

**THE PRICE OF A MALFUNCTIONING LAND MANAGEMENT  
SYSTEM IN TANZANIA**

**A FACT FINDING REPORT ON THE DISPUTE BETWEEN  
PASTORALISTS AND PEASANTS IN KILOSA DISTRICT**

**2<sup>nd</sup> -7<sup>th</sup> NOVEMBER 2008**

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**Work done within JOLIT joint advocacy framework**

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## **ACKNOWLEDGEMENT**

The fact finding mission team wishes to express heartfelt gratitude to all leaders and villagers in Kilosa district and Morogoro who participated during the course of undertaking the fact finding mission on the dispute between pastoralists and peasants in Kilosa district. In particular the Regional commissioner Major General (Rtd) Said Kalembo, Mr. Godfey Sabas Ngaleywa Regional Administrative Secretary, Assistant commissioner of Police Mr. Samuel K. Mpassa, Kilosa District Commissioner Mr. Athuman Mdoe, District Administrative Secretary Mr. Julius Mushi and Kilosa District Executive Director Mr. Ephraim Kalimwendo, to the large extent they cooperated with the team and provided support in terms of access to information.

We also wish to acknowledge the organizations that organized the mission and contributed in terms of human resources and financially. These are HAKIARDHI, Legal and Human Rights Centre (LHRC), Lawyers Environmental Team (LEAT), PINGOS FORUM, (Pastoralists Indigenous Non Governmental Organizations Forum), Joint Oxfam Livelihood Initiative for Tanzania (JOLIT), IPP Media –The Guardian on Sunday newspaper and African Media Group- Channel Ten Morogoro.

Finally we are most grateful to all, whom in one way or another contributed in making this work a success, we could not mention each and every one but suffice to say that the team value very much their contribution as this work could not have been done without their cooperation. However none of the aforementioned is responsible for any omission or commission done during the analysis and compilation of the final report, the team is responsible for any shortcoming.

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**12<sup>th</sup> December, Dar es Salaam.**

## ACRONYMS

HAKIARDHI/LARRRI	Land Rights Research and Resources Institute
Ha.	Hector
JOLIT	Joint Oxfam Livelihood Initiative for Tanzania
LHRC	Legal and Human Rights Centre
LEAT	Lawyers Environmental Action Team
PINGOS FORUM	Pastoral Indigenous Non Governmental Organization Forum
Rtd	Retired

## **1.0 Introduction**

It is almost a decade now since the fights between Pastoralists and peasants broke out in Kilosa district Morogoro region in December 2000 claiming tens of people's lives and causing irreparable losses and damages their properties. While the wounds of that dark record are still fresh in some of the minds of the communities in Kilosa, another very serious fight between the same or rather similar groups occurred this October prompting the media and human rights activists to find some ways to intervene in a bid to find lasting solutions for the problems. According to media reports on 27<sup>th</sup> October 2008, the fights erupted in Mabwegere village of Msowero ward involving Mambegwa sub village that is inhabited by pastoralists versus farmers of Kikenge village. The media further reported that six people were killed and properties like houses burnt to ashes, dozens of cattle stolen, hence creating internally displaced people within the area. A total of 832 peasants took refuge in neighbouring villages for fear of being slaughtered by pastoralists on revenge.

Following those events and reports, LARRRI, LHRC, LEAT and PINGOS Forum formed a fact finding team to establish the root causes to the conflict and the nature, factors and forces behind the endless disputes in Kilosa district as a whole but more specifically in the respective villages. The fact finding team was comprised of programme staff from those organizations who were also joined by two Journalists from the Guardian Ltd and African Media Group-Channel ten. The team was tasked to among other things; establish the cause and magnitude of the current conflict, gather information and make a critical analysis of all the issues surrounding this serious land conflict; Interview representatives of both parties to the conflict, village, ward, district and regional leaders to get their opinion about the issues.

As the next sessions will detail the matter, the fact finding team was able to establish that land and other land based resources are all at the centre stage of the conflicts. It is just a matter of what factor or force manifests itself more strongly than others but the central question remains that inequitable access to and distribution of land and related resources keeps on triggering fights between the two groups which are all the time in a tension of

some kind about their rights to land. The team thus gathered information, attempts to analyse the underlying causes of the problem and goes a step ahead to recommend some of the possible solutions and actions for different actors.

## **1.1 METHODS OF DATA COLLECTION**

Collection of data was done through three main methods:

Firstly, face to face interview between informants from government institutions; Interview with the top leadership including the Regional Commissioner who met with the team at Kikenke neighborhood, Regional Administrative Secretary, Assistant Commissioner of Police who was acting RPC at the time of clashes. The team was also granted exclusive interview with the District commissioner, District Administrative secretary, District Executive Director, Agriculture, Land and Livestock department officials, Division leaders, Msowero Ward Executive Officer, Village executive officers in all affected villages and Village leaders.

Secondly, group discussion with villagers and victims of the clashes, the number of those involved varied from one place to another but estimation are between 5 to 15 people. Ordinary villagers, elders and opinion or influential leaders in both pastoral and peasant villages were also involved.

Thirdly, the team made documentary analysis of research reports on the source of conflicts in the area, district council reports on the conflicts between peasants and pastoralists and the district profile, media reports and pictures taken from the area.

