

**MTANDAO WA VIKUNDI VYA WAKULIMA TANZANIA  
(MVIWATA)**

**LAND CONFLICTS IN TANZANIA: CAUSES AND  
SOLUTIONS**

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## **Table of Contents**

Table of Contents .....	i
Tables.....	ii
Acknowledgement .....	iii
1.0 Introduction.....	1
1.2 About the Study .....	3
1.2 Methodology .....	4
1.2.3 Data collection and Analysis .....	4
2.0 Conceptual Framework on Conflict and Conflict Resolution .....	4
2.1 Actors, Interests and Strategies.....	5
3.0 Land as a Critical Resource for Production in Tanzania .....	7
3.1 The Dilemma of Small Scale Producers .....	8
3.2 Scramble for the Village Land .....	10
3.0 Typologies of Conflicts .....	11
3.1 Crop Producers versus Pastoralists.....	12
3.2 Villagers versus Government.....	12
3.3 Investors versus Small-Scale Farmer Communities .....	13
3.4 Investors versus Pastoralists .....	14
3.6 Villages versus Wildlife Management Authorities .....	14
3.5 Boundary Conflicts .....	15
4.0 Causes of Conflicts.....	15
4.1 Gaps within the existing Land Laws .....	20
4.2 The Nation’s Philosophy of Development.....	22
4.3 Actors and their Strategies .....	24
5.0 Case study Observation.....	25
5.1 Mvomero .....	25

5.1.1 Contentious Allocations.....	27
5.1.2 The Magnitude of Land Hoarding in Mvomero.....	30
6.0 Resolution of Land Conflicts.....	31
6.1 Creating Discussion Forums in Conflict- torn Societies.....	32
7. 0 Conclusions.....	33
References .....	35

**Tables**

Table 1: Arable Land for Agriculture in Tanzania.....	11
Table 2: Land Administration in Tanzania.....	24

### **Acknowledgement**

I would like to convey my appreciation to the MVIWATA management for allowing me to carry out this study. This research work has given me an invaluable opportunity to learn more about land and rural livelihood as well as to get updates of the situation regarding land conflicts in Tanzania. Land conflicts are very sensitive matters because they attract interests from different actors. In some cases, people may be unwilling to share their views as respondents for their personal security and protection. However, in my case, although data used was largely obtained from secondary sources but I would like to appreciate the hospitality I was given during field visits. The local leaders and villagers at Mabwegere in Kilosa district and at Mvomero and Wami Luhindo villages in Mvomero District were receptive and cordial in their participation. It is my hope that advocates small producers' land rights and those who are fighting for rural livelihood will find this research report useful.

## **1.0 Introduction**

Tanzania has witnessed the recurrence of land conflicts involving different land users as individuals, communities, business companies or institutions. Although individual land conflicts are a common occurrence, but large scale conflicts involving groups, companies and institutions have threatened breach of peace consequently leading to the rupture of the erstwhile tranquil social fabric. The report of Parliamentary Special Committee (JMT 2015) on land conflicts state that land conflicts in Tanzania have been occurring and recurring since 1960s. The report gives evidence of the Area Commissioners letter dated February 1966 in Kilosa giving directives to demarcate areas in order to avert deadly conflicts between pastoralists and crop producers. As such, conflicts were occurring in the 1960s as they are recurring today.

Many conflicts have exploded but others are still simmering underneath. For some analysts, a conflict is a normal part of the society's life. Anna Akerlund (2005) for example, holds that conflicts are not necessarily bad in themselves and that peace and conflict are not antonyms, because we have conflicts even in peace time. Mao Zedong (1937) went further to state that conflicts are the fundamental stimulus for social development. Notwithstanding the positive role that conflicts are thought to play, they have immediate ramifications to the land users, especially smallholder farmers because land is their main source of livelihood. When smallholder farmers cannot use their land for effective food production it affects their livelihood and survival.

By and large, land conflicts in Tanzania have involved smallholder farmers in their classification and that the ramifications of these conflicts have courted the attention of organizations such as Mtandao wa Vikundi vya Wakulima (MVIWATA), who advocate for land rights to smallholder farmers as their main source of livelihood. Such conflicts, as in the case of farmers versus

pastoralists have led to bloodshed and disorientation of a peaceful social life at the countryside. Farm crops have been destroyed at a tender age, while hundreds of cattle have been slaughtered by the aggrieved crop producers. A cloud of uncertainty has engulfed the countryside such that many other crop producers have feared farming knowing that their crops will eventually be turned into grazing fields. Their inactivity has in turn resulted into lack of food to sustain their annual consumption cycle and income to afford other basic and social needs including paying school fee for their children. When such conflicts involve rich investors, smallholder farmers have been prevented from farming following court injunctions.

At the core of land conflicts in Tanzania are complaints that the groups' right to land ownership and land use is infringed. The aggrieved parties in these conflicts have employed various forms of remedy that can be categorized as passive or active resistance. They include mass demonstrations, petitioning, filing cases at the court of law, invading private business companies and public enterprises, or more crudely mobilizing weapons against the other group(s). It is essential, therefore, to understand the nature, actors, causes and possible ways such conflicts can be prevented or resolved in order to ensure that smallholder farmers have an orderly livelihood from the landed resources.

The areas that are often documented to be engulfed in conflicts include the districts of Kilombero, Kilosa, and Mvomero in Morogoro region. In addition to the Morogoro region, the other districts that are torn by land conflicts include Kilindi and Handeni in Tanga region and the Ihefu Valley- Mbarali district in Mbeya region. In Mara region, the districts that are prone to land conflicts are Rorya and Tarime. However, conflicts have also been recorded in Mwanza

region and Arumeru district of Arusha region. In Manyara region, land conflicts have also been recorded in Simanjiro, Kiteto and Babati districts.

