



## Securing Community Land Rights

Experiences and insights from working to secure hunter-gatherer and pastoralist land rights in Northern Tanzania







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*Front cover photo: Akie hunter-gatherers in Napilukunya, Kimana Village, Kiteto District, Tanzania*

*Back cover photo: A Hadzabe woman elder being awarded a Group Certificate of Customary Rights of Occupancy by the Assistant Commissioner for Lands of the Government of Tanzania.*

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# SECURING COMMUNITY LAND RIGHTS

## Introduction

In this publication two pioneering grassroots organisations from northern Tanzania examine and present their experiences and insights from their long-term work to secure the land rights of hunter-gatherer and pastoral communities. The case studies were presented at a one-day learning event held on 5<sup>th</sup> October 2012, when Pastoral Women's Council (PWC) and Ujamaa Community Resource Team (UCRT) joined together to share and reflect on their work to secure land rights, to learn from each other, and to identify ways to build on their achievements moving forward.

The case studies are preceded by a synopsis of the political economy of land rights in Tanzania, providing background to help contextualize the studies. Following this is a summary outline of the case studies, and then a synthesis of the lessons and key points raised during the one day learning event.

## The organisations

**Pastoral Women's Council of Tanzania** was founded in 1997 to conceive and implement long-term structural solutions for ending the poverty and marginalisation of pastoralist and agro-pastoralist women and children. PWC is women-led and encourages women to openly discuss the positive and negative aspects of their culture, to act on their findings, and to mobilise local efforts and resources. PWC achieves this through improving access to health and education, providing economic empowerment opportunities, and building rights and leadership skills for girls and women. Land and property rights are an important part of PWC's work. Today the organisation has a membership of approximately 5,000 women, who may be both individual members and corporate members in the form of women's action groups or savings and credit associations.

Today, around the world – and especially in Africa – new commercial and governmental land acquisitions are proceeding faster than progress on formalizing vulnerable communities' customary and legitimate rights to land. This increased demand for land and natural resources threatens to reshape local landscapes, ecosystems, and livelihoods without considering how it fundamentally jeopardizes the communities that depend on these lands. There is now a well established and growing body of scientific evidence that documents how local communities are often best placed to sustainably manage and conserve their natural resources, providing ecological and economic benefits both locally and globally. With the continued loss of biodiversity and ecosystems critical to the future of the planet, the erosion of community-owned lands constitutes a serious global challenge and threat. This situation is a core concern to Maliasili Initiatives and its partners which recognize local rights as being part of a global challenge.

Maliasili Initiatives therefore builds the skills and strengthens the capacity of local partner organizations in East Africa that are leaders in community-based natural resource management. We connect our partners to a global network of collaborators and support, facilitate and strengthen cutting-edge initiatives that seek to advance conservation, rural development and social justice issues in Africa.

Maliasili Initiatives facilitated the land rights learning event, and the subsequent development of this publication, as part of its work to strengthen the capacity of its partners PWC and UCRT.

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**Ujamaa Community Resource Team** was founded in 1998 and works to empower marginalized people in northern Tanzania's rangelands to secure rights to their land and natural resources in order to improve their livelihoods. UCRT aims to promote more resilient, egalitarian and sustainable communities that are responsible for their own development, and better able to benefit from and steward their environment for future generations. UCRT also works with these communities to expand their ability to ensure that national policy and legal processes underpin their rights and development needs.

Both organisations work with the full involvement of local communities. They operate on the basis that all members of a community have equal rights to participate and make decisions regarding community affairs, and that decisions should not be undermined by elite or vested interests. A very high proportion of both organisations' staff (including their executive directors) are members of the communities where they work, which means they are highly effective in working with local people to address locally complex social and natural resource management issues.



## The political economy of land rights for pastoralist and hunter-gatherer communities in northern Tanzania

Land has long been a complex and contentious issue for many Tanzanians and remains so today. Historically land occupancy had been recurrently contested in the rangelands of northern Tanzania between different pastoralist, hunter-gatherer and agriculturist groups. However, it is the legacy of government interventions during the late and post colonial periods that have had the greatest impact on the present day land rights and landscape occupancy of hunter-gatherer and pastoralist communities of northern Tanzania (see box on next page).

### **The re-emergence of legally recognized customary land rights**

From the outset of the colonial period, customary land rights and practices were, in one way or another, redefined and increasingly overridden and extinguished by the pre- and post-colonial state. By the end of villagization in the late 1970s (see box on next page) the few rights left in the security of deemed (customary) rights derived from the country's original land legislation (the colonial Land Ordinance of 1923) had been destroyed. By the late 1980s, Issa Shivji, an eminent expert on land in Tanzania, described the legal framework of village land tenure as utterly confused; in the opinion of others, customary land tenure had been legally as good as extinguished by the mid 1990s.

However, in the late 1990s as Tanzania reformed its land laws, the prospects for customary and communal land rights took a turn for the better. Two new land laws were passed – the Land Act of 1999 and the Village Land Act of 1999 – followed by the Courts (Land Disputes Settlements) Act of 2002. Despite its shortcomings, the Village Land Act, re-established a system of village-based land tenure by recognising customary

rights and creating the means to formalize them through issuing certificates of customary occupancy. The Village Land Act of 1999 is further supported by the Land Use Planning Act of 2007 (see below).

The new land acts were ostensibly the culmination of a long consultative process, substantively framed by a presidential commission of inquiry into land matters that had been reported in 1992. Originally, the commission proposed a series of radical changes that would have led to the legal inalienability of land from communities, made land a constitutional category (thereby significantly safeguarding its newly progressive legal tenets), redeveloped local land tenure and management institutions based on customary land laws and practices, and divested radical title from the President to national institutions held accountable by Parliament. However, these recommendations were considered radical by the Tanzanian state and were largely rejected, not least because they took control away from the executive, and were perceived as being counter to a development agenda centred on promoting foreign direct investment. Ironically, had the recommendations been accepted, they would have forestalled many of the challenges that local communities have since encountered, including not least in terms of the continued appropriation of their land by the state and commercial private sector, without proper safeguards and in ways that socio-economically disempower them.

Today, while communities are ostensibly consulted, it is the President, acting on behalf of the nation, who holds the ultimate power to transfer any land to general (i.e. granted rights) or reserved land (for protection). Then – as the state sees fit - either of these latter land categories can be allocated to

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## **The implications of reordering landscapes and population growth for land rights in Tanzania**

During the colonial and the post-independence eras until the end of the 1990s, Tanzanians' customary (deemed) land rights were gradually extinguished by the state in favour of granted rights. The impact of this process was that land could be re-ordered in a way the government considered most judicious and in line with its changing economic development and related agendas. During the 1970s up to five million people were forcibly resettled into collective villages: although it is not clear whether Tanzania's two hunter-gatherer communities were directly affected, pastoralist communities were not spared. While the theoretical benefits of villagization in terms of improved primary health, education service provision, and better communications have been slow to materialize, the villagization era severely disrupted people's customary land tenure and land management practices.

Villagization was itself preceded by evictions of communities from their lands – for example, the Maasai were forced to leave the Serengeti to create the national park in the early 1950s, and the Barabaig forced from the Basotu plains for wheat farming in the early 1970s. These evictions have continued sporadically to the present day; for example, with the eviction of the Parakuyo Maasai from Mkomazi to create a game reserve in 1988, and up to 70,000 Sukuma and other agro-pastoralists from the Ihefu Swamps in 2006 ostensibly to protect a nationally strategic watershed.

The net effect has been that Tanzania's landscape has been heavily reordered, with large areas of the country set aside for protected areas (up to thirty five percent), and other areas taken over for commercial agriculture and other uses. As the country's population has grown – since its independence in 1961, it has quadrupled to 41 million people – Tanzanians have increasingly competed among themselves for the remaining space, and particularly, for the few remaining areas of the country that are relatively fertile. The long history of evictions, together with population growth, has meant that people's movements have become increasingly fluid, aided by improved transport and communications. Today this means communities who were previously little affected by immigration of different groups onto their lands, particularly the pastoralist and hunter-gatherer groups of northern Tanzania, must today contend with their land being increasingly settled, and sometimes altogether taken over by newly immigrant communities. This has led to increased outbreaks of conflict between long-term resident and newly immigrant groups. In some parts of Tanzania, it is farming groups that are the longer term residents, and herders are the immigrants: in much of northern Tanzania, it is the opposite.

This process of internal immigration and re-settlement poses difficult challenges for long-term resident communities, newly immigrant groups and the organisations working to support land and natural resource rights and management at local level. As ever, the relationships between long-term residents and newly immigrant groups remain socio-economically fluid and complex. Therefore, the challenge lies in recognising that those areas– previously more uniformly the domain of pastoralists and hunter-gatherers groups– will increasingly become a mosaic of different land-users and land-uses. This requires that innovative initiatives be developed for helping these communities equitably, peacefully and adaptively secure and sustainably manage their land and natural resources in this increasingly complex and crowded environment.

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non-community members, such as an investor, or managed by the state. However, village land can also be leased to outsiders (including investors), which is an option that has led to strong mutually beneficial partnerships between villages and the private sector; for example, with the tourism industry in northern Tanzania.

## **Village land law, customary occupancy and increasing internal immigration**

Although the land laws did not fulfil the vision of the 1992 commission of inquiry into land, they nonetheless have created the prospect of greater land security, not least for pastoralists and hunter-gatherers. This has been the case particularly where these communities have been supported by civil society organisations to secure their Certificates of Village Land (i.e. village land documentation). This first and important step has then formed the basis for further land and resource management improvements, ostensibly controlled by the village council which in turn is supposed to be held accountable by the village assembly (of all persons in the village over the age of eighteen). Government-promoted examples include Village Land Forest Reserves and Wildlife Management Areas. In addition non-state actors have worked with villages to develop land-easement arrangements.

Yet with increasing internal immigration as well as newly or more ethnically heterogeneous communities, a new step in the evolution and mediation of village and customary land laws is needed, and with this comes some important questions: Whose customary laws and land management practices count most? How can different practices, understandings and priorities, particularly in 'frontier' areas where immigration may have the largest impacts, be accommodated without threatening the lands and livelihoods of existing long-term - and often marginalised - resident

communities? Who is responsible for managing customary lands when these are identified and set aside – is it *de facto* the village council or is it local customary institutions or both? And lastly, how can socio-economically equitable and ecologically sustainable outcomes be assured?

Communities have long been struggling to answer these difficult questions and mediate solutions. However, as different groups live and trade in juxtaposition, these relationships fray and breakdown in years of hardship, often because of inclement weather (drought or flood), or because of other factors. This is evidenced by a history of recurring outbreaks of inter-communal conflict and violence in Tanzania, particularly in the immigration frontiers of the country.