Lastly, in a situation like this, the team definitely used observation method the team members were passing from one place to another. This includes observation of the impact of the conflict on the ground especially the destruction of houses, crops and displacement of the communities

## **1.2 KILOSA DISTRICT PROFILE AND LAND DISPUTES**

Kilosa district is one of the six districts that comprise Morogoro region, the district covers a total area of 14,245 square kilometres of which 536, 590ha are suitable for agriculture, 483,390 under natural pasture, 323,000h Mikumi National Park, 80,150ha forest and 14,420ha urban areas, water and swamps. This is one of the largest districts in Tanzania, Kilosa borders Mvomero district to the East, Kilombero and Kilolo (Kilolo is in Iringa region) districts to the south, Kiteto (Manyara region) to the north and Mpwapwa (Dodoma region) to the west. The district is endowed with good geographical factors that support both pastoralism and agricultural activities; fertility of land, rivers that flow through out the year and presence of grazing areas and valleys that are evergreen throughout the year constitute the reason for the influx of people in the area.

Conflicts between pastoralists, agro-pastoralists and peasants have been reported, from time to time. Since the major Rudewa Mbuyuni confrontation in 2000 in depth studies on the major sources of the conflict and recommendation to address were done. But it seems the government at some point stopped to implement the recommendations or adopted short term measures which could not be sustainable. The major sources of conflicts at that time are not different from what is happening currently, these sources can be categorised as follows;

- Conflicts that emanate from seasonal variation and its impacts over pastures and water. Tensions between pastoralists and peasants are high during the dry season as both groups depend on one source for both pastures and water and for the peasants the valleys are suitable for irrigation and dry season farming. This is one of the major factors for the clashes in many areas in the district. Pastoralists from various parts move in Morogoro region and its districts which are endowed with rivers that flow throughout the season. As competition between them intensifies clashes over resource use are inevitable.
- The legacy of centralization of powers plays a major role too. Concentration of powers into the central government bodies and lack of people's participation in

decision making creates a sense of isolation amongst the people. When people feel excluded on how to manage their resources, they also find a way of expressing their anger. In this regard, reference is made on the major decisions about village boundaries, or sub village demarcations. The team actually found that Major decisions like demarcation of village land or a hamlets that gain a full village status are made without full consultations of the villagers of both sides. In this case, Mabwegere which is a pastoralist's village is not recognized by other villages neighbouring it despite the claim by the former to have obtained all the legal documents required for a village registration. It is estimated that over 10,352ha are under what the pastoralists recognize as land in their custody but other villages claim that it is their land too hence the conflict.

- Absence of land use plans is another major cause of the problem. The region after the Rudewa incidence decided to allocate land for pastoralists and establish some villages for pastoralists only. The Regional Commissioner revealed that there are about 102 pastoralists' villages in the region out of more than 500 villages in the region. Despite this measure, conflict among villages that border with pastoralists villages are rampant partly because recognition of the boundaries is a problem as there are villages which do not recognize the right of pastoralists over land. Land use plans could have been adopted as a sustainable mechanism to address all these dynamics.
- Excessive stocks of livestock concentrated in Morogoro and Kilosa in particular and lack of information on a number of livestock in the area. According to the official data from the district council there are about 247,515 stock units which graze on 483,390 ha. This is not sufficient enough as the required area to meet the demand is 495,030ha; the data does not include recently arrived livestock from various parts of Tanzania including those which entered as a result of the eviction of pastoralists in Ihefu Mbeya. A total number of eight (8) settlements/villages were allocated for pastoralists as part of the solution to the conflicts between the two communities this was primarily established to cater for livestock which were

in the district before the Rudewa Mbuyuni clashes. The eight villages carry over half of the livestock population in the district and estimated carrying capacity is 2-3ha<sup>1</sup>.

- Resentment between both parties. Peasants are dissatisfied with the way in which cases that involve pastoralists are handled as sometimes it takes a long period of time until the case is ruled out, raising suspicious of malpractice. Again there is a claim that between peasants and pastoralists the former were first to settle in the area a claim that pastoralists strongly dispute. Legitimacy over resource use have hinged on who came first in the area, each group therefore in areas where there are dispute tend to claim to be the native of the area and hence legitimate user of the resources. Pastoralists feel that leaders in villages that border their areas are the major source of all this as they allocate disputed land to the individuals migrating in their villages. One of the pastoralists at Mabwegere village had this to say during the focus group discussion;

*“Wanaokodisha mashamba sio wenyeji, wageni ndio hukodisha mashamba na utaratibu wa kuwakodisha haufuati sheria unafanyika kwa lengo la kuwakomoa wafugaji, kwani wageni hupewa maeneo yenye migogoro”*

This claim to some extent is true as many of those who were caught amid the struggle and those who passed away, very few can claim to be natives of the area. There is also a tendency where by some of the villages accommodate agro-pastoral tribes like the Sukuma and use them as the shield against Maasai pastoralists, the coming in of other pastoral tribes have increased animosity between the two parties as competition is no longer over farms vs. grazing land but the size of grazing land is diminishing as more and more livestock are flocking in the area.

Political interference where technical advice is needed is another hindrance to the lasting solution to disputes of this nature. Many of these villages came into being

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<sup>1</sup> Kilosa District Profile for the year 2008

as a result of decision made by leaders without proper consultation with the villagers and or land planning experts/officials. Hamlets are granted recognition as villages sometimes on political basis. Legally, there are four procedures of how a village can be established. First, when there are 250 households that can be surveyed and demarcated<sup>2</sup>, second, through agreement of the two councils neighbouring each other and recognized by the local government authority, three, villages that exists by custom<sup>3</sup> and four, designation by the head of state or government and proclamation thereafter in the government gazette. Recognition is further strengthened by the act of sending the government representative in a village i.e. the Village executive officer who represents the registrar of villages in a district who is the District Executive Director. One would therefore expect that all pending issues such as demarcation, establishment of boundaries between a newly born village and its neighbours are taken care of which is not the case in Kilosa and many other areas with similar problems.

