khair M. Mohmand	Member of Shura Balkh
55	Khan Tarakai	Member of Shura Kandahar
56	Haji Awaldar Hotak	Member of Shura Takhar
57	Farida Kuchi	Member of Shura Balkh
58	Gholam Nabi Khariti	Member of Shura Parwan
59	Hazar Gul	Hussain Khil of Kabul
60	Ghazi	Hussain Khil of Kabul
61	Ahmad Khan	Hussain Khil of Kabul
62	Jamal Khan Nasser	Kabul
63	Haji Nazok Mir	Tarakhil of Kabul
64	Amer Salimankhil	Paktya
65	Zaiton	Paktya
66	Nahmat	Paktya
67	Hasti Khan	Member of Shura Kunduz
68	Omara Khan	Member of Shura Kapisa
69	Jamaluddin	Laghman
70	Khan Wazir	Member of Shura Kabul
71	Ghulam Haider	Paghman

ANNEX II:

AGENDA FOR THE PASTORALIST CONFERENCE, KABUL – 15-17TH NOVEMBER

Venue: Foundation for Culture and Civil Society – Deh Afghana

Date: 15th – 17th November

Day 1 – AM: Land policy and Governance

- | | | |
|---------------|---|---------------|
| 8.30 – 8.40 | 1) Recitation of the Holy Quran | |
| 8.40 – 9.30 | 2) Opening by the Minister of Agriculture, and the Minister of Frontiers and Tribal Affairs | |
| 9.30 – 10.00 | 3) Introduction of the objectives of the Conference | F. de Weijer |
| 10.00 – 10.15 | 4) Presentation on the Central Asian context of pastoralism | Dan Miller |
| 10.15 – 10.30 | 5) Questions for the speakers | |
| 10.30 – 11.00 | Tea break | |
| 11.00 – 12.00 | 6) Presentation on Land Tenure and Pasture Rights | L. Alden Wily |
| 12.00 – 12.15 | 7) Questions for the speaker | |
| 12.15 – 12.45 | 8) Presentation on Land Tenure Insecurity faced by kuchi | A. Ahmadzai |
| 12.45 – 13.00 | 9) Additional comments by the deputy ministers | |

13.00 – 14.00 Lunch

Day 1 - PM: Land Policy and Governance

- | | | |
|---------------|-------------------------------------|--|
| 14.00 – 14.45 | 10) Views of the kuchi participants | |
| 14.45 – 16.30 | 11) Break up in working groups | |
| 16.30 – 18.00 | 12) Plenary discussion | |

Day 2 - AM: Animal Health and Animal Production

- | | | |
|---------------|--|------------|
| 8.30 – 9.00 | 1) Opening and recitation of the Holy Quran | |
| 9.00 – 9.30 | 2) Introduction of the objectives of the Conference | |
| 9.30 – 10.00 | 3) Presentation on Animal Health Policy and Programmes | Dr. Nasser |
| 10.00 – 10.15 | 4) Questions for the speakers | |
| 10.15 – 10.45 | 5) Presentation on Animal Production / Rangeland | E. Thomson |
| 10.45 – 11.00 | 6) Additional comments by the deputy ministers | |
| 11.00 – 11.15 | Tea break | |
| 11.15 - 12.30 | 7) Break up in working groups | |
| 12.30 – 13.00 | 8) Plenary session | |

13.00 – 14.00 Lunch

Day 2 – PM: Marketing of livestock products

- | | | |
|---------------|---|------------------------------|
| 14.00 – 14.30 | 9) Overview of constraints and opportunities in marketing of:
- Wool and carpets
- Meat | Aref Adamali
Euan Thomson |
| 14.30 – 14.45 | 10) Questions for the speakers | |
| 14.45 – 16.15 | 11) Break up in working groups (wool, meat) | |
| 16.15 – 17.00 | 12) Plenary session | |
| 17.00 – 17.15 | 13) Institutional arrangements for strategy development | F. de Weijer |
| 17.15 - 18.00 | 14) Plenary session on institutional arrangements | |

Day 3 - AM: Wrap up

- | | | |
|---------------|--|-------------------------|
| 8.30 – 9.30 | 1) Summary of the previous days by | F. de Weijer, C. Kerven |
| 9.30 – 11.30 | 2) Preparation of a matrix for a Pastoralist Support Strategy | |
| 11.30 – 12.30 | 3) Assign roles and responsibilities to organizations / actors | |
| 12.30 | 4) Closure of the workshop | |

ANNEX III: INTRODUCTION OF PURPOSE AND OBJECTIVES OF THE CONFERENCE

By: Frauke de Weijer, pastoralist advisor to the Ministry of Frontiers and Tribal Affairs and the Ministry of Agriculture. USAID / RAMP / Chemonics.

- Purpose of the Conference

The purpose of the Conference is for policy makers and Kuchi leaders to meet and share views on a range of issues.

Issues related to the kuchi are by definition cross-sectoral and need to be addressed by a multitude of actors.

The ministry of Frontiers and Tribal Affairs has a role in putting the kuchi on the agenda (advocacy), they play a role in coordinating efforts directed towards the kuchi, and overall strategy development.

