



**PROCEEDINGS REPORT  
JOINT PASTORALIST STAKEHOLDERS' WORKSHOP ON  
POLICY AND LEGAL FRAMEWORK ENVIRONMENT IN  
TANZANIA .**

**ERETO II NGORONGORO  
PASTORALIST PROJECT**



**NGORONGORO TANZANIA**

**15<sup>TH</sup> -17<sup>TH</sup> FEBRUARY, 2006  
EQUATOR HOTEL, ARUSHA, TANZANIA.**



**Organized by  
PINGOs FORUM  
ERETO II NGORONGORO  
SAND COUNTY FOUNDATION**

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## List of Abbreviations and Acronyms

ASDP-L	Agricultural Sector Development Programme
CBOs	Community-Based Organisations
CSOs	Civil Society Organisations
CRT	Community Resource Trust
ERETO-NPP	Ereto Ngorongoro Pastoralists Project
FBOs	Faith – Based Organisations
GDP	Gross Domestic Product
IFAD	International Fund for Agricultural Development
IGGR	Ikorongo-Grumet Game Reserve
IIED	International Institute for Environment and Development
ILRI	International Livestock Research Institute
JOLIT	Joint Oxfam Livelihoods Initiatives for Tanzania
KRAs	Key Result Areas
LGAs	Local Government Authorities
LGRP	Local Government Reform Programme
LPTF	Livestock Policy Task Force
MKUKUTA	Mkakati wa Taifa wa Kukuza Uchumi na Kupunguza Umaskini Tanzania
MKURABITA	Mpango wa Kurasimisha Mali na Biashara za Wanyonge Tanzania
MP	Member of Parliament
MDGs	Millennium Development Goals
MLHSD	Ministry Lands and Human Settlement Development
MOLD	Ministry of Livestock Development
MS-TCDC	MS Training Centre for Development Cooperation
MWLD	Ministry of Water and Livestock Development
NARCO	National Ranching Corporation
NCAA	Ngorongoro Conservation Area Authority
NEMC	National Environmental Management Council
NGOs	Non – Governmental Organisations
PINGOs	Pastoralists Indigenous Non Governmental Organisation’s Forum
PPA	Pastoralists Parliamentary Association
PPG	Pastoralists Parliamentary Group/Forum
PO-RALG	President’s Office Regional Administration and Local Government
PMO-RALG	Prime Minister’s Office Regional Administration and Local Government
RDAs	Range Development Areas
RMAAs	Range Management Areas
SCF	Sand County Foundation
SENAPA	Serengeti National Park
SPILL	Strategic Plan for Implementation of Land Laws
SRCP	Serengeti Regional Conservation Project
SWOT	Strength, Weaknesses, Opportunities and Threats
TANAPA	Tanzania National Parks
TAPHGO	Tanzania Pastoralists Hunter-Gatherers Organisation
TBL	Tanzania Breweries Limited
TF	Taskforce
TNRF	Tanzania Natural Resources Forum
TIC	Tanzania Investment Centre
TzPPG	Tanzania Pastoralists Parliamentary Group
VLA	Village Land Act
WCA	Wildlife Conservation Act
WMAAs	Wildlife Management Areas
WWG	Wildlife Working Group

## Executive Summary

The period between 2004/2005 has been identified as one of the most active moment in the policy formulation arena within Tanzania. Various reform processes including reviewing development plans and formulating government policies, laws, and strategies have been witnessed. The most notable, among others include: The Wildlife Law Reform processes, the National Strategy for Implementation of Land Laws (SPILL), the National Strategy for Growth and Reduction of Poverty (NSGRP/MKUKUTA), Property and Business Formalization Project (MKURABITA/ the De SOTO initiative) the proposed IFAD project, the National Livestock Policy and most recently the Rangeland Management Act.

Many of these policies being formulated have a negative altitude on pastoralists and their livelihood system. There is a general misconception by policy makers, planners and the mainstream communities regarding the inherent dynamics and adaptations of pastoralism to social and environmental conditions. The policy statements and contradictory speeches by national leaders are a living testimony to this. The judgment is gauged in terms of either prejudices or misinformation to the extent that various laws, policies, strategies and projects are designed or formulated to the detriment of pastoral livelihoods and even to some extent their own existence. For example while mobility of wildlife in their natural corridors is viewed as an extremely critical issue to conventional conservationists, that of pastoralists is heavily negated, black painted and viewed synonymous to environmental degradation hence, subjected to demise. It was further maintained that, conventional conservation approaches are the main sources of human – wildlife conflicts in what could be termed as ignorance of co-existence.

Due to these negative perceptions, PINGOs forum, its partners and other like-minded organizations have continued to play a key role in influencing the policy making processes, advocating/campaigning for the recognition of pastoralism as a livelihood system. Within this cause of advocacy, it has come to be realized that most of the above mentioned policy-making processes are still in motion and many are undergoing the different stages before ratification.

Pursuant to the above and in an attempt to ensure that the interests of pastoralists are taken on board, PINGO's forum in collaboration with ERETO- NPP, IIED/RECONCILE and Sand County Foundation (SCF) convened a joint pastoralist stakeholders' workshop on legal and policy framework from 15<sup>th</sup> -17<sup>th</sup> February, 2006 at Equator Hotel, Arusha, Tanzania.

The workshop main goals were: *To provide room for pastoralists stakeholders to share ideas, experience, challenges and opportunities on matters related to policy and legal framework in the light of the rapidly changing socio-political and economic landscape in Tanzania as well as an opportunity for stakeholders to develop a joint policy advocacy strategy which is participatory and inclusive that supports pastoralism as a sustainable livelihoods system.*

The workshop sought to meet the following objectives among others: -

- To give update insights on the processes, efforts made, challenges faced in the course of monitoring advocacy endeavours.
- To provide informative but critical analyses on the contextual framework of all relevant policies, laws, projects and strategies with their respective implications to pastoral livelihood systems.
- To share information, stimulate debate among stakeholders, enhance well-informed and vibrant civil society as well as soliciting synergy to collectively upholding and engaging in policy dialogue.

- Prioritizing, strategizing and developing pragmatic options based on relevant and plausible plan of action for effective engagement in future advocacy activities.

The workshop was organised to include presentations of specific theme of interest to pastoralists after which participants were given the chance to discuss and come up with strategies for optimising opportunities to addressing constraints with regard to the current policy options. Key among the presentations includes the following.

- Mkukuta and the Local Government Reform Programme:** the presentation gave an in depth account of the contextual framework of MKUKUTA/NSGRP and LGRP in relation to pastoralism. The primary focus was to identify pastoral engagement at the Macro Policy Level. Whereas the MKUKUTA recognizes pastoralism as a viable livelihood system dependent upon by certain communities, the LGRP especially district council financing systems and qualification to capital grants, among others, lead to further intensification and perpetual marginalization of pastoral districts due to the many conditionalities posed by the reform programme. I.e. the current lagging status coupled with lack of incentives to attract highly qualified personnel.
- Amendments to the Draft National Livestock Policy and the IFAD project:** The main focus was the policy formulation process which elicited limited stakeholders involvement. The presentation points out the non-consultative process particularly for pastoralists and agro-pastoralists who are the main stakeholders.
- The Land Act No 4 of 1999 and the Village Land Act:** The malevolent legal definition of “General Land” prescribed under Land Act No.4 1999 progressively intensifies and aggravates insecurity of pastoral land tenure system. The insecurity is stemming on the precedence of Land Act No.4, as opposed to Village Land Act No. 5 both of 1999 when it arrives to conflicting definitions.
- The Property and Business Formalization Project:** The Property and Business Formalization Project as popularly regarded in Kiswahili (MKURABITA) spearheaded by the worldwide renowned Peruvian economist Hernando De Soto, is overwhelmingly a foreign market oriented intervention. The project, currently monitored under President’s Office significantly quagmires pastoral interests much far against the “common property regimes” that is ideal for pastoral livelihoods systems. The project, *inter alia*, entails and advocates for blatant notions of formalizing individualization that immensely thwart pastoralist land use systems within the realm of land fragmentations.

It is indeed an indicative of unwise uniform policy formulation that fits all rights, needs and interests of diverse communities.

