التعاون الألماني
DEUTSCHE ZUSAMMENARBEIT

giz Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Agency for Development and Cooperation SDC

WANA INSTITUTE

FACILITATING A HIMA RESURGENCE:
Understanding the Links between Land Governance and Tenure Security

West Asia-North Africa Institute, December 2016

All content of this publication was produced by researcher Kamal Kakish. This publication is generously supported with GIZ funds on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) and the Swiss Agency for Development and Cooperation (SDC). This publication reflects the views of the author only, and not necessary of GIZ, BMZ or SDC.

Author: Kamal Kakish
Design: Lena Kassicieh, Head of Communications
Cover image: Taken by photographer Hamed Saber
Editing: Dr Erica Harper, Dr Gilbert Ramsay and Lara Nassar

The West Asia – North Africa (WANA) Institute would like to thank the IUCN Regional Office for West Asia (ROWA), especially Eng Fidaa F. Haddad, the Programme Manager of drylands, livelihoods and Gender programme, and Mr Mohammad Shahbaz, Advisor for the National Centre for Research and Development (NCRD) at the Higher Council for Science and Technology (HCST) for their additional support and contribution to this research.

Published by the WANA Institute, Royal Scientific Society in Amman, Jordan.

Printed in Amman, Jordan

Manufactured in Jordan

Table of Contents

1. Introduction

Over the past century, urbanisation, decreasing land productivity and changing policies pertaining to land governance have driven a decline in community based traditional systems of land management. These factors are closely intertwined and self-perpetuating: as rangelands become both of higher utility and less inhabitable, urbanisation increases and the traditional knowledge required to run such systems is lost. Today, traditional land management systems are increasingly at risk. This has consequences, not only for land sustainability but also for the livelihoods and welfare of those depending on such lands. In some areas, increased land scarcity and commoditisation has precipitated a breakdown of the customary rules that govern the equitable and sustainable use of common resources — rules that have in the past functioned to protect lands and the rights of vulnerable groups.[1]

In this context of declining land productivity and concern over rural livelihoods, the question of how to best promote land resource management and the preservation of traditional knowledge has come to the fore. To this end, several organisations have launched efforts to revive traditional land management systems, such as the *hima*, as a tool in poverty reduction, habitat protection and species conservation. *Hima* is a traditional land management and conservation system that has operated in the Arab region for thousands of years. This paper argues that key to the effectiveness of such efforts is a re-vesting of rights and responsibilities over land governance in communities and de-centralised government frameworks. Under previous traditional land management systems, communities employed strict rules to ensure that land was equitably and sustainably managed to guarantee that yields could be enjoyed. Today, while tribes still occupy land, ownership is generally vested in state authorities. Having lost their rights and responsibilities, communities no longer have sufficient vested interest for lands' proper governance.

To enhance understanding around how to promote the sustainable management of land resources, this paper draws on observational data collected in three *hima* sites in Jordan and Lebanon and one provisional *hima* site in Egypt. The primary aim of this study is to provide data that can be used as a baseline to gauge subsequent changes in land governance in the *hima* sites. Moreover, this research seeks to further investigate the argument that the strength of land tenure rights is positively correlated to a community's good governance of land resources.

1.1 Methodology

To test the relationship between land tenure security and land governance, this research examined three *hima* sites in Jordan and Lebanon, and one provisional *hima* site in Egypt. The thesis was that a community's land tenure security is fundamental to its good governance,[2] which in turn facilitates enhanced agricultural and pastoral productivity. The hypothesis tested was that the strength of land tenure rights was positively correlated to land good governance.

[1] Admos Chimhowu and Phil Woodhouse, "Customary vs Private Property Rights? Dynamics and Trajectories of Vernacular Land Markets in Sub-Saharan Africa," *Journal of Agrarian Change*, vol. 6, no. 3 (July 2006): 346-371 at 359, doi: 10.1111/j.1471-0366.2006.00125.x.; Lorenzo Cotula, ed., *Changes in 'Customary' Land Tenure Systems in Africa* (London: International Institute for Environment and Development, 2007), 81-101 at 89.

[2] Pedro Herrera, Jonathan Davies and Pablo Baena, ed., *The Governance of Rangelands Collective Action for Sustainable Pastoralism* (New York: IUCN and Routledge, 2014), 243.

The testing of tenure security and land governance necessitated that key indicators be assigned. Land tenure security was measured by assessing a *hima* community's rights of access, withdrawal, management and exclusion, and alienation.[3] Land governance was similarly measured, examining a community's awareness and knowledge, access to benefits, community organisation, women's participation,[4] and claim-making power (see Annex I).[5] These indicators were selected based on desk research and expert interviews. The analytical tool used to measure good governance indicators is available in (Annex II).

These indicators were then evaluated against observational data gathered through interviews and focus group discussions with key stakeholders from Hima Bani Hashem in Jordan, Hima Anjar and Kfar Zabad in Lebanon and an Egyptian delegation in Amman from the *hima* provisional site in Mersa Matrouh, Egypt. Stakeholder participants included representatives from governmental and non-governmental organisations, research centres, and community leadership. Focus group discussion participants comprised a randomised selection of community members, taking age and gender into account. Sites were selected based on expert consultations with a view to isolating three of the most successful *hima* sites in the West Asia-North Africa (WANA) region.

[3] Herrera, Davies and Baena, *The Governance of Rangelands*, 244.

[4] See further: FAO, "Management of Natural Resources Including Medicinal & Aromatic Plants to Benefit Rural Women in the Near East Region (Case Study of Egypt)," *Desert Development Center, The American University in Cairo (*2005), available at http://collaborationplatform.net/Pages/GoodPracticeDetails.aspx?id=33&lang=EN&l=0&DId=0&CId=0&CMSId=5003309.

[5] IUCN, "Management and Ownership of Drylands: An Accountability Report for "The Securing Rights & Restoring Lands for Improved Livelihoods Project in Jordan," *IUCN* (2011), available at https://www.iucn.org/es/node/19081.

2. Traditional Systems of Land Management

While there is wide variation between and within countries, scholars generally agree that traditional land management systems comprise a complex mesh of overlapping and temporal claims, some of which are held privately, and others that are held communally to promote the health, prosperity and religious practices of the greater community.[6] Other areas may be left open for the use of future generations, or to accommodate shifting patterns of agriculture due to fluctuations in rainfall, soil fertility and changing community needs.