A key dynamic in such confrontations, and in the processes of immigration, is the notion that pastoralists and hunter-gatherers are 'nomadic' and that their land areas are 'unused', a notion shared by incoming agricultural communities and policy makers alike. Yet, this perceived vacancy is an illusion. Pastoralists frequently use different wet and dry season pastures to allow certain areas to recover; to avoid livestock disease and wildlife populations; or to make the most of the presence of minerals (e.g. salt for livestock), terrain, and forage conditions. As a result, pastures may be seasonally vacant but they generally form a part of long-term adaptive rotational grazing system involving the seasonal movement of people and livestock across the land.

More often than not, the government finds these dynamics difficult to accept, particularly in relation to its very different perception of what a 'modern' livestock (ranching) economy should comprise. In this regard it seeks to promote its own technocratic perceptions of socio-

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economically productive, rationally ordered and sustainably managed landscapes. For example, the Land Use Planning Act of 2007 sets out a well ordered system of land-use planning, with national and regional frameworks, underpinned by district and village level land use planning institutions and processes. To a large degree, the top-down and bottom-up approach makes sense: villages can zone village lands for both communal and individual uses, including seasonal livestock pastures, and they are encouraged to prepare land use plans and village by-laws codifying these zoning schemes.

But in reality, land use planning is more often than not a one-time exercise which however 'participatory', usually just ends up being a static paper exercise. These do not sufficiently endow local land users and land use managers with the means to adaptively manage their land and natural resources, or to resolve recurring and emerging conflicts. The continued emphasis on formal government machinery, procedure and outputs, particularly in a resource and capacity constrained environment, means there is often a vacuum of pro-active and competent planning and management at local level. This is compounded by a justice system that has a long history of being weak, difficult to access and corrupt, particularly at district level and below. What is needed is much greater support for local institutional arrangements, using a variety of formal and customary institutions, together with new partnerships and incentives, to secure local rights, adaptively manage landscapes and landscape occupancy, enhance rural livelihoods, and manage conflicts. This type of approach, such as has been taken in the Yaeda Valley, incorporates and builds upon formal land tenure and land use planning processes yet goes well beyond their often limited scope to bring about sustainable and equitable land tenure and landscape use

outcomes, particularly for vulnerable groups (e.g. rural women) and marginalised minorities (e.g. hunter-gatherers). It is exactly this hybrid approach that PWC and UCRT are adopting, and are seeking to develop further and expand.

## **Women's land rights: national law and the gap with customary norms**

Tanzania has long been a regional leader in promoting the rights of women in many aspects of public - and to a lesser extent - private life. For example, women are provided with equal rights as men under the country's constitution, they have varying but relatively strong property rights under the country's marriage law, and following the enactment of the new land laws, women have the same rights as men to own, lease and sell land. However, women's inheritance rights in law are more ambiguous and women's rights groups continue to advocate to see them strengthened.

The relatively strong gender equality provisions in the country's national laws stand strongly apart from the discriminatory customary norms and practices that are a painful reality for most Tanzanian women, and for pastoralist women in particular. Traditionally, patrilineal systems of social organisation, property ownership and inheritance are the major reason for these widespread discriminatory norms and practices. The country's laws safeguarding women's rights are explicit in disqualifying any contravening customary laws and practices. However, women have little recourse for challenging discriminatory customary norms and practices within their own communities, and as little or even less opportunity for seeking recourse from the country's justice system. This latter challenge stems from the fact that access to the country's judicial system remains slow and costly for local people, and is often beset by corruption. Despite these challenges, there



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are a small but increasing number of cases where women have successfully challenged discriminatory practices in formal courts of law, but these successes remain the exception.

It is clear that much remains to be done in bridging the gap between *de jure* and *de facto* norms and practices: women's equality will not be advanced by only focussing on a technocratic and perhaps improbable feat of ensuring that the law is enforced. Rather, the growing emancipation of women will in large part depend on empowerment through their education and training to collectively organise within their own communities and to take locally appropriate and informed action. This will ultimately enable them to transform their communities' customary norms and practices to a point where they deliver and reinforce the rights and entitlements women locally desire. Again, PWC and UCRT have been working together to implement this approach in the communities they work with.

## **A new wave of village land loss to national elites and international business**

The decline of the socialist state in Tanzania and its replacement with a more capitalist economy from the mid-1980s onwards led to a wave of land grabbing as nationalised land assets began to be divested, and as business and political elites sought to take advantage of the new economic climate. While these land losses were documented as part of the commission of inquiry into land in the early 1990s, land grabbing issues have since returned to central prominence in Tanzania's social and political discourse. Two distinct phases within this period are discernable.

In the first phase, from around 2005 to 2008, interest in establishing large-scale biofuels plantations in Tanzania surged, particularly around the 'miracle crop' of jatropha. Up to four million hectares of

land were requested for biofuels, mostly jatropha as well as some large sugarcane schemes in river basins along the coast. Most of the investment in biofuels was driven by European companies, including some with their own government financing or public ownership, and most production targeted European export markets. Similar investments were spreading across much of sub-Saharan Africa at this time.

More latterly, while enthusiasm for European biofuel investments has waned, many of the major biofuel investments have since collapsed. Yet public concern in Tanzania around land grabbing has continued to grow, particularly since 2009. This increased prominence of land grabbing in the public discourse is to a large degree the result of wider political reconfigurations occurring in Tanzania, as public debates intensify over corruption, accountability, and the use of public assets. Civil society and media institutions are increasingly calling attention to land grabbing as a central element in this wider debate over who benefits from the country's natural resources, how decisions over resource governance are made, and who is able to participate in the modern market economy. Land rights – for women, marginalized communities, and even ordinary citizens – are the foundation of economic empowerment and sustainable forms of development, and as such lie at the center of policy debate and political struggles in Tanzania today.



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## Securing Land Rights in Northern Tanzania



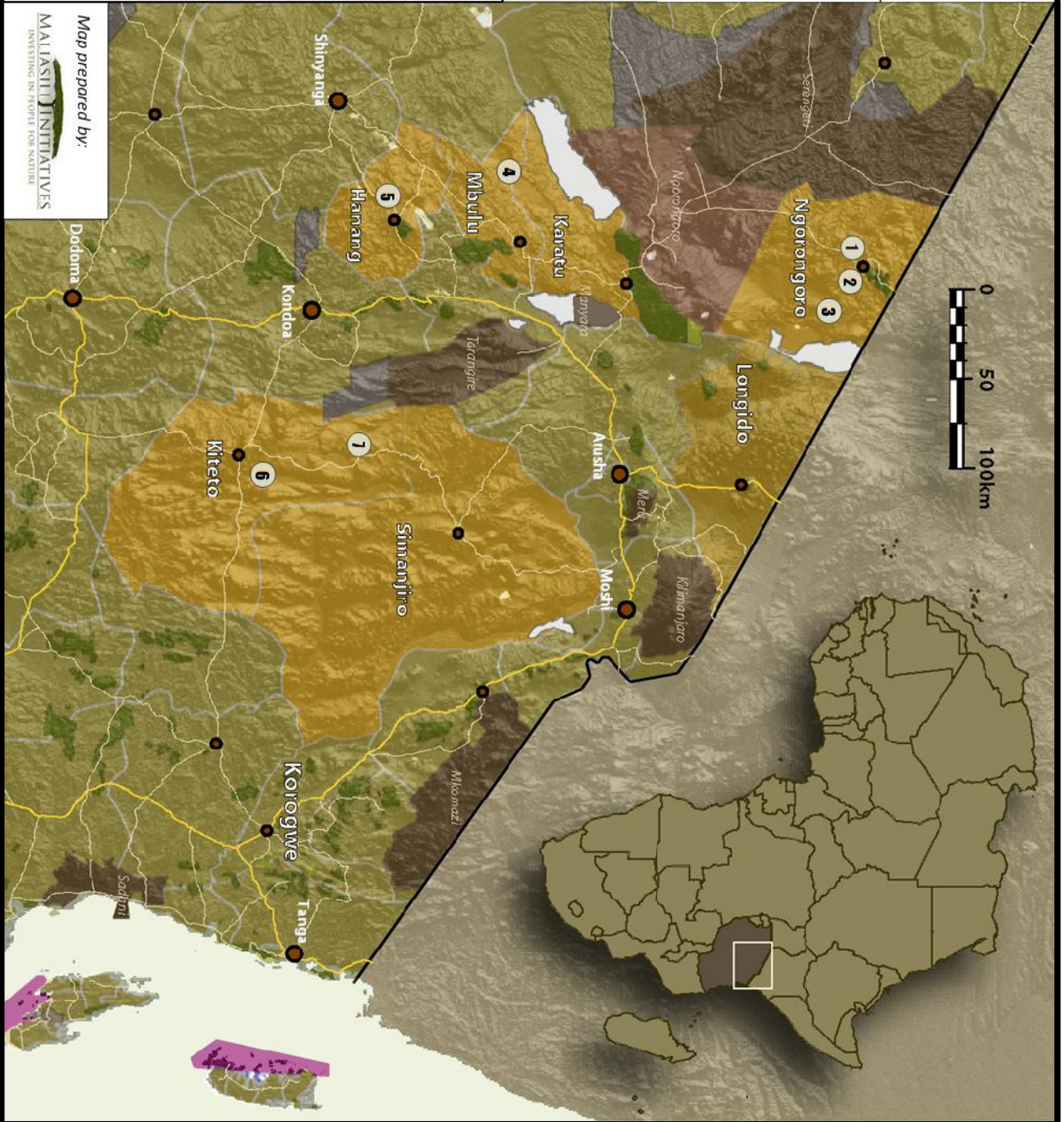
### The Case Studies

- 1 PWC - Learning from land loss and conflict in Sukanya
- 2 PWC - Securing land titles for pastoralist women
- 3 UCRT - Conflict resolution at last between the Batemi and Lotia
- 4 UCRT - Pioneering collective land titles for Hadzabe hunter-gatherers
- 5 UCRT - Land restitution for the Barabaig in Hanang
- 6 UCRT - Two options for securing land for Akei hunter-gatherers
- 7 UCRT - Initiating women's leadership forums in Maasai communities

### LEGEND

- District Town
- Regional Town
- Main road
- Subsidary road
- Administrative boundary
- Village Land
- Districts in which UCRT & PWC work
- National Parks
- Forest Reserves
- Village Forest Reserves
- Game Reserves
- Ngorongoro Conservation Area
- Marine Conservation Area
- Marine Park

Data sources: World Conservation Monitoring Centre 2016; FAO Africover 2003; US Department of the Interior/USGS 2012.



Map prepared by:  
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## Introducing the case studies

The case studies presented here are examples of unique approaches used to address issues regarding community land rights, socio-political marginalization of pastoralists and hunter gatherer groups and women's rights. The case studies provide insight into how local communities, supported by PWC and UCRT, have engaged with these issues.