## **2.0 THE FINDINGS: ACTORS AND FACTORS**

### **2.1 Immediate factors**

It is very difficult to establish the roles of different actors and factors that contributed to the escalation of the conflict. However, in all conflicts that mature to the level of open hatred and expression of dissatisfaction we examine the key issues behind the scenes by looking at what triggered the sparks. The immediate factor that leads to other people take over the role of the prosecutor and judge is essential in analysis of the conflict but more important is the underlying factors. Parties to the conflict when a dispute intensifies to a point of no return will always look for scapegoat, a reason to start confrontation and justify whatever cause of action taken. Again perpetrators may also use the reaction of the other part to justify the reason why certain cause of action might be taken, what we are suggesting here is that the events of 27 and 28 portray a fundamental problem with regard to the relationship between the two communities, and should be handled in a

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<sup>2</sup> Section 22 of the Local Government Act empowers the Minister to register a village as an area whose boundaries are definable and which has 250 households

<sup>3</sup> Shauri, V (2000) The Legal aspects of Governance in community Based Natural Resources management in Tanzania

manner where by one community should not be left feeling as a victim. Analysis of the fundamental problem and acceptance that truly this is the problem is the way towards obtaining a lasting solution. Below are some of the key immediate factors and actors that are essential in the analysis of the dispute in the area that was affected, but this is just a drop of water as there are other contributing factors that must be addressed in order to have peace and tranquillity and mutual trust between peasants and pastoralists.

### **2.1.1 The confrontation between a peasant and a pastoralist**

Many interviewees seem to associate the conflict with the events of the 27<sup>th</sup> October 2008, at Kikenge locality which started as an individual confrontation between a peasant and pastoralist leaving one dead and his assailant escaping reprisal from his relatives. According to explanations from the authorities and the victims of the conflict, the rampage started when the late Yohana Lipurukwa a pastoralist on his way to the river with the herd of livestock found Mr. Hassan Kilunge a peasant clearing the field for farming season. The deceased decided to arrest Mr. Hassan on claims that he was degrading the environment by burning the grass and his intention was to take him to the village authorities for further measures. This resulted into a commotion between the two and a fight ensued with Mr. Hassan resisting to be arrested, it is alleged that he run to his hut which is near by, drew a shotgun and shot Mr. Yohana on the head killing him instantly. As per the Police reports this took place between 1200hrs to 1300hrs.

### **2.1.2 The pastoralists' reprisal**

Pastoralists, in particular youth having learnt of the incidence started mobilizing themselves into groups and they immediately started searching for the assailant, the tension continued to rise as time went on and village leaders and elders failed to calm down the youth. Despite the fact that reports of the killing were circulated to the higher authorities including the police and district leaders and local leaders were at the spot violence erupted. The Mabwegere Village executive Officer witnessed killings of two peasants who were hacked to death. He narrates that he was ordered to move out of the area or less he faces the similar fate as if left could testify as a witness against them. Unfortunately for the peasant very few had heard of the accounts of the fight and

subsequent death of a pastoralist, many were caught unaware in their fields as the Moran went on ravaging, burning the peasants houses, women in particular were not attacked, the attackers generally were looking for the male peasants in the area.

### **2.1.3 Negligence**

Negligence here is not treated as failure of the police to intervene in time and restore peace, where there is violence there are signs that may alert the concerned authorities to take preventive measures. For the case of Kilosa all areas or villages that harbour both peasants and pastoralists clashes are common. The incidences and events of 2000 in Rudewa Mbuyuni village where 30 people mostly women and children were killed could be taken as a lesson to avoid the similar situation to occur. But it seems that the society and authorities have forgotten that Kilosa was/is a melting ice with regard to peasant's pastoralist's relations. The village and district authorities were supposed to put in place a mechanism and enforce the by-laws especially during dry season where competition for grazing land and water is high. Many conflicts occur at this period of the year as peasants shift to farm into the valleys which are used by both parties. The team also discovered that incidences like beatings once logged to the police are not taken seriously by the police and even where they are addressed by the court of law no body enforces them as police officers it is reportedly dismiss the orders on the bases that peasants also enjoy milk from the pastoralists.

Leaders at all levels, from District to the village knew of the influx of people in their areas but little was done to regulate at least by following common procedures with regards to admission of people in the area. The Divisional secretary shared his experience when he was on tour in the area that he randomly assembled youth at Kikenke and found upon asking where they are coming from, many of them conceded not to have followed proper procedures with regard to settlement in the area. Among this group the Divisional Secretary found out a Burundian, latter on it was discovered that some of the youth in the group were involved in brew of illicit local brew (gongo) and marijuana business, the police managed to arrest some of them and the rest ran away. So it is

evident that the leadership generally knew and acted a blind eye until matters escalated to a full fledged conflict

