

Managing Farmer - Herder Conflicts in Tanzania



Case Study
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SYNOPSIS

Land in Tanzania and much of Africa is a primary asset for survival and a major source of income and livelihoods for the rural population. It also carries spiritual values. Access to land resources therefore involves power and symbolic relations. The presence of conflict affects people's economic incentives. Some sectors of activity flourish, while others suffer.

This paper presents a case study on farmer–herder conflicts in Tanzania with the objective of establishing causes and best means to resolve them, including alternative approaches to conflict management. The work is anchored on the fact that there have been numerous efforts by the government to end the conflicts, but they have been escalating and are becoming economically and socially intolerable.

Key findings: A desk review shows that major factors in the persistence of conflicts include policy contradictions, insecurity of land tenure, inadequacy of capacity of local institutions, corrupt practices, poor coordination in resettling migrants, inadequate capacity in village land use planning, and heavy-handed and non-inclusive approaches. The root cause is the lack of security of land tenure to smallholder farmers and herders who hold and use unsurveyed land that is liable for alienation, whether through acquisition or encroachment.

Key recommendations: The paper recommends reviews of land policy to ensure security of land tenure. It also calls for capacity development organizations to build capacities of African states in aligning land and livestock policies and bylaws to avoid more conflicts.

Introduction

Due to increased population pressure and the diversification of rural land use patterns in Tanzania, including expansion of settled and ranching farming, national parks, towns and settlements, access to pasture and water for livestock has shrunk, prompting pastoralists to migrate to central, eastern, and southern parts of the country (Odgaard 2005; Mattee and Shem 2006). This squeezing out of pastoralists from their traditional grazing lands has spurred conflicts with farming communities. The government has attempted to resolve the problem, but conflicts persist and even escalated.

This paper seeks to examine the factors contributing to the conflicts as well as the best means to resolve them.

Farmer and herder conflicts in Africa are often driven by "environmental scarcity," in three forms: scarcity of renewable resources, population growth, and unequal distribution of resources (Benjaminsen et al. 2009). Increased land scarcity due to climate change and land degradation has motivated pressure of environmental organizations to increase restrictions on conserved land and expand the land area under conservation. Disputes arise from who should access and control natural resources, including sharing benefits and use rights.

The competing interest groups include farmers, pastoralists, foreign investors, and the government. They compete for water, grazing land, salt areas, and so on, prompting calls for a comprehensive land use plan.

In countries such as Kenya, Nigeria, and Tanzania, pastoralists and farmers have a long history of conflict, leading to loss of lives, destruction of property, and creation of virtual war zones (Seddon and Sumberg 1997).

Tanzania has four major causes of land use disputes. First was the privatization of land held by the National Ranching Company and the National Agriculture and Food Corporation to foreign investors (Myenzi 2004). The second are conflicting policies (Mugabi 2013): the Land Policy of 2006 that is not in line with the Livestock Policy of 2006, as the former recognizes seasonal movement as an important characteristic of pastoralism and thus encourages livestock owners in overgrazed areas to move to lower-stocked areas. Third is the unclear demarcation of land allocated to pastoralists and farmers. Finally are drought and climate change, which compel pastoralists to move from one place to another in search for pasture and water (Semberyia 2014).

Objectives and methodology

The objective of this paper is to establish cases of conflict between farmers and herders in Tanzania, describe ways in which they have been managed so far, and suggest alternative means to solve them. The study relied predominantly on the literature and secondary sources.

Overview of farmer–herder conflicts in Sub-Saharan Africa

Historically, farmers and herders often coexisted in cooperative relationships in Sub-Saharan Africa (Bassett 1988), and such relationships were often realized through reciprocity, exchange, and support

(Moritz 2010). Seddon and Sumberg (1997) acknowledge fluctuating and competition, not only cooperation between the two groups. Turner (2004) reports that the relationships have always involved cooperation and conflict.

Hussein et al. (1999) suggest that the relations between farmers and herders have always moved between cooperation, competition, and conflict. Tonah (2006) reports that in West Africa, for example, the conflicts between farmers and herders have been a common feature of economic livelihoods. These conflicts, however, were contained by customary institutions that followed the principle of reciprocity and resolutions found within the local populations. In addition, intermarriage between groups strengthened these systems and increased the incentives to resolve conflicts (Sandford and Ashley 2008). Only in very rare cases were these conflicts brought to state administrative authorities for resolution.