The case studies were written by PWC and UCRT staff, and Maliasili Initiatives compiled and edited them as part of its ongoing programme of support to these organisations. Seven case studies are presented (see map overleaf):

Each of the seven case studies falls into one of four themes:

- A. Strengthening women's access to land and their participation in customary governance institutions;
- B. Securing collective land rights for marginalised and minority communities in multi-ethnic contexts;
- C. Securing and/or restitution of collective land rights from commercial government-backed interests;
- D. Building inter-community conflict management and resolution mechanisms through customary institutions.

These themes are taken up and further discussed in the following section.

### Case studies from Pastoral Women's Council

**1** 'Learning from land loss and conflict in Sukenya' by Maanda Ngoitiko and Cara Scott – traces the history and examines the challenges of resolving a conflict over 12,000 acres of land that was excised from Sukenya Village in Loliondo in the mid 1980s for growing commercial barley by the government for Tanzania Breweries. Despite its excision, the land

remained largely uncultivated, and the village continued to maintain their access rights for grazing and water. However, when the land was subsequently sold to a tourism company in 2006, the community were no longer able to access the land, as the company began to enforce their exclusive rights. PWC, on behalf of Sukenya and Mondorosi villages, is seeking to have the land returned to the community while the tourism company continues to defend its right to the land and the investment it represents. The case study looks at the various approaches that have been taken towards resolving the conflict. It examines how the imbalance in knowledge, access to power, and challenges in both parties' understandings of what options exist and how best to seek resolution, has resulted in a dispute quickly becoming acrimonious and has continued without any real signs of resolution.

**2** 'Securing land titles for pastoralist women' by Joseph Melau and Jill Nicholson – documents an initiative by Sakala Village and its Women's Rights Committee in Ngorongoro District to safeguard their land as a village, and in the process to improve the land rights of women in the community. The initiative was groundbreaking in the sense that it directly challenged the existing inequitable property relations of men and women in Maasai pastoralist society where women own little outside of their immediate domestic environment. Regardless of the socio-economic benefits associated with having individual title to land, the women explained that securing ownership of their own land transformed their perception of self-worth and standing in society for the better. The case study identifies some salient questions about the replicability and sustainability of the initiative, and provides



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some recommendations for taking it forward.

## Case studies from Ujamaa Community Resource Team

### **3** 'Conflict resolution at last between the Batemi and Loita?' by Laurence Kondei & Jamboi Baramayegu –

documents how two communities were able to institute a conflict resolution mechanism when all previous outside attempts to solve long-term land conflicts had failed. The case study explains that in realising the cost of the long term conflict, both communities came together to take ownership of the problem, developing a mechanism for managing outbreaks of conflict and preventing future escalation. The case study demonstrates where customary leadership institutions retain sufficient local legitimacy, they can play a central role in managing and resolving local conflicts over land and natural resources - even in cross-cultural contexts. Notably, the government subsequently recognised the success of UCRT's approach and has since requested UCRT to work with other communities to help them manage and resolve their land conflicts in a similar manner.

### **4** 'Pioneering collective land titles for Hadzabe hunter-gatherers' by Partalala Meitaya –

describes how a new legal instrument set out in Tanzanian land law, but never before implemented, has been used to secure the land rights of a Hadzabe hunter-gatherer community that had been suffering from long-term land loss driven by the expanding settlements of herders and farmers in what was once their domain. The legal instrument – a Certificate of Customary Occupancy (CCRO) – creates much stronger and legally defensible rights for its holder. Through the process of securing these rights for the hunter-gatherer community, a neighbouring pastoralist community also subsequently requested

UCRT's support for securing their own CCRO. This demonstrates how promoting rights-based approaches with different user-groups within diverse communities can be scaled up through local demand leading to resource use agreements and a reduction in local conflict.

### **5** 'Land restitution for the Barabaig in Hanang' by Elikarimu Gayewi –

documents the long historical struggle of the Barabaig people for the restitution of their land after it was taken away from them by the government in the late 1960s for a commercial wheat-growing scheme. The case study narrates how focussing on the development of solidarity within Barabaig society through building the capacity of customary leadership institutions contributed to a greater ability and some success in advocating for the return of their land.

### **6** 'Two options for securing land for Akie hunter-gatherers' by Edward Lekaita –

in a story similar to the Hadzabe case study, the Akie, Tanzania's only other hunter-gatherers, are increasingly threatened by the expansion of farming communities around them, driven by population growth and the search for fertile land. The case study documents a 'work-in-progress' of a collaborative initiative to secure the land rights of the Akie, a process being resisted by certain local elites who would prefer they retain control over the land to use for agriculture. An initial attempt to create a separate village for the Akie as a means for securing their rights has stalled and UCRT now wants to replicate the success that they experienced using CCROs for the Hadzabe with the Akie case.

### **7** 'Initiating women's leadership forums in Maasai communities' – by Eddah Saileni, Fred Loure & Paine Makko -

describes how women's leadership forums have been initiated in the Maasai Steppe as means for empowering women to

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participate in village government and as part of building greater levels of accountability in formal and informal (customary) institutions. In addition to enabling women to voice their issues and concerns, it is anticipated that women will also become increasingly

active in preventing the illicit sale of communal land and its fragmentation, thereby safeguarding the community's interests and their pastoralist livelihoods.



*An Akie man out hunting*



## Progress to date, points of debate and emerging ideas for action

A substantial investment has been made by PWC and UCRT over the last ten years to improve the security of collective land rights in the communities where they work. UCRT has carried out much of the work on the ground to strengthen local institutions and put in place the steps needed for improved land security. PWC has invested in building awareness about women's rights and strengthening their participation in local governance institutions, which now stands to play an increasingly important role in underpinning and improving the overall security of collective land rights in these communities.

### **A. Strengthening women's access to land and their participation in customary governance institutions;**

Ostensibly, strengthening women's access to and ownership of land should be a straightforward issue in terms of its intrinsic benefits and positive implications for women and their pastoralist communities<sup>1</sup>. Empowering women to access land in whatever way is most appropriate for their needs, should enable them to have new and enhanced livelihood opportunities. However, PWC's engagement with such efforts has precipitated a debate about what are the most appropriate approaches for empowering women to have access to the land and related entitlements they need. Concerns were expressed that if the approach were too unilateral in enabling women to gain access to land—without the requisite social sanction and support needed at local level—the result could be a counter current from men-dominated communities. In addition, concerns were also expressed

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<sup>1</sup>Land is not really 'owned' in egalitarian hunter-gatherer societies and therefore, at least customarily, the allocation and inheritance of land between men and women is, at least in theory, much less of an issue.

about what impact promoting titling for any social group might have on the overall increasing rate of fragmentation of pastoralist rangelands. Throughout East Africa, what was once communally owned rangelands has increasingly become individually owned, inherited and further sub-divided. This trend has become an increasing challenge to the maintenance of social equity in pastoralist communities and has also seriously undermined ecosystem functioning and value. Once contiguous rangelands are being divided by and into areas of farming and fences, disrupting customary rangeland management practices and resulting in increasing inequality of access to land and range resources, often through elite capture.

While PWC and UCRT are strongly aware that customary gender property relations in pastoralist societies continue to be inequitable, they also realise that introducing and promoting a set of solutions to address these imbalances without first opening a debate within communities about local priorities and ways forward, would be short-sighted and could easily become counter-productive. It was suggested that the issue of women's land rights become a subject for facilitated debate and exploration within both Women's Rights Committees and men's Customary Leadership Forums as a way of developing consensus about how (i) Women's increasingly independent land and economic entitlements could be promoted and supported as an emerging norm from within local society, and how (ii) Safeguards could be agreed to protect vulnerable women – such as widows – from being iniquitously deprived of the entitlements and assets they need for a secure and dignified livelihood. A further dynamic that was briefly discussed, and which would merit further thought, was the role of women's institutions in holding formal and customary land management institutions at local level more accountable.



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*The status of Participatory Land Use Planning (PLUP) and issue of Certificates of Village Land (CVLs) in different villages and districts in northern Tanzania that UCRT and PWC support*

Number of villages	LUP prepared	Village by-laws developed and approved	Land use zoning demarcation	Issue of CVLS and registration of LUP
37	97.3%	73.0%	35.1%	21.6%

Overall, the issue of women's land rights is a relatively new area of work for both PWC and UCRT. And while PWC's first efforts have got off to a positive start, a concern was expressed that if this success is to be scaled up, the approach may need to be adapted, and will need to receive much wider support and buy-in from both women and men across pastoralist communities. Although PWC's advocacy and outspokenness is a crucially important driver of change, this process may need to be balanced somewhat through adopting an evolutionary approach to strengthening women's rights and entitlements that first focuses on local women's immediate priorities in light of longer-term transformational goals.

## **B. Securing collective land rights for marginalised and minority communities in multi-ethnic contexts**

Much of the effort invested thus far in promoting local land rights in northern Tanzania has correctly focussed on raising the awareness of local communities and working with them to fulfil the statutory steps required to secure their territorial rights at village level. The pre- and post-independence history of land loss and ongoing pressure for land alienation in many of the communities in which UCRT and PWC work, has meant that communities have welcomed this support. However, local conflicts over boundaries between and within administratively created villages linked to ethnic identity and affiliation, together with a substantial amount of

bureaucracy, have meant that the delineation of boundaries and finalisation of the formal land titling process at village level has been slow – as shown above.

A key challenge has been that village governments and local communities have often hesitated to commit to and have been slow in resolving their territorial conflicts. This may be part of more protracted and complex identity-based disputes and tensions—part of this is simply due to the fact that customary boundaries have rarely been definitive and instead have tended to be fuzzy and shifting, or boundaries have been arbitrarily drawn on maps by administrators reflecting at one point in time a particular understanding of a domain or extent of an administrative area. As a result, collective lands – or villages – often suffer from boundary disputes, and remain insecure and easily open to land alienation or fragmentation into smaller units.

Three key steps have been identified and have started to be taken to move beyond this hiatus:

1. Strengthening customary leadership institutions to build collective consensus and commitment about the need to resolve (i) administrative boundary conflicts and (ii) identity-based disputes for the collective good. In reality, where there is a commitment to resolving the latter, resolving the former becomes more straightforward, particularly when communities realise that an administrative boundary does not

preclude their continued access to resources beyond that boundary.

2. Resolving territorial disputes on the ground and supporting resource-use arrangements that depreciate the significance of boundaries. Key to this is developing a set of conflict resolution practices and norms that are widely accepted and supported by customary leaders, local government and local communities. UCRT has developed a methodology that has seen success in the recent past, particularly when communities have perceived an overt external threat to their land, quickly incentivizing them to put their differences to one side and collectively work together to secure their common interests. In the absence of communities perceiving a sufficiently pressing threat in their locality, it will take a renewed commitment by customary leadership institutions to sponsor and promote the delineation of boundaries and reciprocal use arrangements in order to secure their collective lands.
3. Actively pursuing and securing the certificates of village land and registered land use plans required to finalize the titling of collective lands at local level. This process oftentimes requires repeated and protracted liaison with local and regional government, and access to funds with which to carry out the formal boundary survey process. However, it has become increasingly clear that a Certificate of Village Land, supported by a land-use plan, is insufficient for securing the land rights of minority groups within a particular community, or even of a whole community in certain circumstances. This is because village lands, even when formally registered as such, can still be appropriated by the state; or in multi-ethnic communities, the land of a minority group can be

gradually taken over by a locally politically powerful or ascendant group.