At the end, a road map on the way forward was discussed; several issues were raised with respect to the future policy advocacy and the need for an institutional framework to continue these policy engagement processes. There was an agreement among the participating stakeholders to have a strong institution/consortium of pastoral organizations to carry forward these processes.

## **1. Introduction:**

PINGOs' Forum in collaboration with ERETO Ngorongoro Pastoralists Project (NPP), IIED/Reconcile and Sand County Foundation (SCF) organized a joint pastoralists stakeholders' workshop on the *legal and policy framework in Tanzania*. The workshop was held from 15<sup>th</sup> – 17 February 2006 at Equator Hotel, Arusha, Tanzania.

The workshop brought on board a wide spectrum of participants ranging from key Government Ministries (Lands and Human Settlement Development, Natural Resources and Tourism-TANAPA), representatives from pastoral Civil Society organizations, few selected members of parliament, NGOs and different Media houses. Appendix 1 provides the list of participants.

The workshop was preceded by welcoming remarks by Mr. Edward Porokwa on behalf of workshop organizers followed by a keynote official opening address by Hon. Saning'o Ole Telele (MP) for Ngorongoro Constituency.

After the official opening the lead facilitator introduced the workshop agenda for approval. The workshop process then began with presentations of papers followed by the plenary discussions on each presentation. An analyses of papers presented follows herein.

## **2. Day I Activities:**

### **2.1 Pastoralism in the Macro Policy Context: MKUKUTA and the Local Government Reform Programme: HAKIKAZI CATALYST**

Ms Jennifer of Haki Kazi presented the contextual framework of MKUKUTA/NSGRP and LGRP in relation to pastoralism. The primary focus was to identify pastoral engagement with policy at the Macro Level. The paper's content are enumerated below:

#### **2.1.1 MKUKUTA: Guiding Principles**

- National ownership & participation
- Achieving national & international goals (MDGs)
- Political commitment
- Equity and sustainable human development
- Addressing growth & all dimensions of poverty in an integrated way
- Micro-macro, cross-sectoral linkages; cross-cutting issues
- Partnerships at all levels: communities, civil society, private sector and development partners
- Harmonising growth and poverty reduction with government planning and budget processes
- Coordinating foreign aid

#### **Key Messages and Strategic Clusters**

- Strategy to achieve economic growth which will help reduce poverty
- Built around three main clusters of strategies –
  1. Economic growth and reduction of income poverty
  2. Improved quality of life and social well-being
  3. Good governance and accountability
- Focus on Outcomes
- Stakeholder Participation

#### **Cluster 1: Growth and Reduction of Income Poverty**

- Broad Outcome
- Broad based, equitable growth achieved and sustained

Cluster 2: Improved Quality of Life and Social Well-being

- Broad outcomes
- Improved quality of life and social well-being, with focus on poorest and most vulnerable groups
- Reduced inequalities in outcomes (e.g. education, survival, health) across geographical areas, income, age, gender and other groups

Cluster 3: Governance and Accountability

- Broad outcomes
- Good governance and the rule of law
- Accountability of leaders and public servants
- Democracy and political and social tolerance
- Peace, political stability, national unity and social cohesion

**MKUKUTA and the Consultation Processes:**

- **First round** – Led by Government, other stakeholders (e.g. civil society) and general public
- **Second round** – Gathered feedback, built consensus and ownership
- **Third round** – Draft document and final version
- Participants included a wide range of stakeholders:
- Local government officials
- Local communities
- Marginalized groups, e.g. pastoralists, the elderly, children, youth, women, the disabled, PLHAs, widows and orphans
- CSOs, CBOs and FBOs
- Private sector, trade unions, informal sector

**Challenges for Pastoralists**

NSGRP Challenge	Challenge for Pastoralists
Promoting pastoralism as a viable livelihood system	To ensure that pastoralism is mainstreamed in government policy
Improving systems for collecting, analysing and using data at local levels	To ensure that routine data systems capture information that can be used to support the Pastoralist cause
Addressing the different priorities of different districts and regions	To ensure that Pastoralist issues are given high priority in the relevant districts and regions
Building the capacity of the people who are involved (from the grass roots through to central government)	To ensure that Pastoralists and people sympathetic to their cause are included in capacity building programmes
Designing a communication strategy to improve dissemination of information, and the sensitization of stakeholders to the major issues	To ensure that quality information about Pastoralism is produced and delivered through the communication system

**Pastoralism in MKUKUTA**

- Cluster 1: Growth and Reduction of Income Poverty
- Goal 2: Promote sustainable and broad-based growth
  - Target 1.2.5 - Increased growth rate for livestock sub sector from 2.7% in 2000/01 to 9% by 2010

- Sub-category: Livestock Development
- Cluster Strategies:
- Promoting efficient utilization of rangeland, empowering **pastoralists** to improve livestock productivity through improved access to veterinary services, reliable water supply; recognizing pastoralism as sustainable livelihood
- Promote **pastoralism** as a sustainable livelihood system

*Key Actors:* MWLD, CSOs, MLHS, PO-RALG, communities

- Cluster 3: Governance and Accountability
- Goal 1: Structure and systems of governance as well as the rule of law are democratic, participatory, representative, accountable and inclusive
  - 3.1.1. Ensure representative, inclusive (poor and vulnerable groups) and accountable governance institutions operating at all levels
  - Sub-category: Tenure Security
  - Cluster Strategy:
  - Strengthen security of tenure of demarcated village lands held communally or individually and remove conflicting provisions in laws that manage sectors such as mining, **pastoral activities** and wildlife

*Key Actors:* PO-RALG, MLHS, CSOs, LGA, communities

Questions for Pastoralists

- *What* can pastoralists do to help inform and promote these initiatives?
- *Who* should do *what* by *when* to help make sure that action is taken on these MKUKUTA strategies?

Activity: Scan MKUKUTA Matrix for Pastoralist Points of Influence

- MKUKUTA is divided into 3 main clusters, 7 broad outcomes, 18 goals, 108 targets and numerous cluster strategies
- Some of these are more relevant than others to the pastoralist way of life and culture... therefore:
- identify all those actions that Pastoralists might want to be involved with and
- set priorities as there is a need to focus on a few key actions in order to be successful

## **2.1.2 Local Government Reform Programme (LGRP)**

Overall objective of Local Government Reform Programme is geared towards “improved quality, access and equitable delivery of public services, particularly to the poor, provided through reformed autonomous local authorities.”

A reformed Local Government entails, Democratic, Participative and consulting, Transparent and accountable, Ethical, Independent, Appropriately staffed and Financially responsible.

Roles of Central Government include, *inter alia*, making national policy, help and advice local government, providing grants as well as ensuring local government acts within the law and is accountable

Six Working Areas include Governance, Local Government Restructuring, Financial Decentralisation, Human Resource Development, Legal Framework and Programme Management.

### **Local Government Restructuring**

- Set service delivery standards
- Train staff and councilors to achieve these

### **Financial Decentralisation**



- Government grants based on formulae
- Based on quantifiable needs rather than ability to negotiate
- Development funding based on efficiency
- Efficiency assessed by PO-RALG, now PM-RALG
- Simpler local taxes

#### **Human Resource Development**

- All staff directly employed by and accountable to council
- All staff properly trained
- Recruitment based on merit alone
- Councils trained to take over Ministry tasks, e.g. Lands Officers trained

#### **Legal Framework**

Enact new local government laws, produce plain language guides, improve operation of ward tribunals, and establish local judicial and policing systems

#### **LGRP Implementation**

- Reform will take place in better managed Councils at first
- Therefore, Councils most in need of reform will be tackled last

Themes of Environmental Laws and Policies

- Sustainability
- All citizens to benefit from good management
- Local participation important, e.g. village forest reserves, wildlife management areas
- Need for integrated, participatory land use planning

#### **Main Issues for Pastoralists**

- If Districts Councils are to be the most important political body in an area, as stated in the LGRP, does this mean that:
- Local governments will have final say on land use,
- Licenses will be issued by District OR
- Will central government retain these lucrative powers?
- Better representation for pastoralists
- Can pastoralists participate in integrated land use planning?
- Independence of Lands Officers in reformed Councils
- Education funding
- Accountability of executive staff
- Identification of local policy makers

### **2.1.3 Plenary Discussion and Emerging Issues:**

Following the presentation participants were given a chance to discuss and raise issues in relation to the paper. Box 1 presents some of the issues raised:

#### **Box 1: Key issues raised on MKUKUTA and LGRP**

- MKUKUTA is the main public policy document within which all-sectoral and cross-sectoral government policies should adhere to. The underlying challenge is how to monitor government commitment in implementing what is outlined in the MKUKUTA. Pastoralists and other stakeholders are strongly must develop way to engage and monitor the MKUKUTA and other policy formulation processes to make sure they address MKUKUTA.
- The LGRP idea of formula-based and prioritizing reforms to better managed councils is likely to widen development disparities. Participants suggested that emphasis should be to the least developed councils to reduce the existing gaps between them and other councils. It was further reiterated that most pastoral district councils have a slow pace of development due to lack of incentives to woo qualified staff which all, stem on poor infrastructural facilities.
- The issue of human resources development was strongly questioned and it was suggested that trainings (*Maboresho*) should begin at lower levels of local government as opposed to the current status whereby Council Chairs, the DEDs, Councilors and few council staff are targeted.

