

IN SEARCH OF THE SOLUTION TO FARMER–PASTORALIST CONFLICTS IN TANZANIA

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ABSTRACT

Land-use conflict is not a new phenomenon for pastoralists and farmers in Tanzania with murders, the killing of livestock and the loss of property as a consequence of this conflict featuring in the news for many years now. Various actors, including civil society organisations, have tried to address farmer–pastoralist conflict through mass education programmes, land-use planning, policy reforms and the development of community institutions. However, these efforts have not succeeded in the conflict. Elsewhere in sub-Saharan Africa traditional systems are not making much headway either. This paper finds that resolving the mutual hostility between farmers and pastoralists is problematic because it is linked to historical evictions that happened from the colonial and post-colonial period until the early 1990s. It also points to the limitations of Tanzania’s formal land dispute settlement machinery, which does not provide appropriate forums and mechanisms for resolving farmer–pastoralist conflicts. The paper argues that the existing systems do not favour the interests of either farmers or pastoralists, and calls for specific reforms. Drawing on the experiences of a farmer–pastoralist platform established by the Tanzania Natural Resource Forum, a local non-governmental organisation working on natural resource governance issues, it proposes an alternative mechanism based on the popular participation of the victims in resolving such conflicts.

ABOUT THE AUTHOR

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ABBREVIATIONS AND ACRONYMS

| | |
|---------|---|
| DLHT | District Land and Housing Tribunal |
| KK | Kilimo Kwanza ('Agriculture First') |
| MBOMIPA | Matumizi Bora ya Malihai Idodi na Pawaga ('Sustainable Management of Ecosystems in Idodi and Pawaga') |
| SAGCOT | Southern Agricultural Growth Corridor of Tanzania |
| TNRF | Tanzania Natural Resource Forum |

INTRODUCTION

Land-use conflict between pastoralists and farmers in Tanzania has been a problem for decades.¹ Researchers have identified a number of factors contributing to these conflicts, including the lack of land-use planning, ‘green grabbing’, large-scale agricultural investments, weak policy and institutional frameworks, climate change, corruption and the government’s failure to recognise pastoralism as a viable livelihood option. Over the years, the media has periodically reported on murders, the killing of livestock and the loss of property resulting from these conflicts. Tanzania’s worst recent conflict between pastoralists and farmers occurred in December 2000 in Kilosa district, Morogoro region, where 38 farmers were killed. Hostilities reignited in Kilosa in 2008 when eight people were killed, several houses set alight and livestock stolen. Similar events have been documented in Mbarali, Rufiji, Iringa, Kilindi, Hanang and other districts.

Different actors, including civil society organisations, have tried to address the farmer–pastoralist conflict through programmes that involve mass education, land-use planning, policy reforms, the development of community institutions and efforts to give citizens a voice. However, none of these has been successful in ending the conflict. Elsewhere in sub-Saharan Africa land conflicts are also proving intractable, in part because the traditional principles of dispute resolution, such as compromise and consensus, are failing. Local institutions have largely lost their authority while few institutional innovations have been developed to fill this gap.²

Resolving the conflicts between farmers and pastoralists becomes more difficult because of two major factors. Firstly, the conflicts are linked to historical evictions that happened during the colonial and post-colonial period, until the early 1990s. Such evictions were supported by the government to establish protected areas³ and make land available for large-scale agricultural programmes.⁴ When these evictions took place the relocation and resettlement plans were inadequate. As such, rigorous scrutiny of the political ecology of the conflicts is required to understand their nature and dynamics. The conflicts between farmers and pastoralists in Morogoro, Coastal, Manyara, Arusha and other regions are all

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- 1 Maghimbi S, Lokina R & M Senga, *The Agrarian Question in Tanzania: A State of the Art Paper*, Mwalimu Nyerere Professorial Chair in Pan African Studies, University of Dar es Salaam, 2010.
 - 2 Kirk M, ‘The context for livestock and crop-livestock development in Africa: The evolving role of the state in influencing property rights over grazing resources in sub-Saharan Africa’, in McCarthy N *et al.* (eds.), *Property Rights, Risk, and Livestock Development in Africa*. Washington DC: IFPRI (International Food Policy Research Institute) & ILRI (International Livestock Research Institute), 1999.
 - 3 Such as the Serengeti and Mkomazi national parks.
 - 4 As with the Hanang and Kapunga complex farms. These large-scale agricultural farms were introduced by the government in the early years of independence under the then National Agricultural and Food Corporation. Indigenous communities, mostly pastoralists, were evicted to allow these major agricultural initiatives. The ensuing local resistance is well documented in Barume AK, *Land Rights of Indigenous Peoples in Africa*. Copenhagen: IWGIA, 2010, Document 115..