## **1.2 About the Study**

By considering the consequences of land conflicts to smallholder farmers, MVIWATA commissioned a study to analyse and understand the nature of these conflicts, the different parties involved in the conflict and the root causes of the conflict. It is in the interest of MVIWATA to understand the nature of land conflicts and what propels them, so that the MVIWATA personnel can acquire practical and appropriate recommendations that can be used for the organization's advocacy work. Consequently, this research work endeavours to:

- a) Analyse the nature of land conflicts in Tanzania
- b) Examine the conduct of the parties involved in the conflict as land users;
- c) Analyse the roots and consequences of land conflicts in Tanzania;
- d) Provide practical and appropriate recommendations for dispute resolution by citing cases of successful land conflict resolution.

The output of this work will give MVIWATA a platform to carry out its advocacy work on land rights and to engage with policymakers and other key actors in an attempt to resolve land conflicts particularly which harm smallholder farmers.

## **1.2 Methodology**

This study adopted a purely qualitative approach to analyze land conflicts in Tanzania. The analysis took into account the causes and consequences of conflicts to smallholder farmers in Tanzania. In terms of research design, case study research design was adopted, where the Mvomero district of Morogoro region was visited as case study to provide a detailed analysis of the typologies of the land conflict. This design is enviably well suited to establish parameters that could be applied to similar cases in other parts of Tanzania that are affected by land conflicts. That is to say, the nature of the conflicts, the conduct of the actors and the causes of the conflicts could be used to examine similar cases elsewhere.

### **1.2.3 Data collection and Analysis**

Mainly qualitative data was collected for this study. The study employed a desk review method of data collection where the researcher went through various research reports and data compiled by the government, report of the Parliamentary Committee on matters of land, and a Parliamentary Special Committee of Inquiry on the Sources of Conflicts between Smallholder farmers and Pastoralists. Other credible literature on land conflicts in Tanzania and beyond were also reviewed. The desk review analysis was complemented by field visits to Mvomero and Kilosa and a few interviews. A qualitative approach of data analysis was employed.

## **2.0 Conceptual Framework on Conflict and Conflict Resolution**

Anna Akerlund (2005) has been quoted above holding that conflicts are not necessarily bad. In other words, Akerlund tells us that we might as well reap rewards from conflicts. Theoretically, those who believe in the philosophy of Karl Marx look at conflicts as necessary impulses for change. None other than



Mao Zedong is clearer on this perspective. Mao Zedong (1937) referred to conflicts as contradictions, and he made a distinction between contradictions from within and external contradictions. According to Mao Zedong an internal contradiction is the essential source for the development of a social community. The contradictions that may arise from an interaction between one society and another are just secondary.

Mao Zedong (Ibid), however, does not dismiss completely the role of exterior contradictions as they may bring about change. Mao Zedong believes that the transformations that can occur due to external contradictions are just quantitative rather than qualitative. From this theoretical perspective we learn that when two parties are in conflict they will eventually look for a win-win solution. As such, they put in place rules that will ensure the rights of all parties are taken care of. Generally, Mao Zedong reminds us to consider conflicts both ways but more critically as a mechanism that innovatively helps to create better rules of engagement between the parties to the conflict.

## **2.1 Actors, Interests and Strategies**

In 2008, the Concern for Development Initiatives in Africa (ForDIA) hosted a conference with a view to deliberate on research findings on the new model of conflict occurrence and conflict resolution in the Great Lakes region. The research work was done by scholars in Northern Uganda, Northern Kenya, Eastern DRC, Burundi, the former Sudan, and Zanzibar. This research work resulted into a volume titled *Understanding Obstacles to Peace: Actors, Interests and Strategies in Africa's Great Lakes Region* edited by Professor Mwesiga Baregu and published in 2011. The researchers had a deep conviction that the approaches that were being used in analysing conflicts in quest of resolving them were insufficient. According to these researchers, much attention was put

on the root causes of the conflict with the view that if they are isolated and dealt with such conflicts will be prevented or resolved. However, in their view, “this approach has been static and has diverted attention away the dynamics of conflicts that facilitate or obstruct peace” (Baregu, 2011: 5). They hold that, it is imperative to look at the dynamics centred in the actors’ interests than just the root causes to the conflict. As such, they came up with a model of actors, interests and strategies.

In accordance with this model, every conflict has actors. These actors are of different calibre. These actors have interests and that they conflict in order to defend or achieve such interests. These interests vary for every actor and they are a source of competition. Finally, these actors use different strategies to achieve their interests. The strategies employed can also be a source of more conflicts. It is essential, therefore to recognize, describe and examine the interest-driven actor behaviour and relate it with their exacerbation of the conflict.

The thinking underlying this conceptual framework fits hand in glove with our quest to reconceptualise and analyse land conflicts in Tanzania. Many land conflicts have had occurred in the countryside and the focus of analysts has been the root causes of the conflict without analysing in details the actors in the conflict and the dynamics underlying the interest of those actors. It is imperative to understand the nature of the actors in their diversity, their interest in the conflict, and their overt and covert behaviours and strategies in the conflict. Therefore, this study adopts the actors, interests and strategies model to analyse land conflicts in Tanzania.

### 3.0 Land as a Critical Resource for Production in Tanzania

Tanzania is largely an agrarian country. Historically, land was identified by the 1967 Arusha Declaration on Socialism and Self-Reliance as the basis of human livelihood in the country. When we go through the 2015/2016 Budget Speech of the Ministry of Agriculture, Food and Cooperatives (MAFC 2015: 7) it is an evidential fact that land is still the basis of human life today insomuch as over 75percent of the population depend on agriculture as the source of their livelihood. In Tanzania, crop producers and livestock herders depend on land to carry out their activities, and they have been able to generate 100 percent of food consumed domestically (Ibid, p7-8). Without land the livelihood of these communities will be in ruins. The activities of these land users are not only significant to their livelihood but also to the economy of the nation. Crop production, for example, contributed 16.2 percent of the GDP, while livestock contributed 7.4 percent of the GDP in 2014.

It is being portrayed that Tanzania has large and underutilized arable land, which is referred to as 'virgin land' (Chambi & Baha, 2010). This depiction is very well laid down by the Tanzania Investment Centre on its investment guide 2014-15. The TIC's description of the available arable land shows that of the 44 million hectares of arable land; only 23 percent is being cultivated. Again, only 1 percent of the 29.4 hectares suitable for irrigation is being irrigated. The same data is aptly presented in the Kilimo Kwanza document (URT 2009) implying that Tanzania has a vast unused land for agriculture.