## **2.2.0 LONG TERM FACTORS**

### **2.2.1 Influx of people in the area**

Due to the attractive agricultural land for both cultivation and plentiful green grass for pastoralists coupled with abundance of rivers and water streams leaving most part of Kilosa District green almost over the year, Kilosa witnesses' influx of peasants and pastoralists from different parts of Tanzania such as Arusha, Dodoma, Singida, Mwanza, Shinyanga and Tanga. The entrance procedures has been implicated with corrupt behaviours of local government leaders. This influx of people with different life styles and farming/livestock keeping patterns is one of the key measure factors not only in Kilosa district but also other parts of the region. There are three major groups of communities entering Kilosa district, one comprises of herders who depends entirely on cattle keeping, this includes the Maasai and Barbaig, the second group is that of Agro-pastoralists who practice both farming and pastoralism, this includes such people as Sukuma and Gogo and lastly is a group of peasants, people who have migrated in the area because there is abundant land resource, there interest is purely farming. This is the trend in many parts of the district, but for the case of Mabwegere it is claimed by many informants that the pastoralists at Kikenke hamlet settled in the area after the Rudewa Mbuyuni clashes, at the same time individuals who had migrated in the area for farming activities found their way in the area and started farming activities at the valley regardless of the presence of large stocks of cattle in the area. Some of the peasants claim to have been allocated land by the hamlet leaders and in some cases those who claimed to own land in the area leased to prospective or interested people who normally pay up to Tshs. 10,000 per acre and during harvest period pay in kind an agreed number of either maize bags or rice.

The Morogoro Regional Commissioner, Major General (Rtd) Said Kalembo admittedly said that one of the factors orchestrated the fighting is unregulated pastoralists movement from Ihefu to Lindi. He says, when they were ordered to migrate to Lindi the government never tracked them, as a result having the knowledge of potential land in Kilosa they

shortened their journey and crossed over to Kilosa. However the RC complained about the misbehaviour of village chairpersons and Village executive officers for their corrupt behaviour in receipt of the sojourners in Kilosa district. The same view was also held by the Kilosa District commissioner Athman Mdoe. The views of the duo were supported by Dumila division secretary who admitted during interviews that village leaders are responsible for the illegal settlement in Kilosa district of people from other regions. A village Chairman for Msowero village Mr. Mbaya Ngajimba alleged his fellow village chairpersons for receiving bribery from pastoralists at the cost of farmers.

The unregulated influx of people in Kilosa resulted to encroachment of pastoral land which forces the Maasai to rummage around pasture beyond the land pre arranged to them as per the Kilosa land use plan. The heard would then work into the agricultural land thereby destroying the farmer's crops a practice which for a long time hatched hatred among the two communities. It is however leant, that there is a problem with the enforcement mechanism of the legal framework regulating livestock movement in Kilosa. As per section 7(2) of the by law titled **Sheria Ndogo za ( Udhibiti wa uchungaji na Njia za Kupitishia Mifugo) za Halmashauri ya wilaya ya Kilosa** provides that

*Mfugaji haruhusiwi kuingiza mifugo yake ndani ya wilaya  
bila kibali cha maandishi cha kukubaliwa kuingiza mifugo  
hiyo toka halmashauri ya wilaya.*

Meaning that: “no entry of cattle in Kilosa district is allowed without a written permission of the district council authority”. In spite such legal procedure the village leaders have always been authorizing fresh incoming of pastoralists with thousands of livestock.

### **2.2.2 Land conflicts and the slow pace of dispensing justice**

The eve of the current land conflict is directly related with the establishment of the Mabwegere (pastoralist) village, where by the rest of villages, including Msowero, Mambegwa, Mfuru, Mbigiri refused to recognise its borders. The farmers allege that

Mabwegere was secretly established as they were not involved when it was being established. In spite the fact that the status of Mabwegere village is an issue, Mambegwa village is claiming Kikenke hamlet to be part of it, while the Mabwegere village is claiming the ownership of the same Kikenke hamlet. Mabwegere village has filed a suit in the High court of Tanzania Land Division where the issue to be dealt with by the court is *inter alia* on the Legal status of Mabwegere village and that the court is expected to define whether Kikenke hamlet belongs to Mabwegere village or Mambegwa. The Kikenke hamlet is very fertile and suitable for irrigation scheme so it is a hot cake to both farmers and pastoralists. Due to this both parties are atheistically waiting for the judgement of the court to end the conflict. However, it is unfortunate that in spite of the fact that the case was filed in 2006 and the hearing was already concluded, the verdict is yet to be pronounced. It is the well founded legal maxim that “justice delayed is the justice denied” the delay of the proceeding has cropped a feeling of loosing on both of the parties. In his interview with the researchers the village Executive Officer for Mambegwa Mr. Godson Mkasya blamed the court for its delay in issuing the judgement as the core cause of the slaughter this view is also shared by the rest of the leaders including the District Commissioner and the Police at regional level. Kikenke hamlet is bordered on one side by Mambegwa and on the other side by Mabwegere village. It has two de facto chairpersons; the first is Mr. Abdul Suleiman alias Msambaa, representing farmers and reports at Mambegwa Village and one Karume representing pastoralist and reports at Mabwegere village.

### **2.2.3 Absence of land use plans**

Land use plans were designed as a solution to the conflict over land resources. Other factors notwithstanding, presence of well established land use plans accounts for minimization of conflict among resource users. Of the 164 villages, only 126 have been surveyed out of which 12 villages have completed land use plans, 7 villages were supported by WWF and 5 villages by the National Land Use Plans Commission<sup>4</sup>. The surveys did not involve district land office as everything was prepared at National and regional levels. This, according to one of the land surveyors contributes to the endless

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<sup>4</sup> Interview with the District land Officer and other officials in the land department

conflicts between villages over boundaries. Probably, other section of leaders at district level knew of the plans to survey the villages but the way the exercise was done leaves so many questions unanswered. Msowero Village Chairperson bears witness on this claim. The decision to establish settlements for pastoralists was supposed to be an interim measure to let the land use plan exercise take place and then relocate to the areas designated for pastoralism within the villages. The District Land Development Officer Mr. Furaha Mwakapalila agrees with the whole idea behind land use plans and sees it as a right measure to address conflicts in the district. Instituting land use plans could have served also the purpose of regulating the number of livestock in the district as well as act as a basis to allow pastoralists from other areas to move in as the capacity of the allocated area could be monitored.

