

The Changing Terrain of Land Use Conflicts in Tanzania and the Future of a Small Producer

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Background

- Land use conflicts are common phenomena in Tanzania and the and the world at large.
- The major reason is the fact that the land does not increase while the people and other living organisms that depend on it keep on increasing.
- What is being argued in this paper is that, MOST land use conflicts in Tanzania are caused and escalated by decisions and acts of the state through its various agencies and institutions.
- The process of globalizing capital involves denying access and control over resources to people who need those resources most. This is much experienced and felt by different people in Tanzania but more tangibly by the majority small producers (peasants, pastoralists, artisan miners, hunters, and gatherers)

Situational Analysis

- There are four major milestones in the development of land tenure system in Tanzania. These are the pre colonial phase, colonial phase, the three decades of independence and the social economic liberalization phase.
- In pre colonial, land use and ownership was controlled by respective tribes and clans with varied ways of accessing, using, owning and controlling basing on their own customs and traditions. What was unique in this phase is that, principles of equality and justice were defined and applied within the limits of tribal/clan jurisdiction, and, access to and ownership of land was attached to its use.
- During colonialism, land was alienated from the people for allocation to the new masters (Germans first, then British), for production of raw materials. Local communities lost their rights to use their own land, forced to become labourers and eventually fought to reclaim their land rights and sovereignty.

Situational Analysis cont...

- At independence, little changes were made on the land tenure system as a whole save for the replacement of governor with president but the powers over land administration were retained.
- Other developments especially in the context of Arusha Declaration had enormous bearing on both land use plans and the rights to land of many Tanzanians.
- Private properties were nationalised and the decision reinforced by enactment of the Land Acquisition Act No. 47 of 1967 to give more powers to the president to acquire land for National interests.
- Generally, the nature of land use conflicts revolved around the state and its agencies vis a vis communities over the changing use of their land for the so called national interests.
- Huge tracks of land were converted into ranches and or farms owned by state corporations like NARCO and NAFCO sometimes forcibly acquired from communities with meagre compensation or sometimes without any compensation.

Situational Analysis cont...

- From mid eighties, land use conflicts have assumed a different pattern by involving other actors than the state and small groups. As the country opened up for liberalization, we have witnessed an influx of investors who are also interested on land.
- Large tracks are now being leased or privatized to local and foreign investors for commercial farming, ranching or mining activities. Allocation of such land has brought about serious tensions between local communities and the respective investors for either lack of adequate consultation or forceful eviction of communities without compensation.
- Trends show that there is an increasing influx of investors into the rural areas, which is also posing serious threats on food security for rural based small producers.
- There are high hopes on the new land conflicts resolution mechanisms that begin from the village level to the court of appeal but the weak reinforcement mechanism turns down the hopes.

Situational Analysis cont...

- The recent developments in the land tenure system where the new laws have been introduced are equally not reliable as the institutions established by these laws are yet to take shape in communities.
- It is thus imperative to devise concerted efforts among actors in making sure that reliable mechanisms are put in place to address the challenges of combating land use conflicts in Tanzania for the benefit of small producers. Civil society, private sector and the government partnership is inevitable in this initiative.

General causes of land use conflicts

Land in Tanzania and many other parts of the world is a source of conflict to so many countries. This is manifested by the wide spread of political instability in many African countries which is sometimes are seen as consequences of the general elections sentiments.

Colonial legacy. Many African countries adopted colonial tenure system during independence.

General causes of land use conflicts cont...

Causes

- Lack of Public awareness and Knowledge on land laws. Although Land Act No. 4 and Village Land Act No. 5, 1999 have marked a decade since their enactment, still the two pieces are not yet known to majority land users
- Lack of peoples' participation during policy and laws formation, even when they are invited their views are not given high priority.
- Incapacity of the decision making organs from the village level to the national level. Many of the decision makers perform poorly due to either poor understanding of the rules and regulations guiding their administration positions or due to personal benefit.
- Violation of the land laws regulations by the land administrators particularly at the level of district and national. The land administration in Tanzania faced with some land administrators who are corrupt and unfaithful to their work.

Effects of the land use conflicts

The land conflicts have never passed without causing negative consequences to the land users, the community and properties.