Strategy development will always need to be led by the relevant ministry, but in a collaborative effort with the Ministry of Frontiers and Tribal Affairs, and the Kuchi shura. Implementation of these strategies, and programs that derive from it, will be overseen by the relevant ministry. A program related to rangeland? Ministry of Agriculture. A program related to education for kuchi? Ministry of Education. A program related to health? Ministry of Health.

The role of the Ministry of Frontiers and Tribal Affairs is to make sure that these ministries do take the kuchi into consideration, and to coordinate efforts in the various sectors.

Under the ministry of Frontiers and Tribal Affairs, provincial Kuchi shuras have been established in almost all provinces. Each provincial shura has sent one delegate to the National Kuchi Shura, which is a body which is available for planning and consultation. Right now we also have 10 Kuchi members of parliament, as elected leaders in the Parliament. I would specifically like to welcome them in this Conference. Can the newly elected Kuchi MPs please stand up? Can the members of the Kuchi shura please stand up? Now as much as all of use are experts in our technical fields, these people are the real experts!

This Conference is an attempt to initiate discussions between the leaders of the Kuchi, policy makers, and people with on-ground experience in implementing projects with the kuchi; all of whom have their specific expertise and understanding of the situation.

We have brought in additional expertise from outside; people who have worked extensively on these issues in other countries. They can provide us with a more global perspective in how some of these issues have been tackled in other countries. What approaches have failed, and which ones seem promising? Let me introduce to you: Euan Thomson, Carol Kerven, Zhaoli Yan, Anton van Engelen, Dr. Alden Wily.

- The objectives of this Conference

This Conference is meant to be an important step towards the formulation of an overall Pastoralist Support Strategy for Afghanistan.

'Pastoralists' is the technical term for migratory people whose economy revolves around herding of livestock. In Afghanistan, these people are generally called Kuchi. However, to be realistic, we have to recognize that there are many 'former Kuchi' in Afghanistan. People who have settled a long time ago, but still consider themselves to be 'Kuchi'. But they are not pastoralists in the technical sense of the word; they are not migratory and livestock dependent.

The objective of this Conference is to have a closer look at the issues that face the pastoralists, e.g. the migratory livestock dependent Kuchi.

So who are they, how many are they, where are they, and what are their main problems? All this information and more can be found in the NMAK report and other reports on:

www.afghanpastoralists.com

Now the question is why would we need a special approach for these people? Why would we support the Kuchi more than other people? Most of the Kuchi are rich, they don't need support. The Kuchi are all Pashtun, why would we favour them?

Now this is not the point. The point is that there are people in Afghanistan, and a rather sizeable proportion at that, which have a migratory lifestyle, whether they are Pashtun, Arab, Tajik, Beluchi or any other tribe. And it is exactly this migratory lifestyle which makes it more difficult for services to reach them. Think of education, think of health care, think of veterinary services. Also, the migratory lifestyle and their seasonal use of pastures can bring them into conflict with sedentary farmers who are claiming rights to the same area of pasture.

Purely because of this lifestyle, special strategies are required. Most current national programmes have been designed for the rural settled populations, and the nomadic people do not easily fit in there. The, probably un-intended result is exclusion of the Kuchi, and with a few remarkable exceptions, that is the current reality on ground. To redress this, a policy of 'active inclusion' is needed, and specially designed strategies are needed.

This Conference is meant to draw out key issues that need to be considered when these special strategies are designed. And on the basis of these key issues that have been drawn out; we will look at the mechanisms that are required to start formulating such a Pastoralist Support Strategy.

- **Presentation of main policy issues**

The main themes that will be discussed here today and tomorrow are related to land tenure and pasture access rights, and how this relates to systems of governance. This is the focus of the first day. The second day will focus on more technical issues; improving veterinary service delivery, increasing livestock productivity and constraints and opportunities for marketing of livestock products.

However, there is one thing that is important to realize at this point. The fact that 'supporting the pastoralists' does not necessarily mean that all of them need to be restored to a migratory way of life, to the 'traditional kuchi way of life'. Many Kuchi have started to settle, either as a conscious decision, or forced into sedentarization due to loss of livestock. Some of the poorest kuchi have given up the migratory lifestyle and are trying to make a living of casual labour, some harvesting and maybe some petty trade. When developing a Support Strategy for kuchi, two possible avenues need to be considered; 1) to strengthen the pastoralist way of life, and 2) to integrate the other kuchi in an alternative livelihood, through training and the provision of opportunities.

The focus of this workshop is, I must admit, rather agricultural in scope. However, the issue of land tenure insecurity underlies all other problems facing the Kuchi, and hampers the implementation of solutions to their other problems.

Let me give you three examples:

- NSP
- Water
- Even education!

In many cases, projects identified as a priority by the kuchi community could not be implemented, because the settled people did not want the kuchi to increase their claim to the land, which they

felt they would do if any kind of infrastructure development would take place on that land. These projects may increase existing tensions, at which foundation lies tenure insecurity, for both parties!

