



Summary of the conference on pastoral reform in Turkmenistan

Pastoral land reform in Turkmenistan – learning from four country cases

Ashgabat, Turkmenistan

26 February 2018

Aims and structure of the conference

A Law on Pastures for Turkmenistan was developed with the support of Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH (German Federal Enterprise for International Cooperation) and passed in 2015. Detailed bylaws still need to be developed in order for the law to be implemented in the field. These bylaws, or regulations, include template charters of the local institutions foreseen for pasture management in the law, planning documents and pasture use agreements for individual users. At the same time, the current law needs to be re-appraised and amended in the light of new developments in the agricultural sector and the development of a new Land Code. The legal arrangements, once drafted, will be piloted at two sites, in Ahal and Lebap velayats.

For the development of these bylaws and the re-appraisal of the current law, a number of regional and European examples of extensive pasture management are pertinent to the Turkmen case. Speakers from four key countries were invited to Ashgabat to present their countries' experience to a wide spectrum of stakeholders. The speakers were asked to focus on arrangements for pasture access and management by groups of private livestock owners, user group rules and regulations, and the role of local government.

The speakers first presented their country cases in presentations and then conference participants broke into four groups, each of which spent time with the four speakers in separate question and answer sessions.

The countries and speakers



Kyrgyzstan: Here, a system of common property management has been in place since 2009, replacing an unsuccessful leasing system. A common Soviet history of livestock raising institutions make it ideal for comparison with Turkmenistan. **Zhyrgal Kojomberidiev** works for CAMP Alatau, an organisation which has been implementing community-based pasture management projects and pasture assessments in Kyrgyzstan since the 1990s.



Mongolia: From an environmental point of view the Mongolian situation is relevant to Turkmenistan as pasture productivity there is highly variable; users do not always graze their animals within defined boundaries and grazing follows variable patterns depending on climate. A law on pastures is currently under consideration, and in the meantime a number of concrete pasture management models have been piloted on the ground. **Bayarmaa Chimedtseren** works for the SDC-funded Green Gold project, which introduced one of these pilots and is involved in developing the law.



Switzerland: Switzerland has had various forms of common property systems for pasture management in place for many centuries, with some interesting legal and institutional features. **Joerg Beck** is an agronomist, currently working as head of the Swiss Pasture Federation.



China: In China a leasehold system was introduced in the 1990s and the impacts of this and subsequent proposals for co-management between private users contain useful lessons for the Turkmen case. **Wenjun Li** is a professor at Peking University, and has published on the environmental, social and economic consequences of these reforms.

Participants

Participants included representatives from the following organisations (see Annex 1 for the full list of individuals):

- The Ministry of Agriculture (Livestock Department), the Authorised Body for Pasture Management.
- The State Committee for Environmental Protection and Land Resources (Land Resources Department and Institute of Deserts, Flora and Fauna).
- Mejlis (Parliament).
- The Land Resources Departments of the two etrap and velayat administrations in which the law will be piloted.
- The Academy of Sciences (Institute of Botany and Institute of Veterinary Science and Animal Husbandry).
- Archyuns and pasture users from the two gengesh in which the law is to be piloted.
- Lawyers working on Law on Pastures, its bylaws and on the Land Code.
- The State Forestry Administration.
- Other organisations such as UNDP, the Society for Environmental Protection of Turkmenistan and the Union of Economists.

Key points from the different countries:

Switzerland

Winter pastures are privately owned by individual farmers, but summer pastures are mostly held in common. There are a number of different models for collective management of these common pastures. In some cases the municipality owns the pasture, which is managed by cooperatives, either according to municipality regulations or an internal cooperative charter. In other cases, the cooperative actually owns the pasture, also having an internal charter governing management and regulation.

Under the municipal ownership model, all livestock owners living in the municipality are members of the cooperative and have the right to graze their animals. These rights are passed from generation to generation. If livestock numbers are lower than can be supported by the pasture, then it is possible to allow owners from outside to graze stock. Members must provide labour to maintain the pasture, this amounts to one or two days work per head of cattle.