Land rights are primarily derived from membership to a given group or allegiance to a specific political authority. Tribal leaders usually approve new grants of land within the community, with families sub-granting land to other individuals or families through inter-familial arrangements similar to leasing or sharecropping. Within a traditional land management system, a range of secondary rights may also exist. These include rights of way; rights to use natural resources located on lands shared by the community or by more than one community; seasonal access to particular areas (i.e. by pastoralists whose customary rights include yearly passage through, visits to, or use of land and natural resources considered to be within the bounds of another sedentary community); and rights to enter into areas for religious reasons.[7]

The weight of evidence suggests that traditional systems of land management have strong potential to contribute to sustainable development and optimised resource management. Such systems tend not only to protect natural resources in effective and efficient ways, but also to confer social benefits, such as the protection of the rights of vulnerable groups and future generations.[8] The community-based system of land management practiced in the WANA region, for example, has been identified by the Food and Agricultural Organisation and the World Bank as a principal factor in the preservation of rural community livelihoods. For these reasons,

Common features of traditional land management systems

- Land rights are embedded in a range of social relationships and units, including households and kinship networks and various levels within the community.
- Land rights are inclusive and shared rather than exclusive and individual in character. They include individual and family rights to residential and arable land and access to common property resources such as grazing lands, forests and water.
- Rights are derived from accepted membership of a social unit, and can be acquired via birth, affiliation or allegiance to a group and its political authority, or transactions (including gifts, loans and purchases).
- Access to land is distinct from control of land. Control is concerned with guaranteeing access and enforcing rights, regulating the use of common property resources, overseeing mechanisms for redistributing access, and resolving disputes. Control is often located within a hierarchy of authority, with many functions situated at the local level.
- Social, political and resource boundaries, while usually stable, are also flexible and negotiable, given the nested character of social identities, rights and authority structures.

Source: Benjamin Cousins, "More Than Socially Embedded: The Distinctive Character of 'Communal Tenure," 293

[6] See generally: Benjamin Cousins, "More Than Socially Embedded: The Distinctive Character of Communal Tenure," *Journal of Agrarian Change,* vol. 7 no. 3 (2007); Lorenzo Cotula, "Changes in Customary Land Tenure Systems in Africa," *International Institute for Environment and Development* (2007): 11; Christopher Tanner, "Law Making in an African Context: the 1997 Mozambican Land Law," *FAO Legal Papers* no. 26 (2002).
[7] Ibid.
[8] Chimhowu, "Customary vs Private Property Rights," 346-371 at 359.

the importance of community participation in sustainable resource management has gained increasing attention, mainly in the context of developing countries. Today, it is broadly accepted that bottom-up frameworks, where local communities are actively involved in decision-making, are prerequisites for sustainable development.[9]

It should be highlighted that systems of community land management are not risk-free. Under such arrangements, land management and administration is necessarily devolved to communities themselves. Yet in contexts of growing land scarcity and increased land competition, local power asymmetries can be exacerbated, affecting breakdowns in the traditional rules that govern land holdings and the sustainable use of common resources. This creates risks of environmental exploitation, and heightened vulnerability for marginalised rights holders, such as women, pastoralists and tenants.

2.1 Traditional Systems of Land Management in the WANA Region: The Hima

The *hima* (literally, 'protected area') is the most widespread traditional land management system in the WANA region. It evolved more than 1,400 years ago in the pre-Islamic Arabian Peninsula. The term was then used to denote an expanse of land covered with vegetation used by local tribes for grazing. Access to such locales was limited to individuals or groups with rights to the *hima*.[10] Over time, its meaning evolved to describe a rangeland reserve — a piece of land set aside seasonally to facilitate regeneration.[11]

Following the advent of Islam, religious values and norms were incorporated into the *hima* system.[12] The function of the *hima* changed and became property dedicated to the wellbeing of the community around it.[13] According to Islamic scholarship, the Prophet Mohammad transformed the *hima* from a private enclave into a public asset, distributing its shares to all members of the community, consistent with their religious duty as stewards (*khulafa*)[14] of God's natural world.[15]

One of the first *himas* — Hima al-Naqi' — was established by the Prophet near al Medina. This particular *hima* was designed for the early Muslim cavalry, who benefited from the land's resources while moving from one city to another. The Prophet also declared Mecca and al Medina two inviolable sanctuaries (*haram*), making hunting in al Madina forbidden within a radius of four miles around the city, and prohibiting the destruction of plants within a radius of twelve miles.[16] These areas were thus considered 'safe zones', protected from overgrazing and hunting.

[9] Leonard Chirenje ,Richard Giliba, and Emmanuel Musamba, "Local Communities' Participation in Decision-making Processes through Planning and Budgeting in African Countries." *Chinese Journal of Population Resources and Environment* (2013), doi:10.1080/10042857.2013.777198.
[10] J. Chehod, "Hima", *Encyclopaedia of Islam*, vol. 3 (1971): 393, quoted in Gari Lutfallah, "Ecology in Muslim Heritage: A History of the *hima* Conservation System ," *The White Horse Press*, vol. 12, no. 2 (May 2006): 213-228, available at http://www.muslimheritage.com/article/ecology-muslim-heritage-history-hima-conservation-system
[11] John W. Bruce, "Legal Bases for the Management of Forest Resources as Common Property," *FAO* (1999): 48.
[12] See generally: Kilani, Hala, Assaad Serhal, and Othman Llewlyn, *Al-Hima: A Way of Life* (Amman and Beirut: IUCN and SPNL, 2007).
[13] Lutfallah, "Ecology in Muslim Heritage".
[14] *Khulafa* is the plural form of *khalifa*, a name or title used among various Islamic religious groups. It means "successor" or "steward".
[15] Tom Verde, "A Tradition of Conservation," December 2008, available at http://archive.aramcoworld.com/issue/200806/a.tradition.of.conservation.htm.
[16] Richard Foltz, Fredrick Denny and Azizan Baharuddin, ed., *Islam and Ecology*, (A Bestowed Trust: 2003), 212-215, quoted in Lutfallah, "Ecology in Muslim Heritage".

The *hima* system expanded and flourished under the authority of tribal governance until the first half of the 20th century. In Saudi Arabia alone, an estimated 3,000 *himas* existed until the 1960s. These lands were considered among the best a managed in the Arabian Peninsula.[17]

2.2 The Decline of the Hima

Over the past century, community-based land management in the WANA region has been strongly influenced by changing policies pertaining to land governance. From an environmental perspective, the most significant development took place during the second half of the 20th century when nomadic populations came under the control of central governments and tribal lands were nationalised. This saw Bedouin[18] families and tribes adopt a new form of semi-nomadism.[19] Some such policy measures were indirect drivers, such as the advent of centralised education, while others, such as the creation of state borders, directly transformed nomadism by limiting Bedouin options for livestock migration.