**Table 1: Arable Land for Agriculture in Tanzania.**

Land use	Million Hectares
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Total usable land	94.5
Arable land	44
Area suitable for irrigation	29.4
High development potential	2.3
Land under medium and large farming	1.5
Range land	50
Land under livestock	26

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Source: Data from the TIC Investment Guide 2008

The Tanzania Investment Centre’s (TIC) description of the available arable land has been posted from time to time with the view to lure potential foreign investors into the agricultural sector. However legitimate is their advertisement, it has continued to offend some analysts who are of the opinion that the description sets a scene for future conflicts (Sulle, 2010; Chambi & Baha, 2010). According to Chambi and Baha (2010) the data, which shows Tanzania has huge underutilized land is misconstrued inasmuch as Tanzania is still a rural agrarian country and most of the land is untitled and being occupied by small-scale producers who own the land under a customary right of occupancy.

### **3.1 The Dilemma of Small Scale Producers**

Small scale-producers in the agricultural sector are diverse. However, the focus of this research work is mainly crop producers and livestock herders. Crop producers in Tanzania produce both cash and food crops for their livelihood. Majority of them produce traditional export crops such as coffee, cashew nut, tobacco, cotton, pyrethrum, and oilseeds. Of recent, there has been an increase in the production of non-traditional export crops for an exceptional external

market such as spices and flowers. Horticultural crops have also secured a very important market domestically and externally.

Crop producers in Tanzania are mostly recognized by their production of food crops for their household consumption and for sale in Tanzania. Crops such as maize, rice, wheat, pulses, cassava, potatoes, banana, sorghum, and millet are given distinctive attention in different localities in Tanzania as their main meal. Rice, maize, bananas and cassava are also highly supplied to urban areas as main meals. Research also shows that the largest part of the Tanzania's arable land, which is approximately 85 percent, is used for food production (Maltsoglou & Khwaja, 2010: 27).

Small scale producers also practice agro-pastoralism. However, there are others who are entirely semi-nomadic pastoralists. Semi-nomadic pastoralists have been at the centre of trouble in the countryside. The Government, through the Ministry responsible for livestock development (MLFD, 2015) acknowledges that the slow pace of allocating land to the pastoralists has resulted into them moving from one point to another colliding along their way with other land users. The Ministry further acknowledges that it is yet to demarcate land to pastoralists in nine districts of Tanzania including Kiteto, Ngorongoro, Kilosa and Mvomero where clashes between crop producers and pastoralists has claimed some people's lives.

The Tanzanian government is touting smallholder farmers in their categories as the main producers of food to feed the country (MAFC 2013). The Government believes that the country is most likely to meet the food self-sufficiency ratio if peasant agriculture is not affected (MAFC 2013). However, accessibility and

ownership of land continues to be their major concern and even in the small pieces of land they have settled in conflicts exist that frustrate their production endeavors.

### **3.2 Scramble for the Village Land**

There is no denying that village land is under the scramble. Although the TIC posits that Tanzania has a huge underutilized land, but the population in the countryside is increasing causing some considerable stress on the available land for crop production and livestock grazing. It is also important to note that the huge and underutilized land assumption pushed the authors of *Kilimo Kwanza* to think of ways of accessing village land for commercial agriculture, in what they refer to as “equitable access to village land for investments.” The Ministry of Land and Housing Development in the 2015/2016 financial year is determined to identify land of close to 200,000 hectares to add to the national land bank. Impliedly, the Land Minister acknowledges that this land is in the hands of some categories of owners, when he asserts that the Ministry has set aside 5 billion in order to compensate those whose land will be taken. The ministry of natural resources and tourism has also indicated in its 2015/2016 Budget Speech that new Wildlife Management Areas have been introduced namely ILUMA, Ndonda, Rindilen, Kidoma, and Mchimalu. Such plans by the Government have raised a critical question as to whether village land is being encroached.

Consequently, village land is under scramble. Different users who harbour different interests have been fighting to own and protect this land. These users can be categorized as:

- Small-scale crop producers and agro-pastoralists who depend solely on land for their livelihood
- Semi- nomadic pastoralists
- Medium and large scale commercial investors in the agriculture sector
- Government for its use such as urban development
- Wildlife Management Authorities.

### **3.0 Typologies of Conflicts**

Despite the fact that individual conflicts related to land are a common place, but deadly conflicts have been caused by other categories of actors. It's these other conflicts that have attracted the attention of both analysts and stakeholders who are working to defend the rights of small-scale land users. What is clearly noticeable is that there are conflicting claims over the land under dispute. The consequences of such conflicts are clear, including affecting harmfully the livelihood of people who depend on land as a main source of livelihood.

Many research reports and conference papers have illustrated several typologies of land conflicts. The most important contribution was also done by the Parliamentary Special Committee (2015) which was created with the sole purpose of investigating land conflicts between crop producers, pastoralists, investors and other land users in Tanzania. The typologies of land conflicts are as here under summarized:

### **3.1 Crop Producers versus Pastoralists**

One of the conflicts that are recurring at an alarming rate is between crop cultivators and pastoral communities. At the core of the conflict is who has the right to use that particular land. These two communities see their activities as starkly contrasted. In most cases crop cultivators have accused pastoralists of feeding cattle on their crops. They cultivate and remain hopeful for harvest while pastoralists feed their livestock on the same crops. Such conflicts are a common occurrence in Kilosa particularly among Maasai of Mabwegere and the Sukuma of Kaladasi villages. Other areas that are affected by such conflicts include Ngorongoro, Mvomero, Ikwiriri, Uvinza, Chunya, Hanang, Babati and Kiteto. Such conflicts are negatively consequential to the harmonious existence of the conflicting communities. Generally conflicts between pastoralists and crop producers have resulted into bloodshed, injuries and permanent physical deformities, destruction of property and disruption of development activities that the two communities are engaged in.