In recent decades, farmer–herder conflicts¹ in many parts of Sub-Saharan Africa have escalated into widespread violence, loss of property, massive displacement of people, and loss of lives (Hussein, Sumberg, and Seddon 2000). This has been caused by increasing pressure on resources and decreasing efficiency of traditional conflict-management mechanisms (Thebaud and Batterbury 2001). Factors such as inadequate grazing reserve and stock routes; changes in the land tenure system; insufficient legislation on pastoralism; expansion in agricultural policies; economic factors; and climate change are among the long-term causes of conflicts.

Hagberg (1998) argues that conflicts between farmers and herders originate from competition for resources caused by population growth, migration, and land degradation. More emphasis is placed on changes in production systems and land tenure regimes. Some of the changes are the results of interventions and legislation based on Western models and intended to increase output and market integration.

According to Krätschmar and Swift (1999), current conflicts over resources should be seen against the background of a history of active land alienation, mass displacements, and cultural and political marginalization of pastoral populations.

The division of communal rangeland areas into discrete administrative units interferes with customary land-use patterns. By preventing customary, highly productive, tracking strategies, privatization of pastoral lands reduces the capacity of the land to support livestock. The pastoralists have been invading cultivated lands to feed their herds.

Nature of pastoralists

Tanzania is one of the top 10 countries in the world with the largest concentration of traditional livestock producers (Mlekwa 1996). Pastoralist communities have “pure pastoralists” whose livelihood is sustained only by livestock and livestock production (Mtengeni 1994); and “agro-pastoralists” who depend on agriculture and livestock.

Pastoralists require large land areas as they keep large herds, and tend to migrate from place to place in search of pasture. This movement forms a pattern that is also seen as a corridor in which they move. But their movements are not well accommodated in the land tenure system as that requires sedentary settlements (Msuya 2009).

As they lose their land, some pastoralists become sedentary (agro-pastoralists), while others migrate to new areas often already occupied by crop farmers, resulting in conflict, particularly over land and water resources. However, in some areas the immigrant pastoralists and the indigenous ethnic groups, mainly agriculturalists, have forged a complementary coexistence, for example in the Usangu plains in Mbeya region (Kajembe et al. 2003).

Conflicts in Tanzania

Conflicts on boundaries

Each village has been demarcated and the land use specified. There are villages for pastoralists and villages for farmers. These villages are not clearly demarcated and this creates conflicts between the land users in these two types of village.

Movement of pastoralists

Movement from one place to another leads to conflict as they move toward the villages with settlers and commercial farms. The herders feed their herds on the villagers' crops or clear post-harvest residues. This is aggravated by formal land use plans that restrict access to sedentary land users, to the exclusion of herders.

Laws and policies

There have been many attempts since colonial times to modernize the pastoralist system through sedentary policies and projects. Tanzania generally favors agriculture, which is more visible and evident for land use, than pastoralism, which is difficult to trace. It has therefore prioritized land use for settled farmers. It has also supported privatization of land, which has a tremendous impact on the alienation of pastoral lands. Large farms have been established around the pastoralists' villages, mostly in northern parts of Tanzania, forcing the pastoralists to live in small villages while losing their water dams and salt-licking sites to big farms (Bradbury et al. 1994). The settlement of pastoralists damages traditional social controls on natural resources and the environment.

Since independence, Tanzania has passed laws that diminished people's potential for development but benefited political leaders. A few of these are now discussed.

The Land Acquisition Act 1967 (later repealed) had an impact on small farmers, herders, and other land users. It gave the president power to acquire land in the public interest, which was vaguely defined, allowing the power to be misused, leaving many

people landless. The Arusha Declaration of 1967 declared all major means of production to be owned and managed by the public, to bring equity to access and ownership of national resources and services (Myenzi 2005). The declaration was associated with violation of human rights, especially those of rural-based small producers.

In the 1990s, land reforms included the Land Policy of 1995, which paved way to the Land Act 1999 and the Village Land Act 1999. The Land Act was amended in 2004 to develop other land tenure arrangements, including establishment of the Land Bank and its administration by the Tanzania Investment Centre, set up by the Tanzania Investment Act No. 26 of 1997.

The reason for the reforms lies in attempts to commoditize land in a free market system and make it accessible to foreign investment. These policies have led to conflicts between the state and pastoralists, as they are not based on social realities.

Commercial agriculture has been a means of grabbing land from communities and allocating it to big companies. Most land used for pasture is seen as idle or bare land suitable for investment. Evidence of such land grabs is in table 1.