Management Committees (MC) of cooperatives are composed of not less than 3 people. The MC convenes the General Assembly (GA) and prepares all the required documents. In addition it:

- Monitors use of pasture land by stock holders.
- Accepts or refuses the entry of external stock.
- Fixes start and end dates of the grazing season.
- Informs the members about new regulations and technologies.

Violation of decisions made by the GA, of the charter and decrees, are punished by monetary fines. Appeals go to the local authority and the administrative court of the canton.

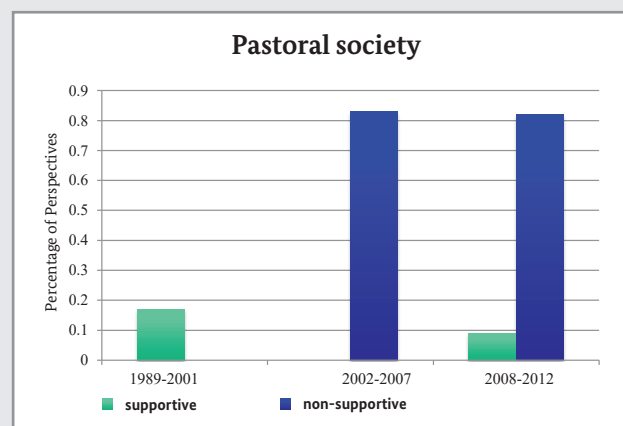
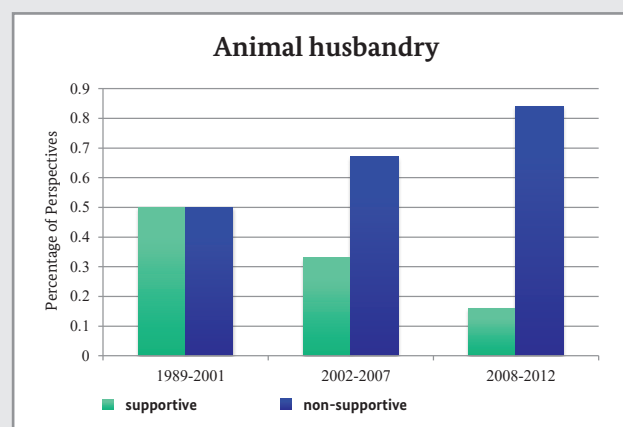
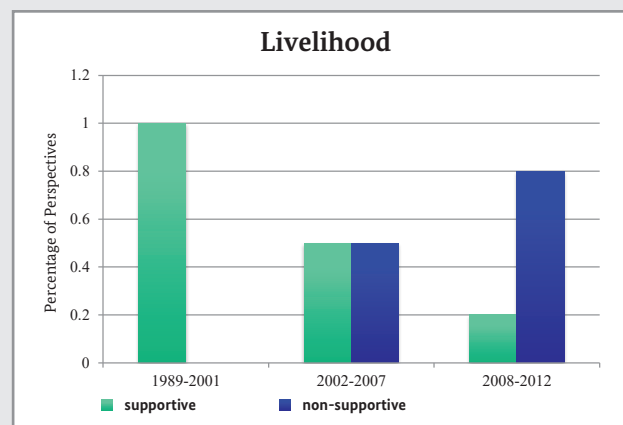
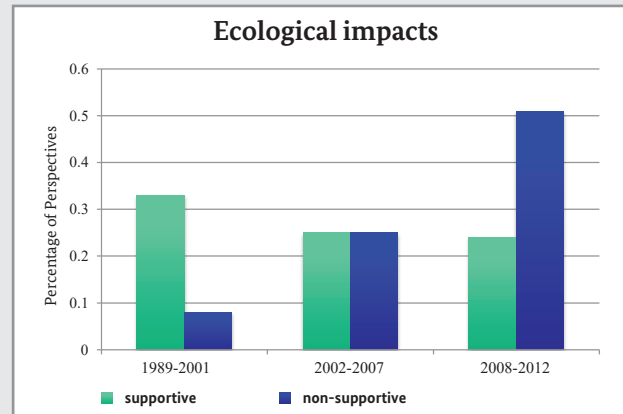
Regarding regulation of animal numbers, there is a set maximum number of animals allowed on the pasture, and the groups regulate stocking rates, including those from outside the municipality, based on these ceilings.