### **3.2 Villagers versus Government**

This type of conflicts occurs for many reasons. One reason can be when the Government acquires land from villages for the purpose of establishing a new town. In most cases complaints are associated with inadequate terms of compensation. In Mvomero, the area where the new town is built has been a source of conflicts between villagers of Wami Luhindo and Wami Sokoine. The Government is being accused of taking land without offering the required value for the taken land.



But in some other cases, the Government has taken land from *wananchi* at Bagara Ziwani to build offices without paying equitable compensation to the owners of the land. The Parliamentary Special Committee for example, points out that there is a conflict in Babati where the citizens' land has been taken for the construction of Government offices without compensating the owners.

In some other cases, the Government reallocates land without holding out consultations with the land users in that area. In Monduli district, for example, at the Lolksara area, the Government decided to allocate land without consulting the citizens and land users who are residing in that particular area. Worse enough, as the Parliamentary Special committee noted, the beneficiaries of the land redistribution were citizens of another region apart from the residents of Monduli. As such, the reaction of the aggrieved citizens in Monduli was to be anticipated.

### **3.3 Investors versus Small-Scale Farmer Communities**

This conflict is apparent when investors encroach into the rights of small-scale land owners. Some of the investors may need land more than what is available in that particular village. As a result they will attempt to expand their project by encroaching into village land to affect the livelihood of villagers. In Mufindi, for example, the Arcadia Investment Company has been in conflict with two villages which are Mwakijembe and Mkota over the company's demand for more land. However, the Parliamentary Special committee looks at this type of conflict from a different perspective. In their investigation, this type of conflicts occurs as a result of smallholder farmers invading land belonging to investors. They argue that there are many abandoned farms belonging to investors. And many of these farms are abandoned for a long time such that villagers invade

and start farming. Examples given by the select committee include Farm No. 640 at Sakare in Lushoto.

This typology of conflicts also occurs because investors are given land without the neighbouring villagers being consulted. As such, allegations of village land to be grabbed are often advanced, which in turn attracts varied reactions including violent confrontations and destruction of investor's property. For example, in Tanga, an investor with the name Alkadia is in a conflict with seven villages namely Mwakajembe, Mbuta, Mwanyumba, Mwakikonge, Magodi, Mavovo and Daluni. These villages claim that the investor has apportioned their village land into the project land.

### **3.4 Investors versus Pastoralists**

Pastoralists are often blamed for conflicts between them and investors. The assumption is that pastoralists graze into investors' farms causing chaos between themselves and the investors. The Parliamentary Special committee's report asserts that in most cases pastoralists graze on the farms that have been abandoned by investors for a long period of time. Pastoralists find an excuse to graze into such farms because they are not developed as required by law. A good example of such conflicts is between pastoralists and an investor owned farm in the Kiru valley in Babati district, Manyara region.

### **3.6 Villages versus Wildlife Management Authorities**

In most cases the Wildlife Management Authorities claim that villagers have invaded their land. It is also reported in the Parliamentary Special committee that it is villagers who invade the land belonging to Wildlife Management Authorities. They give an example of the Emborley Wildlife Management

Authority which is in a dispute against pastoralist villages namely Kimana, Lotepesi, Namelock, Ndirigish, Engusero, Sidani, Emart, and Nhati. However, the Parliamentary Special committee also acknowledges that sometimes Wildlife management Authorities are being introduced in the land that is being used by traditional pastoralists without their information. Small-scale crop producers are also at times in conflict with WMAs. At Saadani National Park for example, it is claimed that villagers of Gama Kitame have invaded their land. This conflict involves the Eco-energy project which is also investing on the former RAZABA land adjacent to Saadani National Park.

### **3.5 Boundary Conflicts**

Although boundary conflicts are common among individual smallholder farmers, but such conflicts have threatened peace when they involve villages, districts or even regions. This type of conflict is usually exacerbated by availability of natural resources along the boundary or a fertile land that is craved by both parties. In Mkinga district, Mwakijembe and Mkota are also engrossed in a conflict that is based on the boundary between the two villages.

### **4.0 Causes of Conflicts**

Factors that cause conflicts are many and diverse. Literature on the causes of land conflicts however, tend to cluster in accordance with whoever is reporting. As such, the government, Non Governmental Organizations advocating for land rights and independent researchers and scholars are likely to give contrasting presentation of the causes of land conflicts in Tanzania. The Ministry of Land and Housing Development (MAFC 2015) gives some highlights of many causes of conflicts in Tanzania. They include:

- a) Lack of land use plan in most of the villages. Even when the land use plan has been carried out the land users disregard it;
- b) Lack of proper record management at different levels of land administration;
- c) Conflicting mandates over land between the institutions responsible for land administration in their respective areas of jurisdiction such as Ministry of Local Government and Regional Administration, Ministry of Natural resources and Tourism, Ministry of Energy and Mineral resources, and the Ministry of Land, Housing and Settlement Development;
- d) Ignorance of the existing land laws;
- e) Scarcity of land in some areas;
- f) The absence of some infrastructures such as water and pastures for livestock grazers forcing them to move from one place to another;
- g) Presence of huge abandoned land making them attractive to land seekers;
- h) Deficit of human resources at the Ministry of Land, Housing and Settlement Development causing in turn delays in land use planning and surveying;
- i) Unprofessional conduct of some workers entrusted with dealing with land issues;
- j) Lack of adequate and untimely compensation to people who are forced out of their land by the Government;
- k) Improper pronouncement and inciting languages given by some politicians to their electorate;
- l) Traditional way of keeping livestock (nomadic pastoralism)

These causes are generic in nature where fingers are pointed at virtually all the directions. They point at the undesirable actions of the parties to the conflict such as pastoralists and the government. But they also point at unpalatable

practices such as conflicting mandates in the decisions of government institutions, unsupportive traditions, as well as incitements by politicians to their electorate.

The Parliamentary Special Committee is even more elaborate in its approach. The Parliamentary Special Committee's report points out four main causes of land conflicts uncovered in their investigation of land conflicts in Tanzania. To begin with, they support the Ministry of land's argument on lack of land use plan in most villages as the major cause of conflicts between pastoralists and farmers. According to this report, Tanzania has 12,788 registered villages. However, by December 2013 only 1404, which is equivalent to only 18 percent had village land use plan. As such, livestock herders and farmers have often found themselves in trouble because of a lack of land use plan.