Table 1: The table showing acquired land for commercial agriculture in Tanzania

	Investor	Crop	Location	Land Requested (ha)	Acquired (ha)
1	FELISA	Oil Palm	Kigoma	5,000	4,258
2	BioShape	Jatropha	Kilwa, Lindi	82,000	34,000
3	Sun Biofuel	Jatropha	Kisarawe, Coast	50,000	8,211
4	SEKAB BT	Sugarcane	Bagamoyo, Coast	24,500	22,500
5	Trinity Consultants/Bioenergy TZ Ltd	Jatropha	Bagamoyo, Coast	30,000	16,000
6	Tanzania Biodiesel Plant Ltd	Oil Palm	Bagamoyo, Coast	25,000	16,000

Source: Government of Tanzania 2015.

The Village Land Act 1999 gave village councils the mandate to administer land in accordance with customary law. It favored farmers, giving them

communal ownership titles on the village land they occupy because that suits sedentary communities. The act offers little to help pastoralist communities. The village plans are designed at regional level and implemented at village level, and are discussed at meetings at all levels. But due to their nomadism, the majority pastoralists are left out as their views are not aired at meetings.

Land loss

In Tanzania, land alienation has been dramatic: the amount of land designated as protected more than doubled between 1961 and 1992, affecting many groups and especially pastoralists (McCabe et al. 1992). Traditionally, communal land rights treated land as public resources for anyone in the community. Communal land was defined in the 1960s as customary land, but its tenure has no security any longer as it is under the threat of alienation from state enterprises, such as ranching and agricultural parastatals, and from foreign investors through the Tanzania Investment Centre. The state has the power to appropriate or nationalize land and allocate it to investors or parastatals.

Examples of land loss are in Loliondo Division (Ojalalami 2006). In 2009, the government initiated an operation under the Field Force Unit to evict residents of eight villages in Loliondo Division east of Serengeti National Park. More than 200 households lost their rights to land, which led to loss of property and livestock. Rufiji river basin, Mkomazi Game reserve in Tanga, Naberera ward in Simanjiro, Monduli, Ngorongoro, and Hanang in Arusha add to the catalogue of loss of pasture, this time to conservation.

Farmer–pastoralist conflicts

Tanzanian authorities are finding it increasingly difficult to deal with conflicts between farmers and pastoralists as they fight over limited land and water resources. Myenzi (2005) has indicated that the struggle for land and water is a result of lack of public awareness and knowledge of the country's laws, inadequate participation of local people in policy and

law formation, and violation of laws by district officials.

Mvomero District has been aired by the media as a leading area of conflict. According to Makoye (2014): “Talking to one of the government official on the matter, he said, the land which has been allocated to the pastoralists for their activities is now limited to accommodate the herds and the pasture land is no longer enough to feed the herds. [...] He also said that the officials have been soliciting bribes in terms of money and livestock from pastoralists to let their herd feed on the cultivated areas.

“Initially he said there was an arrangement that after sowing the crops the pastoralists will feed their herd on the post-harvest residue. Later due to drought the pastoralists started feeding their herd on the farmers’ crops before harvest. And this led to repeated conflicts. Instead of stopping the pastoralists from invading farms, officials penalize them through small amounts of fine for the loss they caused to the farmers.”

Due to the long, tiring processes of getting their rights, the farmers settle for less than nothing. This has persisted and farmers are now striking back, creating extreme tension in some communities.

In normal circumstances, when a village council catches cattle trespassing on farms, it keeps the animal as evidence in a suit. However, sometimes the farmers settle the disputes as they get compensation from the herdsmen immediately after seizing animals. However, the amount paid as compensation is usually very little compared with the loss they incur from the destruction of their crops. Normally they accept such compensation to avoid going to court. The little compensation paid by herdsmen to farmers makes it easy for the herdsmen to continue feeding their herd on poor farmers’ crops.

Reasons for addressing the land disputes between herders and pastoralists

Tanzania has some 21 million head of cattle, the largest number in Africa after Ethiopia and Sudan (Makoye 2014). According to the Ministry of

Livestock and Fisheries Development, livestock contributes at least 30 percent of agricultural gross domestic product (Makoye 2014). Prolonged disputes will therefore reduce the income from livestock and affect the welfare of Tanzania’s people. Inefficient mechanisms for dealing with these conflicts can have disastrous effects (Sackey 2010). It is therefore the government’s responsibility to settle these land disputes amicably by amending conflicting laws and finding a permanent solution.