There are many more issues that require attention, like education and health, which are of major importance to the kuchi. But we also know that even with the issues that we are discussing here today, we will leave thinking that there were so many more points that we should have raised and issues left untouched. So let's focus on these, more agricultural related issues here and now, and let us try to think of mechanisms how we can set up institutional mechanisms which will allow the relevant actors to start focusing on all the other sectors as well.

Which brings us to the agenda of the workshop, which has been distributed to us all.

As said earlier, the first day the focus is on land tenure and pasture access rights.

The second day focuses more on aspects of animal husbandry and marketing.

At the end of each session, we hope that we will have drawn out some of the key issues that require consideration, and hopefully the start of the development of a consensus on the approach to be used.

At the end of the first day, and at the end of the second day, we will form a working team who will come together on the third day. On this day, the main recommendations will be pulled together, and a first draft of a strategy will be developed. As far as possible, an implementation plan will be created and specific roles will be assigned to actors. Also recommendations will be made on the institutional make-up that is required to take these issues further, both the issues here discussed and the issues left relatively untouched.

Let me now take no more of our precious time, so we can let the real experts speak! I thank you all for coming.

ANNEX IV: INTRODUCTIONS OF SPEAKERS AND SPECIAL GUESTS

Daniel Miller is an Agriculture Development Officer with the U.S. Agency for International Development (USAID) in Afghanistan where he is responsible for agriculture programs. A rangeland ecologist by training, he has worked for many years on pastoral development projects in the Himalayan region, the Tibetan Plateau, Mongolia, and Central Asia. He is the person who took the initiative to organize this Conference.

Dr. Liz Alden Wily is an international land tenure specialist who has worked on tenure issues in more than 15 countries in Africa and Asia. Currently she is mainly working in Sudan, where conflict over land rights between pastoralists and cultivators was an important driver to the 24 year war and is still a source of contention in Darfur. Dr. Wily has also worked here in Afghanistan, undertaking investigations for the Afghanistan Research & Evaluation Unit on land relations. (If you have not already seen them, there are copies of some of the latest publications on the table over there). In January this year Liz also contributed to a review by The World Bank on tenure issues in Kabul City.

Aref Adamali works for the OTF Group, a Boston based economic consulting firm, on the Afghanistan Competitiveness Project. Based in Kabul, Aref is developing growth strategies for the carpet and finance clusters. His interest in the Afghan wool sector is primarily from the perspective of its input into carpet production. Aref has been in Afghanistan for over one year.

Carol Kerven is a pastoral development and livestock marketing consultant. For the past ten years she has been working on pastoral development issues in the rangelands of former Soviet Union states of Central Asia (mostly in Kazakhstan, also Turkmenistan, Tajikistan and Kyrgyzstan). Currently she works with the USAID-funded CRSP (Global Livestock Collaborative Research Support Program) to develop marketing of sheep, wool and cashmere in Kazakhstan and Kyrgyzstan. She is also the chief editor of the journal "Nomadic Peoples".

Yan Zhaoli is a rangeland specialist, working with ICIMOD, the International Centre for Integrated Mountain Development and is based in Nepal. ICIMOD has a wealth of experience in community based natural resource management, and has conducted a number of workshop on community based forestry and rangeland management in Afghanistan, in close collaboration with the Forestry and Rangeland Department of the Ministry of Agriculture, Animal Husbandry and Food.

Anton van Engelen is working part-time with Cordaid on a program to rehabilitate the kuchi of the Registan in the south. This program involves a 'phased return to REgistan', which involves a community based approach to water development, zero-grazing and restocking of kuchi willing to return to the Registan. In addition he is working as a World Bank consultant in Kazakhstan and has done a lot of work in Tajikistan and Kyrgyzstan.

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Ashraf Ahmadzai is the elected head of the National Kuchi shura. He is a well-educated person, and holds a bachelor degree from the Military University. He used to be a member of parliament for the kuchi constituency.

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ANNEX V:

GETTING TO GRIPS WITH PASTORAL TENURE ISSUES

**A PRESENTATION
TO THE
PASTORALIST CONFERENCE OF AFGHANISTAN
(Sponsored by USAID/RAMP)
KABUL 15-17TH November, 2005**

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I. THE KEY MESSAGES

Let me first outline my main conclusions and then return to each main point.

Having periodically spent time in recent years examining land tenure issues in Afghanistan,¹ and linking these findings with similar experiences elsewhere,² it is my conclusion that –

1. A NEW POLICY PROCESS IS NEEDED

New rural land policy is best made through an iterative approach. This means it does not attempt to address all issues at once but *prioritises* key problem areas and tried to address them - *and not just on paper, but in the field*. It means that the classical approach in which a comprehensive land policy is developed at the centre and by the centre gives way to a process which is much more

¹ For details on findings re rural land tenure refer Afghanistan Research & Evaluation Unit (AREU) at www.areu.org.af
The main relevant papers are: *Rural Land Relations in Conflict: A Way Forward* August 2004 AREU Briefing Paper by Liz Alden Wily and *Looking for Peace on the Pasture: Rural Land Relations in Afghanistan* AREU Synthesis Paper Series December 2004 by Liz Alden Wily.