linked to these evictions. Thus the conflicts are the result of larger problems linked to past injustices.⁵

Secondly, Tanzania's formal land dispute settlement machinery does not provide appropriate forums and mechanisms for resolving farmer–pastoralist conflicts. Existing land dispute resolution institutions are premised on a distinction between conflicts as either civil or criminal in nature, involving clearly defined parties. The land dispute settlement machinery remains ambiguous with regard to the appropriate institutions to deal with farmer–pastoralist conflicts.⁶ Often land disputes between farmers and pastoralists are handled by administrative mechanisms that involve politicians and the police. Researchers⁷ argue that these mechanisms do not yield significant positive results; in fact, they often deepen the conflicts. This paper takes stock of Tanzania's existing land administration and dispute settlement system. Drawing on the experience of the [Tanzania Natural Resource Forum](#) (TNRF), a non-governmental organisation working on natural resource governance issues in Tanzania, it argues that the current systems do not favour the interests of either farmers or pastoralists, and calls for specific reforms.

In the course of addressing farmer–pastoralist conflicts, the TNRF has facilitated the establishment of a loose coalition of farmers and pastoralists in Pawaga division in Tanzania's Iringa District. The TNRF's approach is based on an understanding of the political economy of farmer–pastoralist conflicts, which informs support for a dialogue process among farming and pastoralist communities. This approach has provided an alternative option to address conflicts in these communities.

The findings of this paper are based on fieldwork conducted between October 2014 and June 2016. The TNRF's intervention in Pawaga division started with a baseline study that was conducted in September 2014, followed by fieldwork that included stakeholder meetings and training workshops from October 2014. Throughout this paper it is argued that conflict between farmers and pastoralists is often caused by factors beyond their control. There are also groups that instigate and benefit from these conflicts and thus want the animosity to continue. Moreover, developing an understanding of the political economy is important before addressing these conflicts. The paper concludes that the state

5 See, for example, Mattee AZ & M Shem, 'Ambivalence and Contradiction: A Review of the Policy Environment in Tanzania in Relation to Pastoralism', IIED (International Institute for Environment and Development) Drylands Issue Paper, 140. London: IIED, 2006; Maganga FP, Odgaard R & E Sjaastad, 'Contested Identities and Resource Conflicts in Morogoro Region, Tanzania: Who Is Indigenous', in Derman B, Odgaard R & E Sjaastad (eds), *Citizenship, Identity and Conflicts over Land and Water in Contemporary Africa*. London: James Currey, 2007; Mwamfupe D, 'Persistence of farmer–herder conflicts in Tanzania', *International Journal of Scientific and Research Publications*, 5, 2, 2015.

6 These conflicts are often both criminal and civil in nature. The clashes are reported through the system that deals with criminal cases, while land issues are left pending until the criminal cases are resolved. Thus the primary cause of the conflicts, which is in many cases land, is left unattended.

7 Benjaminsen T, Maganga F & J Abdallah, 'The Kilosa killings: Political ecology of a farmer–herder conflict in Tanzania', *Development and Change*, 40, 3, 2009; Mwamfupe D, *op. cit.*

has a key role to play in seeking a sustainable way to end farmer–pastoralist conflicts. However, farmers and pastoralists can reach a lasting solution to their problems by discussing their issues openly and in united groups.

LEGAL FRAMEWORK GOVERNING LAND DISPUTE SETTLEMENT IN TANZANIA

For administrative purposes Tanzania is divided into regions, districts, divisions, wards⁸ and villages,⁹ as provided for in the country’s constitution. The territorial jurisdiction of the court system has been developed in accordance with these administrative structures in order to facilitate access to the judicial system and create a hierarchy of appeals from lower to higher levels. While not all specialised courts¹⁰ have established systems from the village to the national level, the land courts do.