Further layers of formal and informal legitimacy need to be built up to secure local rights; formal rights can be strengthened by supporting vulnerable groups to obtain collective or group titles to specific areas of land that they can lay legitimate claim to, as ostensibly accepted by the wider community. At the village level, a community may need to pro-actively anticipate and counter moves by the state or a commercial entity to obtain their land. This may require that the community build support with local and national political figures and public officials as well as civil society organisations in order to resist the appropriation of their land, including through taking legal action. Or it may require that the community counter-offer the plans of the state or commercial interests with alternative arrangements that maintain their control and ownership over the land. This will also maximise the benefits they are likely to derive from any arrangements they enter into with the state or commercial entity, either voluntarily and/or because they consider it the wisest course of action to safeguard their long term interests.

### **C. Securing and/or restitution of collective land rights in relation to their loss to commercial government-backed interests**

It is not common for local communities in Tanzania to win back their village land after it has been taken over by the state or commercial sector. The Hanang case study is a rare example of a land restitution process, which albeit still ongoing, has resulted in some success. Of pressing concern however, is the continuing alienation of village lands sponsored by the state, often for commercial interests, and the Sukenya case study serves as such an example. The land should have been returned to the community, once Tanzania Breweries Limited (TBL) had stopped using it, years previously. Instead

the land was sold by TBL for an estimated USD 1.2 million for almost a clear profit since the company had never paid for the land.

A clear set of options and guidelines need to be developed with and for communities and the private sector that promote and result in more equitable outcomes for local communities and sufficient security for partnering businesses. The guidelines and practices would help safeguard against the malfeasance that often exists within local community leadership, government bureaucracies and private sector transactions. It is easy to take advantage of the low standards of practice and weak governance at all levels, to the detriment of local and national interest – such as the TBL example demonstrates. Yet at the same time the guidelines would also provide useful options and support for companies committed to acting ethically with communities in securing access to land for their business operations. More often than not, the private sector, communities and even government are not fully aware of the different options possible and available for developing land arrangements and local partnerships that provide sufficient security of access for commercial operations, yet at the same time safeguard the interests and rights of local communities. Developing such a set of guidelines, for example for the tourism sector in northern Tanzania, would require that government and the private sector as a whole become open to new types of land tenure and possible partnership arrangements.

#### **D. Building inter-community conflict management and resolution mechanisms through customary institutions.**

Over the last twenty years, there is strong anecdotal evidence that frequency of land-use conflicts between different communities across much of Tanzania has increased. Northern Tanzania is no exception, and the

level of conflict can be expected to escalate, as rural populations continue to grow, to compete for increasingly scarce land resources, and to contend with new levels of climate variability brought on by climate change. Local communities are likely to need more support to better manage and resolve conflicts, as part of safeguarding local livelihoods and local natural resource management regimes. It is clear that many local communities in northern Tanzania possess the foundations for developing effective conflict resolution institutions and processes. UCRT has proven as much in its work to support the development of local conflict management institutions and practices with the Batemi and Loita in Ngorongoro. Substantial opportunity exists for further developing conflict resolution capacity at local level, by building local community institutions, and facilitating effective linkages with formal judicial systems and government administration.

#### **Ideas for action**

There are some clear opportunities emerging for strengthening existing efforts and developing new initiatives to improve the land and natural resource rights of local communities as a basis for enhancing their development and the conservation of their natural resources. These opportunities include:

1. Working with pastoralist communities to develop consensus and ways forward for improving women's access to land, livelihood and enterprise support, and meaningful participation in local governance processes;



# SECURING COMMUNITY LAND RIGHTS

2. Developing an analysis and clear set of guidelines about the options available for securing land both for whole villages and for different communities or groups of people within and across villages. Importantly, it would be useful for the guidelines to identify the different capacity building and support required for achieving the potential of each option, as well as its limits. Linked to this, it would also be useful to examine ways of how the fragmentation and individualization of common pool resources – particularly rangelands – can be minimized or prevented, a process that is often detrimental to the wider interests of local communities and the integrity of ecological systems.
3. Developing an analysis and clear set of guidelines, perhaps as part of a collaborative initiative with other organisations, for best practices in

developing public-private partnerships between local communities and the private sector that create win-win outcomes. These guidelines could focus on natural resources, but also have continuity with and complement other efforts to develop similar guidelines, for example, for commercial agricultural partnerships.

4. Examining ways of building the capacity of customary institutions to manage and resolve resource-based conflicts, through perhaps developing a training programme that includes providing local government officials with insights and ideas for creating hybrid arrangements between customary systems of dispute resolution and formal administrative approaches when the need arises.







**LAND RIGHTS CASE STUDIES by  
Pastoral Women's Council**



Cara Scott &  
Maanda Ngoitiko

## Learning from land loss and conflict in Sukenya

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*Resolving differences in values and  
imbalances in knowledge and power*

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Ngorongoro is a leading area for Tanzania's tourism industry due to its expansive landscapes and large wildlife populations. This scenic beauty and imagery of a pastoral ideal belie a much more complex and conflict-ridden reality. Instead, the history of Maasailand over the past hundred years has been characterised by one of marginalisation and land loss.

### **Background to the Sukenya farm conflict**

Soitsambu, Sukenya and Mondorosi villages are located in Loliondo Division, Ngorongoro District. The villages are predominantly Maasai pastoralist and agro-pastoralist communities that are reliant on livestock keeping. Land is managed according to seasonal patterns of

resource availability, which are largely dependent on rainfall and are governed by rotational grazing reserve systems formalized in village by-laws and land use plans.

In 1984, Tanzania Breweries Ltd (TBL), which was then a government parastatal corporation with a number of barley farms around the country, obtained more than 10,000 acres of land that came to be known as Sukenya farm. The community claims that this land was obtained in an irregular fashion. The precise circumstances that surrounded the allocation of the disputed Sukenya farm may never be definitively known, but it is well documented that during this period fraudulent land

allocations were widespread throughout northern Tanzania and in Loliondo in particular. While TBL obtained dispensation from the district and regional government to use the land, it did not obtain an official title deed to the land until 2003, almost twenty years later.

From the outset, TBL only used a small portion (roughly 700 acres) of the land and in 1989 they abandoned their efforts altogether. Between 1989 and 2003, the land lay abandoned by TBL. Instead the three resident Maasai sections (or 'clans'), the *Purko* (who make up the residents of Mondorosi), *Loita* (who are a minority clan in Sukenya) and *Laitayok* (who are the majority of residents in Sukenya but a minority clan in the region overall) continued using the property as they always had—as seasonal livestock pasture, critical watering points and temporary settlement during the rainy season.

## The Conflict

In 2003, using what Soitsambu Village Council claim are fabricated - and therefore illegal - village meeting minutes, TBL acquired the title deed to the land from Sukenya and Mondorosi Villages (which were then legally sub-villages of Soitsambu village), while also increasing their total acreage to 12,617 acres of land. This new title deed gave them control of the land with a 99-year lease agreement. In 2006, TBL divested the property with the legal sale of the remaining 96-year leasehold to a new tourism operation known as Tanzania Conservation Ltd (TCL). TCL is owned by Wineland-Thomson Adventures Inc., which also owns Thompson Safaris, one of the larger tourism operators in Tanzania. Wineland-Thomson Adventures Inc. prides itself on its corporate social responsibility, such as supporting local community schools, dispensaries and other development projects where the company operates. However, the sale was from the outset controversial, as TBL had abandoned the land for more than twelve years, and therefore, by law, the land should have reverted back to the government. In fact, the local community's

even claim that TBL had agreed from the outset that the land would be returned to them, as documented in village minutes from 1984.

Initially TCL attempted to have exclusive use of the newly acquired property, preventing any local people from residing in, or seasonally using the land. From the company's perspective, it had paid a substantial sum for the property, the sale had been sanctioned by the government, and therefore it had the right to exclusive and unhindered access to the land within the bounds of the law. Its objective was to develop the property into a private wildlife sanctuary with a high-end tourism facility.

The significance of losing access to the land quickly became apparent to the surrounding communities because there are few (and no year-round) water sources available. With the closure of access to TCL's new 'Enashiva' property (the Sukenya Farm), the community's herders were now forced to make a 14 hour return trip to Kenya in order to access water in the dry season. In addition they had lost access to a valuable grazing resource. Prohibiting community access to the land created a major conflict between the company, local government, and the villagers.

Many of the members of this remote community are not well informed about the country's land laws and the concept of exclusive rights to land or the ability to transfer such rights to others. Thus the fact that they knew TBL had previously used, then abandoned and subsequently sold the land did not in their understanding mean that they could no longer access it. As a result, and also taking into account the questionable undertaking by TBL in the initial 1984 agreement, the majority of villagers consider that the land is still rightfully theirs to use. Thus many feel that the measures taken to exclude them from the farm are unlawful, unjust and that they are damaging the overall welfare of their communities.

From the point where TCL took over the property and enforced its legal right to



exclusive access to the property, supported by district officials and the police, the level of tension and conflict has markedly escalated. As a result there have been numerous arrests and imprisonments, a non-fatal shooting and alleged other mistreatment of local residents by TCL's employees and the police.

Since the start of the conflict Soitsambu Village Council and community members have requested the assistance of PWC. PWC has documented the arrests and allegations of beatings and liaised with a range of other supporters. PWC views its role as being accountable to and supporting the communities to re-secure their rights to Sukenya Farm.

## **Understanding the failed mediation attempts and increasing polarisation**

Local civil society organizations and concerned individuals have attempted to help resolve the conflict. But, unfortunately these attempts have failed thus far and instead of bringing the sides closer to a settlement, have instead increased tension and mistrust, compounded by a series of events and issues, including the following:

1. Throughout the six years since TCL acquired the Sukenya Farm, a number of different organizations and local individuals have sought to address the conflict, either by supporting the affected communities to take legal and political action to secure their rights, or by trying to mediate a win-win resolution of the conflict directly with TCL and community representatives. As a result, a concerted and coordinated initiative to resolve the conflict has never quite taken off.

2. The Soitsambu Village area has historically been the domain of both the *Purko* (forming the majority) and *Laitayok* clans, and correspondingly, the *Purko* clan has a majority in the village government. However, with the arrival of TCL, some *Laitayok* leaders and residents saw an opportunity to improve their position by supporting the company. TCL naturally allied itself with these *Laitayok*, hiring community members from this section as

employees on the farm, for example as security guards paid to keep other village residents from grazing livestock on the property. The internal division within the community meant that for several years there wasn't a consensus at community level about the Sukenya Farm and therefore collective action was weaker than it might have been. This situation enabled TCL to claim that they had the support of the local community, and that the conflict was more an artifice of a minority within the community, supported by NGOs.