Second, the Parliamentary Special Committee names lack of visible boundary landmarks between villages as one of the factors that account for many conflicts in Tanzania. Many villages have entered into conflict because of lack of land mark features to separate them. In Kishapu Shinyanga such conflicts have been recorded partly because of lack of clear boundary features. However, the same typology of land conflict exists in Mkinga district, where villages of Mwakijembe and Mkota are in a boundary conflict. This conflict is not exacerbated by the lack of a landmark feature but scarcity of land to cater for the two villages in their use and the purportedly available mineral resources along the boundary under conflict. As such, boundaries alone cannot explain the eruption of conflicts unless we revisit other underlying factors.

The third source of conflicts according this report is lack of areas designated for grazing as contrasted from areas for other land uses. The Parliamentary Special Committee is of the opinion that when livestock herders are not given

specific areas for grazing they invade every bush only to find themselves in conflicts with Wildlife Management Authorities or other users. In Hanang district, for example, villages of Mwanga, Wandela, Daingaida and Garanja have been in conflict amongst themselves for the use of the Sinyareda wildlife reserved area.

Finally, the Parliamentary Special Committee agrees with the Government that some traditional practices are a source conflicts. They are of the opinion that nomadic pastoralism, in particular, has been a source of many conflicts. As the pastoralists move from one point to another they cross through land that is owned by other users. For example, they can cross in farming areas allowing their cattle to feed into the crops of farmers who will most certainly react following the destruction of their crops. Nomadic pastoralists have also been accused of grazing into the protected areas such as those under Wildlife Management Authorities. This strand of thinking tends to condemn the nature of nomadic pastoralism to being chaotic and destabilize the existing order.

The Land Rights and Resources Institute (Hakiardhi) (2009) underlines the lack of understanding of land laws as one of the main causes of conflicts. Land users particularly at the countryside behave as if there are no rules guiding the ownership, use and administration of the land. However, according to HakiArdhi (Ibid) while many are ignorant of the law, land conflicts are equally heightened by deliberate violation of land laws by the land officers. In most cases they do that for personal gains, especially due to the fact that land is a scarce resource in some parts of Tanzania and everybody is struggling to acquire land. Therefore many of the land officers are corrupt ending up making unjust decisions that in the long run will lead to conflicts.

HakiArdhi (2009) further holds that lack of participation of people in the policy making process is another source of recurring land conflicts in Tanzania. In the opinion of HakiArdhi many policies are top-down in nature, and *wananchi* are only involved as implementers and not participants during the policymaking process. Even when the common citizens participate in the policymaking process their views, which they believe are pertinent to the orderly coexistent of communities in the countryside are not taken onboard.

Finally, HakiArdhi (Ibid) believes that land conflicts are common in Tanzania because of the incapability of the decision making bodies entitled with the administration of land from the village to the national level. Two reasons are advanced by HakiArdhi for the incapacity of these organs. First, especially at the lower level they fail to make decisions accordingly because of their ignorance of the law. It is been widely argued that the Government did not do enough to educate the villagers about the Land Act No. 4 of 1999 and the Village Land Act No. 5 of 1999. This role has been taken by NGOs like HakiArdhi themselves, but given the vastness of Tanzania, many villagers are yet to be reached. Even when some of the organs are aware of the rules personal benefits and corruption drive them to make decisions that will in the long run lead to conflicts.

This study, however, is broadly guided by the model that underscores the role of actors in the land conflicts, their interests and the strategies they use. As such, although we agree with the above causes of land conflicts but this study examines systemic causes of land conflicts. The actors, interests and strategies model is useful at shedding light on how these systemic issues are at the centre of recurring land conflicts. For conflicts that emanate from the landed resources, three general causes can be identified. These are 1) gaps in the existing laws 2) policies and the philosophy guiding the country's development

path 3) strategies employed by the actors in an attempt to secure their interests.

#### 4.1 Gaps within the existing Land Laws

For some analysts, land laws in Tanzania are elaborately very well laid down only that they are not being implemented appropriately. The legal regime is guided by the Land Act No. 4 of 1999 and the Village Land Act No. 5 of 1999. However, with regard to issues of land ownership, transfer of ownership, and the change of land use plan one will definitely discover that there are many gaps that eventually affect the settlement and livelihood of smallholder farmers. In terms of land acquisition or ownership of land there are two typologies:

- a) Granted Right of Occupancy
- b) Customary right of occupancy

Both these ways of acquiring land apply strictly to only Tanzanians and legal literature assures us that both certificates are of the same status. However, investors who are non-citizens can acquire land through 1) derivative rights under section 20(2) of the Land Act, 1999; 2) application to the commissioner for lands, sub-leases from the private sector; 3) licences from the Government, and 4) purchase from other holders of granted right of occupancy. However it the security of tenure and the final decision over the land that one is deemed to own that are critical to this discussion. In this regard, individual have no final say over the land that they posses.

Table 2: Land Administration in Tanzania

S/n	Institution	Role
1	The President	<ul style="list-style-type: none"> <li>• Is the trustee of all lands in the country. All land is vested in the President on</li> </ul>



		behalf of all Tanzanians. <ul style="list-style-type: none"> <li>• For public interest, the President can take land from any individual or organization.</li> </ul>
2.	The Minister for Land and Housing Development	<ul style="list-style-type: none"> <li>• Is in charge of policy formulation</li> <li>• In charge of overall supervision on land matters.</li> </ul>
3.	The Commissioner for lands	<ul style="list-style-type: none"> <li>• Is the main person in charge of implementation on land matters in Tanzania</li> <li>• Issues both certificates of rights of occupancy and certificates of village land</li> </ul>
4	District Councils	<ul style="list-style-type: none"> <li>• Convey information on land related decisions affecting their respective districts</li> </ul>
6	Village councils	<ul style="list-style-type: none"> <li>• Manage village lands on behalf of Village Assemblies</li> <li>• Receives applications for land from villagers and outsiders and deliberate on the pending approval from Village Assemblies</li> <li>• Issues customary rights of occupancy (CCRO) to villagers who qualify.</li> </ul>
7	Village assemblies	<ul style="list-style-type: none"> <li>• Approve or disapprove applications for lands from the village councils by villagers or outsiders</li> <li>• Check the actions of the village council in the management of the village lands.</li> </ul>
8	Village adjudication committees	<ul style="list-style-type: none"> <li>• In charge of supervising village boundaries</li> </ul>
10.	Village land councils	<ul style="list-style-type: none"> <li>• In charge of settling land related conflicts in the villages</li> </ul>