² Refer these papers by Liz Alden Wily *Land Tenure Reform and the Balance of Power in Eastern and Southern Africa. Natural Resource Perspectives* Number 58, June 2000, Overseas Development Institute, London. Also available: <http://www.odi.org.uk/nrp/> ; *Land, people and forests in eastern & southern Africa at the beginning of the 21st Century. The impact of land relations of the role of communities in forest future.* IUCN-EARO 2001. Also available: <http://www.iucnearo.org>

Reconstructing the African Commons in *Africa Today* Issue 48 (1) Spring 2001:76-99 Indiana University Press USA;
Getting the Process Right: Land Administration as Governance Discourse on the political economy of land tenure management. Proceedings of The World Bank Land Policy Conference in Africa April 29-May 2 2002, Kampala, Uganda; Community Based Land Tenure Management. Questions and Answers About Tanzania's New Village Land Act, 1999. Drylands Issues Paper 120, International Institute for Environment and Development [IIED] London, September 2003. Also available: <http://www.iied.org> ; Governance and Land Relations. A Review of Decentralization of Land Administration and Management in Africa, Land Tenure and Resources Series. International Institute for Environment and Development [IIED] London. Also available: <http://www.iied.org>

inclusive of rural land owners and land users themselves and is founded upon their (facilitated) decision-making - what we call 'bottom-up' in process.

2. LEARNING BY DOING IS AN ESSENTIAL ELEMENT OF THE APPROACH

Second, a critical contributor to good policy (and in turn 'good law') is practical 'learning by doing' – getting out there and actually trying out new ways of defining rights in land, new ways of registering those rights, new ways of resolving land conflicts and then entrenching those new constructs and procedures that are demonstrably workable in policy and law.

Learning By Doing Engenders Public Commitment

Such an approach is actually essential in circumstances like Afghanistan where current laws and procedures are demonstrably failing to meet requirements of landholders and land users and where rule of law has broken down to the extent that those norms are in any event not being upheld and show no sign of being upheld for as long as 'public ownership' of the procedures does not exist.

Learning by doing helps lay the kind of public ownership that is needed for policies to take and hold, for laws to be upheld by people themselves, not just by force.

3. THE LOGICAL FRAMEWORK FOR LEARNING BY DOING IS THROUGH DISCRETE COMMUNITY BASED PILOT PROJECTS

In practical terms, this means pilot projects; initiatives that are structured to tackle tenure problems in a particular area and with all those who are affected: this allows new norms, new strategies – in effect, new and more workable ways of solving problems to not only be found, but to be tested.

4. RESEARCH IS NOT ENOUGH, EVEN CONSULTATION IS NOT ENOUGH

Passive investigation is insufficient. We already know a lot about rural land tenure conflicts and failures. Nor is consultation sufficient. People can tell us the problems all over again (and again and again) but they cannot be expected to come up with reliable solutions without trying out what will work, and being assisted and supporting in doing this. Only working with real people with real issues and assisting those parties to themselves arrive at conclusions as to what land ownership norms best reflect their customs, their needs and their rights and in fair ways, and then seeing how these work, will really lead to the kind of innovations that are needed to overcome the problems facing ownership of houses, farms, pastures and forests.

Let me give you an example: Kuchi participants in this meeting will almost certainly tell the rest of us about the constraints they face in the summer pastures; how their access to many of these pastures is denied and who is denying that access. They may also tell us they are ready to

compromise. They may have ideas as to how this should be carried out. But like settled people, they will not know how dialogue will work and what can be achieved without trying it. In truth, we know a great deal but not, for example these important facts:-

- (i) Will representatives of settled communities and Kuchi *really* compromise in their competing interests to find a better modus operandi on the pastures?
- (ii) Will representatives *of Government* really be open to identifying and adopting new tenure constructs to better meet customary realities, and which could see reduction in the massive scope and area of 'government and/or public lands'?
- (iii) Can clear lines between local community lands and non-community or 'public' lands *really* be agreed on the ground and what is needed to ensure they hold?
- (iv) Is the idea of local level pasture regulation workable in the Afghanistan circumstances? What processes are needed for these institutions to gain the confidence of all right-holders and to see their rules upheld?

For such reasons we need to do, and learn. Practical pilots suggest themselves as the obvious route, and the findings and experiences of which can help shape policy and entrench in law the kind of principles, norms and procedures that we know will be applied.

5. A CLEAR INSTITUTIONAL FOCUS AND POLITICAL COMMITMENT IS REQUIRED

An approach which involves practical learning by doing as one of its cornerstones requires an institutional framework into which the lessons may be fed. If this does not exist, then important new paradigms and procedures will not find their way into national policy or national law. Political support is also required; if only political support to (i) require policy to be built iteratively and with experiential learning as one of its planks and (ii) to support the actors in seeking out these solutions through practical trial.

6. THE OUTSTANDING ISSUE FOR RURAL LAND POLICY TO ADDRESS IS THE PASTORAL TENURE

Finally, I believe we need to get our priorities right, so we know where to focus policy investigation and testing. Having examined the rural case fairly closely I can only conclude that the class of lands that must be first addressed is NOT the family farm, not the so-called private lands – but the PASTURES.