In Saudi Arabia, for example, the government took over responsibility for the management and security of rural lands resulting in a decline in local decision-making and participation in the management of *himas*.[20] In Syria, following independence in 1946, the government pressured nomads to urbanise as part of its modernisation strategy and to limit tribal power. This culminated in the abolition of the tribal administration system under Act No. 166 (28 September 1958), marking the end of tribe-controlled *hima* systems.[21] In Lebanon, municipalities continued to manage *hima* lands until the 1975 civil war, hiring local rangers to protect resources, farmlands and yields. Rural-to-urban migration and the subsequent abandonment of agriculture, however, resulted in a severe decline in the number of *himas*.[22] In other countries, by contrast, it was a lack of regulation that led to the decline of *himas*; in several Jordanian rangelands, for example, grazing expanded virtually uncontrolled.[23]

These developments carried with them both environmental and social externalities. First, the transition to more sedentary lifestyles increased pressure on already depleting resources; traditionally, Levantine Bedouins would facilitate the regeneration of natural vegetative cover by moving freely between Jordanian, Syrian, Saudi Arabia and Iraqi lands.[24] Second, as Bedouin tribes were increasingly required to follow new land tenure systems, their reliance on traditional knowledge and community-based land management systems diminished.

Today, a new set of tensions is exacerbating the twin challenges of land degradation and loss of traditional knowledge. Rapid population growth has resulted in more extensive land use to meet growing demand, in some cases pushing communities out of rangelands. At the same time, the

[17] Ibid.
[18] Bedouin is used to describe Arab people, who live mainly in the Arabian and Syrian deserts, the Sinai Peninsula of Egypt and the Sahara Desert of North Africa, that adopt a form of nomadic pastoralism. See: Elizabeth Losleben, *The Bedouin of the Middle East*, (Minneapolis: Lerner Publications, 2003); Dawn Chatty, *Nomadic societies in the Middle East and North Africa,* (Boston: Brill, 2006), 239-279 at 240.
[19] Ghazi Bin Muhammad, *The Tribes of Jordan at the Beginning of the Twenty-first Century*, (Jordan: Rutab, 1999).
[20] Lutfallah, "Ecology in Muslim Heritage".
[21] Bruce, "Legal Bases for the Management of Forest Resources," 113.
[22] FAO, based on the work by Fadi Asmar, "The '*Hima*': a Revived Traditional Forest Protection and Management System: the case of Lebanon," *FAO* (2009): 15, available at ftp://ftp.fao.org/docrep/fao/011/k4846e/k4846e00.pdf
[23] R. Blench, "Rangeland Degradation and socio-economic changes among the Bedu of Jordan: results of the 1995 IFAD Survey," *FAO* (1995): 4, available at ftp://ftp.fao.org/docrep/nonfao/lead/x6188e/x6188e00.pdf
[24] Raed, Al Tabini, Khalid Al Khaldi and Mustafa Al-Shudiefat. "Livestock, Medicinal Plants and Rangeland Viability in Jordan's Badia: Through the Lens of Traditional and Local Knowledge," *SpringerOpen* (2012): 2, DOI: 10.1186/2041-7136-2-4.

impacts of climate change, including drought and rainfall variability, have exacerbated rangeland degradation, and hence the migration of semi-nomadic Bedouin populations to cities.[25] For communities who have attempted to maintain their traditional lifestyles, the introduction of complex frameworks and regulations concerning land ownership and urban planning have had negative impacts. In some cases, communities have been dispossessed of their land rights, while in others residents have been alienated from decision-making processes around land and its use. In both cases, affected communities' sense of accountability towards land resources has declined, detracting from its proper governance. The result is that while the tradition of the *hima* still exists in different forms and under various names, these land management systems are increasingly at risk, with declining numbers of young people involved in rangeland agricultural and pastoral activities.

[25] Lutfallah, "Ecology in Muslim Heritage".

3. A Historic Response to Modern Challenges: Revitalising the Hima Concept

It is clear that rangeland degradation and the decline of traditional land management techniques and knowledge are closely intertwined and self-perpetuating: as rangelands become both of higher utility and less inhabitable, urbanisation increases and local knowledge is lost. Given that more than 35 percent of the Arab region is occupied by rangelands,[26] where 70 percent of these lands are either degraded or destroyed,[27] it is important to identify modalities to promote the effective governance of land resources and their sustainability.

Just as the problems are intertwined, so are the potential solutions. Some experts posit that strengthening community land management systems and supporting the preservation of traditional knowledge is one modality to facilitate more sustainable rangeland management. To this end, over the past decade, several organisations have studied the viability of and launched efforts to revive traditional land management systems, in particular, the *hima*. These include the International Union for Conservation of Nature (IUCN) and the Society for the Protection of Nature in Lebanon (SPNL).

The argument presented is that *himas* have strong potential to rehabilitate rangelands due to their effectiveness in terms of conserving natural resources and promoting user-led management. Experts link *hima* systems to improved livestock production, the protection of hydrological cycles and water catchments, and the capturing of atmospheric carbon as a result of increased vegetative cover.[28] *Himas* may also be important for biodiversity and habitat preservation. According to Llewellyn "[m]any *himas* are located in areas of high species diversity or support woodlands and other key biological habitats and are thus important in preserving biological diversity. Their great potential for ecological and socio-economic research and development has received less attention."[29] There is also some evidential support for the livelihoods advantages of *hima* systems. Economic valuation studies have found that adopting large-scale rangeland restoration can have economically advantageous benefits for local communities.[30] Indeed, in the WANA region, the trade and commercialisation of natural resources such as medicinal herbs has enhanced local employment opportunities.