Source: Laltaika, E (2013)

As it is clearly indicated on Table 2 above, land in Tanzania is public property and the President is the trustee of all lands. The President has power to transfer any land from the ownership of individuals or organizations. As such, land users in Tanzania with either the certificate obtained under the granted

right of occupancy or customary right of occupancy, remain as leaseholders while the ultimate decision over the use of land rests with the President and those who assist him in matters of land administration namely the Minister responsible and the Commissioner for lands. This legal gap has resulted into village land being transferred to general land for investments causing in turns scarcity of land in villages and a potential for disputes between investors and villagers surrounding the investment areas.

On the other hand, it is not the legal gaps as such but people use the existing laws to achieve their malicious interests against the poor and ignorant rural folks. A good example of such manoeuvring is found in the enforcement of the Land Use Plan Act No. 6 of 2007. This Act states that villages must undertake a land use plan in accordance with its priorities. As noted earlier, land use plans are looked at by land rights advocates and the Government as the best way to help villages fence off their land against grabbers. Despite the desirability of land use plan, research has revealed that investors have been sponsoring land use plans with the view to take land from smallholder farmers. William John (2015), for example, carried out research of land use plans in Rufiji and Kisarawe to uncover that 78,784.51 and 53,700.52 hectares of land were taken away from the pastoral communities respectively. As such, land use plans might be essential but it is important to question who sponsors them and for what interests.

#### **4.2 The Nation's Philosophy of Development**

During the first decade of independence, Tanzania under the first President Mwalimu Julius Nyerere adopted the Arusha Declaration on Ujamaa and Self-reliance in 1967. Under *Ujamaa* and Self-reliance two corresponding development programs were run. The First was the *Ujamaa* villages, which aimed at mobilizing the small scale producers' efforts for collective farming. The

second was state-managed farms, that saw the introduction of parastatals such as the National Agriculture and Food Corporation (NAFCO) and the National Ranching Company Limited (NARCO). These programs were agricultural based and land was at the centre of production. *Ujamaa* was a form of socialism, which was inspired by collectivization achieved by countries such as China, thus looking at reorganizing the rural population to live a communal life (Mbunda, 2011).

There is no denying that land-related conflicts were recorded in this phase. Literature on land conflict is replete with records of disputes during establishments of state farms. According to Shivji (2005) for example, in 1970s the villagers of Mulbadaw resisted very sternly against the Government's company- NAFCO which took their land to introduce state farms. However, save only for cases where small-scale producers were moved to allow the establishment of state farms, the *Ujamaa* policy, by its nature had wanted villagers to live together in collectivities and take advantage of their togetherness to use land productively.

The *Ujamaa* policies were however buried after the elements of neo-liberalism started to creep in at the end of 1980s. In 1991 the leaders of Chama Cha Mapinduzi met in Zanzibar to adopt a decision which became to be known as the Zanzibar Resolution. Although this resolution largely lessened the tight conditions of public leadership on the ownership of wealth but it implied buried the erstwhile celebrated Arusha declaration. It is effective from 1991 that neo-liberal policies of the free-market economy began to be embraced.

After the Zanzibar Resolution national policies and laws began to be reoriented towards the free market economy. A few examples can be drawn from the

administration of the landed resources such as the 2007 Village Land Act No. 6 which calls for setting aside land for investment. Equally the Urban Planning Act No. 8 literally opens up land for the market to investors. This pathway, however, does not resonate well with smallholder farming, whose land and livelihood is generally under threat.

#### **4.3 Actors and their Strategies**

Strategies employed by actors in an attempt to secure their interests can be a source of fresh conflicts and exacerbating old ones. For example, investors have used different measures to get smallholder farmers out of their land. It was recorded in Bagamoyo for example that the EcoEnergy Company prevents the former user of the RAZABA land from making charcoal from the farm. The company also blocked roads, which caused a lot of inconveniences to small-scale producers residing at the areas surrounding the farms. Fresh conflicts have been witnessed as a result of such measures.

The Government has used force to get people out of the land it claims to own in many occasions. It was reported for example, that on Tuesday 13<sup>th</sup> November, 2012 park rangers invaded Namalandula village located in Namonge ward, Bukombe District in Geita Region, firing live ammunition in the air and setting over 200 of the villagers houses ablaze. The national park authority alleged that the villagers had invaded a protected area and they live in that land contrary to the law. What is more surprising is whether it was lawful for the national park authority to burn people's houses in the first place. This strategy has been used often times by the Government's coercive apparatuses displacing small-scale producers from the land by destroying their belongings. It is also being reported in the Mwananchi newspaper of 9<sup>th</sup> May 2015 that during Operation Tokomeza, which was carried out with the intention of

eradicating poaching in Tanzania, many houses were destroyed or set ablaze in places such as Mlele, Momba and Simanjiro.

Equally noted, smallholder farmers have used different strategies from mobilizing weapons against the other group, killing or wounding their rivals, killing livestock, and setting farms ablaze. On 12<sup>th</sup> December for example, crop cultivators in Dihinda village seized 72 cattle owned by traditional livestock keepers alleging that they were grazed into their farms and subsequently destroyed their crops. Later on, all the cattle were killed by the crop producers and one person also died during the violent exchanges. By any definition and by any standard these strategies cannot be described as the best strategies but conflict-breeding strategies.

## **5.0 Case study Observation**

### **5.1 Mvomero**

Mvomero District has been affected by recurring conflicts involving different actors including crop producers versus pastoralists; villagers versus the Government, villagers versus land grabbers; and at times villagers versus investment companies in the district. Majority of these conflicts are boiling at the background only erupting sporadically but with considerable effects. The areas that are often affected by the conflict include Kambala, Bonde la Mgongolwa and Dihinda.