#### **2.2.4 Corruption**

Corruption is a term with many meanings when it applied on the ground, but generally it entails misusing one's office for a private gain or unofficial end. It involves both a monetary and non-monetary benefit. In Tanzania when corruption is heard usually, bribery, extortion, influence peddling, nepotism, scams, fraud, 'grease money', and opportunism spring to mind. As in other parts of the country, the team met with corruption allegations in Kilosa district mainly land and other public offices being accused of indulging in corrupt practices. The offices included Police department, Judiciary as well as local government offices. Police department is alleged of having contributed to the current fights in many ways. The villagers in particular peasants are mistrustful as they always think a police can easily be bribed by pastoralists. In all their accusations however, none of them was able to submit concrete evidence.

The District Administrative Secretary for Kilosa Mr. Julius Mushi shared some of the experiences on how police officers handled the cases between peasants and pastoralists. According to him, peasants are simply asked to go back home and settle the dispute at family level, and after all they (peasants) also enjoy milk from the pastoralists' cows. While peasants are told so, pastoralists are asked to give money for their cases to end up

there. Corruption on the part of police is also admitted by the Morogoro Regional Commissioner Major General (Rtd) Said Kalembo, who said;

*“There are irresponsible policemen who unethically use their offices; however, the government will slowly take care of them.”*

The Chairperson for Msowero village Mr. Mbaya Ngajimba also shared his experiences with the police and told the team something to this effect;

*“We are tired of taking our claims to police stations, they are corrupted by Maasai, and they never listen to our problems because we do not have money to give them”.*

On the other side the pastoralists also blamed the policemen of being corrupted by the farmers to authorize stealing of their cattle. In the interview with the team Mr. Paulo Leahao Chairperson for Kiduhi (Pastoralist village), and Sokoriani Kazimoto a pastoralist from Kiduhi village were of the opinion that, Police support farmers because when they steal their herds they are never taken to court. Corruption feelings make the villagers distrustful with the police service.

Corrupt allegations were also made against the magistrates in Kilosa district. Both farmers pointed their fingers against this institution which is mandated to dispense justice for all. During interviews with groups of peasants and pastoralists, a record from one of them was made to this effect;

*“If you do not cough something, the case will always turn against you, and you end up losing it” “The Clerk won’t allow you see the magistrate unless you have given in some money” “The magistrate keeps adjourning cases until they are bribed”*

Similar feelings were also shared by leaders at District level although they could not substantiate the allegations. The leadership was particularly concerned on how the courts especially primary courts and the police conducted their affairs.

The team was privileged to meet with the honorable Magistrate for Kilosa district Mr. Gilbert Ezekiel Ndeoruo who, when asked about the allegations, strongly disputed them all blaming villagers for their ignorance of the legal procedures when they come to court. What villagers know according this judiciary functionary, they only know about winning their cases but the truth is that most cases have winners and loser. But for them when one part loses the case they allege the court of being corrupted by the other side. The Magistrate though admitted that out of five (5) cases filed by a farmer against a pastoralist he has judged, pastoralists won four of them against one. Explaining the reason for this, the Magistrate said that, when the case concerns Maasai grazing over the farms, the farmers instead of filing a civil suit, they file a criminal suit of Malicious damage to property in which case they are obliged to prove the malicious element which they usually fail to. Thus the court being neither a court of Morality nor a lecture theatre to guide claimants as to which is the better way to file a suit determines the matter on merit. The farmers are totally unaware of that technical mistakes they often make hence they loose the cases and blame the court of being corrupt. Honourable magistrate was quoted saying

“when I see farmers have filed a criminal suit, I feel very bad because all circumstances display the genuineness of the plaintiff’s claims but I usually know it is very difficult to prove malice beyond reasonable doubt, but I have nothing to do I only leave the free ground for legal battle, when a plaintiff has left any shadows of doubt, I have no option rather than dismissing the case for failure of proof”.

### ***Un regulated resettlement***

Kilosa district is a home to people from other regions such as Singida, Mwanza, Shinyanga, Tabora and Dodoma. This unregulated influx has resulted into an increase number of pastoralists and farmers into Kilosa district villages. Pastoralists from Ihefu

who were evicted without proper plans for resettlement made their way to Kilosa adding the number on the same land. The corrupt element is related to the grant of the entrance permits by the gatekeepers who are the village leaders. The village leaders allow the herds to be taken into their villages in breach of the district by laws. The Executive Director of the Kilosa District observes that, village leaders who corruptly allowed illegal migration into the district through their villages are the main causatives of the fights, the government shall seek how to take them to justice, Mabwegere village Executive Officer Mr. Sadick Athmani Mwibera, in the discussion said some of village leaders when given 'something', they just allow the farmers into the pastoralist' land letting them wrestle with Maasai.