3. The internal division within the communities has meant for example, that an attempt by TCL in 2007 to agree grazing practices on Sukenya Farm was rejected by the wider community. TCL had negotiated only with the residents of Sukenya, when in reality the land was historically grazed by the local communities as well as by other communities from further afield. Since then, herders have purposefully flouted TCL's grazing restrictions in protest, resulting in more tension and arrests. This has led to further increased tensions between TCL and the wider community, and a hardening of attitudes.

4. In 2011 Soitsambu Village sought legal action to challenge TCL's right to the land with the support of Minority Rights Group, the Legal and Human Rights Centre, and PWC. While initially dismissed on a technicality, an appeal was successful and the case is now proceeding. On the one hand this process can be seen to be advantageous for the community in that it opens up the opportunity for legal recourse and gives community members renewed hope of justice thereby reducing the threat of violent conflict in the future. It has also led to increased knowledge and awareness about land rights, demystifying the legal system, and reducing fears of the local court system. It has significantly reduced the alleged number of beatings and arrests for grazing cattle since the case began. On the other hand the case has perhaps continued to feed and prolong the conflict given the hardened positions and the

likely long period it will take to reach its conclusion.

5. Both sides have promoted their competing narratives in the media. A social media campaign was initially begun by a group of organizations and individuals sympathetic to the communities' plight, which documented unfolding events on the ground. In addition articles in the mainstream international press have further raised the profile of the conflict. However, as the critical social media campaign began to hurt Wineland-Thomson Adventures' brands, it mounted a public relations counter campaign, emphasizing the legality of its operations, denying the damaging allegations and showcasing its charitable work with local communities in the area.

6. Other informal mediation attempts between PWC (in its role of advancing the interests of the affected communities) and TCL have also failed. These failures are largely due to each side perceiving the other as being insufficiently flexible and there remains considerable mistrust between the two organisations. For example, TCL has often maintained that PWC does not represent the interests of the wider community and are instead after the land for their own interests.

Overall, the mediation attempts to date have helped the communities to come to a more unified position on what they want and need from the land as a resource. Conversely, the failures of these mediation attempts have led to the community becoming more entrenched in its position and less open to further negotiations. TCL's owners have also remained resolute in their position and perspective – that their ownership of the land is unquestionable, that they have legitimately defended their interests, while at the same time reaching out to the surrounding communities in extending their good will through charitable works.

### **Worlds apart: values, knowledge and power**

The Sukenya conflict in many ways could not be a more apt microcosm and allegory of

Tanzania's history of land relations and land rights. Both the communities and TCL as a foreign investor, claim legitimate perspectives and positions, although it is clear that TCL should have acted with far greater diligence from the outset. Nevertheless, both parties have sought to safeguard their interests in the ways they best know how, yet their values, knowledge and power remain worlds apart.

**Power:** From the outset, the ambiguity of the original transfer of land from community ownership to TBL, followed by the subsequent non-consensual enlargement of the land parcel to incorporate more village land, demonstrates the ease with which the community was out manoeuvred. This is further exemplified by the fact that a delegation of villagers, including three PWC Board members, met with the Prime Minister in 2008 to discuss Sukenya. This resulted in a formal government inquiry into the status of the farm and the nature of the conflict with the villagers. In 2010 the ad-hoc committee released their findings to TCL but to date not to community members or members of the district council. In effect, whatever the findings of the inquiry, it was clear to members of the community and district council that the government was more concerned with the interests of a private investor than it was of its own citizens in relation to Sukenya. This demonstrated that PWC's and the communities' limited linkages to the national political elite give them little influence beyond local district council members and the local Member of Parliament.

**Knowledge:** PWC has a deep understanding and experience of the conflict on the ground but less experience of conflict resolution processes in a broader context. Much of PWC's approach throughout has been reactive rather than proactively leading the way to a win-win resolution. This is mostly due to PWC being a small community-based NGO with limited human and financial resources. TCL's management has also lacked the willingness, vision and knowledge required for creating a win-win solution. A wide range of business



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models and supporting case studies abound in the tourism and other – for example agricultural – sectors demonstrating that profitable and equitable business partnerships can be developed with local communities. It is unfortunate that TCL chose to pursue a narrowly defined business model and a weak due-diligence process when it first acquired the land.

**Values:** as discussed at the outset, it is clear that TCL and the communities hold very different

values about what it is to be neighbours and to share grazing and water resources. The communities' resource use practices and values are based on reciprocity and adaptive negotiation, while TCL's values are based on exclusive rights and control. This clash between customary practices and contemporary western concepts of property rights forms part of the continuing land debate across Africa: both have their advantages and disadvantages.







Joseph Melau &  
Jill Nicholson

## Securing land titles for pastoralist women

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*Piloting new practices and identifying the  
need for debate about property norms*

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In pastoralist societies in East Africa, women may often suffer from discriminatory property relations. This can be due to historically situated customary practices that have long been inequitable, or because contemporary practices have undermined women's long held rights and entitlements. But there are efforts to change this, and the following case study provides insight into one such initiative.

### **The Story of Sakala Village**

In 2010 the land rights of Sakala Village in Ngorongoro District were threatened when their village was designated a municipality by

the local council. Sakala lies in between two expanding settlements of Loliondo and Wasso, which form the main District centre: the government re-designated this larger area as a municipality due to the increasing rate of urban and peri-urban growth. The significance for Sakala Village was that this meant its land administration would be changed from a system of customary rights of occupancy to one of granted rights of occupancy. This would effectively extinguish any customary claims to the land that were not already documented, as the land would now be managed under a municipal council, with the powers to grant

## Women's Rights Committees

Women's rights committees have been created in 30 out of 37 villages in Ngorongoro District. They play a crucial role in addressing issues of stopping domestic violence, improving girls' education and achieving stronger land rights. Representatives from each women's rights committee are nominated to attend the district women's leadership forum, which represents and advocates for women's rights and interests at the district level, including meeting with the men's customary leadership forum.

land. The district authorities had surveyed Sakala and were planning to delineate plots for allocation for private and public purposes as part of the municipality's expansion process. The local government authority had also planned for the necessary infrastructure improvements, which included the construction of a new health centre to be built in Sakala village.

While these developments were taking place, the great majority of the members of Sakala Village were unaware of these plans. Fortunately, the Pastoralist Women's Council (PWC), which happens to have its main office in the village, brought the significance of these developments to their attention. This began a pilot initiative spearheaded by PWC to safeguard the communities' overall land rights. At the same time, PWC used the opportunity to further its programme of addressing gender inequalities in relation to property rights in Maasai society, by encouraging the community in Sakala to allocate land to women.

### How were the issues approached?

There are three institutions at village level that were key for providing the entry points for PWC to work with the village to address both the imminent loss of their land and the opportunity for improving women's access to village land. These are the Village Council (a democratically elected body of men and women), the Village Land Committee (part of the village council), and the Village General

Assembly (all members of the village 18 years of age and above that elect the village council). In addition, PWC also worked with the village's Women's Rights Committee, which is an informal committee comprised of twenty elected women members and five men.

PWC worked with these institutions to build awareness about the need for the village to act together in safeguarding its land. In addition to bringing attention to community land rights, PWC also used the opportunity to raise awareness about improving women's access to land. Starting at the sub-village level, PWC initiated discussions about women's access to land, particularly in the context of enabling women to farm and earn a livelihood, which contributes to their welfare and to their children's. These discussions led to a strong agreement by the village to support the allocation of property rights to women. The women's rights committee initially identified 50 women beneficiaries at the request of PWC; however the village council identified an additional 72 women needing plots, for which it would pay the costs itself. With the agreement of the village council, PWC wrote a letter to the district council requesting that the district cooperate with the village council to help them re-delineate and survey their village land. After the initial survey was completed, Sakala awaited the arrival of the cadastre so that individual plots could be demarcated and titles issued. This second step is still in the process, but it has the full backing of the Regional Surveyor, and so is expected to be completed in the near future.

### Was the approach successful?

Although the land titling process is still ongoing, the project to date has been successful in that it has raised a local community's awareness about the importance of taking measures to safeguard their ownership of land. The pilot project provided the opportunity not only for women to be allocated land in their own right, but for the community to support and voluntarily contribute to this process, in recognition of its importance for the overall well being of the



community and particularly for vulnerable women, such as widows. It also gave the community the resources and confidence to seek compensation for land that was taken for a public project, underlining the need for the government to respect people's land rights and compensation procedures as set out in law.

## **Emerging challenges and questions**

While the pilot project has met with initial success, it raises several interrelated questions around how best to improve the equitability of property relations in a way that leads to sustainable outcomes. For example, while women have benefited from being allocated land, it is not clear whether they have full rights over their land. Do they have the right to sell or mortgage their land, regardless of whether this is desirable or not? Can they decide who is to inherit it? Furthermore, how can this model be scaled up and generate support from additional communities from the area as a model for women's land rights? PWC is currently working to address these questions in its next phase of work.

Despite these unanswered questions, it is clear that the women who had been allocated land have been profoundly affected for the better. Many of them have described feeling a greater sense of dignity, self-value and standing in the community now that they can own their own land. However, it is less clear how the women planned to use the land for improved benefits, and this was an issue PWC had recognised and wanted to help address. Finally, the project was able to capitalize on carefully laid foundations and good relations with the community: grass-roots awareness-raising and building consensus at all levels within the village led to people working together and contributing to a greater outcome.

## **Emerging insights**

It is clear that this pilot project is only the first in several steps towards improving the equitability of property relations between men and women in the pastoralist communities where PWC works. The mobilization of a

community to allocate land to women as part of safeguarding its overall access to land is an inspirational example of what can be achieved. But it does not address prevailing norms within local Maasai society in regards to women's property rights. Rather, it seems the Sakala example stands as a point of departure where local communities, women's rights committees and customary leaders debated and found consensus on how property rights can be made fairer and used to safeguard the vulnerable. No doubt there will be those who will actively disagree with or not value the importance of women's property rights, while equally there will be others who will be strong proponents for equality, regardless of prevailing norms or unintended societal impacts.

While sustained activism and leading by example are indeed important, securing change through consensus may be equally key. In remote rural areas where customary laws and practices tend to prevail over poorly understood formal laws, fostering participatory debate about property rights and encouraging the prioritisation of safeguards for the most vulnerable in society, would seem to be sensible steps forward in building better futures for women and empowering them.

Lastly, the advocacy role of women's rights committees could grow to fulfil a useful role in local communities and wider society in encouraging consensus-led and newly emergent property relations and practices become more widely accepted.