A further advantage of the *hima* system is that it integrates nature conservation with human well-being, making it a more holistic approach to natural resources management and social justice.[31] Under these traditional frameworks, both males and females play essential roles in natural resource conservation, and there are plentiful examples of women playing specific roles in managing

[26] Rangelands are land supporting indigenous vegetation that is grazed or has the potential to be grazed, and is managed as a natural ecosystem. Includes grazable forestland and rangeland.
[27] Asma Abahussain et al., "Desertification in the Arab Region: Analysis of current status and trends," *Journal of Arid Environments* 51 (2002): 521 - 545 at 536, doi:10.1006/jare.2002.0975.
[28] Richard Foltz, *Islam and Ecology*, 215, quoted in Lutfallah, "Ecology in Muslim Heritage".
[29] Lutfallah, "Ecology in Muslim Heritage".
[30] See generally: Myint, M.M. and Westerberg, V, "An economic valuation of a large-scale rangeland restoration project through in Jordan," *ELD Initiative and GIZ* (2014).
[31] See further Kilani: Hala and Llewlyn, "*Al-Hima*: A way of life,"; Regional Office for West Asia (IUCN ROWA), "The Amman Declaration on Innovating *Hima*," *Endorsed by HRH Prince El Hassan Bin Talal at the Hima Forum* (2014), available at https://www.iucn.org/content/amman-declaration-innovating-hima-endorsed

economic activities within more established *himas*.[32] As put forth in the 'Amman declaration on innovating *hima*,' the *hima* is a "comprehensive package of governance, science and market that builds on and reinforces social, culture and human capital."[33]

Since present-day practices overrule traditional *hima*, it is perhaps necessary to adopt a hybrid model that combines traditional *hima* and modern technology driven systems, in order to appease and avoid eventual conflict. Tradition must not be forgotten, but it should be adapted to modernity. This way, traditional systems will promote sustainability within a modern framework and become the foundation of new technologies.

[32] SPNL, "*Hima* Women Guideline Manual," *SPNL*, available at www.spnl.org
[33] IUCN ROWA, "The Amman Declaration on innovating *hima*".

4. Facilitating a Hima Resurgence: The Relationship Between Tenure Security and Land Governance

Having established the benefits of the *hima* in promoting sustainable resources management, the question becomes how best to facilitate a strengthening of traditional management systems, particularly in the context of increasing land degradation, urbanisation, climate change, and food production demands. This paper argues that a key enabler in successful community land management is achieving a balance between the rights and responsibilities of users. This balance has been altered in the context of modern land management frameworks; traditional maintainers of *hima* systems have been disempowered in land management and excluded from decision-making. Without responsibilities, control and predictability, there are no ensuing benefits, and communities lose their incentive to manage resources sustainably.

The framework under which land rights and responsibilities are managed is broadly referred to as land tenure. Land tenure is the way that land is used or owned by individuals or states. Land tenure rights can be formal (state-based), informal, customary, or traditional in nature and can include leasehold, freehold, use rights and private ownership.[34] The strength of one's land rights usually hinges on national legal definitions of property rights, local social conventions or other factors. Importantly, land tenure comprises not only ownership rights but also rights of access and use.[35] In some contexts, tenure rights extend to: occupying, using and developing land; selling or bequeathing land; leasing or granting use rights to land; restricting others' access to land; and using the natural resources located on land.

> The Food and Agriculture Organisation (FAO) defines land tenure as an institution that consists of rules invented by societies to regulate behaviour with respect to land. In layman's terms, land tenure is the system of land holding in any given society and determines who can use what resources for how long, and under what conditions. Such rules define how property rights to land are to be allocated within societies and how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints.
>
> *Source:* FAO, "Land Tenure Studies 3: Land Tenure and Rural development", 7.

Land tenure 'security' refers to the degree of confidence that rights-holders will not be arbitrarily deprived of the bundle of rights they enjoy over particular lands. It is the reasonable guarantee of ongoing land rights, supported by a level of certainty that such rights will be recognised by others and protected by legal and social remedies if challenged. Legal systems — state, customary or religious — define the rights and obligations of individuals, families and communities in relation to land and determine how land rights are to be administered and enforced. How and whether the relevant legal system acknowledges one's land rights is the basis for land tenure security.

The relationship between land tenure rights and the governance of natural resources is well referenced in academic literature on sustainable development. When land tenure rights are protected and guaranteed, rights-holders are more likely to assume accountability and use resources sustainably, protecting against land degradation and exploitation. Secure land rights are also a necessary precondition to safeguarding livelihoods and maintaining adequate food production.

[34] FAO, "Land Tenure Studies 3: Land Tenure and Rural development" *FAO* (2002): 7.
[35] IUCN, "Management and Ownership of Dry Lands," 2.

Enhanced tenure security encourages and promotes increased investments in land; people who may be evicted at any time are less likely to use local natural resources sustainably or invest in their homes, villages or neighbourhoods. Secure land rights, by contrast, provide incentives to maintain and conserve natural resources, plant long-term crops and contribute to local development. Over the long-term, such investment can translate into improved health, education and living standards. Ensuring land tenure rights is thus a key modality in environmental conservation and realising broader socio-economic goals.[36]

Where systems of traditional land management enjoy tenure security, similar benefits result. First, it is a means of safeguarding the livelihoods of rural communities. Tenure security provides particular support to communal, overlapping and secondary land rights-holders and poor and vulnerable community members. More broadly, it may help to foster local economic growth and promote sustainable natural resource management. As noted, rangelands have high income-generating potential in terms of their natural resource, ecological and yield values. If protected and secure, communities can capitalise upon such potential for the benefit of all members.

If the objectives of *hima* revitalisation are to enhance the management and sustainability of rangelands and socio-economic outcomes for land-users, then the relationship between land tenure security and land good governance is pivotal. It follows that *hima* efforts need to include modalities to strengthen land tenure security, and hence people's 'stake' in and accountability towards their land. Indeed, fundamental to the success of early *hima* systems was that they defined a community's relationship with lands, based on established rules, distributed responsibilities, and specified access rights, mainly drawn from customary practices and traditional knowledge.[37]

[36] Ibid.
[37] FAO, "Land Tenure Studies 4: Gender and Access to Land," *FAO* (2002): 3.