#### **2.2.5 Poor management plans and enforcement mechanism**

Kilosa is a district endowed with natural resources as we have already pointed out, just like many other districts in Morogoro. The favourable climatic condition that supports farming and livestock keeping will always turn the blessing into curse if proper management and enforcement mechanism are not in place. Analysis of all the previous and current conflicts may take one to a conclusion that, weak local resource management and governance system account greatly to the mayhem. The district has 536,590ha suitable for agriculture and 483,390ha under natural pasture according to the data from the district profile for 2008. Historically, the district used to be one of the areas where settlers and the colonial government established large plantations. Tracks of land were allocated to settlers who grew sisal, cotton and many other cash crops, during the nationalization era many of the landlords left with their title-deeds and some of them according to the District Commissioner returned the title-deed. With liberalization some of these land lords are coming back to reclaim their right to the plantations some of which are already occupied by villagers. The district conducted an audit of undeveloped land in 2007 and found out that 36,527.23ha which is equivalent to 90,258.8 acres are unutilised, the district land department recommends some of these farms to be given to the villagers or village adjacent to the farms and in some other farms new investors should take over. The plan is to revoke the title-deeds of undeveloped plantations and redistribute to other

potential developers/investors and in other cases to the villages, this has been submitted to the Commissioner for further measures.

These are some of the plantations that are said to have attracted pastoralists from various parts with their cattle in the area as they always found way in the undeveloped farms. Since the district and the region at large attracts both peasants and pastoralists proper plans like identification of areas where those interested in farming can settle and likewise for pastoralists is a must. Also there should be enforcement mechanism to ensure that developers fulfil their plans by developing the acquired areas according to the land use plans.

### **3.0 IMPACT OF THE DISPUTE**

#### **3.1 Loss of life and properties**

The land conflict involved physical fights among the pastoral Maasai community and the peasants; the conflict has resulted into destruction and /or loss of properties and livestock. The 27<sup>th</sup> October 2008 fights in itself has led to brutally killings of a total of eight people including; Yohana Lepuruko (22) Maasai, Mathayo Matatira (20) Gogo, Awadhi Idd (25) Sambaa, Abdul Swedi Mgema (22) Sukuma, One Petro (25) Gogo, Avod Issa Mkasanga (30-35) Yao, Abdalah Marlow (50-60) Sagara. However peasants claim that the number of the dead may not be accurately accounted, as this is the number of people whose bodies were found but there are relatives who were never seen to date since 27<sup>th</sup> of October 2008. For example Mr. Korneli John says he has not seen his brother since 27<sup>th</sup> October 2008, his phone when dialled rang without being received until later when it kept off.

There were also wanton damage to properties whereby 19 farmer's huts were burnt down to ashes and some pastoral bomas that were burnt by pastoralists as they were fleeing the police. The burning of huts went hand in hand with destruction of family properties, food stuffs, cash money, shelters and clothes, One Abdul Athman describing the mayhem was quoted saying

“When I saw my house on fire I said they have really destroyed me because everything was in the house”

The exact value of the properties lost could not be verified but it is estimated that for the peasants as this was the time of preparation of the field's seeds, money and all other farm implements are some of the properties that were completely destroyed. On their side Pastoralists lost ample number of cattle. According to the Mabwegere Village Evangelist Rev Hosea Ole Semingolwa and other pastoralists a total of 1230 cows got lost and many goats that couldn't be counted. He also said total of 20 maize bags were also stolen from various households.

Mr. Samuel. K Mpassa, the Assistant Commissioner of Police for Morogoro, said the police on their patrol successfully found a number of stolen cattle. He said between 30<sup>th</sup> and 31<sup>st</sup> of November 2008 they found 309 cattle, they also found 48 cattle in kiloa, 72 in Rmbigi, 43 in Dumila and 75 in Nongwe all these were returned to their owners.

### **3.2 Internally displaced people**

As a result of the violence many people were displaced, due to fear of either being injured by their opponents or killed. Most of Maasai men escaped to the bushes for fear of being arrested by the Field Force Unit which was deployed in the area for almost two weeks and almost 200 Maasai women run to the Mabwegere KKKT church seeking protection of their lives where as two pregnant women delivered untimely for shocks. A total of 892 peasants from Kikenke were found camped at the Msowero village offices, where the village authorities provided them with food until the regional and district authorities took over.

### **3.3 Disruption of social economic activities and services**

As a result of the 27<sup>th</sup> of November 2008 several social services came to a stand still. Some of these services are such as education as schools were closed down, for example on 30<sup>th</sup> November 2008 neither student nor teacher was found in Mabwegere school premises and the school had to close for about two weeks, as all ran away to save their lives in the bushes, Children belonging to the affected household also did not go to school as they were all camped at Msowero village.

Not only schools were affected, health centres and dispensaries were overwhelmed by patients who sustained grievous injuries, and those who sought asylum for their lives at both Msowero and Mabwegere villages. The district dispatched health practitioners to attend to the women who had taken refuge at a Lutheran church in Mabwegere village.

At the time of preparation of this report the police force deployed in the area had managed to restore peace but peasants and pastoralists were still afraid to go back for fear of being arrested to the part of pastoralists and as for the peasants for the fear of being attacked by the pastoralists. As a result of this, preparation of farms in the area has stopped as the communities are still nervous, fresh discoveries of a maimed and burnt body in Mbigiri village at Peyapeya hamlet a village that borders Mabwegere and is among the villages that are at logger-heads with regard to boundaries is not good news at all and negatively affects the confidence of peasants to return to the area.

#### **4.0 RECOMMENDATIONS/WAY FORWARD**

The genesis of the conflict should be addressed with the seriousness it deserves not just to offer quick fix solutions, that is the only way we shall be able to quell the problem for good. We should take into considerations the interest and the way of life of both the communities and see how they can be harnessed for the purposes of peace and tranquility. The Pastoralist communities are nomadic in nature and they pay high premium to their livestock, while farming communities too pay high premium to their farming activities. The government has tried to create 102 villages for Pastoralist communities out of 504 villages in Morogoro region. For the case of Kilosa District, 8 villages were identified as fit for pastoralists' settlement. Those include; Twatwatwa, Kiduhi, Madoto, Ngaite Mfilisi, Godes, Mabwegere and Kwambe, but these are too few compared to the actual needs of the pastoralists in terms of pastures and water per number of stocks they have.