Approaches to manage conflicts

Part of the reason for the persistence of farmer-herder conflicts lies in the way the conflicts are handled. The use of excessive force involving the police is not only unsustainable but also deepens hatred between the parties. At best this approach is good for imposing short-lived peace but the problems remain. In some cases this may appear like a military operation, causing further hatred between the conflicting parties and toward the government in general.

Corruption and “politics of the belly”

Corrupt practices contribute to the persistence of conflicts. This problem can be looked at from two perspectives: village level involving local leadership, and higher levels of government involving highly placed politicians and government leaders—“politics of the belly.”

At local level, village leadership has responsibility for maintaining peace and security. This also entails fair allocation of land to different uses. In the wake of the influx of livestock, the village leadership has to ensure that there is a balance between the number of livestock herds and available resources. In all villages covered by this study, there were complaints that village leaders had received bribes to allow large herds of cattle well beyond the capacity of the village resources to support.

Another area of discontent and where corrupt practices are believed to exist is the assessment of damage to crops caused by livestock. In nearly all villages studied herders complained that village leaders received bribes from farmers to exaggerate

the damage, to get higher compensation. Farmers also accuse district level leadership of receiving bribes from herders to have their court cases settled in their favor. Maganga (2007), noting this problem in Mvomero district, found that corruption undermined people's trust in the authorities and the willingness of these authorities to prevent conflicts.

Well beyond village level is a system of "politics of the belly," an expression implied in the proverb "goats eat where they are tethered" (Bayart 1993) to describe arrangements where officials at different levels systematically exploit political power and authority, and appropriate public resources for their own benefits and purposes. Under this system, individuals—especially politicians—negotiate institutional ambiguities and complexities for their own interests (Moritz 2006). 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'" (Moritz 2006).

The need for public–private partnerships

The government of Tanzania needs to engage in new ways of adjudicating the conflicts. Public adjudicators from the Ministry of Lands Human Settlement and Development have been carrying adjudication processes for years without positive outcomes. The reoccurrence of violence, loss of lives and livestock, and damage of crops on farms provide clear evidence that the government has long failed to address the issue.

There is a need to involve the public in these processes. The participation of the public and actors from other sectors can bring invaluable long-term solutions. The government should use the participation of communities and nongovernmental organizations to ensure an understanding between farmers and pastoralists. Research by Brinkerhoff et al. (2011) has shown that combining efforts of public, private, and other sectors can help resolve this type of conflict. When public and nonstate actors are involved, the solution will be borne from both parties and the outcome will be governed by them.

Customary laws

Pastoralists, especially the Maasai, have a long history of having their own culture and traditional conflict resolution mechanisms (IWGIA 2016). It is important to use customary ways of solving problems. The Maasai have maintained order and discipline through their age groups and leadership. These have helped in resolving any dispute that arises over the use of and access to natural resources, such as water and pasture (Bradbury et al. 1994).

Traditional institutions

Traditional institutions can handle the problem of land conflicts within their structures where customary tenure rights are recognized. The government, with other players, can use this invaluable resource of pastoralists to integrate with the professional way of solving land disputes and come up with a solution.

Outcome and overall assessment

The root cause of the conflicts lies mostly in the lack of security of tenure on land that most smallholder producers depend on. Policy deficiencies and contradictions have been exploited by a corrupt elite to the detriment of poor farmers and herders. In particular, the effects of state-backed land grabbing for large agricultural investments and corrupt practices at various governance levels have all contributed to squeezing out herders from their traditional grazing lands. The effects of such misplacement are felt in farmer communities in the form of land and water resource use conflicts.

In the absence of land use plans for most villages, coupled with lack of coordination in resettling displaced migrant herders, conflicts with farmers are inevitable. Therefore, unless security of tenure on land used by smallholders—farmers and herders—is restored, conflicts will continue.

Conclusions

Public-private participation is a way of solving land disputes in communities, and the government has to team up with other sectors and the public and establish a mechanism that can help resolve the conflicts and manage land resources. The government must also review and enact new laws, rules, and regulations to empower communities in decision making and provide room for all members of various communities to participate in management and use of natural resources. The laws should facilitate equitable distribution of access to land and encourage sustainable land use.

For the African Capacity Building Foundation and its partners it is important to work with African countries in addressing herder-farmer conflicts through capacity building of various national institutions in policy formulation, management, and coordination. For example, the Foundation could start by helping Tanzania to address the misalignment between the Livestock Policy and the National Land Policy.

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