On 16<sup>th</sup> December, 2015, the Mwananchi newspaper reported, for example, that in between September and November 2013 a conflict between crop producers and traditional livestock keepers erupted wounding many of the

villagers from both groups. In January 2015 a similar conflict broke out killing one person and injuring 14 others. On 12 December, 2015 one person died and four others including one policeman were injured in a conflict involving the two groups. It was on this latest conflict that saw 72 cattle butchered by small-scale crop cultivators. There are many other cases of the sort, but this study will attempt to do a relatively deeper analysis of actors and their interests in Mvomero to understand the dynamics as they lead to recurrent conflicts.

One source of the conflicts is unjust and inequitable process of land redistribution, which sidelines the needy and indigenous small-scale producers and traditional livestock keepers favouring instead the interests of the influential ruling and business elites and companies. The process of redistribution of the former Dakawa ranch is one evidential fact of this unjust process. The analysis of the redistribution of the Dakawa Ranch is based on a study carried out by Chambi Chachage and Richard Mbunda at in 2009.

The Dakawa ranch is also known as Farm No. 299 located close to the village of Wami Luhindo. NARCO data shows that the ranch had 49,981 hectares. After NARCO had concluded its livestock keeping business, farm No. 299 was handed back to the Government and the Government decided to redistribute the land as follows:

- 30,007 hectares have been given to Mtibwa Sugar Company- 10,000 hectares given to Mtibwa Sugar Estates (MSE) for sugarcane production and 20,000 hectares for livestock keeping.
- 1,997 hectares given to Wami Luhindo Village.
- 5,000 hectares of the land has been given to small-scale crop producers for cultivation.

- 3,000 hectares are given to the Mvomero District for building district offices
- 5,019 hectares have been distributed to ‘traditional’ livestock keepers.
- 5000 hectares were to be divided into two blocks of 2,500 each to be leased to private livestock investors with the view to support modern livestock keeping.

However, the redistribution process for this farm has been contentious to create a breeding ground for immediate and future conflicts as it is being highlighted in the subsequent sections.

### **5.1.1 Contentious Allocations**

The land redistribution process presupposed to provide small-scale crop producers and traditional livestock keepers a total of 10,019 hectares. In particular, as indicated above 5000 hectares were allocated to crop producers while 5019 were given to traditional livestock keepers. “Villagers were told to fill-in certain forms so that they can acquire plots in the allocated area” Chachage & Mbunda 2009: 93). The filling-in forms instructions entailed also supplying passport size photos and an application fee of 20,000 for the household to be allocated 5 hectares. They did all that between the years 2002 and 2003 but no villager was allocated the 5 hectares as per the original redistribution of the former Dakawa ranch (Ibid). When the District Land Officer (DLO), Switbert Buyolushengo, was asked about this saga in 2009, he acknowledged it to have taken place and insisted that the allocation process was complete and people were waiting to get their title deeds. It was later discovered, however, that the land was not allocated to the Wami Luhindo villagers. Further inquiries indicated that the land was actually allocated to some influential people including politicians. The study by Chachage & Mbunda (2009) recorded

several names of some influential persons who allegedly own the land that supposedly belongs to Wami Luhindo villagers.

The villagers named the current Vice Chairman of Chama Cha Mapinduzi (CCM), Philip Mangula, to possess about 2,000 hectares of the said land. Former premier John Malecela is allegedly possessing 100 hectares. The other names mentioned included Retired Brigadier General Hassan Ngwilizi, who was also a Member of Parliament and Minister in President Benjamin Mkapa's reign; and retired Colonel Isaack Mwisongo, both possessing about 100 hectares. The villagers however, could not recall all the names of the allegedly new owners of the village land.

The research report was however picked up by Halima James Mdee (MP) Shadow Minister for the Ministry of Land and Settlement Development and the allegations of land grabbing were presented in the parliament. This incidence caused a lot of commotions, until the former Prime Minister, John Malecela released some key details of the allocation process. John Malecela was quoted by Mwananchi newspaper in 2011 that over, a decade ago, when the Government elevated Mvomero to a district status, it also decided to give land to leaders so that they can set an example of investing in agriculture. According to Malecela he was told he has 100 hectares and a title deed was being prepared. Malecela further informs that he did not go to see the land for almost 10 years and he does not possess the title deed. It is Halima Mdee's speech in the parliament that had actually reminded him of the Mvomero plot and he said if anybody was aware of the location of the plot they should take it.



The former Prime Minister's revelation, nonetheless, raised more questions than it answered. First, if the Government had wanted to allocate land to leaders so that they can set an example of investing in the countryside, why did they allocate 10019 hectares to small-scale crop producers and traditional livestock keepers? Meanwhile, why did they bother Wami Luhindo villagers to fill in forms, and pay TZS 20,000 and make several round trips to the land offices located in Morogoro town if they were not the target persons? Second, if the 10019 hectares have been allocated to leaders as in Malecela's account who are those leaders? What size of land is exactly being owned by each of the leaders?

It is also important to note that in 2009 when the Chachage and Mbunda research report was compiled, many of the farms were not developed according to the law. John Malecela said that he did not take the land because to him 100 hectares is less of what warrants an investment. Malecela said he could only move his tractor from Dodoma to Mvomero if they had allocated him 300 hectares. As such, he also admitted that the land which is allegedly his, might have not been developed for almost 10 years. However, to date, the villagers of Wami Luhindo have no land while many of the farms are also not developed. No action has been taken to recover the land and pass it to the needy but rightful owners of the land.

The 10000 hectares allocated to Mtibwa Sugar Company are being used effectively for the production of sugarcane. By its nature, this land located along the Wami River plains suits the sugar production purpose. However, the 20,000 hectares allocated to Mtibwa for livestock keeping seem to be misused. It was uncovered in the Chachage & Mbunda (2009) study that a very huge land is left idle for a long time, while many pastoralists struggle to feed their

cattle, forcing them into intermittent skirmishes with crop producers, most of the range land if left idle under Mtibwa sugar company. The area is also very well guarded by the company, and it is practically out of bound for traditional livestock keepers.