#### **4.1 Instituting land use plans**

There is a dire need to undertake legislative interventions on proper land use planning to these communities for the sake of peace, and also on how they can access their rights

through courts of law. Due to high level of poverty and illiteracy they cannot access their rights in courts of Law. Priority should be given to the pastoral villages and all villages that border them. This will facilitate proper planning for common resource use in such areas where they (resources like water and pastures) are heavily contested. On the other part, Pastoralists expressed their willingness to share these resources with peasants on certain conditions like user right during the dry season. Through land use plans, livestock corridors could be established between villages, this can be attained only through participatory mechanism and involvement of all stakeholders, this was one of the proposed mechanisms to resolve land related conflicts after the Rudewa Mbuyuni but until now what has been done so far is demarcation process<sup>5</sup>.

#### **4.2 Proper Management and enforcement mechanism**

The government should develop a policy that will specifically deal and address livestock, the capacity of an area to accommodate animals, their relocation from one place to another should be monitored and well organized unlike what we have seen happening in the past. For the case of Kilosa there is already a by-law in operation that stipulates on some of these key raised issues with regard to the management of livestock in the district. There should be enforcement mechanism to ensure that all parties concerned adhere to the law. Likewise to the part of peasants, the tendency of admitting people in the villages without following proper procedures is detrimental to the villages that accommodates strangers whom the villagers or village authorities have no record some of these guests may be criminals hiding themselves or scouting new areas to continue committing crimes.

Again with regard to enforcement mechanism there is a need to have a police post nearby all areas where there are peasants and pastoralists. Part of reasons for the escalation and subsequent damage of properties and loss of life is attributed to the failure of the police to act in time, due to the fact that the nearby police post is far from the conflicts zone and the officer in charge had no transport to reach the area. The police force in Kilosa district

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<sup>5</sup> Lo Bianco, A (2006) Land Tenure Rights and Practices of Pastoralists and implication for Poverty Reduction; A Comparative Study on Ethiopia, Eritrea and Tanzania pg 93-97.

should also be given first priority in terms of resource allocation as they are managing a large area without means of transport to rush in time in case of emergence and or eruption of conflicts like this.

### **4.3 Establishment of Land tribunals**

In almost all villages a fact finding team passed we were told that village land Councils are at one stage or another of formation. In essence, there is absence of land tribunals at village level as per the 2002 land conflict resolution act. It is very important that local solutions should be found to resolve this perennial problem. From the interviews of the team with both communities, they (communities) assert their right to the extent that they will not accept nothing less than a favorable judgment from the court, hence the need to involve the locals themselves in solving their problem which they can easily honor, rather than superimpose on them some judgment which they do not understand due to ignorance of the law and other factors. Quick dispensation of justice should be taken seriously - there should be a special policy for quick dispensation of justice especially where issues of land are involved that touches such communities, this may help divert the conflict that we have just seen. Resource use conflicts unlike many other conflicts demand special attention, the authorities concerned should therefore take trouble to ensure that once lodged to the court of law such cases must be given first priority and end in time to avoid loss of life and properties and end tensions among the community.

There is another mechanism in place initiated after the Rudewa Mbuyuni incidence where by reconciliation committees involving both peasants and pastoralists were formed. These local committees as the Village chairperson of Msowero testifies such mechanisms helped to solve some of these conflicts in his village, but understandably these committees were formed on temporary basis as part of the resolution mechanism when the Central government was working on a permanent resolution mechanism. With the presence of the Courts (Land Disputes Settlement) Act 2002, these committees are redundant as they lack legal powers and in some cases have been accused of being biased. To resolve land related conflicts therefore this should be implemented by forming the village land councils and empower their members on their new roles. Also the village

land Act cap 53 (1)<sup>6</sup> provides for establishment of the village Adjudication committee, this committee which is selected by the village assembly is responsible for general administration of village land and even before taking any dispute related to land to the village land tribunal the matter can be settled administratively by the village adjudication committee. The district council should ensure establishment of these committees and priority should be given to villages that have resource related conflicts, the selected members should also undergo special training on land law, policy and issues of rights. The district council can collaborate with the Civil Society working on this area to empower the committees on land law related aspects.

#### **4.4 Advocacy on human, land and environmental rights**

Deliberate efforts should be taken to educate the pastoral communities especially youth on issues of mob justice and human rights, on one hand and on peaceful co existence with other communities on the other.