II. WHY A FOCUS ON PASTURES?

1. MAJOR RURAL RESOURCE

This is not just because pastures represent the major rural land resource in the country (at between 45-80% of total land area) but because –

2. PASTURES ARE THE SITE OF THE MOST UNRESOLVED AND PROVOCATIVE TENURE ISSUES

- (i) First, surrounding the question as to which lands are viable rainfed farm lands now or in the future, and which lands are more properly designated ‘pasture’? How do we classify pasture? The law calls any natural fodder pasture and hands this over to Government control – even should they be found alongside valley floors and rivers. At other times, pasture is considered only high and dry zones. Policy and legal shortcomings in this area are causing a great deal of friction and dispute.
- (ii) Second, how may the reality of community owned pastures in local customary law be attended to? Currently, we have a profound weakness in both policy and law as to the distinctions between community owned pasture and other pastureland. This too is causing a great deal of discontent and dispute.
- (iii) Third, what is the nature of this community property? Is it not private property too, but property which is owned NOT by individuals, but by all members of a community, in undivided shares? How can that property be recognised and legally protected – how can it be registered? We know from international reforms in land administration that this is perfectly possible but we need to explore and test this on the ground.
- (iv) Fourth and related, we need to reassess the currently opaque nature and scope of Public Land and its relationship with Government Land. At the moment all pasture is declared public land – but what is the proper scope of public land? If all pasture is public land, this denies the existence of community-owned pasture. And WHO owns Public Land anyway? The government? The national community? And if it is the national community as the general denotation of ‘Public Land’ implies, then in the 21st century, when decentralised governance of land is so needed, in whose hands should authority over these national assets be placed? Could it be possible

that communities and use rights holders are the logical and most effective source of governance of these resources in their areas? How could this work?

- (v) And finally, we face the complex issue of drawing clearly distinctions between ownership rights over pasture and access rights to pasture. We know that nomads customarily own some pastures – especially in their winter areas – and we know that they have just as strong seasonal access rights in other pastures – the summer pastures. How may these important rights be best accounted and protected? Thus far, equitable provision in policy and law for these two levels of land right-holding does not exist. Nor is there clarity in the nature of the rights that pastoralists have been granted (Ferman or Land Grants issued by Pashtun Kings since 1890s) or acquired through purchase of other means.³

3. PASTURES, NOT FARMS, ARE THE AREAS OF LEAST TENURE SECURITY

There is another profound reason why we need to focus on the pastures first. This is because it is these areas where the most profound insecurity of tenure and access is being experienced. Policy and law has traditionally ignored this, throughout the world, and focused first on the family farm – registering these for example. But how insecure really are these properties? Understanding of how houses, farms and rural shops and business sites are owned is actually very clear and fairly satisfactorily combines customary and statutory norms. This is *not* the case in respect of commonage and pasture: who exactly owns these lands, or *may* own these lands, is dangerously unclear – and contested.

4. MOST LAND DISPUTES CONCERN THE PASTURES

This unclarity provides fertile ground upon which dispute and land grabbing flourishes – and is flourishing. Dispute over the ownership of houses and farms *does* exist in plentiful degree. But disputes surrounding commonage and pasture are *even more numerous*, much more heated, and much more difficult to resolve. Moreover such disputes affect a great deal many more people, and usually whole villages, clans and communities, both settled and nomadic.⁴

5. THE CHARACTER OF PASTORAL CONFLICTS DOES NOT LEND ITSELF TO COURT OR DOCUMENT-CENTRED RESOLUTION

The reasons for these disputes are much more complex than experienced on the farm. They reach back to land grievances that have a century-long history, which remain unresolved and which will

³ It is useful to refer to the following work for information on the diverse and imprecise nature of rights granted to pastoralists for example in respect of the Badakshan Shiwa pastures; *The Shiwa Pastures 1978-2003: Land Tenure Changes and Conflict in Northeastern Afghanistan* by Mervyn Patterson, for AREU (May 2004).

⁴ Details on this is Looking for Peace on the Pastures (see footnote 1 above).

continue to resurface periodically, and with greater and greater disturbance until they are resolved. We need only look at the edict of King Abd 'al Rahman in 1893 forbidding Hazara to use the pastures and the reallocation of these lands to Kuchi to see some of the origins. Or to the British-assisted Pashtun colonisation of the Uzbek North in the 1890s to further understand the sources of grievance. Or, just as potently, to the decision of the 1960s land survey and registration programme to register all lands that were not held by individuals as Government Land, thus depriving several thousand communities of much of their common properties and/or encouraging landlords and other influential persons to secure commons and pastures as their own private property.