## **2.2 Summary Overview of the Proposed Amendments to the Draft Livestock Policy and the IFAD project: Robert Alport, Vetaid.**

The presentation gave an overview of the national Livestock policy formulation processes including the contents of the draft document.

Unlike other policies, the livestock policy formulation process had very limited stakeholders' involvement. Pastoralists and agro pastoralists for instance who are the main stakeholders in the sector were seldom consulted. Their interests were not taken on board. The process of formulation was basically a closed system and other stakeholders came to know of the process in almost the last stages of its development. In an attempt to have their views included in this policy members of the pastoralists' civil society, partners and other like-minded organizations formed a loose coalition that became what is the present day the Livestock Policy Task Force (LPTF)

The paper also highlighted the role played by the Livestock Policy Task Force in advocating for amendments to the policy document to incorporate issues of interests to pastoralists and agro-pastoralists. Members of the task force proposed a series of comments for amendments, to the final Document. The comments varied from the Vision, policy statement, definitions, and information among others.

The presentation sighted the fact that virtually the whole draft of the livestock policy document is pastoral unfriendly which is contrary to what is being preached by MKUKUTA/NSGRP.

Similarly, the proposed IFAD project (ASDP-L) Livestock development plans significantly overlooked pastoralists and agro-pastoralists interests. Many of the proposals contained in the document were single sourced without any consultation with the target stakeholders. Edward Porokwa also gave a detailed presentation of these policies in a presentation contained in this report.

### **2.2.1 Plenary Discussion:**

Following the presentation, there was a plenary discussion where a number of issues were observed. Box 2 highlights some of these issues:

#### **Box 2: Issues raised on the Livestock Policy Formulation Process**

- It is evident that policy makers are highly misinformed about pastoralists' livelihoods system. In essence, most policies are formulated basing on misleading information (figures). A typical example is the validity percentage of unused rangeland.
- Participants unanimously called for unity among pastoralists CSOs and their stakeholder (constituencies) including politicians in order to party's potentialities in lobbying and advocacy efforts.
- The workshop organizers were also requested to adequate copies of the draft livestock policy and distribute especially to members of parliament before it is tabled to the house.
- The workshop further stressed the need for strengthening parliamentary forum (TzPPG) and deployment of diverse advocacy approaches.

## 2.3 CHALLENGES OF PASTORALISM IN TANZANIA:

### **The Role of Livestock and Rangelands Policies and Legislations Evolution in Tanzania: Dr Ole-Neselle, M.B,(ILRI)-Nairobi**

The paper by Dr Ole Neselle sought to explore the role of the livestock and rangelands policies and legislations and how they evolved in Tanzania.

It gave an over view of the livestock industry, the types of production system common in the country, livestock contribution to national economy as well as its support to pastoral livelihood systems. It examines the different government policies and how they relate to pastoralism as a production system. A summary explanation of the paper is presented below:

#### **An overview of Tanzania Livestock Industry**

Tanzania is the third livestock producer in Africa after Sudan and Ethiopia. There are an estimated 16m livestock units classified into specific animal units as follows

- Cattle 17.7m.,
- Goats 10.5m.
- Sheep 3.5m

These are however estimates as no real and most recent livestock census has been conducted. Many of the figures depend on estimates from government ministries.

#### ***TYPES OF LIVESTOCK PRODUCTION SYSTEMS in TZ***

There are three livestock production systems whose contribution to the national meat supply also varies. These are

- Commercial ranching - about 2%, moribund National Ranching Company (NARCO).
- Pastoralism and agro-pastoralism: 98%.
- Agro-pastoralism: comprises a range of combination of crop cultivation with livestock keeping.

Among these forms of production, pastoralism plays an important role as a *form of land use* and **livelihood system**, well adapted to the challenges of maintaining sustainable and productive livelihoods in rangelands. It is practiced in traditional grazing areas where climatic and soil conditions do not favour crop production. The system provides for subsistence as well as for markets and is credited for maintaining market supply in the country. However this system is not acknowledge in most of the policies and is seen as degrading, backward and most of these policies have proposed that it be done away with.

#### **Livestock contribution to national economy**

The livestock sector contributes 18% of Tanzania's Gross Domestic Product and 30% of the agricultural Gross Domestic Product. Out of the sub-sectors to GDP, 40% Ca come from beef production, 30% from milk production and another 30% from poultry and small stock production. This contribution is often quantified as livestock production without having to consider the source of such contribution that is pastoralism.

#### ***OVERVIEW OF KEY GOVERNMENT POLICIES***

Several government policies and legislations with an impact on pastoralism have been enacted. These include among others;

- The national livestock policy, 1982
- Agriculture and livestock policy 1997
- NSGRP 2004/MKUKUTA
- Draft livestock policy 2005
- Proposed range management bill 2006
- Others – IFAD project, Political pronouncements/Statement

### ***RANGE MANAGEMENT ACT 1964***

- The Act was mostly for the Ranch and Rangelands management in Tanzania
  - Repealed by the ‘Village Land Act 1999’
- 2005/6 Government initiative: formulated a ‘New Range Management Bill 2006’
  - Not yet public - but stakeholders were invited to a w/shop in Dar es salaam to discuss the Bill but ended up discussing the need to have the Bill
- The New Bill propose 3 categories of range management Areas (RMAs/RDAs)
  - Village RMAs – this will be more of a village land to be managed by the village committee (village land!!)
  - General RMAs– within the general lands (?)
  - National RMAs – specifically for national ranches
- Within the same framework – there will be a ‘regulation’ for the implementation of the Act. The Act echoes the following
  - Seek permission to be able to graze your animal in a given place (permits!!)
  - Fees for grazing will be introduced
  - Settle pastoralists – stop movement of livestock
  - ‘Carrying Capacity concept’ to be followed
- Institutional framework: RMA council, DRMA- composition is determined
- The Act and other sectors
  - Powers of the minister to have a piece of land
  - Collision with other ministries and Departments
  - Ministry of Land and settlements
  - NEMC
  - Natural Resources and Tourism
- PHASE IV Government
  - New Zeal, New Vigour and New power
  - New MOLD, Department of Rangelands,
  - Livestock marketing – Deputy Minister (Botswana Model)
  - Statements ca. mobility; the slogans: Skiny Animals ...
  - Showing some sort of lack of ‘right information’ for informed decision
  - What is the implication of the above in the future policy DIRECTION??

### **In Conclusion**

What is the Aetiological agent of these unpredictable trends of policy directions? Is it Lack of understanding or prejudices? Are civil society organizations representing their constituencies or busy delivering services? How can they play their role?

What is the role of other representatives: MPs, Councillors? How can they constructively be engage/involve? How can all join hand in influencing the direction and the understanding?

There is need for stakeholders to come up with a strategy to confront this process to secure the interest of pastoralists. United is paramount to realizing this process and many of the efforts should be geared towards influencing these processes.