De-stocking and keeping a heard enough for the given piece of land is another area that deserves special attention. Change should not however come from above but from within the communities concerned, change of lifestyle and pattern of living is a matter of evolution and not radical transformations. At the same time the community as a whole need to be equipped with the essentials of human, land and environmental rights. Given the fact that land rights trainings and conflict resolution mechanism were conducted to the villages concerned after the Rudewa Mbuyuni saga whereby reconciliation was done and the villagers agreed to live in harmony it is evident that the current incidence call for joint effort of all stakeholders, the Government, and Civil Society organizations working in the area of land, environment and human rights to concentrate on awareness raising and capacity building of the communities in human rights issues. Dialogue and negotiation among stakeholders in the villages should be emphasized, co-existence and recognition of needs and land rights for pastoral communities as well as for the pastoralists to accept and recognize the rights of peasants to farm and avoid wanton destruction of crops

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<sup>6</sup> Village Land Act 1999

Also in connection to this the community should refrain from taking the whole pastoral community ransom for the atrocities done by few members of the community. It is very unfortunate that while it is a fact that only few were involved in inciting the fights the society is being fed by the media and in some incidence leaders that all pastoralists are bad and have negative attitude towards other groups something which prompts pastoral communities to create a defensive mechanism. In return, this negative attitude has affected more the pastoralists than other groups as almost every body in the society is blaming them whenever conflicts that involve fighting occur. For example, a review in some newspapers that reported the dispute portrays the image of all pastoralists as inhumane, animalistic etc. One newspaper had its heading reading “*Wafugaji wawachinja wakulima,*”<sup>7</sup> such generalization is not healthy for the society and in some cases even where a peasant has violated the rights of pastoralists still the pastoralists will be reported as offenders!

#### **4.5 Rangeland development Act**

A holistic approach towards management of livestock keeping should be in place not only for the sake of conflict management but also as recognition of the contribution of pastoralism in the economic development of our country. As compared to many other sectors pastoralism has been neglected and pastoralists especially indigenous been looked upon as conservatives, barbaric and environmental destructors. The Ministry concerned should work with stakeholders in development of the Range Land Management Act to ensure that all views are taken on board so as to avoid conflicts and proper use of rangelands which are primarily meant for grazing.

#### **5.0 CONCLUSIONS**

Competition over resources especially land and water has been major contributor of societal frustration and endless tensions between groups of users where there is no proper management for utilisation of such resources. This report and many other studies on previous disputes between peasants and pastoralists demonstrates that poor management of natural resources like land and water and the failure to implement on a participatory

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<sup>7</sup> Review of some selected newspaper reports on the dispute

basis management plans of natural resources is a major cause of these disputes. Enforcement mechanism where there are frameworks is another issue that must be taken seriously by the leadership in the district especially with regard to how people are admitted in the villages and the capacity of allocated areas to accommodate livestock. Proper land allocation should be followed by authorizing bodies and for the villages' village councils and village assemblies should be involved as per the Village Land Act in management of village lands.

Participatory Land use plan approaches may be useful instead of creating villages for pastoralists only or allocating certain areas for farming, this is because even in some of pastoral villages there is evidence that they practice both farming and livestock keeping. It will be very easy to monitor the increase of livestock in an area as well as deal with those who contravene procedures because each area in a village that is allocated/designated for pastoralism and its carrying capacity will be known. Integration of the society will solve problems as pastoralists will assimilate other ways of living instead of strictly sticking to their ways which sometimes apply against themselves.

The tendency of favouring one community at the expense of the other should be discouraged as this does not help but further aggravate the tensions between the competing groups. For a long time now pastoralists have been perceived as trouble makers and resistant to change and where there are conflicts between the two communities it is the latter group which is vindicated by the whole community. Newspapers should report in a manner that does not implicate the whole community as part of the atrocities by some few members, unless otherwise instead of helping to resolve the matter we may be instigating violence at large scale.

The team is of opinion that the Civil Society organization work with the regional and local government in the district by designing a multi-dimensional approach to address the dispute. This may be in various forms, one formation of village land tribunals, Village land adjudication committees, empowering the selected members with know how techniques, empowering members of the village council and selected ordinary and influential villagers in matters of human, land, environmental rights and governance and

monitoring of the land use plans exercise in the villages as already recommended that village land use plans should be a matter of urgency.

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## APPENDICES

### List of interviewees

Major General (Rtd) Said Kalembo	Morogoro Regional Commissioner,
Mr. Godfrey Sabas Ngaleywa	Regional Administrative Secretary
Mr. Samuel. K Mpassa,	Assistant Commissioner of Police (Acting RPC at the time of Clashes) Morogoro
Mr. Athman Mdoe	Kilosa District commissioner
Mr. Julius Mushi Kilosa	Districts Administrative Secretary (DAS)
Mr. Ephraim Kalimamwendo	District Executive Director
Mr. Omari Juma	District Human Resources Officer
Mr. Joachim Mateo	District Agricultural and Livestock Officer
Mr. Gilbert Francis	Livestock Officer
Mr. Furaha Mwakapalila	District Land Officer
Mr. Gilbert Ezekiel Ndeoruo	Kilosa District magistrate court
Conrad Alphonence Mzwalandili	Division Secretary Magole Division
Mbaya Ngajimba	Msowero Village Chairperson
Mr. Abdallah M. Matajiri	VEO Msovero
Shaban Ali Kanju alias Msambaa-	De facto Kikenke Hamlet Chairperson
Mr. Paulo Lehao	Chairperson Kiduhi (Pastoralist village),
Sokoriani Kazimoto Kiduhi	Pastoralist,
Fredrick Jeremiah -	WEO Msowero
Mr. Korneli John	

### MABENGWA Village

Godson Mkasya-	VEO
Saidi Ali Kizanda-	Hamlet Chairman, Mabengwa
Mrisho Mohammed--	Villager
Abdul Selemani...	Villager
Godfrey Masanga ...	Villager
Alima Mdama....	.Villager
Hasam Musa.....	Villager

### Mabwegere Village

Sadick Athman Mwibera	VEO Mabwegere
Rev. Hosea Ole Semingolwa	Mabwegere Village Lutheran Evangelist
Kibada Masingasi	Villager
Jacob kiwangorwe	Villager
Mtaleni mdoe	Villager