China

Rangelands have been provided for household use although pasture remains government property. This means that pastures previously used on a collective or communal basis have been individualised. Subsidies for fencing have enabled people to physically fragment pastoral systems whilst many previously mobile herders have been sedentarised. In arid steppe and deserts areas such as inner Mongolia and Tibet, where systems were previously very mobile, these interventions have led to the following impacts:

- Fragmentation of the grazing system.
- Loss of access to remote pasture.
- Pasture degradation as animals remain on the same areas for longer.
- Increased need to purchase supplementary feed as mobility is decreased.
- Fragmentation of social relations.
- Increased costs of herding as households now have to conduct this individually.

Some communities have re-aggregated their pastures to re-create mobile grazing systems and save labour on herding.



An analysis of Chinese research articles assessing the impacts of pastoral reform. Over time published research results became increasingly negative regarding the ecological impacts of reform, and its effects on animal husbandry systems, pastoral livelihoods and livestock raising societies.

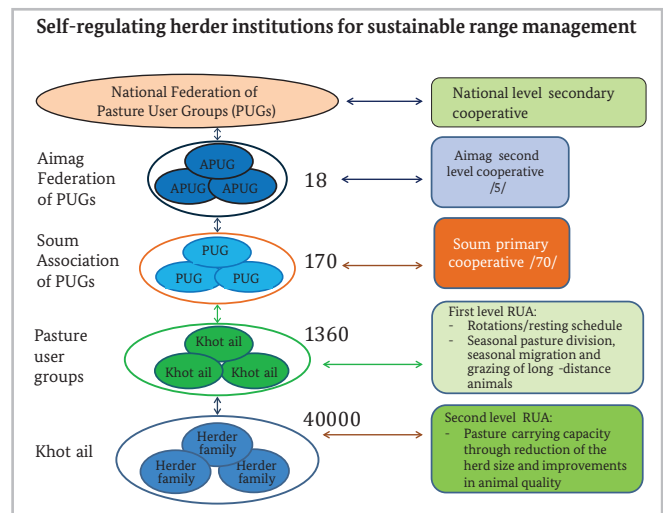
Mongolia

In Mongolia, there is a draft law on pastures which is still under discussion, but the Land Law contains some arrangements for pasture use and a number of pilot models for pasture use regulation have been tried. Some of these are significant, covering large parts of the country and are mostly based on provision of pastures to user groups, under arrangements regulated by local government.

These Pasture User Groups (PUGs) are not based on main residence but constitute herder families using the same water sources, rangeland and other natural resources. Groups may use different pastures in different years, and individuals may be members of different groups in different seasons.

The implementation of pastoral reform by the Green Gold project has the following characteristics:

1. Some pasture lands are allocated to PUGs for their exclusive use, based on Rangeland Use Agreements (RUA).
2. Member households should camp within PUG boundaries in normal weather conditions
3. Special *otor* reserve areas (for periods of drought or hard winters), key water sources and salt licks remain under the control of the local government (soum or bagh)¹ to be used collectively. This can help soums/baghs coordinate rangeland migrations during the harsh periods of natural disasters.
4. Livestock may enter into the territory of other herder organizations in emergency conditions of drought & dzud, based on the available pasture carrying capacity.
5. The location & boundaries of contracted pasturelands must be based on the current land use patterns. The pasture of one herder can not be taken away and given to another herder.
6. Grazing fees are paid by sheep unit (which is the unit used in Mongolia to determine livestock demand for forage), designed to discourage overgrazing and encourage sustainable use of pastureland.



The draft law is based on these arrangements, and thus proposes exclusive user rights for herder groups, based on written agreements, but with inclusion of reciprocal access rights to other pastures in emergencies. It is the herder's responsibility to keep stocking rates within carrying capacity and overall planning is coordinated at the district level.