We know all around the world that failure to attend to history does not pay off. We know that entrenchment of unpopular tenure norms and procedures does not pay off. We also know from land policy reforms around the world that one of the most important breakthroughs is to pay better attention to the way in which groups of people (settled or mobile) hold land in undivided shares – common properties. Recognising this customary norm, and providing properly for it in law, is arguably the single most important new development in tenure reform worldwide today, closely followed by initiatives to devolve land administration powers and responsibilities to rural community levels.⁵

6. INEQUITY IS FOCUSING ON THE PASTURES

We also need to attend to the pastures (and associated areas of public and common land) because it is in this arena that we are seeing the most striking *polarisation*, and which is leaving the rural poor even poorer and the rich, richer. Let me explain. We know rural land ownership generally is already heavily polarised (although perhaps not yet so polarised as in neighbouring Pakistan or India) with at the very least one quarter of all rural households owning NO land at all, and at least that number again owning not enough land to survive on (the 'land poor'). We suspect that polarization is going through a sharp rise at this time, with land poor surrendering their last plots to better-off persons, under duress or otherwise. However, it is on the commons and pasture that the inequities in landholding are being most delivered: in the conversion of commons and public land to private farmland, and by the hand of those with combined political, economic and military might.

In short, review of cases and trends shows that the main focus of rural land grabbing is not the family farm or house; it is commons and pastures. The fact that the policy and legal status of common property on the one hand, and the nature of pastures as public and/or Government Land on the other, are so opaque is aiding and abetting this process. (We are of course, seeing the same

⁵ See documents referred to in Footnote 1; also refer Deininger, K. (2003). *Land Policies for Growth and Poverty Reduction* (World Bank Policy Research Report). New York: Oxford University Press for the World Bank.

wrongful or manipulated appropriation of ‘public lands’ in urban areas). It is these domains that are dwindling in size, are most hotly contested – and in general where tenure or access is most in flux, where appropriate norms are least well-developed, and where ownership and access security are least.

7. THE COMMONS AND PUBLIC LAND ARE THE ONLY ASSET OF THE VERY POOR

Moreover, this is to greatest disbenefit to the poor: those who are land poor and those who have no land at all – but who *are* customarily shareholders in the ownership of local community assets – or stakeholders at the very least in proximate pastures currently held by Government. To deprive the landless and homeless of possibly their single capital asset (other than a handful of sheep) reaches into the heart of equity concerns.

In sum, whilst all rural domains are insecure, the most dramatic tenure insecurity is not found in the family farm or homestead but in the commons and pastures. Thus, it is these domains that should focus first efforts.

8. THE VALUE OF THE PASTURES IS RISING BUT TO WHOM SHOULD THE BENEFITS ACCRUE?

There is plenty of indication to suggest that the primary objective of new land policy and legislation at this point is *not* to secure the land rights or interests of the majority poor but to make more land available for commercial and often foreign-backed investment. Even should this remain the case, it is logical to first clarify the real status of commonage and pasture – the so-called rural public lands – and which are a primary target for such investment. Clarification and rights of ownership and access in these domains is not only important for the majority poor, but important for addressing the equally pressing question – to who should the benefits in the raised productivity of the rangeland justly accrue? Those who possess longstanding customary rights in those domains, the root tenure of State notwithstanding, or those who have the might to co-opt those benefits to themselves?

III. THE APPROACH: WHY PILOTS AND WHY COMMUNITY-BASED?

Let me be clearer on the kind of approach I am talking about. On the hand I am referring to a *strategic approach to sound policy development*: arriving at new policies, strategies and the foundation for legal norms through an evolutionary approach *that builds at least partly upon practical experiences in the field*.

On the other hand, I am suggesting a *community based approach to the regulation and administration of natural resources*, and including first and foremost, *clarification of the tenure relations* within those discrete zones. The route towards this is the same: both demand a practical piloting approach.

That is, the resolving and reordering through local agreement of contested rights to pastureland is a beginning but does not end there. This process extends logically to all resources in the local subject domain, whether they be pastures, wetlands, forests, hill-tops, barren areas or any other non-private land resource. Thus we are talking about community-based land use planning and implementation, taking its starting point as the pastures.

What do I mean by ‘community’? When approached from a resource context, I mean all those persons and groups of persons who have clear customary rights or interests to access those resources. Those rights vary, particularly in whether they are ownership rights, seasonal access rights or product rights. These rights vary in the extent to which they have been formalised in entitlements and in the manner of those entitlements. Many founding rights will not have been accounted for at all. The pressing issue facing policy-makers is how far they are prepared to adjust current policies and laws to ensure such rights are properly accounted for.

What then, in summary, can pilots give us?

1. **HOLISTIC:** First, such projects can adopt a holistic approach to the issues: conjoining matters of land use and matters of land ownership.
2. **PRECEDENTS, AND BASED ON REAL CASES:** Second, precedents can be set for new solutions, new paradigms and new procedures – and tested.
3. **A PRACTICAL OPPORTUNITY FOR SOLVING CONFLICTS AND BY THE CONTESTANTS THEMSELVES:** The process can – and will have to – face and tackle the longstanding and bitter conflicts that most disturb land relations today. Because this will be undertaken at the local level by local disputants themselves, their eventual decisions and agreements will have a better chance of holding.
4. **CLARIFICATION OF THE NATURE OF THE COMMONS** Is it justified for example to lump all non-farmed land as pasture, or are there practical ways for communities, both nomadic and settled, to distinguish between ‘pastures’ which are solely useful for grazing,

those that have multi-purpose utility, those that are more accurately ‘future farming zones’ and to delineate these in ways that are clear, agreed and upheld by users;