### **2.3.1 Plenary Discussion**

During discussions, participants questioned on the validity of information that policy makers obtain to formulate policies and for whose benefit policies are made. Box 3 gives in summary some of the issues raised

#### **Box 3: issues raised**

- The issue of general land in pastoral area was discussed in detail and it was maintained that there is no general land in pastoral areas and that the Land Acts are applicable all over the country without specifying places.
- Participants were reminded on their roles of advocacy as members of Civil Society.
- It was firmly insisted that roles of CSOs is not at the periphery to the national development agenda
- Civil Societies are there to criticise the government and make it accountable where it is not performing well. It would be meaningless for existence of CSOs when ignoring the advocacy

## 2.4 Experience on Conflict of Legislation and Practices which affect Pastoralists Livelihoods: The case of Mureru village, Hanang District:

This is a presentation on local level experiences on how policy practices create conflict and impact negatively on pastoral livelihoods. Mr. Daniel Murumbi Coordinator of Bulgalda (Hanang based CBO) gave a brief history of Mureru village and pastoralists land rights violation. The experience entails how the district council encroached on pastoral village by giving it out to the farming communities from the neighboring Singida districts. Under the local government Authority Act, the district council established a new village called Diloda on the formerly Mureru owned land. The failure of the district council to curb the rampant encroachment and remove farming communities, encourage more grabbing of pasture land in Mureru.

To counter this Bulgalda organized paralegal trainings on land rights in ten pastoral villages. This training has inspired a new vigor for legal protection of the village land.

### 2.4.1 Plenary Discussion:

Box 4 presents some of the merging issues out of the local level experience.

#### Box 4: Issues raised

- Plenary discussions suggested that pastoralists communities at their disposal should seek legal means of protecting their land.
- Awareness and capacity building to villages be adequately enhanced.
- Villages with the capacity should not wait government efforts in demarcating their lands but rather go ahead and do it themselves.

### 2.5 Group Discussion:

Following the four presentations participants were divided into three groups: Each group was assigned the task of identifying the main issues that emerged from the day's presentations and suggest at least one plausible option for the way forward (what to be done). The results of group presentations are enumerated below:

#### Group 1 Presentation:

Issues	Way forward
- Poor implementation of government policies, laws and legislation	- Understand our felt needs as pastoralists
- Overlapping/conflicting laws and policies as village Land Act No. 5, 1999 and WCA 1974	- Constituency building and sustenance of engagement (one voice)
Alien (imported) and donor driven policies	- Lobbying and Advocacy at ministerial level
- MKUKUTA is yet to be tested or practiced	- Community actors relationship to meet from time to time.
- Community involvement is poor. The top down Approach like LGRP	- Regional MPs share experience among themselves
- Poor communication among the existing	- Certificate of village land make follow up by

Issues	Way forward
government structures	.....

### Group 2 Presentations:

#### Issues:

1. Unit for pastoral stakeholders, NGOs, Donor agencies, policy makers etc.
2. Involvement of pastoralists in the policy making processes
3. Lack of participation in designing of and implantation of LGRP
4. Policy awareness among pastoralists and their Organisations
5. Inaccurate information about pastoralism by government officials, (the case of distribution of seeds instead of vet drugs) as to drought response mechanisms.
6. Talking of growth while pastoralists do not have livelihoods security.

#### What to be done.

1. Strengthen and sustain existing initiatives, e.g. TzPPG, pastoralists stakeholders workshops, etc
2. More awareness raising/training for pastoralists and their Organisations
3. Engagement in policy oriented action research and dissemination of research findings, restocking e.g. ERETO NPP.

### Group 3

Issue	What to be done
1. LGRP: Decentralisation of powers	- Encourage bottom-up approach - Local structures be capacitated (there should be time limit) -The worst district should be the first to benefit from capital grants
2. Rangeland Management Policy	- Pastoralists Task Force should fully be involved in the processes of policy formulation, (Rangeland Act) -Review the Rangeland Act to conform to MKUKUTA strategies
3. Rangeland Management Act	- There is a need to carry out a baseline survey on pastoralism through Generic Trainings and Research to include both Community and policy makers
4. IFAD Project	- Pastoralists Organisations should be fully involved in planning, implementation and the whole context of the project document .

### 3. Day II activities: 16<sup>th</sup> February, 2006

A recap of day one was presented by the reporters who gave a detailed description of the activities undertaken the first day. This was followed by presentations and plenary discussions in a sequence as follows.

#### 3.1 Advocacy On Natural Resources In Tanzania: Strengthen In Numbers; Elizabeth Singleton (TNRF)

The paper endeavoured to highlight the history of TNRF engagement in policy advocacy on Natural resources and rural livelihoods in Tanzania. The paper highlighted the long-term stand off between pastoralists and conventional conservationists pretending to conserve the pastoral common. Tanzania Natural Resources Forum (TNRF) formerly known as Wildlife Working Group (WWG) is working in partnership with different members of CSOs, NGOs, private sector

and individuals who commonly seek to advocate for natural resources and rural livelihoods in Tanzania.

TNRF advocacy basics included among others education and awareness raising, needs and Rights, fulfilling consensus on specific issues and building a broad base of support.

Some of the advocacy activities that TNRF has been involved in include:

- Engagement in the poverty reduction strategy review processes of 2004 and finally MKUKUTA 2004.
- Reform of Wildlife conservation Act and Wildlife Management Areas (WMAs). This advocacy was undertaken through broad stakeholders reviewing wildlife laws and their impacts on rural livelihoods.

The presentation stressed the usefulness of the media in advocacy activities. It further cited the reasons for its successes in achieving public attention in the forestry sector was as a result of its direct engagement with the media.

The paper went ahead to propose possible opportunities for engagement in 2006 as

- MKUKUTA implementation
- Ongoing review of wildlife Conservation Act to be tabled in parliament
- WMA pilot period set to end in August 2006
- Investment in Policy and Regulations under review.

### **3.1.1 Plenary Discussion:**

Following the presentation on the work of TNRF there was a plenary discussion on emerging issues. These issues emerged are summarized in box 5

#### **Box 5: Summary of emerging issues from TNRF presentation**

- The media is a useful instrument in advocacy activities but can also be misused to spoil the advocacy agenda.
- Pastoralist's issues are non-marketable in media business; hence a concerted effort is crucial to grab their attention.
- A success in the forestry sector through rigorous media campaigns to draw public attention was possible owing to its decimal financial contribution to the national income as compared to the lucrative wildlife industry.
- The presentation assertion that you should not surprise the government provoked a long debate. It was pointed out that surprising the government on certain issues is sometimes applicable subject to the issue, its mode of approach and other factors.
- Advocacy requires flexibility and strategic approach while expecting either positive or negative results.

### **3.2 Community Experience In Natural Resource Conservation And Land Conflict: The Case Of Soitsambu Village-Loliondo; By Daniel Ngoitiko.**

Loliondo is one of the most renowned areas in Tanzania with its outstanding natural resources endowment. The area is nationally renown for its abundance of wildlife resources. Among the villages in Loliondo is the Soitsambu village which for one and a half decade now has been plunged into unresolved conflicts ranging from business firms (tourist hunting companies and Tanzania Breweries Ltd) to conservation (SENAPA).

Essentially these conflict stem from:

- Overlapping policies and various legislations regarding utilization of natural resources
- Wildlife areas expansion into village land, SENAPA typifies a case in point
- Increase in human and livestock population
- Various socio-economic transformations
- Natural disasters and climatic changes
- Environment degradation

The Sukenya farm (now under TBL) adds more into this complexity. The farm occupies an estimated 12,600 acres of land. This land has recently erupted into a new dimension of conflict with villagers. It was reported that the area was arbitrarily given to TBL by village and ward leaders without villagers' participation.

This was followed by an attempt by TBL to sell Sukenya farm which has been thwarted by the local community. This has resulted into a major conflict following the revelation as the community see this as an extension of more of the villages to NCAA conservation area.

The sale of Sukenya farm has been put on the spotlight after villagers intervened by filing a court injunction to stop its sale while they challenge its ownership/validity. The use of the media campaigns has been important in an attempt to revoke the sale. PINGOs Forum, CRT and Sand County Foundation were instrumental in facilitating this process.

In conclusion the paper calls for intervention from all quarters including Government Authorities, Human Rights activists as well as technical and financial assistance from advocacy organizations.