**LAND RIGHTS CASE STUDIES by**  
**Ujamaa Community Resource Team**





A community conflict resolution meeting Naan and Kisangiro villages in Sale Division, Ngorongoro District



## Conflict resolution at last between the Loita and Batemi peoples?

Laurence Kondei & Jamboi Baramayegu

*Supporting cross-cultural community institutions to achieve and sustain peace*

The conflict over natural resource use between the Batemi (Sonjo) and Loita (Maasai) groups in Sale and Loliondo Divisions in northern Tanzania has been going on for possibly 200 years, with major clashes in the 1970s and again more recently. The Batemi, mainly agro-pastoralists, believe that the Loita, mainly pastoralists, are immigrants from Kenya and therefore have no right to occupy their territory; but the Loita have resided in the area for decades.

Due to increased population, climate variability and the pressure of limited natural resources, the conflict between the two communities has intensified, and feuds are long standing and repetitive. Over the years, the conflict has been

addressed by a series of different interventions and initiatives by government authorities and other organisations, yet tensions continue to linger.

### **How were the issues approached?**

In 2008 UCRT began working with the traditional leadership of the two communities (Sonjo: *Wanamijie* and Maasai: *Ilaigwanak*) in an effort to bring about resolution. More recently UCRT facilitated a workshop for the council of elders from the two communities to discuss and reflected upon the different methods that had been used in the past to try to resolve their conflict, and the successes and failures of each. They came up with a new

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*Oath taking was one of the strategies to end conflict and create peace*

strategy for intervention - one that had not yet been tested – which was to form a joint council of elders for conflict resolution. This would help solve and de-escalate smaller conflicts over land that continued to break out, and that tended to escalate into heightened protracted violent conflict. It was agreed that in order to resolve any arising boundary or other localized conflict, two representatives from each village in the larger area - whether Batemi or Loita - would be chosen to mediate and make recommendations for its resolution. No representatives would be drawn from the villages involved in the dispute. The appointed conflict mediators would then be much freer to act fairly in their resolution of the conflict.

The joint council of elders made a commitment to solve all the issues causing the recurring conflicts and set out a number of principles which they agreed upon:

- Utilizing their standing and power bestowed on them by the communities to mediate over boundary conflicts and to provide lasting solutions;
- Speaking as one voice over all issues affecting their communities;
- Vowing to protect and utilize their natural resources for the benefit of future generations;
- Prohibiting revenge attacks by one community on another;
- Building better links between customary leadership and the various village

government authorities holding an official mandate to resolve village land conflicts – for example, the land adjudication courts.

## **Was the approach successful?**

Engaging with traditional leadership to spearhead the conflict resolution efforts has resulted in strengthened trust as well as a realization that the conflict was achieving little for either community. This has led to improved economic stability in the two communities, with previously closed footpaths being re-opened and access to Wasso's market (an important trading and livestock sales centre) and healthcare services possible again. Neighbours from different communities have started sharing resources and are farming together again, and outbreaks of localised conflict have greatly reduced.

Now, when there is a dispute between two villages the other villages stay out of the dispute, and instead work together through chosen representatives to mediate its resolution. Previously conflicts would escalate rapidly, as villages tended to side with their ethnic group; however, today this no longer happens. Boundary conflicts have been solved or nearly solved between six villages.



*Batemi youth on the reopened road to Wasso market*

## **What are the key lessons so far?**

Working with traditional leaders to solve long-term conflicts between the communities has been instrumental for success because these leaders are very well respected by their communities. Despite the fact that some of the traditional leaders have been part of the



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problem, when they came together they acted as a group of leaders instead of as individuals with their own agendas. The government has gratefully acknowledged UCRT's and the communities' achievements, particularly since previous interventions had failed. In fact, the District Commissioner has recently written to UCRT asking them to continue with this work.

## Challenges

UCRT faced a number of challenges during the conflict resolution process:

- Local political conflicts of interest in the area were difficult to overcome;
- There was initially a lack of commitment from the government to support UCRT's initiative – perhaps linked to a disenchantment with a history of failed mediation attempts;
- Politicians with their own motives attempted to get votes from one community by making promises to alienate the other community if they came to power;
- A lack of funds available for the traditional leaders to work on the conflict resolution slowed progress;
- The council of elders lacked statutory powers to make final decisions on boundary disputes, which meant that their recommendations had to be referred to local government for approval. (This was not entirely disadvantageous, although the involvement of local government slowed down the process);
- There was a general lack of support from the local police as they had previously benefited from exploitative rent-seeking opportunities created by the recurring outbreaks of conflict;
- A need to reach out to other organizations which had previously been involved in attempting resolution of the conflict, but which had since been somewhat eclipsed.

## The next steps

The recently resolved village boundaries need to be demarcated immediately in order to

prevent any changes of understanding or a loss of consensus from this not occurring.

In addition to establishing clear boundaries, capacity building on natural resource management and good agricultural practices needs to be carried out within the two communities to help them be better stewards of their limited resources.

A related but altogether larger issue is the need to advocate for a new approach to transboundary management for pastoralists between Kenya and Tanzania. Currently pastoralist communities frequently move across the international boundary as part of their long established grazing and trading practices. However this movement is illegal, and is often dissuaded. UCRT plans to work for a transboundary agreement that allows the free but locally agreed movement of people and cattle across the boundary, without risk of prosecution. This would help communities on either side of the border better manage their grazing resources.



*Celebrating the awarding of Group Certificates of Customary Rights of Occupancy*



## Pioneering collective land titles for Hadzabe hunter-gatherers

Partalala Meitaya

*Legally and economically securing a last remaining domain of an ancient people*

Comparison of DNA from people all over the world indicates that the Hadzabe are one of the original peoples, who likely lived in northern Tanzania's Lake Eyasi basin for 40,000 years or more. Yet despite their long history, the Hadzabe have gradually been displaced from their land, and have been marginalized as hunter-gatherers since Tanzania gained its independence. Within the last 50 years, the Hadzabe have lost more than 90% of their land to outsiders seeking land for grazing and farming.

To ensure their survival, the Hadzabe must have secure rights to their land in order to protect their livelihoods. In light of these challenges, UCRT has been working to support the Hadzabe community of the Yaeda Valley, which is a

uniquely diverse ethno-linguistic area where Bantu, Cushitic, Southern-Nilotic and the isolate Hadzabe language groups all co-exist in the same landscape.

Prior to UCRT's involvement, the Hadzabe and other communities in the area had little knowledge about their rights in terms of the law and the land, and also had few resources available to carry out the complicated and long process for securing village and other land certificates (titles) themselves.

### **How were the issues approached?**

With initial funding from the Dorobo Fund for Tanzania, later augmented by Norwegian People's Aid (NPA) and more recently supported



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by The Nature Conservancy, UCRT started building the capacity of the Hadzabe community, as well as the other surrounding farming and pastoralist communities in the area. Trainings were held on good governance and also on the relevant policies and laws of local government, land and wildlife. UCRT also facilitated the villages to obtain village land certificates, which included their developing simple sketch maps on how people used their lands for hunter-gathering, grazing, farming and settlements. After the initial land use planning was carried out a more formal plan was produced and village by-laws to compliment these were written and passed.



*Hadzabe community welcoming the Assistant Commissioner of Lands when she came to award the Hadzabe their Certificates of Customary Rights of Occupancy.*



*A community Customary Right of Occupancy Certificate*

With all the necessary requirements in place, UCRT was able to assist the Hadzabe in applying for Group Certificates of Customary Right of Occupancy (CCROs), which allows the community to control, manage and have the right to sell or lease the land. UCRT assisted with this in each of the modern villages that cut across the Hadzabe's ancient domain.

## How successful has the approach been?

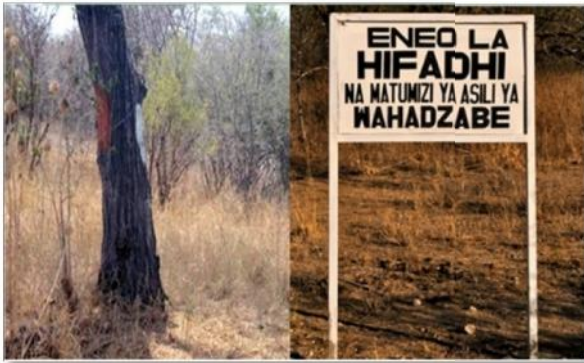
UCRT's work with the Hadzabe has been extremely successful, culminating in obtaining the title deeds for the customary rights of occupancy for approximately 20,000 hectares of land.

As a result of securing rights to their land the future food security of the Hadzabe has improved, as now there is much greater respect by other communities towards their land, and staple food such as wild fruits, tubers, honey, meat and other resources are no longer threatened

UCRT has also worked with pastoralists in the area to secure access to and protection of their communal lands through obtaining a Group Certificate of Customary Rights of Occupancy for their grazing lands. As a consequence of the now clearly demarcated and titled land, overt conflicts between agriculturalists and pastoralists have declined.

With the land now legally certified, an opportunity has opened up for the Hadzabe community to additionally benefit from carbon payments for conserving their woodlands in collaboration with a carbon offset developer, Carbon Tanzania. Great care has been taken to work closely with the local Hadzabe community to ensure their free, prior and

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*Old markers on trees and new metal signs protecting the area for the Hadzabe: a game of cat and mouse had started with some opportunistic individuals from a farming community cutting down marker trees, and marking new trees to shift the agreed boundary.*

informed consent. The certification process is now close to completion through a rigorous standards system, known as Plan Vivo scheme. Community guards have been elected by the Hadzabe community to protect their area, and they are paid out of funds made available by Carbon Tanzania that will be deducted from the eventual carbon payments. This has enabled the Hadzabe to protect their boundaries from other communities, so that when other resource users want to use Hadzabe resources, they do so consensually and sustainably. The partnership between the Hadzabe and Carbon Tanzania, which was facilitated by UCRT, is working because the interests of each party are closely aligned. Carbon Tanzania's mission is to promote community-based conservation through incentives generated from the carbon market, and the Hadzabe are seeking ways that allow them to live in their last remaining wild lands indefinitely.

## **What are the key lessons learnt so far?**

The Certificate of Customary Rights of Occupancy is the first of its kind to be issued in Tanzania for protecting community lands. There is exciting potential to replicate its use to enable other vulnerable communities – such as the last remaining Akie hunter-gatherers as well as pastoralist and other rural communities – to protect their communal lands and natural resources. Scaling up the use of Group CCROs will be particularly important for marginalized

and vulnerable minority communities living in increasingly multi-ethnic villages where land-use planning is too weak an instrument for ensuring that they are able to protect and maintain access to their customary lands.

One of the most important lessons that UCRT has learnt throughout this process is the importance of building relationships with leaders from the villages all the way up to the district level in order to work successfully on land issues in any area.