5. MEANS TO ARRIVE AT INNOVATIVE NEW NORMS ACCEPTABLE TO RIGHTHOLDERS Not all the constructs needed are provided for in current law or policy to take better account of custom on the part of both settled and nomad communities – and modern requirements, such as relating to the pressing need for nomads to clarify and secure their rights to land in home areas, and such as the need for the important distinctions between ownership and access rights in summer areas to be clarified and entrenched. Much more clarity is also needed in the recognition of common property as the private, group-owned estates of all members of a specific community, and to develop new constructs that enable Government to devolve ownership of certain pastures to locally agreed sets of customary users;
6. DETERMINATION AS TO IF AND HOW BOUNDARIES AMONG DIFFERENT LAND USE AND LAND TENURE ZONES CAN GENUINELY BE IDENTIFIED – AND HOLD BEYOND FIRST AGREEMENT We know already that one of the most important instruments for resolving disputes will be helping communities and nomads agree as to the limits of community pastures and public land pastures. Whether this can be safely done and how it may be done will be identified and tested.
7. DETERMINATION OF THE SIMPLEST AND MOST EFFECTIVE MEANS FOR ENTRENCHING AGREEMENTS, THUS GUIDING REGISTRATION THE SHAPE OF RURAL REGISTRATION it is likely that participants will look to the substance of their agreements being registered, and at local level. They will work through how these agreements will be upheld and these systems too can be entrenched in formal agreements. This will guide policy and law as to what should be considered ‘legal entitlement’ and upheld by the courts.
8. NEW, CHEAP AND LOCALLY SUSTAINED INSTITUTIONS FOR MANAGING LAND INTERESTS CAN BE PUT IN PLACE AND TESTED. We know that in principle community based land administration is ultimately desirable – but how in these circumstances can this really work, and be accountable and fair? It goes without saying that important stakeholders like nomadic groups which have seasonal rights to the pastures must be members of these decision making and implementation bodies.

9. **LAND USE AND LAND TENURE REQUIREMENTS CAN BE NATURALLY INTEGRATED IN THESE APPROACHES.** Working within a clear socio-spatial framework and assisting those involved to appoint or elect a land committee to manage and regulate their land areas will at one and the same time provide a logical route through which important interventions can be channelled. Without such a local institutional framework and base it may prove very difficult to introduce and sustain the kind of interventions in pasture management and livestock productivity that may be suggested on the second day of this workshop.
10. **THE FRAMEWORK FOR RULE MAKING AND UPHOLDING OF RULES CAN BE DEVELOPED AND TESTED**
Critical bottlenecks such as current failures at both local and state levels *to regulate the expansion of farming into non-viable areas* can for example be better tackled in this context and decisions, rules and systems arrived at and owned by those to whom these issues matter most – local communities and pasture users;
11. **THE RELATIONS OF STATE AND PEOPLE CAN BE FAIRLY ADJUSTED**
This is especially important in respect of the pastures. As currently controller of the pastures, and possibly even owner, the role of government is critical. Ideally, government's role will in be able to mature in these practical projects as less land owner and land allocator than technical adviser, facilitator, mediator and watchdog of fair practice.
12. **FINALLY SUCH GROUNDED APPROACHES SHOULD RAISE MORALE** and lessen wide concerns in rural areas that Government is simply unable to resolve the pressing tenure problems and conflicts surrounding the pastures. By simply getting out there, and modestly but systematically tackling a handful of real cases and carrying through in a thorough and holistic manner, the Administration can demonstrate that deadlocks can be overcome - and by people themselves. New and more workable systems can be set up – and with themselves as key actors. It is in such ways that public ownership of new policy – and in due course, new law – is built – an prerequisite to making new law and policy applicable – and upheld.

IV. HOW CAN THIS WORK?

Let me give you a practical example of the process in one pilot initiative, assuming the target pasture area has been identified. First a Facilitation Team is formed, comprising an experienced Tenure Facilitator and a Senior Government representative, and who take ultimate responsibility for the implementation. The time of a Range Management Specialist is secured on a periodic basis to provide specific assessment and advisory inputs. This core team finds out through local consultation with communities around the subject pasture and from the Provincial Kuchi Shura exactly who are the users of the pasture, both past and present. They call representatives of these groups together and assist them to form a combined *Local Land Review Team*.

1. This team closely examines each and every pasture on the ground and with the guidance of the facilitators, sets out to identify for example -