¹ Soum is equivalent to a district or etrap; bagh to a sub-district or gengesh.

Kyrgyzstan

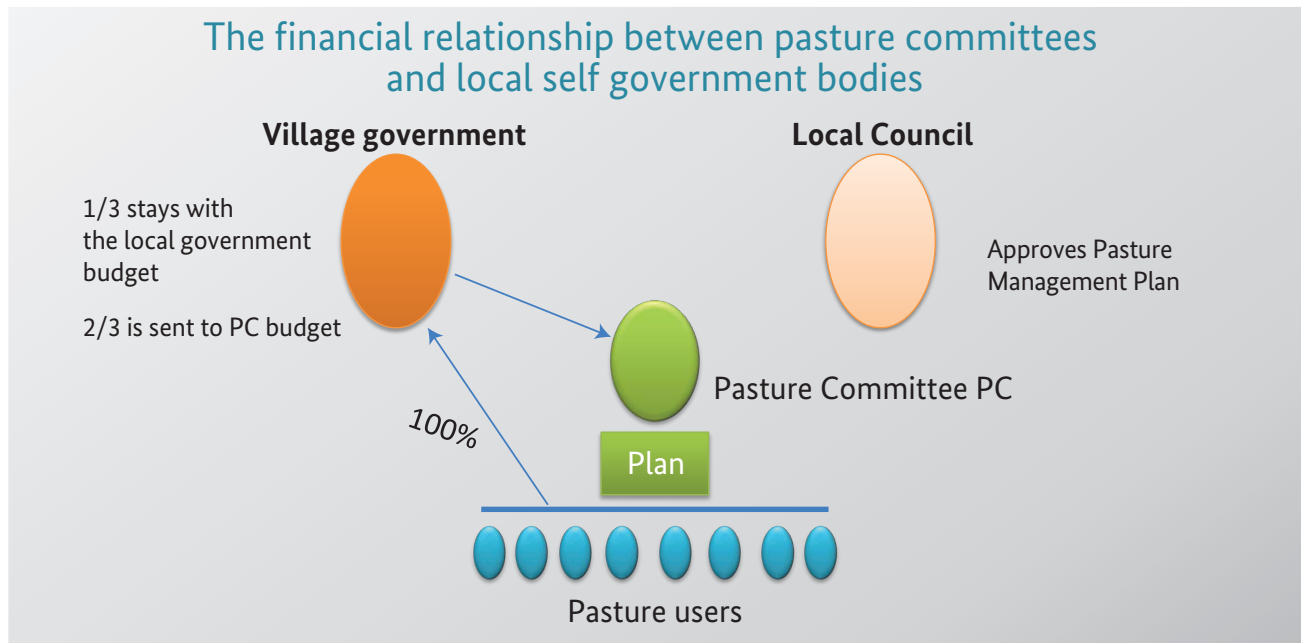
In Kyrgyzstan, a leasing system under which individuals could rent pasture under long term contracts, was in place until 2009. But this system suffered from a number of issues:

- The transaction costs for conclusion of leasing contracts were complex and expensive.
- Pastures were split between local governments, districts and provinces, entailing large administrative costs for contracting different grazing areas, and fragmentation of grazing systems.
- Wealthy herders took out contracts whilst smaller herders, who graze collectively, could not as they were not legal entities and could not cover the necessary administrative costs. This led to conflicts over pasture access.
- The system raised little revenue as much pasture continued to be used informally.

In 2009, a Law on Pastures was passed, bringing in a new system of common property resource management, with the following characteristics:

1. All pasture (including remote pastures) is now allocated to the local village government. This process was conducted by a government boundary commission, using former collective farm boundaries as a starting point.
2. Residents of each local village grazing area have a right to use this land and may join Pasture User Associations (PUA) which assemble resident pasture users.
3. Use of pastures is made in accordance with management plans developed by the executive body of the PUA – the **Pasture Committee** (PC) and approved by the local kenesh (council).
4. Access is acquired via tickets issued to individual members of Pasture Users Associations and paid for per head of livestock.
5. The Pasture Committee is responsible for disbursement of tickets and allocation of pasture to individuals through pasture use planning.
6. The cost of tickets is set by the PC. Two thirds of these fees go to the budget of the PC and are used for infrastructure development in pastures. The rest goes to local self government budget (see figure below).
7. Leasing is prohibited.