### **3.2.1 Plenary Discussions:**

Participants observed that:

- Pastoralists are urged to minimize politicizing land issue and instead pursue mechanism for legal protection of their land by developing small but sustainable projects and bi-laws to guide their land use systems.
- Where the legal and administrative channels become stagnant (stumbling obstacle) to retain their land, the public voice through media campaigns should be their major outcry.
- Soitsambu villagers were urged to make an official search on the current status of the land at the Registrar in the Ministry of Lands and Human settlement Development.
- There was a concern that many pastoralists' advocacy initiatives are often left unfinished and provide space for unscrupulous individuals to grab land.
- Pastoral Civil Society Organizations were advised to submit proposals for amendment of the legal definition of General land under land Act No. 4, 1999
- It was stressed that issues of pastoralists involvement in planning and decision making be also inclusive of gender dimensions.

In additions, the need for intrinsic dynamism within pastoral production systems to cope and mitigate impacts of natural disasters as the case of Kiteto women under MWEDO project received due consideration.

### **3.3 Community Experience On Conservation And Access To Natural Resources: The Case Of Robanda Village, Serengeti: By Sospeter Nyigoti.**

The case of Robanda village is yet one of the cases of conflicting laws and policies which when being implemented have a negative impact on communities living around these areas. Robanda is among seventy three (73) villages found at Ikoma ward, Gurumeti Division in Serengeti district. The village, under land Act No. 5,1999 was surveyed and legally granted with certificate of village land.

The village whose total area is 101.28 sq. km is sufficiently endowed with natural resources and provides an outstanding destination for tourist attraction.

Despite good relationship between the village government and other stakeholders (non-consumptive) like SENAPA, SRCP, IGTR and other private firms, the problems of these villages began when a hunting company (formerly V. I. P. Safari club) came in the areas and began



wildlife hunting even in lands whose jurisdiction belong to the villages and also against the Wildlife conservation Act and the village Land Act.

While villagers strictly abide to the village land Act, the minister for natural Resources and Tourism discharge their powers by awarding the hunting company exclusive rights to crop wildlife from these areas.

In the beginning villagers pursued dialogue through administrative channels to try and resolve this problem but the results were not forthcoming. This necessitated villager to file a case No. 176/2005 at the high court of Tanzania-Land division against V.I.P Safari Club over encroachment and interference with Robanda village Land use plans.

These conflicts have so far led to the following consequences among others:

- Failure of Wildlife Department official to provide requisite cooperation in trying to resolve these conflicts.
- Some District council officials and those of Ministry of Natural Resources and Tourism have shown bias as they are supporting the VIP hunting safaris.
- Intimidation from government officials
- Unqualified and chronically misbehaving civil servants are transferred to Robanda village as punishment
- Delaying of inauguration of Authorized Association (CBO) that would oversee IKONA WILDLIFE MANGAMENT AREA.

### **3.3.1 Plenary Discussion:**

- Participants shared their feelings with regards to high levels of commitment and excitement reflected in the presentation contents.
- The paper provoked and raised a lesson to strengthen constituencies for grassroots support and confidence build up.
- Further participants unveiled the manner in which individual financial gains undermine the cause of humanity. Eventually they called upon all investors in wildlife areas to respect human rights as a way of upholding peace and tranquility

### **3.4 Evolution of Land Tenure System in Tanzania and the Land Bank Concept: By Yohane Masara, Legal Consultant**

This is a paper commissioned by PINGOs forum to examine the evolution of land tenure regimes and the Land Bank Concept in Tanzania The paper provides this understanding within five sub-sections as follows

- An introduction and general overview of what the land tenure arrangement
- A historical perspective of land tenure systems in Tanzania and how this relates to pastoralism.
- It examines the reforms of the 1990's.
- A scrutiny of some policy initiatives such as the "Land Bank" that aims at identifying pieces of land for investment purposes.
- Conclusion with some proposed recommendations.

Each of the sections gives an analysis of the situation and provides an understand as to why such a situation exists or is as it is today. The presentation underscores the fact that pastoralism has never enjoyed the same status as other production activities in Tanzania. The colonialists despised it and labeled it as barbaric as opposed to farming which was considered civilized. As such, their lands were alienated and were pushed to areas often considered as unsuitable or by then were not required for agriculture.

### **3.4.1 An introduction and general overview**

The paper explains that land is the single most important resource for pastoralists and other small producers. One of the outstanding features of the modern state is that it has put a barrier between land and its users by occasioning constant conflicts between traditional land users and in some cases between traditional and no-traditional users. Tanzania has just finalized making its framework legislation on land by the promulgation of the Land and Village Land and Village land Act (Acts no. 4 and 5 respectively) preceded by the Land Policy in 1995. Some amendments have been effected on the said laws such as the Land (amendments) Act of 2004. Currently, the government is in the process of finalizing the making of a plan for the implementation of the Land Laws (SPILL) which in the very beginning is categorical that nomadic pastoralism should be abolished. The Land Bank scheme is said to have claimed a lot of pastoralists' lands without pastoralists being aware.

### **3.4.2 A historical perspective of land tenure systems in Tanzania**

The historical perspectives of land tenure in relation to pastoralism suggest that, to the colonial administrators, pastoralism did not appear to be a priority in the whole project of law material expropriation. They were interested, first, in forms of production that could fill the metropolitan market with desired raw materials for the then fast industrialising west. At the time, animal products were not in high demand in European markets. Secondly, the colonial states also introduced the concept of fixed state boundaries, which did not augur well with mobile pastoral systems.

### **3.4.3 Challenge to Customary Ownership**

Prior to 1895, land ownership in Tanganyika was regulated under customary law arrangements. Things changed after the promulgation of the famous Imperial Decree of 26<sup>th</sup> November 1895, which set in motion the thinking of land tenure matters under German rule. Private persons could prove ownership by documentary evidence while traditional communities could prove the same through use and occupation. Prime lands were lost from the 1880's when Maasai pastoralists were moved south of the present Arusha-Moshi road to make land vacant for European settlers in west of Kilimanjaro. This opened door for the subsequent alienations, which have, befell pastoralists' land until contemporary times. The British colonial administrators modified the German land tenure system but the overall prevailing logic remained unaffected.

In 1928, the Land Ordinance was amended to give special status to customary land laws titles and interests, which were not explicitly declared to have equal status with the granted right of occupancy.

During independent Tanzania most legislation was adopted in the land arena but none of them interfered with the principles that were laid by colonialists. The deterioration of Maasai pastures was said to be a result of *inter alia*, the tragedy of the commons and especially the combination of individual herds as well as the combination of communal ownership of land which would eventually lead to land degradation and poor productivity.

### **3.4.4 The Land Policy**

The 1990's saw major reforms in the land sector. The land policy and subsequent legislation are not silent pertaining to pastoralism. The policy promises, in the same token, to ensure pastoralists' land tenure security by gazetting those lands in order to protect them from encroachment as well as giving certificates of village lands on common grazing resources. The policy promises also to give abandoned ranches or under-utilized former pasture lands back to

pastoralists. The policy, in our view presents a double edged sword. While it condemns pastoralism in one sphere, it promises more land on the other. The land laws are drafted in more or less the same way as the policy that precedes them.

### **3.4.5 Land Acts**

Land Policy of 1995 paved way for the enactment of Acts numbers 4 and 5 of 1999 dealing with Land and Village Land Act, respectively. It was further amplified that the two pieces of legislation, that were supposed to be supplementary to each other, do not have the same definition of what land should be regarded as “General Land”. While the Village Land Act defines General Land as “public land which is not reserved, or village land”, the Land Act (Section 2) defines it to include “all public land which is not reserved land or village land and *it includes unoccupied or unused village land.*” The inclusion of the phrase “it includes unoccupied or unused village land” may have very serious and far reaching repercussions. Whether the two definitions were given in ignorance of each other or the phrase was a deliberate insertion in one but not the other remains unknown. It is known, however, that come conflict on the interpretation of the two definitions, the Land Act, No. 4 of 1999 will prevail. There is no equivalent provision in the Village Land Act. Invariably, therefore, the provisions of the Village Land Act will not prevail on the same aspect covered by the Land Act. There are several villages that possess land that may in the eyes of some people appear to be unoccupied or unused. Pastoralist villages may serve as good examples of these.

Also, if general land includes unused or unoccupied village land, then those lands will be under exclusive administration of the Commissioner for Lands and the President can alienate it at will, without even having to exercise his powers of acquisition under the Land Acquisition Act, 1967. Furthermore, the Land Act was amended in 2004 and pursuant to this amendment, bare land has value. Categorising unused village land as general land, will makes easy its alienability. The elites and the rich will rush in numbers to apply for granted rights of occupancy in these lands and later sell them or use them as collaterals or equities.