The two land acts¹¹ and the Land Dispute Courts Act of 2002¹² establish five institutions at various levels of government that are responsible for the settlement of land disputes. They are the Village Land Council, the Ward Tribunal, the District Land and Housing Tribunal, the High Court and the Court of Appeal. The Land Dispute Courts Act was enacted to implement one of the underlying principles of the Land Act¹³ and Village Land Act, namely to ensure the establishment of an independent, expeditious and just system for adjudicating land disputes.¹⁴

The legislative instruments outlined above establish a separate court system with exclusive jurisdiction over the determination of land disputes, alongside – and to an extent overlapping with – the ordinary court system. For instance, appeals on criminal cases from the Ward Tribunal are heard in the Primary Court, while appeals on civil cases involving land are heard in the District Land and Housing Tribunal.

The Village Land Council has jurisdiction within a village. It has seven members, including at least three women, who are appointed by the Village Council and approved by the Village Assembly. This is a mediating body only, so litigants may choose to submit their claim at a higher level of the judicial system.¹⁵

The Ward Tribunal’s mandate is limited to the ward level, and its functions are to maintain peace and harmony, secure the amicable settlement of disputes, reconcile marriages and enforce by-laws passed by the relevant council. This tribunal handles disputes regarding

8 In urban areas, wards are divided into streets instead of villages.

9 In rural areas, villages are composed of several hamlets.

10 Currently in Tanzania, the specialised courts are Land, Labour and Commercial.

11 Land Act, No. 4 of 1999, and Village Land Act, No. 5 of 1999.

12 Land Dispute Courts Act, No. 2 of 2002.

13 Land Act, *op. cit.*

14 *Ibid.*, section 3 (1); Village Land Act, *op. cit.*

15 This is one of the reasons why the Law Form Commission of Tanzania recommended in 2013 that the Land Dispute Courts Act be amended to allow the Village Land Council to make binding decisions.

both registered and unregistered land.¹⁶ Its jurisdiction as Land Court is established under section 167 of the Land Act and section 10 of the Land Dispute Courts Act, with a pecuniary jurisdiction in land cases limited to TZS¹⁷3 million (around \$1,340).¹⁸ It has a maximum of eight members (including at least three women), who are appointed by the Ward Development Committee.

The role of the village land councils and ward tribunals in settling land disputes involving farmers and pastoralists is problematic for three main reasons. Firstly, farmer–pastoralist conflicts often involve more than one village and may entail the destruction of property valued well in excess of the limits over which these tribunals have pecuniary jurisdiction. The defined and limited territorial and pecuniary jurisdiction of the relevant Village Council and Ward Tribunal thus limits the role that they can play in these disputes. Secondly, in most wards pastoralists are in the minority, with limited or no representation in village and ward-level institutions. As a result, pastoralists do not trust these institutions. Thirdly, there are allegations that village councils and ward tribunals have become politicised.¹⁹ Researchers claim that farmer–pastoralist conflicts are often instigated by local politicians.²⁰ These politicians are said to favour farmers, as farmers form the larger voting bloc of the two groups. There is thus a widespread perception that pastoralists do not receive a fair hearing at the village and ward level.

The District Land and Housing Tribunal (DLHT) is established under section 167 of the Land Act and section 22 of the Land Dispute Courts Act, and operates at a district, regional or zone level. The DLHT consists of a chairperson and at least two assessors.²¹ The minister responsible for land appoints a chairperson for three years.²² The original jurisdiction of the DLHT is confined to the pecuniary value of the subject in dispute. If the property is immovable the limit is TZS 50 million (\$22,360) and, if movable, TZS 40 million (\$17,890).²³ The DLHT has both appellate and revisionary jurisdiction over matters emanating from the ward tribunals.²⁴

The High Court is the court of unlimited original jurisdiction. The High Court Land Division was established under section 167 of the Land Act and section 37 of the Land Dispute Courts Act, with exclusive original pecuniary jurisdiction over land cases

16 Law of Marriage Act, No. 5 of 1971, section 102.

17 Currency code for the Tanzanian shilling.

18 Land Dispute Courts Act, *op. cit.*, section 15.

19 United Republic of Tanzania, *The Review of the Legal Framework on Land Dispute Settlement in Tanzania*. Dar es Salaam: Law Reform Commission of Tanzania, 2013.