## **An emerging insight**

Often the best approach for securing land and natural resource rights for communities involves a painstaking, grassroots, bottom-up process of capacity building, legal empowerment and negotiation with other interests and partnership building. A community-led, adaptive and learning-orientated approach is critical for achieving sustained results and outcomes. In Tanzania today, there is a large programme of developing Wildlife Management Areas (WMAs) that communities are ostensibly meant to control, manage and benefit from: however the WMA approach is rigidly top down, institutionally inflexible and often the organizations facilitating the WMA process have little understanding of or sensitivity towards truly empowering local communities to manage their internal conflicts and achieve an effective and equitable natural resource governance regime. In the past these large organizations, funded by an external donor, have arrived in area and hurriedly carried out short-term projects in a supply driven manner, frequently without consulting other organizations that have a long-term history of support to the community. They then leave when their funds have run out without an exit strategy, leaving behind paper institutions, and new elites in place with little accountability to the community, and no perceptible improvement to how the larger community (not a limited elite) is managing and benefiting from their resources.



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This is now a very real prospect for the Yaeda Valley where UCRT has been working with the Hadzabe, pastoralist and farming communities for many years now to build an equitable natural resource management regime.

natural resources so that the land is truly conserved and their livelihoods enriched.

## **The next steps**

Although a large tract of land has been secured for the hunter-gathering community, land security for the Hadzabe still needs to be increased by negotiating with neighbouring villages to connect their land across into other districts. This will also help to build unity and cultural identity between the scattered Hadzabe communities.

There is a great opportunity to share the experiences of empowering the hunter-gatherer and pastoralist communities in Yaeda: in order to do this UCRT would like to hold a large meeting with all three districts to share the successes of the work that has been done and to encourage other communities to do the same. Now that the land has protective boundaries more capacity building is needed for the Hadzabe communities and for their neighbours to ensure that everyone understands the area's boundaries and the meaning of the title. UCRT will continue to support the hunter-gathering, herding and farming communities of the Yaeda Valley to improve their collective management of their



*Hadzabe men from Mongo wa Mono Village looking out over their land*



*A customary leadership meeting of Barabaig Elders in Hanang*



**Elikarimu Gayewi**

## Land restitution for the Barabaig in Hanang

*Righting historical injustices and expanding community solidarity*

At the beginning of Tanzania's villagization process in the late 1960s, approximately 100,000 acres of land on the Basotu Plains in Hanang District were taken by the Government of Tanzania from Barabaig pastoralists. This land was allocated to the National Farming Corporation for the Tanzania Canada Wheat Project (TCWP) with seven farms subsequently established on this land. Many local people were evicted and migrated to other areas in the country, such as Morogoro in central Tanzania. Others were able to stay in the area on the land that remained. The wheat farms were initially supported by Canadian Government Aid, but when funding was finally phased out in the early 1990s, the farms began to collapse.

At first the government looked for foreign investors to take over the farms, but when they failed, they decided to return 23,000 acres of the land back to the local communities.

However, instead of returning the land to its previous owners, the Barabaig community, the Hanang District Council gave the land to farming communities on the slopes of Mt Hanang. The Barabaig refused to accept this decision but they did not have the resources or the ability to fight their case without help. UCRT, together with its partners<sup>2</sup> has been able to provide the Barabaig with this support, and as a result the Barabaig have been able to make progress in their struggle to regain their land.

### **How were the issues approached?**

Supported by Oxfam, UCRT started working in 2005 with the Barabaig. UCRT worked with five villages to address these land issues, and set

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<sup>2</sup> UCRT has collaborated with the Pastoralist Women's Council and Tanzania Natural Resource Forum in developing the Community Forums and Women's Rights Committees.

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up community forums that would stand united as a strong representative body for these villages. To date 50 men and 20 women are active members of the forum. Once the community forum was established, training was provided by UCRT on land policies and laws, to ensure that the communities were aware about the legal rights and options available.

The Barabaig community felt that they were not being listened to by government, and that the 23,000 acres of land they wanted returned to them was imminently to be given to agricultural communities looking for new land. So six people were elected to travel to Dar es Salaam to present their case to the Office of the President. Although the group did not manage to meet with the President (he was travelling), they were able to return to their communities with a letter from the State House addressed to the Regional Commissioner in Babati asking him to meet with the Barabaig community and listen to their point of view.



*Elikarimu Gayewi facilitating a leadership forum*

The meeting was held and as a collective voice the Barabaig insisted that they needed the land for grazing and that it should not be given to others. The land that the Barabaig communities wanted returned, and that fell within the villages' administrative boundaries, was eventually returned to the Barabaig community. However, the remaining land that falls outside the village boundaries and which was excised before villagization has still not yet been officially returned and re-demarcated as part of the villages. Despite this ongoing controversy, UCRT continues to work with the villages to

secure grazing land for the Barabaig community through land use plans and by laws.

## **Was the approach successful?**

Community forums, often comprised of customary leaders and others, are a very sustainable approach for addressing land issues. They allow for open discussions, build capacity and empower communities to better address land and natural resource issues themselves.

Thus the approach used by UCRT of establishing a community forum enabled the Barabaig community to have the power to make the key decisions and take the actions they needed to, while UCRT remained in the background in a support role.

## **Key lessons**

Through working with the Barabaig community forum, UCRT learned three main lessons:

1. Community forums are a good platform for addressing major community issues and catalysing collective action.
2. Community forums are quite easily replicable and scalable in pastoralist society. In the case of the Barabaig the community forum has extended its network to include the Barabaig diaspora in Morogoro in central Tanzania, demonstrating the effectiveness of the institution.
3. New traditions grounded within the community can be initiated to help build community solidarity and identity: a large joint community forum meeting is now held every year with Barabaig members attending from different parts the country, which demonstrates a new strength and continuity within the community.

## **What could have been done better?**

Due to cultural norms, the community forums were initially heavily male dominated. This can be seen as having been a mistake, as it would have been desirable to have encouraged greater participation by women from the outset.



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However, over time, more women were elected into the forums in recognition of the importance of ensuring women are active participants, also able to raise their concerns. At the outset, UCRT began working with the Barabaig who were still residents in Hanang, and did not include others who had been evicted many years ago and moved far from their homes. Arguably these families were even more marginalized than those they had left behind in Hanang. However, more recently UCRT has managed to include some of the diaspora in its program of support for land rights and community-based collective action.

## The next steps

Although UCRT's work has been generally successful in helping the Barabaig reclaim their land, the process remains incomplete. UCRT has identified the following tasks that they would like to carry out in conjunction with the Barabaig community forum:

- Secure and re-demarcate all the reclaimed land under existing village boundaries;
- Finalise village land use plans and by-laws for many of the villages on the Basotu Plains;
- Strengthen the advocacy skills of community leaders;

- Further investigate Basotu Plantation, one of the remaining unreturned farms, which currently has no investors. Instead its 14,000 acres are farmed by individuals who have secured access to the land in what is thought to be an irregular manner, and so the land should be given back to the Barabaig;
- Further investigate some of the other farms which are also under-utilized by investors and could also be returned to the Barabaig. There are also ongoing conflicts between these investors and the Barabaig on these properties.

## In conclusion

The historical loss of land, together with increasing pressure from population growth within the Barabaig community and from immigration, together with competition over land between pastoralists and agriculturalists all add to the ongoing land and boundary conflicts in the area. UCRT has played an important role in enabling the Barabaig to reclaim some of their grazing lands. Yet despite some success, there remain unresolved issues and conflicts, and the returned land has yet to be fully demarcated, with more land still needing to be returned.



*A Datoga herdsman and donkeys*





*An Akie woman picking berries in Napilukunya in Kiteto District*



## Securing land for Akie hunter-gatherers

*Building local support and creating new options for protecting minority rights*

Edward Lekaita

The Akie is a minority group of hunter-gatherers who live in the Maasai Steppe, in Kiteto District, northern Tanzania. As neighbouring agricultural communities have grown, they have increasingly expanded onto land formally occupied by the Akie. Today the Akie are faced with a total loss of their land, which threatens their culture and livelihood.

The Akie, now living scattered across a few village areas that were once their domain, have little rights or control over the land they depend on. For example, in Napilukunya village, they have no power to control who gains access to their land or how it is used, as all major decisions are made by the village government, now dominated by farmers. Unfortunately, even if the Akie had strong

representatives in village government, as a minority they would struggle to safeguard their interests against more popular interests, such as land uses for agriculture. To ensure that Akie can continue with their culture, traditions and way of life it is essential that they have access to and jurisdiction over the resources that they need, and that they are able to protect their land.

In addition to the threat to the Akie, the pastoralists in the area are also at risk from the expansion of agricultural communities attracted by the area's fertile land and close proximity to the district capital of Kibaya. The incoming agricultural communities have been encouraged to move into these frontier areas by the district

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authorities as they seek to promote the district's commercial and financial interests – even if it comes at the expense of existing communities in the area.

## **How were the issues approached?**

UCRT recognizes the importance of collaboration. Therefore, it established links with two like-minded organisations already working in the area - Community Research and Development Services (CORDS) and KINNAPA (an acronym for six pastoralist villages in Kiteto). UCRT began holding joint meetings with these pastoralist land rights NGOs so they could identify and agree upon the best way to work together to support the Akie.

The first step identified was to carry out a training with the Akie community so they could better understand their rights as set out in the national land policies and laws. The aim of this training was to build their knowledge and confidence about their choices and rights in defending their interests under Tanzanian law.

Following the training, the Akie decided to apply for full village status. UCRT facilitated this process by writing a letter on behalf of the Akie Community requesting its separation from the main village as a full village. The support of the area councillor was obtained by UCRT, and he submitted a motion in the full council meeting to approve the idea of a full village for the Akie. Approval for the full village for the Akie has now been obtained at the ward level.

## **Was the approach successful?**

While the Akie have yet to officially secure their remaining land in perpetuity, there is strong hope they will.

The paperwork for their application for full village status is complete, and the group is waiting on final approval by the district council. However, there are some concerns about whether Napilukunya Village Council and the district council will approve the Akie's application.

When UCRT first met with its collaborating partners, it thought that the best way for the Akie to secure their rights would be through securing a Group Certificate of Customary Right of Occupancy (CCRO). A Group CCRO provides a specific group or community with collective and exclusive title to a piece of land, which they can defend in law. This is a much stronger way of enabling minority communities to secure and manage specific areas of land than land use planning. It means that a minority community can secure their place and rights within a larger multi-ethnic village setting. However because UCRT was joining an already existing initiative of village land titling and land use planning for pastoralist villages throughout Kiteto District, it thought it appropriate to work within this existing collaborative approach first, to see if a successful outcome could be achieved for the Akie.

UCRT have worked with the Hadzabe in the Yaeda Valley to successfully secure their land through obtaining the first ever Group CCRO in Tanzania. UCRT are keen to build on and replicate this process. They therefore would like to hold a meeting with the Akie and their partners to share experiences on the Group CCRO approach. Due to the large travel distances and a shortage of time, UCRT has not yet managed to do this. However, UCRT are confident that if the Akie hear about the experiences of the Hadzabe hunter-gatherers and how they came to protect their land, they might well decide to prioritize obtaining a Group CCRO instead. This is still possible, and might become a necessary and perhaps more desirable outcome if the Akie are denied their full village status by the authorities. Pursuing a Group CCRO would avoid, in so far as is possible, an outright conflict of interest between the Akie wanting to leave Napilukunya Village, and the village government not wanting to lose access and control over Akie land. UCRT would also like to hold a workshop at district level involving local government authority staff to win the overall support of the district



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*A village meeting in Napilukunya Village*

administration for deploying Group CCROs to safeguard the land rights of Akie hunter-gatherers and pastoralists facing a similar challenge.