More detailed information was provided in the question and answer sessions, outlined in the next section.



LINKS TO DOCS ON RPN

The presentations of the four speakers can be found here

- <https://pasture.klink.asia/klink/b062d6f7eb/preview>
- <https://pasture.klink.asia/klink/8cc05a40dc/preview>
- <https://pasture.klink.asia/klink/889a877a41/preview>
- <https://pasture.klink.asia/klink/e04da54bc3/preview>

An article on the Mongolian system (in English) can be found here:

<https://pasture.klink.asia/dms/klink/82a8b7/document>

Article on Kyrgyzstan in English:

<https://pasture.klink.asia/dms/klink/f49d89/document>

Articles by Wenjun Li on China (in English):

<https://pasture.klink.asia/dms/klink/3f6570/document>

<https://pasture.klink.asia/dms/klink/e5f675/document>



Question and answer sessions

KYRGYZSTAN

Question	Answer
How did the system of pasture management change from three levels of pasture management (village, district, province) to one?	There is a government Pasture Department which issues all these pasture areas to the local authorities (at the level of local self-government).
Are there subsidies for infrastructure such as water supply?	Local users should raise money themselves. The central government does not subsidise them. But at the local level the pasture committee and aiyl okmotu have a pooled budget. Donor funding is used to top-up these funds for infrastructure projects.
Who sets pasture user tariffs?	The costs of pasture user fees should not be more than the land tax. The pasture committee looks at required expenditure and income and makes a suggested split up by the number of animals for payment. The local aiyl kenesh approve this amount.
Is membership of pasture users associations obligatory? Is it a legal entity?	In the law it is <i>suggested</i> that a PUA can be set up – so it is not obligatory, but the Department of Pasture actively establishes these organisations. In any case, everyone must pay for pasture and when you purchase a pasture ticket you automatically become a member of the PUA.
Is there some monitoring and control over pasture use?	The national Ecological Inspection Aiyl kenesh also goes out and inspects the pasture condition.
Does the PUA conduct pasture improvement?	Yes, through their raised funds, but mainly funds are used for infrastructure.
Do they practise rotation?	Yes the pasture organisation sets up a grazing calendar – so when grazing begins livestock must move to specific pastures.
Why was the leasing system abolished?	Wealthy farmers took a lot of pasture for themselves through leasehold contracts which led to conflicts – these people have a good access to the government. Community control prevent this. Bureaucratic reasons were also important, it was complicated to obtain leases, so the previous system was a barrier to migration. In the law it was written that leasing contracts should be swapped for pasture tickets, but this took a while as some of those people were well connected.
What is the difference between a ticket and a contract?	The ticket is like a kind of contract in the sense that territory is written there as well as the length of validity. The number of animals is written there, although people often pasture more animals than is written on the ticket. There is in theory system of fines from the pasture committee but this not often used.
What is the role of the district and oblast?	There is not really a role, pasture management is managed on the local level, but if conflicts or ecological problems arise, then higher levels of government step in.