20 Benjaminsen T, Maganga F & J Abdallah, *op. cit.*; Massay G, *A Coalition of Farmers and Pastoralists: An Alternative Paradigm of Resolving Land Use Conflicts*. Arusha: TNRF (Tanzania Natural Resource Forum), 2015; Mwamfupe D, *op. cit.*; Bedford A, *Conflict Situational and Trend Analysis in Pastoral Hot-Spot Areas in Tanzania*. Arusha: Care & TNRF, 2016.

21 Land Dispute Courts Act, *op. cit.*, section 23.

22 *Ibid.*, section 25 (1).

23 *Ibid.*, section 33 (2).

24 *Ibid.*, section 34, 36(1).

exceeding TZS 50 million (possession cases) or TZS 40 million in other cases, as well as supervisory and revisionary powers over proceedings determined in the DLHT.²⁵ Since 2010 these powers have been conferred on the ordinary registry of the high courts.²⁶

The higher courts in Tanzania have not been sympathetic to pastoralists. This bias is also observable in the policies and actions of the legislative and executive arms of government. For instance, the National Land Policy of 1995, the Land Act, the Village Land Act, the Strategic Plan for Implementation of the Land Laws (2005) and, most recently, the Grazing-Land and Animal Feed Resources Act²⁷ have all discouraged pastoralism²⁸ through both outright prohibition²⁹ and the promotion of sedentary and modern livestock keeping.³⁰ Members of the executive, including the president, ministers, regional commissioners, district commissioners, members of Parliament and local politicians, have made statements that discourage pastoralism.³¹ They tend to view pastoralism as barbaric, uneconomical, unsustainable and an environmentally destructive mode of production that causes land conflicts.

A comprehensive study of how higher courts in Tanzania have dealt with the rights of pastoralists was conducted in 2007.³² The study concluded that the higher courts often resort to a conservative or strict interpretation of legislation to deny pastoralists their rights and use technicalities to dismiss their legal claims. The study also highlighted the resilience of pastoralists, who exhaust all remedies provided by the law to defend their rights, and how the system failed them.³³ According to Dr Sengondo Mvungi, a renowned Tanzanian scholar, jurist, politician, human right activist and author of the report,³⁴

These communities have been treated inhumanly, their rights have been violated without being given legal remedy and to date they remain fugitives in their own country. They are

25 *Ibid.*, section 43.

26 Written Laws (Amendments) Act, No. 2 of 2010.

27 The Grazing-Land and Animal Feed Resources Act, No. 13 of 2010.

28 See Mattee AZ & M Shem, *op. cit.*; Mwamfupe D, *op. cit.*

29 The National Land Policy prohibits nomadism and imposes strict conditions on livestock keeping. See National Land Policy, policy statement 7.3.3, p. 36. Nomadism, which encompasses the mobility of livestock, is one of the pillars of pastoralism.

30 All other laws and strategies discussed favour permanent settlements.

31 See Mattee AZ & M Shem, *op. cit.*; Maganga FP, Odgaard R & E Sjaastad, *op. cit.*; Benjaminsen T, Maganga F & J Abdallah, *op. cit.*

32 Mvungi S, *Experiences in the Defence of Pastoralist Resource Rights in Tanzania: Lessons and Prospects*. Arusha: CORDS (Community Research and Development Services), 2007.

33 See *Peter Ng'omango v. Gerson MK Mwangwa and Attorney General*, [1993] TLR 77; *Kukutia Ole Pumbun and Another v. Attorney General and Another* [1993] TLR 159; *Christopher Mtikila v. Attorney General*, Misc. Civil Cause No. 10 OF 2005 (Unreported); *Mulbadaw Village Council and Others v. NAFCO and Others*, Arusha High Court Civil Cause No. 10 of 1981; *Lekengere Faru Parutu v. Minister for Wildlife and Tourism and Others*, Moshi High Court Civil Cause No. 33 of 1994 and Court of Appeal Civil Appeal No. 53 of 1998; *Yoke Gwaku & Others v. NAFCO and Others*, Arusha High Court Civil Cause No. 52 of 1988; *Ako Gembul & Others v. NAFCO and Others*, Arusha High Court Civil Cause No. 12 of 1989.

34 Mvungi S, *op. cit.*

landless and homeless. Nobody wants to take responsibility for their plight, even when for some time high profile state authorities hailed from their midst.