## **What are the key lessons learnt so far?**

One clear lesson is that it is important to build strong constituencies of support and understanding for the need to safeguard the land, natural resource and development rights of marginalized people – and this is particularly true for the two remaining hunter-gatherer societies in Tanzania. UCRT's experience from working to strengthen the Hadzabe's rights has demonstrated that it is possible to persuade previously unsupportive interests to cooperate and to become part of a solution. Additionally, when working as part of a coalition, it is important not to overlook the need to clarify partner roles and responsibilities, through developing straight-forward Memorandums of Understanding (MOUs).

Finally working with politicians needs a degree of patience and a certain level of flexibility – even when they are considered to be firm supporters!

## **The next steps...**

Securing rights for marginalized communities is often a more complex and long drawn out process than may be initially anticipated. For example, it is important to ensure that in

establishing rights to their land and natural resources, communities receive the continued support of government and surrounding communities through constituency building. In light of these needs, UCRT and its partners would like to:

- Facilitate a workshop on Group CCROs for the district and take key district officers to visit Yaeda as a learning experience;
- Continue to work with the Akie community to make a final and informed decision about whether to continue to apply for full village status or instead apply for a Group CCRO;
- Build the Akie's capacity enabling them to elect their own committee to protect their land;
- Once their land is protected, facilitate land use planning with the Akie.





*Making a well received point at a Women's Leadership Forum meeting*



## Initiating Women's Leadership Forums in Maasai communities

Eddah Saileni, Fred Loure & Paine Makko

*Enhancing the rights and roles of women to safeguard society and family*

Maasai culture is strongly patriarchal, with women often left marginalised, with little or no voice in decision making processes. The Ujamaa Community Resource Team (UCRT), which is mostly comprised of pastoralist staff, recognises that women and men are equal and that the historical, patriarchal traditions need to change. In many rural pastoralist communities, women are not involved in any of the decision making processes, from the family to the village government level. Although national law stipulates that women must participate in village government, in many cases they are not represented at all and if they are present, their active involvement is weak.

According to Maasai culture, women are not allowed to inherit property, and may stand to lose land and livestock if their husband dies and they don't have any male children.

Girls are often not sent to school because when girls typically get married, they move to their husband's home and village, which is why families often prioritize investing in their son's education.

In addition, the inequality between men and women leads to other problems such as the sale of land without the consultation of women. As a result, land that once provided access to

important natural resources, such as firewood and water, has been sold and lost. These natural resources are particularly important for Maasai women as farming, cooking and house construction continue to be primarily their task in the home. In addition, the sale of land has often undermined the livestock economy, as key grazing lands are lost and converted to other uses.

Maasai girls who are educated often choose not to return to their societies, preferring to marry into other ethnic groups where they have a more equal partnership. Unless there is change, there is a threat that the Maasai family structure will break down as Maasai women search for a life and a culture where they are better recognized and where they have the same rights as their male counterparts.

Over the years of working in pastoralist communities, UCRT has recognised the threat that certain Maasai traditions pose for modern life, not least in relation to the vulnerability of Maasai girls and women. Therefore, UCRT decided to take steps to address these challenges.

## **Initiating Women's Leadership Forums**

The idea of the Women's Leadership Forums (WLFs) was developed as a means for including women in the decision-making processes of Maasai communities. Each WLF has come to be recognised by their village government as a means for giving women a voice with which to raise their issues and perspectives.

UCRT and the Pastoralist Women's Council (PWC) have both initiated a system of Women's Leadership Forums in several Maasai communities in Northern Tanzania. UCRT has worked to start the forums in Simanjiro and Kiteto Districts, while it has collaborated with PWC in Loliondo Division, where they are known as Women's Rights Committees. In Loliondo, PWC has made substantial progress in developing these committees, raising women's awareness about their rights. PWC's progress has provided a good example for UCRT in its expansion of the WLFs in Simanjiro and Kiteto

Districts. PWC has shared their experiences with UCRT and has collaborated to solve issues with UCRT as they arise. Through this collaboration, the impact of the forums on women has grown and continues to flourish.

## **Starting up WLFs in Simanjiro and Kiteto Districts**

A team of five UCRT staff, consisting of field officers and the gender officer have started to work with six villages in Simanjiro District and with four villages in Kiteto District.

The field team initially presents the concept of the WLF to the village government and once they agree to the idea, including the practice that the WLF should be present as observers at all village meetings, an agreement is signed between the village leaders and UCRT. The women in the village government are then asked to call a general meeting for the women from all the sub-villages.

An introductory training is given by the field team about the overall purpose of the WLF initiative, and at the end of the training the women in the community are asked whether or not they would like to participate in the initiative. If they agree to the process, then they are asked to select 24 representatives, divided equally between their sub-villages, who will then comprise the WLF.

The 24 elected women are trained for two days on land laws, categories of land, land administration at village level, land dispute resolution and their general rights as women. Inheritance and marriage laws and the new constitution currently being drafted for Tanzania are also discussed in the training. At the end of the training, an hour is given to an open discussion on all the women's problems, from traditional problems to village government issues and the group tries to find solutions to them.

## **Results**

In the initial stages of the project in Simanjiro and Kiteto, there have been very positive

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responses from participating women who welcome the WLF as a way to give them a voice within their communities. The project has enabled UCRT to reach out to a large number of pastoralist women, and empower them to recognise their rights in relation to land and politics.

Women are very happy to have an official platform that is recognised by the village government where they can express their views, and address their issues.

Village from Simanjiro	No of participants in introductory meeting
Kimotorok	123
Narakawo	100
Kitiangare	55
Sukuro	37
LoiborSiret	93
Terrat	78
<b>Total</b>	<b>486</b>

## Some discriminating Maasai traditions against women, identified in WLF discussions.

- Women are not allowed to go for a medical check-up without their husband being present, even if they are seriously sick.
- Men are mainly responsible for insisting that girls get married rather than attending school.
- A married woman with only female children has no inheritance if her husband dies. She is given one cow and one donkey and sent back to her parents.
- Compensation for the killing of a man is 49 head of cattle given to the family, whereas only 9 head of cattle are given for killing a woman which are given to the traditional leaders.
- Men carry out all land transactions without the consultation of the women.

## Challenges

The main challenge with the WLF is that the project only covers a limited number of scattered villages and so it is not possible to scale the initiative up beyond the ward level, to the district level. Even within each ward often

several of its constituent villages have not yet begun WLFs. More funding is required to include all villages and wards, so that the Women's Leadership Forums can form a representative body at district level.

In addition to this, in one village there may now be several different ethnic groups with different traditions and customs. However, the project is designed for pastoralists – in this case, Maasai woman. Focusing on the Maasai women only can be perceived as being discriminatory, and yet at this point it would be too difficult to include all the other traditions and issues from other groups. This led UCRT to agree with the WLFs that for now they would focus on largely pastoralist-related issues, but that all women would be welcomed to all meetings.

At the ward level (a group of villages within an area make up a ward), 24 women are again selected, equally from the villages, to make up the Ward WLF. Another two days of training is provided by UCRT at a more in-depth level, including teaching women how to address their issues and where to bring them beyond the village government level if they are not being addressed satisfactorily.

Another challenge is that for women to actually attend the meetings they must first obtain permission from the men. In Sukuro Village, two women were told not to attend a WLF meeting because the men believed UCRT was acting against male interests.

However, the women were confident that they could solve this problem with time. This precedent has also caused UCRT to think how in the future it can reduce suspicion about WLFs and build greater support among the men folk for women's collective action. The meetings with women are such a new concept for many - including men -that many of the women are afraid to talk in public and especially in front of village leaders. The UCRT Gender Officer, as a Maasai woman,





managed to convince many of the women participants to talk freely by sharing her own experience— that she is an educated woman who still strongly holds Maasai values. Many of the groups wanted to involve their customary leaders, particularly in the land policy and law trainings. In response to this, UCRT invited the customary men leaders of Makame Village to the trainings, but was careful to ensure that the women still had their own space and time to debate issues separate from the men.

### **What are the key lessons learnt so far?**

In starting up these initial WLFs in Simanjiro and Kiteto, UCRT has learned that more villages need to be included in the process to make it functional from the village up to the district level.

UCRT also learned that men should be invited to join the trainings, to dispel any fears that the meetings are secret or conspiratory in any way. The reaction of the men, who stated that UCRT's trainings would destroy their family structure, surprised UCRT's field officers. In reality the purpose of the project is to empower women within their own Maasai society as part of enhancing their roles and rights in their

families, instead of leaving women little choice other than to join a different culture to secure better rights as a woman.

However, UCRT has been encouraged by the fact that the women seem to have embraced the initiative, and have even gone a step further in some villages using the WLF as a way to save and share funds between themselves to help in times of trouble as well as to use their WLFs as a means of sourcing new funds for small business opportunities.

But some serious questions remaining for UCRT are: can WLFs be further scaled up, and will the WLFs be a success and strengthen the role of women in pastoralist society?

Finally, a sustainable monitoring method for the initiative needs to be developed so that women feel they are achieving their goals and can track the results of their efforts.

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Ujamaa Community Resource Team works to empower marginalized people in the rangelands of northern Tanzania to secure rights to their land in order to improve

their livelihoods and ability to conserve their natural resources. UCRT aims to promote more resilient, egalitarian and sustainable communities that are responsible for their own development, and better able to benefit from and steward their environment for future generations. UCRT also works with these communities to expand their ability to ensure that national policy and legal processes underpin their rights and development needs.

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The Pastoral Women's Council of Tanzania was founded to conceive and implement long-term structural solutions for ending the poverty and marginalisation of pastoralist and agro-pastoralist women and children.

PWC is women-led and encourages women to openly discuss the positive and negative aspects of their culture, to act on their findings, and to mobilise local efforts and resources. PWC achieves this through improving access to health and education, providing economic empowerment opportunities and building rights and leadership skills for girls and women. Land and property rights are an important part of PWC's work.

Pastoralist Women's Council,  
P.O. Box 72, Loliondo. Tanzania

Website: [www.pastoralwomenscouncil.org](http://www.pastoralwomenscouncil.org)  
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Maliasili Initiatives builds the skills and strengthens the capacity of local partner organizations in East Africa that are leaders in community based natural resource management. We connect our partners to a global network of collaborators and support, and facilitate and strengthen cutting-edge initiatives that seek to advance conservation, rural development and social justice issues in Africa.