Are there a standard template statues or internal regulations for each PC?	Yes, there is one.
If there are too many livestock in one gengesh (ayil okmotu) - can they use pasture in another?	Yes, they can make agreements between PCs. But if it is far there might be a problem with transport. If people from Tajikistan wants to use pasture in Kyrgyzstan there are also international agreements.
People live more or less from livestock production - where do they sell?	They can sell to Russia or to other places. Kyrgyzstan exports meat to other countries.
Is there a state plan for agricultural products in Kyrgyzstan?	No
Is the amount paid for livestock grazing dependent on the type of structure or size of farm?	No, the amount paid is dependent on required expenditure and is divided by user livestock.
What about wells? Are they privately owned? The question is that wells are invested in by people, so if pasture is collective, how could this work?	In fact in Kyrgyzstan there is a lot of water so this is not such an issue. A parallel question on infrastructure in Kyrgyzstan could concern barns. In fact it is forbidden to construct new private infrastructure in pastures, but for existing structures the builder in theory would have priority for the use of pastures near that infrastructure. One person mentioned that in Turkmenistan there are large artesian wells which are collectively used. Likewise, on forest fund land, if people build infrastructure, it will be on the balance of the forest fund. However they get a user certificate for a number of years – which is a compromise.
Pasture tickets – if I buy a pasture ticket, is it clear where I can graze? What if others come across my land?	Yes, on the ticket it is written. In fact these rights of movement are also regulated by the PUA.
What if there are too many animals?	They can go to other areas – this is decided at the district level. The cost of the pasture ticket can be set by the ‘welcoming’ Pasture Committee, the cost will be slightly higher. – 1.5 times more. But there is no obligatory withdrawal of animals (i.e. limits to numbers) – people are considering using tax to regulate or incentivise this.
How does planning work? & How is pasture distributed between people?	The distribution of pasture is discussed in a general meeting of the pasture committee, including access of animals from other districts. The plan is produced by the Pasture Committee at the level of the ayil okmotu (gengesh). It is then a legal document.
The fees are used for infrastructure. But what about pasture rehabilitation?	Some people do sow sainfoin and lucerne, but this is not such an important activity for PCs.

SWITZERLAND

Question	Answer
Who has the right to put cattle on municipality land (publicly owned)?	The citizens of the municipality. Citizens have to also fulfil common work: e. g. weeding, cleaning of pastures of stones, etc. Modern agreements (laws) are built upon traditional rules of land use.
Who decides on the limits of boundaries of different landowners (municipality, private, etc.)?	The limits are mostly clear since long ago. In case of disputes, the canton (province) decides.
Can it be that one single landowner owns more than one plot?	Yes, this can be. Nonetheless, 40 years ago there was a land consolidation reform, so that nowadays the plots are bigger.
Which kind of assistance gives the State to pasture users?	Technical and administrative advice. Training / education. State regulates the number of cattle per land unit.
Who controls / decides on over-use of pastures?	The federal law sets the framework. The canton (province government) carries out the administrative controls (via subsidies).
What is the legislative framework and the role of the Parliament with respect to pasture management	The federal law on agriculture and amendments sets the legislative framework, also for pasture management. An agricultural act sets operational, concrete applications of the law. Parliamentarians, representing citizens, can submit requests to adapt the law and also amendments.
Why is the cheese from mountain areas in Switzerland so expensive?	Only small quantities are produced and it is handmade. Labour is expensive in Switzerland.
Pasture is state property but given to cooperatives – how does this work?	There are a number of models in fact: <i>Firstly the 'Municipality model':</i> <ul style="list-style-type: none"> - In each municipality there are many farmers. - The pasture belongs to the municipality. The use of the pasture is limited to the access of the farmers living in that municipality - they are the ones with the right to put their animals on the land. - These rights are passed from generation to generation. If there are not enough animals to fill up the pasture then it is possible to invite farmers from outside.
According to this municipality model are pastures given to the farmers for rent or use?	Use. But the use of the land is in connection with labour which must be done on the land – 1 or 2 days work per head of cattle. So there is a payment in the form of pasture maintenance. People have a right to take back dairy products from their cows produced in the pastures, so it is like an exchange.
Can they loose the right to use the pastures if they violate rules?	Not really, only if they have no more cows!

	<p><i>Secondly, the 'Cooperative model':</i></p> <ul style="list-style-type: none"> - According to this model pastures are held in common amongst members of a private-owned partnership. - For example, ten farmers may form a cooperative together and purchase pasture in the high mountain pasture. - This is private ownership, but the difference is that people can buy or sell the right to pasture access within the group.
So if I have a house in that area, can I get a right to use these pastures?	As a new arrival probably not, unless there were not enough animals.
How does the state provide oversight for these systems - cooperative and private pastures?	There is an overall state legal framework which covers all the above models. The state controls whether there is over or under grazing, and look at biodiversity and deforestation
Climate change and vegetation change are becoming evident in Central Asia – is Switzerland affected by this?	Absolutely – the water management has changed. Water usually comes from glaciers. Now there is less water and also less rain in alpine areas. We have to react to this and invest money in water storage and irrigation. Water must be cold for cheese making, and now the water is less cold than before.