Other researchers have documented some of the most recent high court cases showing a similar trend.³⁵ In cases where pastoralists do win, the judgements are generally not executed or the government appeals and the cases are either adjourned or dismissed on technical grounds.

Given that farmer–pastoralist conflicts are often violent, resulting in murder and/or the destruction of property, regional and district commissioners and their security committees tend to intervene. Culprits are arrested, investigated, prosecuted and convicted. Administrative steps to stabilise the status quo and maintain peace are also applied. Often these processes are led by politicians who, research suggests, are the instigators of the conflicts, are corrupt, and have vested interests in the outcomes of these conflicts.³⁶ Neither farmers nor pastoralists trust them.³⁷ For example, in order to resolve the conflict between farmers and pastoralists in Mvomero district, it was recently decided to separate the farming villages and pastoralists by digging a 70m-wide trench spanning 11km.³⁸ A court injunction put a halt to this due to the lack of proper consultation with villagers.³⁹ Since pastoralists are believed to have money and or have easy access to money, politicians and police often take advantage of the conflicts to extract bribes. This intensifies hostilities, as those who have been arrested are released after bribing police and/or politicians, while those whose properties are destroyed are not compensated.⁴⁰

35 PAICODEO (Parakuiyo Pastoralists Indigenous Community Development Organisation), *Wars Over Land in Mvomero and Kilosa Districts and Morogoro Municipal Violence Actions against Maasai Ethnic Group*. Kilosa: PAICODEO, 2015; TNRF, *Baseline Study on the Impact of Land-Based Investment to Rural Communities in Tanzania; A case of Pawaga and Chemba*. Arusha: TNRF, 2014; Laltaika E, 'Business and human rights in Tanzania: Indigenous peoples' experiences with access to justice and remedies', in Doyle C (ed.), *Business and Human Rights: Indigenous Peoples' Experiences with Access to Remedy. Case Studies from Africa, Asia and Latin America*. Almaciga & Chiang Mai/Madrid/Copenhagen: AIPP (Asia Indigenous Peoples Pact) & IWGIA (International Work Group for Indigenous Affairs), 2015; Askew, K, Maganga F & R Odgaard, 'Of land and legitimacy: A tale of two lawsuits', *Journal of the International African Institute*, 8, 3, 2013.

36 This is claimed in almost all research cited in this paper. See especially Benjaminsen T, Maganga F & J Abdallah, *op. cit.*; Mwamfupe D, *op. cit.*; Massay G, *op. cit.*; PAICODEO, *op. cit.*; Bedford A, *op. cit.*; TNRF, *op. cit.*

37 Mwamfupe D, *op. cit.*

38 See Tanzania Today, 'Wakulima na wafugaji mvomero wagombeana mipaka' (Farmers and pastoralists fight over boundary), 3 April 2016, <http://pekuandani.blogspot.com/2016/04/wakulima-na-wafugaji-mvomero-wagombeana.html>, accessed 11 April 2017.

39 Interview, Tanzanian government officials, Morogoro, 22 July 2016. The said injunction filed in the High Court of Tanzania (Land Division) in Dar es Salaam was decided in favour of the government in November 2016.

40 Benjaminsen T, Maganga F & J Abdallah, *op. cit.*

PAWAGA DIVISION: EPICENTRE OF FARMER–PASTORALIST CONFLICTS

Pawaga division is one of six divisions that fall under the Iringa District Council. The division head office is about 70km from the town of Iringa, while the first village of the division is located about 35km away from it. The division has the smallest land area in the district, accounting for just 3.3% of the total. The division is 684.3km² and includes 12 villages and 60 hamlets.⁴¹ The main economic activities in this area are agriculture and pastoralism, with crop farming mainly undertaken in the Pawaga Valley and pastoralism in the adjoining highlands. The main crop cultivated in the area is rice. In the last 10 years the government has improved agricultural irrigation schemes and established four pilot irrigation schemes in Pawaga,⁴² making this region one of the main food producing areas of the country. While agriculture has expanded in Pawaga, the number of livestock in the area has also been increasing. The number of cattle in the division is estimated at more than 35 000.⁴³ The division borders Ruaha National Park and some of its villages form part of Matumizi Bora ya Malihai Idodi na Pawaga ('Sustainable Management of Ecosystems in Idodi and Pawaga', or MBOMIPA) Wildlife Management Area, a community wildlife management association of 22 villages, incorporating 30 000 people living adjacent to the park.