- (ix) *workable boundaries* between local community domains and public land pastures as may be agreed and upheld by both parties;
- (x) the *access rights* that exist by decree, allocation or custom over both local Community Area and adjacent Public Land Pastures, and how those that do not conflict may be rationalised and secured in formal and registrable Agreements;
- (xi) Conflicting claims of ownership and access which cannot stand together and where compromises need to be made, with mediated assistance by the Team to achieve this;
- (xii) Clarification of tenure, regulation and uses of Community Domains, including for example, agreement as to the exact boundary beyond which no cultivation will in future occur, together with steps to bring existing cultivation beyond that agreed line to a halt;
- (xiii) Definition, as applicable of domains which are not owned by single villages but by all villages jointly (e.g. by all villages in the valley or within the manteqa) and accordingly, establishment of agreed boundaries, access rights and systems for their regulation; and agreement as to sustainable uses of these greater Community Domains (e.g. only pasturing, or permitting certain tracts to be cultivated, areas where collection of winter fuel and fodder is permitted, on what basis, water collection, etc); and how those rights will be allocated fairly and regulated;
- (xiv) Unpacking as necessary conflicting notions of private and group ownership of those resources;
- (xv) Similar clarification in respect of Public Land pastures beyond Community Domains, in terms of right-holders and user groups. This will include examination of how seasonal users subdivide their individual or shared access to these areas and how local community users exercise rights of access to those

same zones; with agreement by the representing parties of acceptable norms, and how these will be entrenched and upheld;

2. Formal agreements on all the above follow, step by step;
3. The institutional basis is established through which Agreements and Regimes for Regulating Access and Use will be sustained and upheld, and disputes arising handled;
4. Following community wide consultation and agreement, with significant district and provincial participation, final Agreements are signed;
5. Mapping of each domain is undertaken, on the basis of GPS readings;
6. Arrangements for district and provincial registration of these agreements are made, including detailed descriptions of each boundary agreed, the associated rights, right-holders and rules of access and use for each area, and agreement as to the precise procedures that will be followed in the event of breach.
7. The process is documented, including the resulting Agreements and types of tenure norms established, with a view to feeding these innovations directly into wider policy making. Note that likely new policy and legal constructs include –
 - (i) Clearer provision for recognition and registrable entrenchment of common properties as private, group owned estates (Commonhold Tenure), and crucially, with agreed access and use plans a prerequisite to their final registration;
 - (ii) New constructs of Pasture Domains which may be declared by all user groups, with a view to these being precisely mapped as discrete estates and brought under the regulation of local Pasture Committees; these Domains would remain under the root title of the State (Public Land) but with management of the Domain formally devolved to the Committee, pending satisfactory evidence of the following:
 - agreements among customary users as to access right-holders;
 - agreement as to the system for regulating sustainable use and management of the Pasture that will be followed;
 - agreement as to the precise perimeter boundary of the Domain;
 - establishment of the Pasture Domain Committee in an equitable and fair manner, ensuring that all key user groups (x villages and x Kuchi clan users) are properly represented, and in agreement as to how often, where they will meet, and their powers of administration and responsibility laid out and agreed;
 - successful decision-making and implementation by the Committee;
 - a viable system for resolving disputes arising with either members of the user groups or among them, or with outsiders;
 - (iii) legal provision for the recognition of Pasture Domain Committees as the local legal Land Authority, with ample procedural provision for powers, responsibilities and accountability and the right of Government to intervene where the system is failing; and

- (iv) clear legal distinction between sets of ownership rights to pasture and sets of seasonal access rights, with sufficient protection of the latter.
8. Documentation of the process, the procedures that worked, the decisions that were reached, and the resulting constructs arrived at (e.g. commonhold tenure) logically follows – along with regular monitoring. These feed directly into shaping policy on the pastures.

What is achieved through these practical initiatives? Several developments, *all with workable procedures for replication* -

1. Resolution of festering disputes and even armed conflict over pasture access, including the re-opening of certain pastures to nomadic use, under new and accepted regimes;
2. Community supported break upon conversion of pasture into farmland where this is environmentally unviable or being unjustly undertaken in terms of depriving majority community members of their rights to these commons for pasturage (most expansion is undertaken by commanders or elites within the community);
3. Establishment of community based institutions for simple land use review and planning and on-site resource management and regulation;
4. New tenure frameworks which better mirror key distinctions between ownership and access rights; between individual and group-held property; between private and public land and enabling overlapping rights to be reordered and clarified;
5. A regime which enables the open access and free for all nature of Public Land Pasture to be curtailed, through consensual demarcation of specific pastures and their being brought under user-group management;
6. A platform through which other related resources (water, forest) can be brought under workable and local management;
7. A system for integrated land tenure and land use development;
8. A practical route towards devolved governance of natural resources.

V. WHAT SUPPORT IS NEEDED?

1. First, a clear and effective *institutional focus* which can both commission and coordinate appropriate pilot projects – to be there to ensure that the findings ARE fed into the policy making process;
2. Second, in principle policy support, that Government is indeed looking to resolve the problems on the pasture and *willing to adopt new approaches* in national policy and law to achieve this;

3. Third, that it endorses an iterative approach to this rural policy formulation, drawing at least in part upon practical learning by doing exercises;
4. Fourth, the political and administrative will to permit grounded and practical exploratory approaches.

With these to hand, there is no reason why Kuchi nomads, *together with settled communities* in the summer pastures areas, cannot once and for all arrive at fair decisions as to the seasonal use of summer pastures. This same process can be put to work to facilitate identification and entrenchment of rights in winter home areas.

Thus, what I have roughly outlined here for you today is both PILOT AND PROCEDURE - a community based approach to natural resource management that begins with the clarification of tenure and access rights. It is this foundation that is essential to the sustainable launching of pasture, forest and water resources.