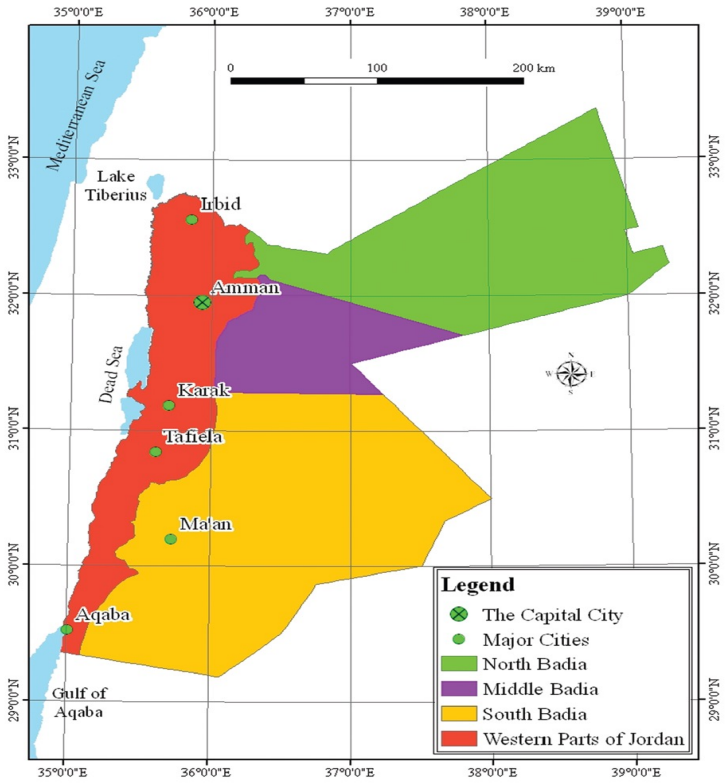
5. Country Site Analyses and Mapping

5.1 Jordan's Hima Bani Hashem

Agriculture Law No. 20 (1973) defines rangelands as "all lands registered as such and any other state-owned lands where annual rainfall is below 200mm and that do not have sustainable irrigation, or the lands confined for public use".[38] Rangelands in Jordan are mainly state or treasury owned, but they can also be owned individually, by a group of people, or be registered in the name of a government institution.[39] The owners of rangelands can grant tenure rights to individuals, families or clans, who then enjoy a certain level of control over the land and its resources.

The area known as the Badia constitutes 80 percent of the Hashemite Kingdom of Jordan (see Figure 1). It is predominantly arid with low average rainfall, although parts are semi-arid and exhibit extensive plant and animal life. Almost all of the Badia is suitable for grazing, and as such, most land is used for pastoralism.[40]

Figure 1: Jordan Badia



Source: Alaa Abu Sada, Mahmoud Abu-Allaban and Ahmad Al-Malabeh, "Temporal and Spatial Analysis of Climate Change at Northern Jordanian Badia," *Jordan Journal of Earth and Environmental Sciences* vol. 7, no. 2, (2015): 88.

While predominately state-owned, some areas are considered 'traditional', with land rights exercised by the inhabiting tribe.[41] This has resulted in recurrent conflicts over land use and resistance to state efforts to regulate grazing.[42] The Hashimiyyah rangelands in Zarqa Governorate provide an illustrative example. These rangelands stand on state-owned treasury land, administrated by the Forestry Department of the Ministry of Agriculture. This legal and management status fuelled confusion and disorientation with respect to local perceptions of land ownership. Community members saw the government as holding sole responsibility over resource management, driving a poor sense of responsibility on the part of tribal land users.[43] At the same time, efforts by the Ministry of Agriculture to protect rangelands

[38] Jordan Ministry of Agriculture, Directorate of Rangelands and Badia Development, "Updated Rangeland Strategy for Jordan," *IUCN and EU* (2013): 10.
[39] Husam Madanat, "Land tenure in Jordan," *FAO land tenure journal* (2010): 156, available at http://www.fao.org/nr/tenure/land-tenure-journal/index.php/LTJ/article/view/12/6.
[40] Mahmoud Al-Jaloudy, "Country Pasture and forage resource profile," *FAO* (2006): 7
[41] Historically, Bedouin tribes have practiced a specific form of traditional land management within a *dirah* (the lands used by Bedouin groups for grazing).
[42] Directorate of Rangelands and Badia Development, "Updated Rangeland Strategy for Jordan," 12.
[43] IUCN, "*Al Hima* Possibilities are endless," *IUCN* (2014), available at http://cmsdata.iucn.org/downloads/hima_case__1_.pdf

through fencing and by limiting grazing to specific seasons and durations had limited impact, with grazing violations limiting the restoration of vegetative cover.[44]

In 2011, a Prime Ministerial decree allocated 100 hectares of rangeland to be administered by the Hima Bani Hashem Cooperative.[45] The site features steppe vegetation and falls within an Irano-Turanian bio-climatic zone; it is considered a marginal area based on its degree of desertification, with an average rainfall of 120-220 mm/year.[46] Hashimiyyah district is also classified by the Ministry of Planning and International Cooperation as a poverty pocket,[47] with up to 20 percent of the population depending on livestock as its only source of income. [48]

Table 1: Land Tenure Rights in Hima Bani Hashem

Site name	Right of Access	Right to withdrawal	Right of management and exclusion	Right of alienation
Bani Hashem	Yes ☒ No ☐	Yes ☒ No ☐	Yes ☒ No ☐	Yes ☐ No ☒

With the establishment of the *hima*, the community was endowed with land governance rights. Management, coordination and dispute resolution responsibilities are vested in the Hima Bani Hashem Cooperative. The Cooperative Director is elected by community members, and is accountable to an Executive Board. Cooperative members include all social groups, with women representing a majority. Together with the local community, the Cooperative has successfully advocated for good governance of land resources.

Table 2: Land Governance Factor Analysis in Hima Bani Hashem

Factor	Low	Slight	Moderate	High
Awareness/Capacity & Knowledge	☐	☐	☒	☐
Access to benefits from land resources	☐	☐	☒	☐
Community organisation and leadership	☐	☐	☒	☐
Women Involvement	☐	☐	☒	☐
Claim-making power	☐	☐	☒	☐

[44] *Hima* management Committee, "Community management plan for *Hima* Bani Hashem 2013-2017," *IUCN* (2013).
[45] IUCN, "Al *Hima* Possibilities are endless".
[46] Hima management Committee, "Community management plan for *Hima* Bani Hashem 2013-2017".
[47] Poverty pockets in Jordan are clustered communities around and below the poverty line of JOD 680 per person per year; UNPD, Ministry of Planning and International Cooperation - Jordan, "Thinking differently about the poor," *UNDP and MoP* (2012), available at http://www.undp.org/content/dam/jordan/docs/Poverty/Jordan_Poverty%20Pocket%20Report.pdf
[48] Hima Management Committee, "Community management plan for *Hima* Bani Hashem 2013-2017".

IUCN and the Ministry of Agriculture supported the *hima*-revival process by training community members in project management, land management techniques and stakeholder engagement methodologies. Meetings that were convened between community members, local governors and Ministry of Agriculture staff aimed at enhancing joint understandings of concepts such as conservation, restoration and sustainable land management. The success of the Hima Bani Hashem initiative can be largely attributed to the high level of commitment from the Ministry of Agriculture.