Most of the conflict in Pawaga is not directly caused by the farmers and pastoralists. Instead, the drivers are:

Green grabbing: The acquisition of land for conservation purposes, such as protected areas, is also known as 'green grabbing'.⁴⁴ Parts of Pawaga division that were used for many years by pastoralists now form part of Ruaha National Park and the MBOMIPA Wildlife Management Area.⁴⁵ This has caused land pressure and has contributed to the conflict. According to Ndaskoi,⁴⁶ after the eviction of pastoralists from Ihefu in 2006, Ruaha National Park grew from 10 300km² to 20 226km², affecting villages in the Iringa and Mbeya regions.⁴⁷ This statement has been corroborated by a TNRF study,⁴⁸ which showed that Ilolo village (a village of pastoralists) was incorporated into Ruaha National Park and its inhabitants relocated to a new village called Ilolo Mpya. MBOMIPA was established in 2003 and has sought to promote community livelihoods focused on wildlife protection in harmony with biodiversity conservation and environmental stewardship. Revenue has been invested in health, education and infrastructure. Although ecotourism had contributed to

41 TNRF, *op. cit.*

42 TNRF, *op. cit.*

43 Interview, leader of the coalition, Kimande village, Pawaga, 29 June 2016.

44 Blomley T *et al.*, *Conservation and Land Grabbing: Part of the Problem or Part of the Solution?*. London: IIED, 2013.

45 Letter by Hon. William Lukuvu, the then minister responsible for Policy Coordination and Parliament in the Prime Minister's Office, dated 11 June 2013, Ref. No. 1/CFC.82/215/01, to the minister of natural resources and tourism. This letter provides the list of villages affected by 'green grabbing' in Pawaga.

46 See Ndaskoi N, 'Sumaye ajifananisha na Che Guevara?' (Sumaye claims to be like Che Guevara?), *Raia Mwema*, 1 September 2016.

47 *Ibid.*

48 TNRF, *op. cit.*

a tenfold increase in income by 2011,⁴⁹ the move has limited the use of land by pastoralists and farmers and this, together with tensions around revenue division, has been a source of conflict between villages.⁵⁰

Investment in irrigation schemes: Four of 16 agricultural schemes piloted by the government under the Kilimo Kwanza ('Agriculture First', or KK) initiative are in Pawaga.⁵¹ This has renewed interest in agriculture and led to further encroachment into areas used by pastoralists for grazing and/or access routes. Pastoralists are thought to be opposed to these growing agricultural interests. More importantly, Iringa region is located within a corridor where much bigger agricultural projects are set to be implemented, which will enhance agricultural productivity and shrink the land available to pastoralists.

In 2009 the KK was launched by the Tanzania National Business Council in Dar es Salaam. Unlike past initiatives, which have always focused on smallholder farmers, the KK aims to mobilise large commercial investments in agriculture.⁵² In 2010 the government showcased the launch of the Southern Agricultural Growth Corridor of Tanzania (SAGCOT) at the World Economic Forum Africa Summit in Dar es Salaam. SAGCOT aims to produce 'inclusive, commercially successful agribusinesses that will benefit the region's small-scale farmers, and in so doing, improve food security, reduce rural poverty and ensure environmental sustainability'.⁵³ The government has sought to mobilise all partners and resources towards SAGCOT. It is estimated that by 2030, SAGCOT partners will bring 350 000ha of land into profitable production, transition 100 000 small-scale farmers into commercial farming, create 420 000 new employment opportunities, lift 2 million people out of poverty, and generate \$1.2 billion in annual farming revenue.⁵⁴

In 2012 the government of Tanzania and the G8 leaders agreed to implement the [New Alliance for Food Security and Nutrition initiative](#) (New Alliance). Established by the G8 heads of state in collaboration with the leaders of six African states⁵⁵ at Camp David, USA, in May 2012, the initiative aims to foster the private sector's and development partners' investment in African agriculture and lift 50 million people out of poverty by 2022. By 2015 four more African countries had joined the initiative.⁵⁶ These countries have

49 Equator Initiative, 'Matumizi Bora ya Malihai Idodi na Pawaga (MBOMIPA) Wildlife Management Area', http://equatorinitiative.org/index.php?option=com_winners&view=winner_detail&id=198&lang=en, accessed 14 September 2016.