### **3.4.6 The Land Banks in Tanzania**

“Land Banks” is fairly a new phenomenon promulgated by the Tanzania Investment Centre with the aim of facilitating investors, both local and foreign, to get land for investment purposes. It is not covered by any legislation. Recently, however, the concept has gained popularity and has likewise caused fear on the part of activists and stakeholders in land matters. The fear is amplified by the fact that the concept is not known to many and is at the same time treated with utmost secrecy. Land bank is conceived as a depository of land that can be given out to those in need for investment purposes. According to sources from TIC, the “bank” is not static. It is changing everyday. This is the accumulation of land that has been identified and some has been acquired by TIC ready to be disbursed to those in need. The paper suggest that, pastoralists stand in a weaker position when it comes to the interpretation of what amounts to unused or simply general land.

### **3.4.7 The Land (Amendments) Acts, 2004**

The amendments, *inter alia*, introduced titling procedures even to what used to be customary land holdings. The way it is understood is that once a person is granted a right of occupancy to a piece of land, grazing within such land constitutes trespass to land.

### **3.4.8 The Strategy for the Implementation of the Land Laws (SPILL): An overview**

The government has recently introduced a strategy to implement the land laws. Ordinary law making does not require plans for implementation, as the law constitutes the plan itself. There are even talks of a Programme for Implementation of the Land Laws (SPILL) to be in the making.

The SPILL is not happy with the way pastoralists transact their business. They are said to trespass and violate their neighbours' rights to the land as well as destroying the environment. That their mobility must be restricted seems to be the only logical conclusion. One of the Key Results Areas (KRA's) of the SPILL is categorical thus:

*“Sustainable ownership of land rights requires land users to settle down and discourage nomadism”*

### **3.4.9 Property and Business Formalisation Programme (MKURABITA): An overview**

MKUKUTA and MKURUBITA form the two buzzwords in Tanzania development spheres. The former is a framework document that is providing the roadmap for poverty alleviation in the country for the next five years. The latter is a programme that has been designed by the government to implement MKUKUTA by formalising the way property is held and disposed hoping that production and capitalisation of assets will increase.

The formalisation of property, pursuant to Peruvian renowned economist Hernando De Soto, is expected to affect the existing tenure arrangements in real property and land. The logic underlying the philosophy of De Soto's school of thought is that many properties in Tanzania are held extra-legally and transactions cannot be effected cost effectively and expeditiously thus inhibiting economic growth. According to this view, lands held under existing customary arrangements which know no titles, falls into extra-legality and, therefore, are handicapped from utilising legal safeguards and guarantees.

### **3.4.10 Conclusion and Recommendations**

The paper eventually concluded that, Pastoralism is a land use system and those who practice it have the right to exist as others do. People have a choice of what activities they should embark on to sustain their living. Pastoralists have chosen to graze cattle in the areas they occupy; they ought to be supported in order to make their lives even better.

#### **Recommendations:**

**Joint Land Use Plans:** Pastoralists can utilise the provisions that allow them to have joint land use plans between different villages and across geo-political boundaries.

**Investment in Village Land:** One of the solutions is whether entering into investment agreements on villages' lands that are not in use at a given time will help improve security of tenure. Entering contracts with tourists' operators for non-consumptive tourists' activities (without compromising security of tenure) do not pose any threat to pastoralism.

**Titling and Registration:** Titling and registration of titles can be the best way of adducing evidence in support of ownership of land. Though this might be viewed as fruits of formalisation, (as the case of preference of joint titling vis-à-vis individual titling) it may significant impact to transhumance.

**Customary Law Titles to Clans or Groups:** The literal translation of this allowance is that pastoralists can decide to patch their lands into clans and families. It is questioned on whether or not deviating from principles of common property regimes, which go beyond the clan and family. Not withstanding, it is argued that this may not be a solution to transhumance or nomadic grazing.

**Consultation by the Government:** The government must learn to consult pastoralists before embarking on policies that affect their livelihoods. The newly established Ministry solely responsible for livestock development is believed to revisit policies that demonize pastoralism to suit interests of all land users including pastoralists.

**Call for the Reform of the Law and Policy:** Pastoralists are demonised and given names that civilized people ought not to use. The land legislation should be harmonized and should categorically provide that pastoralism and pastoralists' land should be respected.

The recent policy and legislative measures should not work against pastoral interests. The idea behind SPILL, the Land Banks and Property and Business Formalisation Programme may well be beneficial to land tenure in the country; however, such policy measures may work to the detriment of pastoralists owing to their system of land use. The best the government can do is to allow pastoralists to thrive in their areas and probably apportion more land so that the current conflicts involving pastoralists and other land users in Pwani, Iringa, Morogoro and other regions may be averted.

### **3.5 SPILL and MKURABITA: Paper Presented by Emmanuel Mvulla – HAKIARDHI and William Olenasha - JOLIT**

This paper was presented to provide an understanding of the different government attempts to formalize land tenure regimes by using different approaches. However the main issue of concern to stakeholders is that such formalization processes however good their intentions is, the majority of the citizens and more or so pastoralists are the recipients. The paper thus explains the process of property and business formalization and the consequences such arrangements will have on pastoral commons. A brief summary of the presentation is outlined below:

The property and Business Formalization Programme or in Swahili Mpango wa Kurasimisha Rasilimali na Biashara za Wanyonge Tanzania (MKURABITA) is a project aimed at economically empowering the poor majority in the country by formalizing their property or business thereby increasing their access to property and business opportunities.

The programme aims at impacting strongly on growth and reduction of poverty though theoretically, it is an idea bred from without the Tanzania context both contemporarily and contextually. The theory behind this concept is flawed and the frailties including its tendency to ignore land reforms that have already been going on since the colonial times to date. Evidence is there on the evolvement of customary systems to cater for the contemporary situation.

In 1999, Land Laws and the Village Land Act in particular made it possible for land reforms which took off customary base and modified it in the light of modern institutions and organs acceptable to the people. It is in this light that MKURABITA ignores the reforms and takes us back by half a century to the reforms made between 1953 – 1955 by the African Royal Commission on the formalization programme in the name of individualization through titling and registration.

Just like the formalization programme, MKURABITA sees customary tenure as disadvantageous or in MKURABITA wording, extralegal. Eventually, the programme was done away with by the post-colonial government though it was adopted by Kenya who the presenter intoned should be a case study to specifically analyze what has not be actualized.

The paper outlined the various contradictions between MKURABITA and the SPILL document in terms of legislative and strategic linkages.

An open contradiction is in the grouping or categorization of land in Tanzania. It mentions that land is categorized as general, reserve or village land where this division puts all village land under customary owned land which in essence falls out of the formalized system hence extralegal in the eyes of MKURABITA. Therefore, while the government implements the Village Land Act together with the Land Act, MKURABITA shares a different view on the legality of the land.

MKURABITA lacks local ownership and participation in its formulation and implementation. Its origin is not rooted in Tanzania thus fundamentally flawed in its legitimacy and on the premises of ownership. In conclusion, the paper remarks that the attempt to issue titles to individuals will create havoc and is a major risk to pastoral communities due to their communal land ownership and occupancy tendencies. It postulates that land is a non-alienable resource that belongs to the community or group where as individuals, families or sub-group may have more-or-less exclusive, temporary user rights to parts of the land. In plain terms, these rights are user rights over resources found there on it; resources are not owned but rights over those resources can be claimed.

An attempt by MKURABITA to issue titles to individuals will create havoc and is a major risk to such communities since titling will mean private property and no longer communal. The presentation then sheds light on the opportunities offered by MKURABITA where importantly, the programme will fail thus with joint advocacy efforts through research, advocacy and lobbying the programme would not be let to take off.