Anecdotal and observational evidence collected as part of this research suggests that local land governance has improved since the establishment of the *hima*. The community maintains evenly distributed grazing systems, protecting the land from nearby tribes and overgrazing (the Ministry of Agriculture and other law enforcement authorities have also assisted the community in protecting land from overgrazing). Community members exhibit good levels of awareness regarding their land resource situation, including the skills needed to identify and prioritise problems. The *hima* supports the livelihoods of many community members and has opened up new opportunities. One group of women, for example, established a herbal plant workshop with the assistance of a small business loan from the Bani Hashem Cooperative. Interviews revealed that many former-sceptics of the *hima* system are now strong advocates, exhibiting strong views regarding the connection between traditional land management, resource conservation and economic outcomes. One community characteristic that may have contributed to the *hima's* success is the presence of strong tribal norms whereby community leadership has always played a significant role in decision-making processes and inter-generational traditional knowledge pertaining to natural resources management is highly valued.

It is important to note that following on from the effectiveness of the *hima* experiment in 2014 the Ministry of Agriculture included in its Rangelands Strategy the following three recommendations for land restoration:

- Creating community-based organisations to manage designated land,
- Redefining pastoral land rights, specifically in the Badia,
- Local capacity building and awareness raising to revive the *hima* concept.[49]

5.2 Lebanon's Hima Anjar and Hima Kfar Zabad

While 74 percent of Lebanon was once forested, today 65 percent of the country's woodlands are classified as degraded.[50] Forests are principally '*emiri'* land, referring to state-owned land managed by the Ministry of Agriculture.[51] Today, the principal threats to these areas are the impacts of protracted forest exploitation (uncontrolled grazing and illegal logging), the expansion of agro-

[49] Directorate of Rangelands and Badia Development, "Updated Rangeland Strategy for Jordan," 13.
[50] Ministry of Environment – Lebanon, "Safeguarding and Restoring Lebanon's Woodland resources," *UNDP* (2008), available at http://www.undp.org/content/dam/lebanon/docs/Energy%20and%20Environment/Projects/1454.pdf
[51] Four forms of land ownership exist in Lebanon: *Emiri* refers to state-owned land managed by the Ministry of Agriculture; *Mach'a* refers to communal land, owned and managed by municipalities*; Waqf* lands are owned and managed by religious authorities; and *Mulk* refers to privately owned land. Ownership, however, should not imply usership; a range of constructs including rents, ufustructs and customs facilitate the management of land by different groups.

pastoral activities and rapid urbanisation.[52] Loss of natural vegetation has caused erosion, decreased soil fertility and loss of ecosystem integrity, resulting in reduced agricultural productivity.

At the heart of these challenges is the governance framework overseeing the management of forests. According to law, responsibility for the forest sector, including rangelands and protected forests, is vested in the Rural Development and Natural Resources Directorate (part of the Ministry of Agriculture). Pursuant to Environment Law 444, the Ministry of Environment is in charge of the management of protected areas and public lands that are forested or afforested.[53] In practice, however, management and use rights over *emiri* land are usually vested in municipalities that then coordinate decisions with the Ministry of Agriculture. Despite (or perhaps because of) this elaborate framework, there is insufficient political 'ownership' over forests and woodlands. Responsibility for forestland management is highly decentralised and delegated to local actors with weak capacity and authority. A key example is overgrazing which, while prohibited in forests, is poorly enforced.

Table 3: Land Tenure Rights in Hima Kfar Zabad and Hima Anjar

Site Name	Right of Access	Right to withdrawal	Right of management and exclusion	Right of alienation
Hima Anjar	Yes ☒ No ☐	Yes ☒ No ☐	Yes ☐ No ☒	Yes ☐ No ☒
Hima Kfar Zabad	Yes ☒ No ☐	Yes ☒ No ☐	Yes ☐ No ☒	Yes ☐ No ☒

This vesting of control in state entities has left communities with few economic incentives to sustainably manage the lands they occupy. In a sense then, overgrazing is the product of insecure or poorly regulated property rights (compounded by poverty and population growth).

Table 4: Land Governance Factor Analysis in Hima Anjar

Factor	Low	Slight	Moderate	High
Awareness/Capacity & Knowledge	☐	☐	☒	☐
Access to benefits from land resources	☐	☐	☒	☐
Community organisation and leadership	☐	☐	☒	☐
Women involvement	☐	☐	☒	☐
Claim Making Power	☐	☐	☒	☐

[52] Talal Darwish, Faycel Chenini and Moujahed Achouri, "Country Study on Status of Land Tenure: Planning and Management in Oriental Near East Countries case of Lebanon," *FAO* (2012): 73.
[53] See also: Ministry of Agriculture – Lebanon, "National Report to the Third Session of the United Nations Forum on Forests", *MOA* (2003), available at http://www.un.org/esa/forests/pdf/national_reports/unff3/lebanon.pdf

As previously discussed, the *hima* concept was practiced in Lebanon up until 1975; municipalities hired rangers from the local community to protect lands and their sustainability. These *himas* embraced a broad range of objectives beyond rangeland management, including birdlife protection and ecosystem diversity.[54] Most, however, are no longer functioning, mainly because of urban migration.[55] Importantly, the past decade has seen a transition from mobile grazing to sedimentary animal production as a result of urbanisation and overgrazing. Livestock owners now rely on feed blocks and feed supplements instead of natural vegetative cover. This adds to the costs of livestock production, making it less financially attractive.[56]

Lebanon's Ministry of Agriculture has acknowledged the importance of decentralised rangeland administration systems that involve the local community along with non-governmental organisations and the scientific community.[57] Pursuant to this, and with the aim of improving the livelihoods of herders and resilience of rangelands,[58] in 2013, the Society for the Protection of Nature in Lebanon (SPNL) in cooperation with local municipalities created *himas* in several parts of the country. In 2005, the Hima Kfar Zabad was announced, followed by the Hima Anjar three years later. These *himas* comprise agricultural lands, forests and wetlands, and are home to many migratory waterfowl.[59] The main areas of land use are agriculture, fishing, hunting and pastoralism. It is noteworthy that around 50 percent of the *hima* habitat comprises the Bekaa Valley's last publicly owned wetland.[60]

Table 5: Land Governance Factor Analysis in Hima Kfar Zabad

Factor	Low	Slight	Moderate	High
Awareness/Capacity & Knowledge	☐	☒	☐	☐
Access to benefits from land resources	☐	☐	☒	☐
Community organisation and leadership	☐	☐	☒	☐
Women involvement	☐	☒	☐	☐
Claim Making Power	☐	☐	☒	☐