50 TNRF, *op. cit.*

51 *Ibid.*

52 Cooksey B, 'Politics, Patronage and Projects: The Political Economy of Agricultural Policy in Tanzania', FAC (Future Agricultures Consortium) Working Paper, 40, 2012.

53 For more details about SAGCOT, its partners and project plans, see SAGCOT (Southern Agricultural Growth Corridor of Tanzania), <http://www.sagcot.com/>, accessed 13 September 2016.

54 Sulle E, 'Land grabbing and agricultural commercialization duality: Insights from Tanzania's transformation agenda', *Afriche e Orienti: The New Harvest: Agrarian Policies and Rural Transformation in Southern Africa*, XVII, 3/2015, 2015.

55 Burkina Faso, Côte d'Ivoire, Ethiopia, Ghana, Mozambique and Tanzania.

56 Benin, Malawi, Nigeria and Senegal.

agreed to implement the New Alliance cooperation frameworks, with specific commitments for each country to adjust the policy environment and facilitate the development of infrastructure to provide an attractive environment for private sector investments in the agricultural sector.⁵⁷ Other efforts related to rights identification and certification are also being implemented. There are concerns as to whether these efforts are intended to secure tenure rights for small-scale farmers and pastoralists or, in fact, to identify land for large-scale commercial investments.

Topographical factors: The landscape of Pawaga is not homogeneous, and crop farming is mostly practiced in the valley with pastoralism in the highlands and rangeland plains. However, during the dry season resources in the highlands and plains become scarce and do not fully support pastoralism. Pastoralists move with their livestock into the valley in search of pasture and water. Therefore conflicts occur more often during the dry season, as both groups have to survive in the context of scarce resources. Moreover, during the dry season farmers continue to practice irrigation farming along the river, which can block or hinder livestock routes to the river. This has contributed to farmer–pastoralist conflicts.

Migration of pastoralists from neighbouring districts to Pawaga: During the dry season pastoralists often move across regional boundaries. Pastoralists from the Dodoma and Singida regions migrate to Pawaga in search of pasture and water for their livestock. Some farmers in Pawaga claim that village leaders provide permits to allow the migrating pastoralists access to their villages. Others claim that pastoralists residing in Pawaga have invited their associates from neighbouring districts to enter Pawaga. The result is that the amount of livestock increases during the dry season, which fuels conflicts. While mobility is an important part of pastoralism, it must be recognised that this has contributed to conflict and must be taken into account in when examining other drivers of land-use conflict in Pawaga.

Corrupt leaders: Some village leaders contribute to the farmer–pastoralist conflict. They receive bribes from pastoralists and allow them to enter their villages. These same village leaders also connive with farmers and police officers to arrest trespassing pastoralists. Village leaders and police come to rely on bribes from pastoralists, which leads to enmity between farmers and pastoralists. This is the situation implied in the proverb ‘goats eat where they are tethered’,⁵⁸ describing a system where officials systematically exploit political power and authority and appropriate public resources for their own benefits and purposes. This can also be described as the ‘accumulation of wealth through tenure of political power’.⁵⁹ Under this system, politicians, security personnel and other public officials negotiate institutional ambiguity and complexity to pursue their own interests.⁶⁰

57 *Ibid.*

58 See Bayart J-F, *The State in Africa: The Politics of the Belly*. London & New York: Longman, 1993.

59 *Ibid.*

60 Moritz M, ‘Farmer–herder conflicts in sub-Saharan Africa’, *The Encyclopaedia of Earth*, 2009, http://www.eoearth.org/article/Farmer-herder_conflicts_in_Sub-Saharan_Africa?topic=49530, accessed 10 September 2016.

It is further argued that such ‘politics of the belly’ is based on a hierarchy in which ‘smallholders are steadily losing out to the wealthy, powerful, and better connected elite, who are much better positioned in these “negotiations”’.⁶¹

It is clear that the victims of farmer–pastoralist conflicts in Pawaga are not the primary drivers of such conflicts. Most of the causes are external and factors of broader agricultural and conservation interests, coupled with geographical and governance issues.