#### **4. Day III Activities**

##### **4.1 Group Discussions**

On the last day of the workshop, participants were required to analyse specific issues and then develop priority aspects for advocacy initiatives. The following are the specific issues that were deliberated on:

1. MKUKUTA and its relevance to pastoralist
2. MKURATIBA and pastoralist
3. Land laws (SPILL)
4. Livestock policy
5. IFAD project
6. Wildlife Laws and Policies
7. Government of Tanzania perception and its position on pastoralism

Participants were divided into three different groups. Each of them was asked to analyze the issues presented by asserting the issue, what opportunities or threats underlie the issue, the action to be taken and by who. The discussions were presented in plenary as follows:

## 4.2 GROUPS FEEDBACK

ISSUE/CONCERN	OPPORTUNITY/ THREAT	ACTION	ACTION BY WHO
<b>(a)MKUKUTA</b> -Implementation of MKUKUTA	<b>Opportunity:</b> Pastoralism has been mentioned and recognized by MKUKUTA. <b>Threat:</b> Conflicting policies with MKUKUTA i.e. SPILL and MKURABITA on pastoralism.	- Monitoring and follow up on the implementation of MKUKUTA at all levels - Awareness raising on MKUKUTA at all levels	District councils CSOs and Members of Parliament.
-Identifies/recognizes pastoralism as a livelihood system	<b>Opportunity:</b> Use it as an entry point to engage other sectoral policies and the government	Monitor its implementation to ensure that what was proposed is done.	Livestock taskforce and Pastoralist Parliamentary Forum.
-Security of tenure in pastoral lands	<b>Opportunity:</b> On-going process of issuing certificate of village land. <b>Threat:</b> Lack of good governance.	Awareness raising at two levels: Public and Executives. Demarcation.	Pastoral based CSOs, Local Governments and villagers
<b>(b) MKURABITA</b> -Whether it is suitable in the Tanzanian context particularly to Pastoralists	<b>Opportunity:</b> Good for formal businesses especially in urban areas. <b>Threat:</b> Negates the survival of pastoralists	Delve more into it and engage in design and communicate pastoral concerns	CSO's
-An externally driven and imposed concept.	<b>Threat:</b> It will deprive pastoralists their means of Livelihood and production system	Lobby to be given an opportunity to air views of concern to pastoralists	Pastoralist CSOs, PPF.
-Advocates for individual ownership	<b>Threat:</b> Implementation of MKURABITA will automatically do away with pastoralism as a livelihood system	Advocate for MKURABITA to recognize communal land ownership/ occupation in pastoral areas	Pastoral like minded organizations and stakeholders

ISSUE/CONCERN	OPPORTUNITY/ THREAT	ACTION	ACTION BY WHO
<p><b>(c) Land Laws and SPILL.</b> -They contain strong anti-pastoral sentiments</p>	<p><b>Opportunity:</b> Influence policy makers to change their stand and mind-sets. <b>Threat:</b> The presence of ITR regimes</p>	<p>-Generic training should be availed to policy makers i.e. MPs at the MSTCDC - Engage in the implementation process</p>	<p>IIED/Reconcile and Ereto together with CBOs</p>
<p>-It condemns pastoralism as a livelihood system</p>	<p><b>Threat:</b> Advocates for sedentarization of pastoralism</p>	<p>-Develop strategies to counter the negative arguments</p>	<p>OXFAM, PINGOs Forum, RECONCILE/IIED with assistance from other stakeholders.</p>
<p>-Conflicting definitions between VLA and Land Act over general land.</p>	<p><b>Threat:</b> Assumption that pastoral land is unused and unoccupied</p>	<p>- Advocate for the amendment of Act No. 4, 1999 to comply with Act. No. 5 ( VLA)</p>	<p>Pastoral CSOs and TzPPG.</p>
<p><b>(d)Livestock policy.</b>  Inputs provided by pastoralist CSOs have not been incorporated into the policy</p>	<p><b>Opportunity:</b> There is a livestock Ministry and policy that recognizes pastoralists. <b>Threat:</b> The coming up of the rangeland management.</p>	<p>Make follow-up on recommendations made by the Livestock Task Force</p>	<p>Livestock task force MPs and CSOs</p>
<p>-Rejection of issues presented by the Livestock Taskforce.</p>	<p><b>Opportunity:</b> Engage with the office of the Prime Minister to see the possibilities of issues being included</p>	<p>Lobby and petition the Prime Minister's office</p>	<p>Livestock Taskforce</p>
<p>-Fear that LIPO will not consider pastoralists' recommendations as submitted by the Livestock Policy Task Force 2005</p>	<p><b>Threat:</b> The document has not reached parliamentarians <b>Opportunity:</b> Establishment of a new Ministry</p>	<p>Lobbying and advocacy on pastoral recommendations at the level of parliament and Ministry</p>	<p>LPTF CSOs TzPPG</p>
<p><b>(e) IFAD PROJECT (ASDP-L).</b> Implementation of the project and if pastoralists will be involved in its implementation.</p>	<p><b>Opportunities:</b> Engage in the first and other phases of the project <b>Threat:</b> Delayed involvement of pastoralists in the project.</p>	<p>- Awareness raising and political engagement</p>	<p>LGA, CSOs, and MPs.</p>



ISSUE/CONCERN	OPPORTUNITY/ THREAT	ACTION	ACTION BY WHO
-Lack of clarity on the IFAD project	<b>Opportunity:</b> The project has been stopped thus a window of opportunity to dialogue.	- An analysis of the IFAD project i.e. what it is all about - Making stakeholders aware of the IFAD project	Livestock Task Force, PPF and the Ministry of Livestock
<b>(f) Wildlife laws and policies.</b> -The draft wildlife policy does not address issues related to pastoralists.	<b>Opportunities:</b> TNRF is coordinating wildlife policy issues and there is a parliamentary committee for land, natural resources and environment. The chairman and other committee members are dedicated to the pastoral cause.	Engaging and making follow-up on the proposed bill	TNRF, ERETO and CSOs
-Stakeholders' recommendations (2004) should be taken on board.	<b>Opportunity:</b> Parliamentary committee on environment is chaired by a former PPF secretary.	Follow-up on the current state of the wildlife laws and policies.	TNRF, MPs and other stakeholders.
-Enactment of new Wildlife Laws	<b>Opportunity:</b> - A bill is in process - Research and recommendations are in place.	Immediate lobbying and advocacy	LPTF, CSOs, TzPPG, TNRF
<b>(g) The Government of Tanzania.</b> -Persistent negative perception towards pastoralism	<b>Opportunity:</b> Concerns with the down trodden. <b>Threat:</b> Contradictory policies due to outside pressure.	Dialogue as opposed to confrontation	CSOs and the Private sector.
-Bad image and perception painted about pastoralism and pastoralists with misconceptions based on prejudice	<b>Opportunity:</b> Proactive/flexible government/ willingness to listen/ and seen to be working due to their newness in power.	Awareness raising Policy briefing and conducting training i.e. generic training.	Media, MPs, Community representatives, Pastoral CSOs from the grass root levels
-The president and government officials' misconception on pastoralism	<b>Threat:</b> Cultural practices are threatened and a disintegration of cultural practices	Lobbying and advocacy	CSOs, TzPPG and other like-minded organizations and individuals.

### **4.3 Presentation on the livestock policy taskforce: Edward Porokwa, PINGOs Forum**

The presentation gave a background to the Livestock Policy Task Force, the rationale behind its formation, what the task force has strived to undertake and lessons learnt during the period of its existence. A summary discussion on these issues is outlined below:

#### **The formation of the Livestock Policy Task Force (LPTF)**

The LPTF was formed on 13th May 2005 in a meeting organized by PINGOS Forum and IIED/Reconcile. This was the meeting that elected and gave mandate for the current role of Taskforce. This meeting was attended by 17 people from different organizations. Members that were elected to form Taskforce include PINGOs Forum, TAPHGO, TNRF, Sand county Foundation, IIED/RECONILE, and Vetaid

The objective was to address a critical lack of civil society involvement in the development of Tanzania's Draft Livestock policy.

#### **Goal of the LPTF**

The goal of the LPTF is therefore to promote efficient and sustainable utilization of Tanzania's rangelands for rural livelihoods through facilitating the cohesive engagement of civil society (at all levels) in policy processes including planning and monitoring.