MONGOLIA

Question	Answer
Regarding the no. of households and livestock and reporting mechanisms, how do you get the data?	All households are registered. Households report livestock numbers, species and age. All data are collected and processed by the national statistical office.
How is use of water resources, included in pasture management? Do you have data on which pastures you have which water resources?	Water resources are mapped and information regarding their capacity is available. Water holes, rivers, creeks are all included in planning on summer pastures. (New) water holes could be established, but requires governmental planning. Winter pastures are always near water resources.
Which area do you have per livestock (sheep) unit?	1,8 ha per head.
How are veterinary services are organized?	Veterinary services are privatized, but the money comes from governmental budget. Artificial insemination is also paid by the state.
Does high no. of livestock lead to heavy degradation of pastures?	In most areas, pasture management planning leads to avoid degradation of pastures.
How frequently Mongolia amends agricultural legislation?	Based on demand.
Which kind of codes and laws does Mongolia have, related to pasture management?	There is no law on pastures yet, but a number of other relevant laws: <ul style="list-style-type: none"> - Long-term governmental planning (programmes): next 20 – 40 years - Law on land - Draft pasture protection law
What is the methodology to develop pasture management standards?	Grass production capacity per sheep. It is done by research institutes.
What is the methodology for planning pasture management?	It is done by the state: land management. Monitoring of pastures is also done by the government. There are local agreements between governors and herder groups.

CHINA

Question	Answer
When did you conduct your research?	We started end of 1990s in inner Mongolia and kept track of changes over almost 20 years. 4 study areas from west to east.
What are your recommendations to fight degradation, conclusions from research?	Eastern area is more humid, rehabilitation is easier. Western area is drier. Establishing a cooperative of local herders helped.
State support for fighting degradation?	Government provides ecological awards for grassland restoration. There is compensation from government for not grazing, this depends on the status of the degradation.
Ownership of pasture?	All land is state-owned. We separate use rights from ownership. Recent reforms allow land to be sold within the village, urban people cannot buy. After privatization of pasture land, households received too little lands for grazing and had to conduct herding individually. A lot of people moved to cities and abandoned their land in the villages, so they could sell their use rights.
Which documents do you receive for pasture use?	Contract signed by government for 30 years, extension for another 30 years. There is no tax for land use since 2006.
Method for pasture management and monitoring – What is the best one?	Depends on the region. Baseline information is important. In April a monitoring report is elaborated, reporting from local to national level, three levels, vertical reporting. Only 4 people within Ministry of Agriculture are responsible for whole pasture area.
State support for livestock raising?	Subsidies for fencing existed in inner Mongolia, however, the mobile system of pasture use and migratory patterns were disturbed. The result was that herders had to buy additional forage for fenced livestock. This had a negative effect on income. Fences fragmented even social relations. Microcredit exists.
Carrying capacity - is there any quota?	It is written in the use contract. National statistics for livestock numbers exist.
As there any territory without any water supply?	No, in all areas they have some kind of water supply, from wells and other sources.

Imprint

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
Registered offices Bonn and Eschborn, Germany

Programme for Sustainable and Climate Sensitive
Land Use for Economic Development in Central Asia
Torsten Brezina, Programme director
Erkindik Blvd.22
720040 Bishkek, Kyrgyz Republic
torsten.brezina@giz.de
www.giz.de, www.naturalresources-centralasia.org
T +996 312 90-93-40

As at
May 2018

Published by

Design
Aleksandr Gorbatovsky

Photo
© Archive of the programme

Text
Sarah Robinson

Contact person
Maya Ashirova
maya.ashirova@giz.de

GIZ is not responsible for the content of this publication. The publication is distributed free of charge.

On behalf of
German Federal Ministry for Economic Cooperation and Development (BMZ)