- Loss of property.
- Loss of peoples' lives particularly women and children, many people have lost their life during the conflict. The pastoralists and the crop producers conflict is the leading in causing death.
- Decline and/or cut off of food production which lead to famine in respective areas. During the land conflict many people are escaping their areas of production due to fear and insecurity.
- Wastage of time and money during the time of conflict resolution, most of the land conflicts takes longer time in resolution.

Categories of the land use conflicts

1. Pastoralists vis a vis farmers

As explained above the prominent land use conflict prevailing in Tanzania is between the herders and crop producers.

- Lack of clear understanding of pastoralism as a mode of livelihood among policy makers
- Search for pastures and water among the pastoralists in semiarid areas for cattle
- The beliefs existing among other users of land that pastoralist ways of keeping livestock is old and does not deserve to survive up recently.
- The vagueness of the land act altered by 2004 amendment
- There is no land set aside for pastoral activities save for the provision that villagers shall determine land uses in their own villages.

Categories of the land use conflicts

1. Pastoralists vis a vis farmers cont...

- Pastoralists activities are regarded as additional activities so not necessary to be allocated with land.
- Even the various laws and policies are not giving much attention to pastoralism as compared to other sectors like agricultural, tourism and mining.
- Weak conflict management mechanisms contribute to the un-ending land conflict between herders and crop producers.
- Lack of clear demarcation of land among land users simply due to the lack of proper land use plan.

2. Communities vis a vis investors (Commercial farmers and mining companies).

The raise of the so called free market economy in Tanzania led to the massive increase of the investors

Lack of proper and effective consultation of the villagers when their land is taken and provided to the foreign companies investing in the production of Biofuels products. If there is any consultation then it is top down approach i.e. just being informed of the decisions.

Lack of knowledge among the community on the pertinent issues of land and other crucial issues in the area of human rights. This rooted from early times of independence to the late 1990s when various CSOs started to emerge and gain momentum.

The land tenure system remain to be the critical cause of the land use conflict in the country. For instance, the Village Land Act No. 5, 1999 section 8 (1) put control of the village land under the Village Council but the district level usually ignores it.

Communities vis a vis investors cont...

- **On mining**

The main cause of the conflicts in this area are the disasters caused by mining activities to the people living around those areas

Violation of Environmental laws as massive investment affects communities living around mining areas. e.g the North Mara Gold Mining in Tarime district, Mara region.

Poor and unsatisfying compensations paid to the people evicted from the mining areas e.g in Kahama district

Human rights violations e.g in Mererani Tanzanite Mining, Bulyanhulu Gold Mining.

3. Community vis a vis the state in Conservation Lands and Development projects

The conflicts between the communities and the state is historical e.g. NAFCO and NARCO, National Parks etc

The conflicts linked to the wildlife policy, the basic objective of the WP conserve more areas and maintenance of the existing ones

Restriction of the local people to access the products of biodiversity. Permits are needed from authorities

The possible policy and practical recommendations

The solution of the land conflicts needs extra attention compared to other conflicts in the societies due to the fact that unattending them mean putting the state security at stake.

Change of the mind set of the land users groups, pastoralists vis a vis crop producers, artisan miners vis a vis investors

There should be consultation of the villagers and other land user groups by the state or government officials in any decision

Strong collaboration between the government and the CSOs is paramount in providing a broad based public awareness on land laws and land use to the public.

The possible policy and practical recommendations cont...

There should be deliberate action by the government in allocating the land to all land user groups. And that allocation must be respected by all other land user groups including the **government officials and institutions.**

Power overlap between the levels of authorities must be ironed out in order to reduce the power interference in decision making over the land. The land administrators must respect the limit of their authorities.

Strengthening of the land disputes settlement organs is very critical in reducing land conflicts. The Village Land Council, Ward Tribunal, as well as District Land and Housing Tribunal

Concluding remarks

There is an urgent need to promote a socially just and equitable access to, ownership and control over land by all the communities in Tanzania.

This will then increase security of tenure to all the groups mainly the peasants, pastoralists, artisan miners, and hunter gatherers who since colonial era have been victims of the changing patterns of land use determined outside their power domain.

The government must put in place effective mechanisms for people's participation in land and resources governance

Having all the above in practice will mean that the chronic disease of land use conflicts between land user groups will be put to an end.

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