Another piece of land totalling 3,000 hectares was allocated for the newly established Mvomero District for building district offices and social service facilities. This plan was supposed to embrace a new urban development, thus attracting people for an urban settlement. However, 3000 hectares are not enough for an urban settlement. Therefore, the District Authority alerted villagers surrounding the area to be ready to vacate their land for an urban planning. This has been a source of more conflicts especially when these villagers are not sure of the terms of compensation and how the urban development plan can be beneficial to them.

### **5.1.2 The Magnitude of Land Hoarding in Mvomero**

The Mvomero case is, however, complicated by the fact that the erstwhile top leaders in the country have hoarded land in the district. Former Presidents Ali Hassan Mwinyi, and Benjamin Mkapa each are mentioned to own land in between 400 and 1000 hectares, in Mvomero. While the former's land is less developed, the latter is recognized as the best individual producer of sugarcane in Mvomero. It is also important to note that former Prime Minister, Fredrick Sumaye possesses a farm of about 500 hectares, which has also been a source of conflicts at Mvomero district. According to Omary Kombo Malekela, interviewed by the author at Mvomero village on 4<sup>th</sup> December, 2015, Sumaye's land was under a Cooperative union, which sold it to Sumaye without the knowledge of the village. Mr. Malekela thinks that the Cooperative union was merely the user of the land which belongs to the village. This land however, has

caused a lot of commotions and it is likely that villagers might invade it to cause conflicts in the future.

Generally, the land conflicts in Mvomero is a function of complexity of interests by different actors namely, investors, elites and groups of livestock keepers and crop producers. In most cases the government has failed to play its part by ensuring an equitable and balanced distribution of the land and to prevent hoarding. Large changes of land have been left to Mtibwa Sugar Company and the supposedly private farmers owning over 100 hectares but without developing them. Much as there investors have some good connections with government officials no appropriate steps are taken on the part of the government to repossess the undeveloped land. In the final analysis, it is small-scale farmers in their categories who face the scarcity of land ending up fighting amongst themselves destroying crops, livestock and at times killing one another.

## **6.0 Resolution of Land Conflicts**

The recurrence of land conflicts indicate that no proper solutions are being adopted. It is important to state here, especially for the deadly conflicts between crop cultivators and traditional livestock keepers that in most cases ad-hoc measures are adopted to contain the violence without finding a durable solution. Two sets of solutions are proposed in this study: first, adopting proper land management plans. We argue that, land conflicts are likely to be minimised if the following issues are adhered to:

- a) The government and NGOs should increase their efforts to carry out programs to educate the masses about land laws and regulations in Tanzania.

- b) The Government should carry out a comprehensive land ownership and development analysis in all the conflict-torn districts with the view to repossess land that is not developed in accordance with the law.
- c) Land that has been repossessed by the Government can thus be redistributed to the needy small-scale producers for their effective use.
- d) Demarcate range land from farming land so as to allow crop producers and traditional livestock keepers to understand and adhere to their boundaries. Many traditional livestock keepers do not have a specific land for grazing. As such they feed into every bush and sometimes into other land users' farms.
- e) The government should create infrastructure necessary for traditional livestock keeping assisting them to settle at one place rather than moving from one point to another, which subsequently leads to conflicts.
- f) In areas where WMA exist, the Government should consider allowing multiple land users such as traditional livestock keepers and wild animals to coexist as it is the case of the Ngorongoro Conservation Authority.
- g) Surveying, titling, and village land use plans should be at the centre of the Government's priorities to minimize land conflicts in rural Tanzania. As of now, many Land Use Plans are sponsored with people who harbour a malicious intent to grab village land.

### **6.1 Creating Discussion Forums in Conflict- torn Societies**

Understanding the nature of actors to the dispute, their interests and the strategies they use in the conflict can help one to reverse the negative spiral of the dispute. This will also help one to work constructively to build the relationship between the conflicting parties by encouraging tendencies of cooperation and discourage strategies that exacerbate disagreements. The Tanzania Natural Resource Forum (TNRF) should be credited for piloting a

discussion forum amongst the conflict-prone groups of crop producers and pastoralists in Pagawa division in Iringa District (Massey 2016). The TNRF had prepared some discussions with these groups separately when they learnt that the groups shared little information about each others' knowledge of their own actions and the social consequences. According to Massey (Ibid), in the TNRF's separate discussions with each group, they could not identify the main causes of their sporadic clashes. The groups were also not able to understand how to mitigate the conflict once they occur. As such, the TNRF created a discussion forum (a loose coalition) by June 2015 with a view to bring together the conflicting groups to discuss their problems and devise solutions together.

It is important to note that, as Massey (Opcit) argues, within a short time of its operation, this discussion forum has shown some huge prospects in terms of achievements. To begin with it has helped the two groups to discuss their problems transparently, to weigh out arguments on what they consider the roots of their recurrent conflicts. As such, after the deliberations they managed to agree on bylaws that were adopted by all the villagers. For example, while in the past pastoralists were frowned at feeding on the rice husks when harvesting is already done they are now allowed to do so at a relatively meagre fee payable to the village government Massey (2016). And the collections are also put to good use, as they are currently used to construct a classroom at a primary school in the same village.

## **7. 0 Conclusions**

Conflicts are not desirable. They can be deadly and destructive. Land conflicts in particular affects not only the physical status of those in conflicts but they also lead to the destruction of property and impediment of the production process, including production of food. In this study many typologies of conflicts have been illustrated involving many actors such as crop cultivators,

pastoralists, government institutions and investors. The magnitude and consequences of such conflicts also depend on the nature of the actors. Nonetheless, conflict theorists have urged us to look at conflicts constructively inasmuch as they are a push factor for the formulation of rules of future engagement. This study also underscores on understanding the nature of the actors, their interests and the strategies they use in the conflict in order to understand the dynamics of the conflict and the solutions that can be adopted. However, it is also being recommended that, especially for the deadly conflicts between crop cultivators and pastoralists, discussion forums to be established in order to allow members of the two communities to discuss frequently and transparently with the view to find a more amicable solution to their problems.

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