The *himas* sit on municipality-owned land that is managed by the Municipal Council. The SPNL and the Council jointly developed a vision for a "clean and environmentally protected area" structured around cooperation between community members and external stakeholders. They conducted trainings and meetings to promote sensitisation around the *hima* concept and build necessary skills on *hima* site management. SPNL also worked directly with the municipalities on a community-based management system and collaborative platforms to bring together local

[54] FAO, "Country Pasture/Forage Resource Profiles Lebanon," *FAO* (2011).
[55] FAO, "The '*Hima*'": 39.
[56] Herrera, Davies and Baena, *The Governance of Rangelands*, 152 – 154.
[57] FAO, "The '*Hima*'".
[58] Herrera, Davies and Baena, *The Governance of Rangelands*, 152 -154.
[59] "Hima Kfar Zabad," Society for the protection of Nature Lebanon, available at http://www.spnl.org/hima/hima-kfar-zabad.
[60] The Beqaa is located about 30km east of Beirut, the valley is very fertile and considered as Lebanon's most important farming region. The valley is situated between Mount Lebanon to the West and Anti-leban mountains to the east.

authorities and community members such as farmers and shepherds. A local action plan was developed that defined problem-solving procedures and modalities to promote women as active members of the *hima* community.[61] Specific efforts have included trainings on women's rights and leadership, biodiversity conservation, as well as workshops on how to produce and market local products. Some training workshops targeted youth and women from both *himas*, serving as a forum for knowledge sharing on the two communities' different cultures and traditions.

Observational evidence collected as part of this research revealed that the two *himas* exhibited similar levels of local land governance. Hima Anjar exhibited a slight advantage in terms of awareness, knowledge and women's empowerment. It is noteworthy that the women of Anjar and Kfar Zabad were active in decision-making processes relating to the *hima*, and in Anjar, woman had formed their own cooperative entities. Poorer awareness in Hima Kfar Zabad might be explained by its history of political conflict, in contrast the more unified Anjar community. Political views and affiliations in Lebanon are core principles of cultural and traditional local engagement and thus have a high impact on community governance and cooperation.

5.3 Egypt's Mersa Matrouh

Formal land tenure in Egypt is divided into five main categories: private ownership, public ownership, public leasing, trust land (*wafq*) and encroachment (*wad al ayad*).[62] The Civil Code makes it possible for the possessor or user of a plot of land to gain ownership if it is occupied continuously for 15 years without the owner asserting their rights. All desert lands (understood as 'undeveloped land') are deemed state property. The government, however, informally recognises the usufruct of land (use rights)[63]. The Desert Law 124 (1958) and the Law 100 (1969) allow individual tribesmen to gain title over land that they have cultivated and used, even if it was originally owned by the state.[64] Rangelands can either be communal or allocated by usufruct between tribes, clans and lineages.

Egypt is comprised of arid and semi-arid rangelands estimated to cover more than 10 million hectares. Over the past decades, recurrent droughts, a rise in nomad settlements and sheep husbandry in marginal zones, have increased the pressure on land resources and reduced soil fertility.

In much of the country, over the past decades there has been a marked decrease in nomadism. These changes have contributed to transforming traditional, ecologically balanced pastoral lands into unsustainable sedentary agricultural areas. In the north-west coastal zone of Egypt, however, the traditional tribal structure is still very much alive.[65]

[61] SPNL, "*Hima* Women Guideline Manual".
[62] Main types of land tenure in Egypt: 1- Private ownership is land owned by private person or companies. 2- Public ownership. Land registered as state property and not leased to a private entity. 3- Publicly leased land. Land owned by the state can be leased on a long-term basis to its occupant. 4- Trust or Waqf land. Trust land is land set aside by the state for charitable or religious purpose and usually Administered by the Ministry of Waqf. 5 - Encroachment (Wad Al Ayad). The Civil Code makes it possible for the possessor or user of a plot of land to gain ownership of that land if it is occupied continuously for 15 years without the owner asserting rights, available at http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Egypt_Profile.pdf
[63] The Ministry of Defence, however, is able to take over land for strategic purposes, including without providing for involuntary resettlement, Egyptian Ministry of Agriculture and Land Reclamation, "Second Matruh Resource Management Project," Project Appraisal Document *MOA* (2004).
[64] Ministry of Agriculture and Land Reclamation Egypt, "Second Matruh Resource Management Project," 33.
[65] Ibid.

Table 6: Types of Land Tenure in Matrouh Area

Site	Right of Access	Right to withdrawal	Right of management and exclusion	Right of alienation
Mersa Matrouh	Yes ☒ No ☐	Yes ☒ No ☐	Yes ☒ No ☐	Yes ☐ No ☒

The Matrouh governorate is located in the north-west of Egypt, spanning 212,112 km2 and hosting a population of around 427,000. The capital, Mersa Matrouh, is bound by the Mediterranean Sea to the north and the Sahara Desert to the south. The natural habitat is dry to very-dry rangeland, with an average annual rainfall of 140mm.[66] Around 85 percent of the population is Bedouin, comprising six main tribes. These tribes depend on an extensive dryland production system involving sheep, goats and barley tree (fruit) crops. It is estimated that over 80 percent of landholdings in Matrouh exist without legal title, with customary law regulating both local administration and dispute adjudication. Recently, however, official land titling run by the Ministry of Agriculture and Land Reform has increased, probably in response to escalating land values.[67]

Mersa Matrouh comprises four agro-ecological zones: (i) a narrow coastal strip with good alluvial soils supporting horticulture, livestock and barley; (ii) a mixed production strip of lower rainfall and soil quality supporting small ruminants-barley and orchards grown in wadis; (iii) a rangeland strip largely used for small ruminants grazing and barley cultivation in land depressions; and (iv) an open range area home to a nomadic population engaged in animal production, mainly camels.[68] While the main livelihood activities are agriculture and livestock production, excessive drought in recent years has affected the ecosystem and decreased productivity.

Table 7: Land Governance Factor Analysis in Mersa Matrouh

Factor	Low	Slight	Moderate	High
Awareness/Capacity & Knowledge	☐	☐	☒	☐
Access to benefits from land resources	☐	☒	☐	☐
Community organisation and leadership	☐	☒	☐	☐
Women Involvement	☒	☐	☐	☐
Claim-making power	☐	☒	☐	☐

Community-based organisations, the members of which represent the area's different tribes, act as liaison points with state authorities. These organisations, however, lack a unified strategy for sustainable land management, and yield weak power with governmental authorities. There are

[66] Ibid.
[67] Ibid.
[68] Ibid.

limited platforms to advocate for access to land resources rights and enhance local awareness regarding sustainable resources management. Despite low levels of education and access to capacity building, the Mersa Matrouh community exhibits sound knowledge with respect to managing scarce natural resources. This knowledge stems from their reliance on their lands as the source for livelihoods, and strong knowledge transfer between generations. Women, although they are engaged in small-scale land activities such as herbs cultivation and they feature a high literacy level, have particularly limited access to skills-building and decision-making processes.