EPISTEMIC COMMUNITY OF FARMERS AND PASTORALISTS IN PAWAGA

Using its research findings, which were informed by political economy perspectives, the TNRF initiated a discussion forum with farmer and pastoralist groups. These discussions were held separately to understand the perspectives of each group and establish common areas of interest. It emerged that both groups were facing the same challenges but were using different approaches when searching for solutions. Moreover, each group considered the other to be its rival, while neither could clearly articulate the causes of its problems. The most significant entry point was that both groups had strong leaders who understood the broader context of the challenges their communities were facing. Thus, following a mediation and facilitation process, it was relatively easy for both groups to agree to work together and develop a joint strategy.

A loose coalition of farmers and pastoralists in Pawaga was officially formed in June 2015, following about six months of initial engagements. The coalition elected leaders and developed rules of conduct and operational plans. It also introduced itself to district authorities and started a close working relationship with village leaders. The coalition soon became the platform through which issues affecting farmers and pastoralists were discussed openly without fear or favour. It is a pioneering initiative that brings together farmers and pastoralists in a single forum.

A year since the coalition was formed, changes are already observable. The coalition has developed model bylaws that it hopes will be adopted in all villages in Pawaga, the number of cases involving violence between farmers and pastoralists has dropped drastically, the coalition has won the confidence of both groups, and both groups have agreed that pastoralists can graze their livestock on rice husks after the harvesting season at a small fee payable to the village government. In one village, fee collections have been used to construct a classroom for a primary school and a house for one of the teachers.

However, the initiative has also experienced challenges. Some politicians consider the leaders of the coalition as a threat to their political careers, and have therefore not been supportive of the initiative. This issue was particularly acute in the context of Tanzania’s general election in October 2015. The coalition leaders have also requested financial support from the TNRF, which has been discouraged, as dependence on any sources of external funding could weaken the coalition’s cohesion and effectiveness.

61 *Ibid.*

CONCLUSION

The formation of a loose coalition of farmers and pastoralists in land-use conflict areas is a useful innovation that fosters mutual engagement and understanding. Through debates, communities can reach consensus on issues and develop lasting solutions to land-use conflicts. This is similar to the Elders' Tribunal (*Baraza la Wazee*) proposed in 1994 by the Presidential Commission of Inquiry into Land Matters (Shivji Commission). The Shivji Commission's proposal was based on the fundamental principles of popular participation, separation of power and physical proximity.⁶² The proposed system of an Elders' Tribunal at the village level, which this paper also advocates, should include both farmers and pastoralists, similar to the loose coalition facilitated by the TNRF in Pawaga division.

However, this innovation is still in its pilot stage and needs to be replicated in other areas. The following points are vital in the way forward.

First, the government should find a balance between investment interests and the livelihood concerns of the Tanzanian people. The ongoing 'green grabbing' targeting rangelands excludes pastoralists, while business interests are given preference over the interests of the people and thus aggravate land-use conflicts. Such projects must put the interests of the people at the centre.

Second, strong institutions and good leadership are vital in addressing land-use conflicts between farmers and pastoralists. Corrupt leaders have benefited enormously from these conflicts, and this is an area that needs to be closely scrutinised.

Third, civil society organisations and other development actors should ensure that communities are organised and empowered to address the challenges they face. This can be done by encouraging communities to openly discuss matters that affect them and ask hard questions that demand accountability from their leaders.

Actors seeking to address farmer–pastoralist conflicts need to pay attention to the roles history, discourses, national policies and legislation, and local politics have played in instigating and aggravating such conflicts. Conflict resolution mechanisms should also take cognizance of these factors and dynamics. The existing land dispute settlement system has failed to effectively address the problem and needs to be revisited. This paper has proposed an approach to resolving conflicts that falls outside the formal system and the dominant administrative approaches currently used. This innovative approach should be further developed and ultimately incorporated into the formal land conflict resolution system.

62 See United Republic of Tanzania, *Report of the Presidential Commission of Inquiry into Land Matters*, Vol. 1, 'Land Policy and Land Tenure Structure'. Uppsala: Ministry of Lands, Housing and Urban Development and Scandinavian Institute of African Studies, 1994; Dancer H, *Women, Land and Justice in Tanzania*. Woodbridge: James Currey, 2015.

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