#### **Advocacy issues that facilitated the formation of the taskforce:**

- In March 2005 the Ministry called a stakeholder consultation workshop to discuss a new Livestock Policy. The private sector was invited but civil society organisations (CSOs) were not. Few people managed to crush into the workshop
- In April 2005 it was discovered that the government had not followed the normal guidelines for the policy consultation process, and had made substantial shortcuts.
- In May 2005, it was decided at a meeting of pastoralist CSOs that an attempt should be made to address the shortfalls of the draft policy. Little optimism was expressed - for many, 'the bullock had already bolted'.
- A Livestock Policy Task Force (LPTF) was formed which would be responsible for reviewing the draft policy in detail, developing recommendations for its improvement, and coordinating advocacy to have its outputs incorporated into the final draft by the Ministry.
- The LPTF set a precedent for pastoralist civil society - as it was a collaborative effort between two major pastoralist networks and other stakeholders.

#### **Lobbying the Ministry - talking the walk or walking the talk?**

- In June 2005, at the centenary celebrations of the livestock sector in Tanzania, the LPTF approached the Minister to ask whether he would be willing to accept a submission from pastoralist CSOs. The Minister agreed.
- It also made a presentation in the 100 years anniversary of the livestock sub sector
- In August 2005, a workshop was held at which the LPTF presented its recommendations to over 60 pastoralist representatives. The recommendations were discussed and, with further inputs, agreed to.
- The Team leader of the Ministry's policy development team was invited to the workshop and in public he agreed with most of the recommendations.
- In September 2005 the submission was presented to the Minister and to the Ministry's policy development team.
- A large degree of apprehension remains that the submission will not be incorporated into the new livestock policy.

### **Engagement with IFAD and the Ministry of Water and Livestock**

- In late August 2005 the LPTF was asked at very short notice to provide comments on the proposed IFAD livestock program
- A quick review of the available documents revealed an apparent lack of any consultation with (agro) pastoralists
- For a project that specifically aims to target (agro) pastoral livelihoods this was viewed as a critical flaw.
- The LPTF was invited to attend two stakeholder workshops with IFAD and the Ministry of Water and Livestock Development in October.
- The LPTF concluded that, despite a very short consultation process, the changes made to the IFAD investment document were adequate and showed a commitment to involving both pastoralists and civil society.
- As a result of these changes the livestock policy task force feels that, despite the limited time for the consultation process, the ministry and IFAD have made a concerted attempt to address the concerns raised by civil society.
- For the level of detail required in an investment proposal the needs of pastoralists and agro pastoralists have been adequately addressed.
- In January 2006 the taskforce participated in the workshop organized by the Ministry of livestock to discuss the Range development and management act
- In doing all the activities the taskforce have been working on voluntary basis and with hosting by one of the taskforce member.
- There was there therefore a need for looking at an institutional framework that will enable the taskforce work properly in a more involving and sustainable manner. There is also a need to further define the mandate of the taskforce as well as putting clear the ownership of the same.

The presentation further argued the participant on their view and mechanism that will make the taskforce more effective. It was also presented that though the taskforce was established to follow up the issue of the National Livestock policy, it was imperative to see to it that it take on board different other policy issue that have impact on pastoralism.

#### **4.4 Tanzania Pastoralists Parliamentary Group (TzPPG): William Olenasha, JOLIT.**

Tanzania Pastoralists Parliamentary Group (TzPPG), is the voluntary group Tanzanian of Members of Parliament who in one way or another share common interests and sympathy to pastoralists and agro-pastoralists in Tanzania. TzPPG, being one of the strong lobbying point for pastoral advocacy issues, has now been officially recognized by the parliament officials as one among the groups of special interests.

The idea behind the formation of Tanzania Pastoralists Parliamentary Group (TzPPG) was developed from experiences gained in Kenya and Uganda following the organised study tour of some Tanzanian Members of Parliament (from pastoral constituencies and alike) in 2003.

The trip was organised by PINGOs Forum in which Members of Parliament managed to learn from their Kenyan and Ugandan counterparts. In Kenya, the similar organ is called Pastoralists Parliamentary Group (PPG), whereas that of Uganda is Pastoralists Parliamentary Association (PPA).

However, it was further reported that, in Ethiopia, similar organ has been elevated to superior status called Pastoralists Parliamentary Committee, which in this regard, is comparatively advanced Standing Committee than the rest of East and the Horn of Africa.

One of the most earmarked opportunities in the TzPPG is the former secretary of the Organ who is currently the Chairman of Parliamentary Committee for Lands, Natural Resources and Environment.

#### **4.5 Engaging with the Media:**

Members of CSOs and CBOs were advised to work closer with the media for their work to be published and serialised to reach a wider target. They were implored to work with the media not just when an issue arises but as an on-going process by educating them on the issues at hand for clarity whence they present the news.

Efforts be made to raise awareness to the media on importance of pastoralism and its inherent cultural and land use systems. It was also advised that a clear media strategy be developed through writing various articles, making editorials (including buying spaces in the prominent Newspapers) and so forth.

#### **4.6 Way Forward**

To map the way forward, several issues were raised with respect to the future policy advocacy and the institutional frameworks, key among others include;

- Whether the Taskforce should continue existing with their roles or be terminated.
- Whether roles of Taskforce be solely restricted to Livestock policy or go beyond other policies
- In case the above second option is feasible should Taskforce maintain the current name or change to another.
- A question of the current level of Taskforce membership. Should it be increased, maintained or reduced.

Pursuant to this, participants agreed in principle that:

- The Taskforce and their current members should continue working on policy advocacy issues. This decision was agreed unanimously. The current members of the taskforce were mandated to recruit any organization or person as the case may be to strengthen the task force
- On the roles of Taskforce, participants established that Taskforce should widen scope of policy issues to deal with beyond Livestock Policy to include advocacy of other relevant policies but the focus should remain within the policy issues and engagement on the same. The roles should reflect collecting information of various policies, analyzing and developing feedback mechanisms to stakeholders.
- The mandate of the taskforce in term of implementation should be restricted to policy engagement and in case it goes beyond the policy engagement , this should not interfere with the work and initiatives and the mandate of its members.
- The question of the new name was adequately discussed. The workshop generally agreed that, with a state of new roles of the Taskforce, a change of the name was suggested as being inevitable. With this in mind, it was construed that experience in the northern Tanzania has shown serious cooperation between stakeholders of different interests, e.g. hunting companies and pastoral CSOs within TNRF is the case in point. The above idea inspired a number of proposed names for the Taskforce, few among others, were; *“Rangeland Development Taskforce”*, *“Sustainable Savannah Livelihoods Taskforce”*, and *“Pastoralists Livelihoods Taskforce”*. The workshop finally assigned the Taskforce members to propose a new name and submit to stakeholders for endorsement.

- Similarly, issues of media engagement and the decision to increase or maintain Taskforce members were also given to current members of the Taskforce.
- Moreover, the workshop resolved that, for moment PINGOs Forum should continue coordinating activities of the Taskforce until a time to be determined by Taskforce members. There was a suggestion that the coordination of the activities of the taskforce should revolve among the members.
- It was also resolved that the taskforce is neither an organization nor does it belong to any individual members.
- Last, it was resolved that the task force should hold its meetings as normal and continue its activities while trying to find a more broader approach to issues using stakeholders at different levels
- To affirm their commitment to the way forward, the workshop participants signed a petition to agree on the decision and to give mandate for future Taskforce undertakings.

#### **4.7. Official Closing Remarks:**

The official closing was preceded by brief note of thanks to all participants on behalf of workshop organizing secretariat for patience and achievements attained during workshop days.

The official closing was made by Mr. Moringe L. Parkipuny, a former politician and veteran activist whose optimistic remarks enlightened new vigor of successes to pastoralists' advocacy endeavors. Besides extending acknowledgements to all participants including workshop organizers, he called upon solidarity among stakeholders to collectively fight for everlasting solution for pastoralists legal and policy challenges.

He further noted that, the issue of sedentarisation is a taboo in the International arena where human rights agenda is at the apex. He argued participants not be bothered by groundless political statements owing to the facts that there are opportunities in the International agreements, culture and code of conduct duly ratified through which solution could be sought whenever there is prevailing obstacles. Currently, he insisted on the use of the loophole of new Ministry of Livestock Development, meanwhile suggested to organize regular panels that incorporate pro-pastoral Organisations vis-à-vis government leaders to debate on pastoralism and pastoral issues.

Lastly, he asserted on the need for pastoralists self-reflections on the accuracy and legitimacy of their ways of life.