Given these challenges, coupled with the geography and demographics of the area, there is a strong case for the establishment of a *hima* in a village called Abu Murgiq. The area is an expanse of rangeland containing various types of pastoral shrubs, medicinal and aromatic plants, and around 46,000m2 of fertile habitat suitable for barely production.

6. Conclusion: Sustainable Land Management and Local Governance

This research paper has reported observational data collected at *hima* sites in Jordan and Lebanon and a potential *hima* site in Egypt. In the three established sites, it appears that challenges relating to the poor management and unsustainable use of land have been overcome. Each site demonstrated a community that exhibited awareness, attention and managerial competencies towards the lands they managed. In each site, the population also enjoyed two or more of the four indicators of land tenure security. Would these outcomes have been achieved without the establishment of the *hima*? The research in this report does not provide a definitive answer. What is clear, is that *himas* function on their own terms, and function well. Moreover, our findings are consistent with research conducted in Africa that has established positive linkages between traditional land management systems and positive land management outcomes.[69] This also may serve as a baseline towards what could be invoked in the future to test the impact of efforts to improve localised land governance.

It is possible to say that where the goal is to enhance the sustainable use of communally-managed land resources, a prerequisite is the vesting of tenure security rights, thus increasing users' 'stake' in the land and resources that accrue from them. It is also apparent that the establishment of *hima* systems is one of the few ways in which security of tenure can effectively be enhanced at a community level, due to the political and legislative complexities that prevent the vesting of ownership rights in communities in the WANA region. In short, where security of land tenure facilitates more sustainable land usage, *himas* are a viable alternative to government-managed rangeland protected areas, particularly in contexts of weak central capacity and budget constraints.

As demonstrated, *himas* can provide new economic opportunities, for both men and women, and the bottom-up approach of strengthening local institutions and community leadership is consistent with contemporary thinking on how to bolster resilience. One study predicted that a large-scale *hima* rangeland restoration system in the Zarqa river basin could provide between JOD144-289 million worth of net benefits to Jordanian communities over a 25-year time horizon, and save up to JOD16.8 million on fodder purchases.[70]

This said, reviving communal systems such as the *hima*, can be a long and costly process, with sustained investment in the capacity building of community members required. Therefore, government support is key, it and is no doubt linked to the success of traditional models of resource management and their sustainability.

Hima is a human integrated management approach that fosters nature conservation, sustainable livelihoods and environmental protection. As a system, in addition to its impact on improved livestock production, it is linked to the protection of the hydrological cycle and water catchments,

[69] See further: Rachael Knight, "Best Practices in Community Land Titling," *International Development Law Organisation* (2010), available at https://www.files.ethz.ch/isn/139540/Land_InceptionPaper.pdf

[70] Vanja Westerberg, Moe Myint, "An Economic Valuation of a Large-scale Rangeland Restoration Project: Costs and Benefits of Communal Rangeland Rehabilitation in Jordan," *ELD Initiative and GIZ* (2014): 2, available at https://www.iucn.org/sites/dev/files/import/downloads/eng__policy.pdf

and carbon sequestration in soil. Thus, the *hima* offers a holistic approach to natural resource management, sustainability and social justice.

Today, in the context of increasing land degradation, urbanisation, and climate change we need an innovative and strategic way forward to strengthen models of traditional community based resource management. We need to place legal frameworks under which such systems can operate. Accompanied with proper planning, incentives, and improvement of policies and programmes, traditional-communal systems like *hima* can operate effectively and sustainably for the future.

Annex I: Operationalisation of Land Tenure Rights and Land Governance

Operationalisation of land tenure rights

Right of access	Right to withdrawal	Right of management and exclusion	Right of alienation
The community can access land regardless of the extent to which they can benefit from the land resources.	The community has the right to obtain products and derive income from land resources.	The community has the right to manage access to land resources, control how land is used, and protect land resources from illegal expropriation.	Local community members have rights to sell or lease their rights.

Operationalisation of good land governance

Awareness/capacities and knowledge	Access to benefits	Community leadership	Women's participation	Claim-making power
Community members have the knowledge and skills to enhance natural resources management, identify environmental problems and undertake long-term planning.	Community members are able to identify and realise their benefits in available land resources.	A group works to jointly manage land resources for the benefit of the community and interfaces with external stakeholders. This group follows a structure and represents the interests of its community.	Women participate in agricultural and/or pastoral activities, instil a sense of accountability in their children, and are knowledge holders in specific areas.	Community members, organised groups and leaders have the information, skills and tools to solve land-related problems and claim benefits they are entitled to from relevant authorities.

Annex II: Land Good Governance Analytical Tool

Factors	Low	Slight	Moderate	High
Awareness/capacities and knowledge	Community is aware of its land resource situation.	Community is aware of the land resource situation and has the capacity to identify its problems.	Community is aware of land resource problems and has the ability to rank priorities of land resources in relation to livelihoods strengthening.	Community exhibits strong communal land management capacities.
Access to benefits from land resources	Individuals are able to identify their interests in available land resources.	Individuals understand each other's interests within the community.	The community address the interests of local stakeholders including vulnerable groups.	The community considers the needs of all social groups in decision-making processes.
Community leadership	The community identifies potential groups or stakeholders to promote collective work.	The community recognises the importance of collective work and has established structures.	Established structures are organised, which define the needs of different groups.	Responsible leadership activities are endorsed by the local community.
Women's participation	Women recognise specific land issues affecting them and their families.	Women are aware of their rights and some are involved in land management activities.	Women are involved in large-scale land management activities.	Women are an active part of the community, are involved in decision-making processes and enjoy similar access to natural resource as men.
Claim-making power	The community is able to identify problems according to needs.	The community is able to solve local problems regarding tenure rights.	Community members cooperate with authorities towards problem resolution.	Community members from all social groups have the capacity to claim their rights.

West Asia-North Africa Institute
Royal Scientific Society
70 Ahmad Al-Tarawneh St
Amman, Jordan

info@wanainstitute.org
www.wanainstitute.org