

**REVIEW OF IMPACT OF POLICIES, LEGISLATIONS ON
PASTORAL PRODUCTION, LAND USE, WATER
MANAGEMENT USING SEA AND OTHER
PARTICIPATORY TOOLS**

List of Acronyms

ALP	Agricultural and Livestock Policy
ASDP	Agricultural Sector Development Programme
ASDS	Agricultural Sector Development Strategy
CBO	Community Based Organisation
DADPs	District Agricultural Development Plans
DANIDA	Danish International Development Assistance
GDP	Gross Domestic Product
IFAD	International Fund for Agricultural Development
IIED	International Institute for Environment and Development
IUCN	International Union for the Conservation of Nature
LGA	Local Government Reform Programme
LU	Livestock Unit
MNRT	Ministry of Natural Resources and Tourism
NEMC	National Environment Management Council
NCA	Ngorongoro Conservation
NGO	Non-Governmental Organization
NPP	Ngorongoro Pastoralist Project
NSGRP	National Strategy for Growth and Reduction of Poverty
PAPLIDEV	Presidents' Office Regional Administration and Local Government
PINGOs	Pastoralists Indigenous Non Governmental Organizations
PORALG	Presidents' Office - Regional Administration and Local Government
PPA	Participatory Poverty Assessment
PRSP	Poverty Reduction Strategy Paper
RDS	Rural Development Strategy
RECONCILE	Resource Conflict Institute
TIC	Tanzanian Investment Centre (to be clarified in the text p 18)
TMIB	Tanzania Meat Industry Board
TNRF	Tanzania Natural Resource Forum
WD	Wildlife Division
WTO	World Trade Organisation

1 Introduction

Sustainable development requires a strategic approach that takes into account the interactions between social, economic and environmental issues. To achieve sustainability in national development, there is a need to promote policies, strategies, programmes and practices that integrate social, economic and environmental objectives of society. Since the 1987 Brundtland report and particularly after the United Nations Conference on Environment and Development (UNCED) held in 1992 and the World Summit on Sustainable Development (WSSD) held in 2000, efforts have been made with mixed results to ensure the three pillars of sustainable development are adequately integrated into development processes.

During the past decade, the concept of mainstreaming environment into development frameworks has emerged to provide methodologies, approaches and tools to help decision makers and practitioners integrate environment into development processes at national and local levels. Strategic environmental Assessment (SEA) has been emerging in this context as a key tool for achieving greater integration which is aimed at achieving sustainable development. One of the challenges facing Tanzania is taking necessary legislative steps to ensure sustainable development of its people through proper management and utilization of rangeland for livestock production. Of late, the country's environment has been heavily affected with land conflicts between pastoral and the non pastoral community, the lack of capacity to enforce environmental laws and lack of working tools. The existing legal framework was not molded to absorb such challenges. It is clear that country specific laws are among the major important instruments for transforming environment and development policies into action. An important starting point in improving policy design for the development of pastoral areas has thus to include improving policy understanding of the rationale behind pastoralism. However, this on its own is unlikely to bring substantial changes since policy formulation is essentially a State-driven political process that tends to favour dominant groups. In the eyes of the State, pastoralists represent a "minority vote", occupy large areas of land of low economic potential and practice a livelihood system many consider to be economically inefficient and environmentally destructive. Pastoralists and their interests are thus not very high on national policy agendas. SEA and other tools will help to incorporate environmental/sustainability issues in strategic decision making and improve strategic actions on environmental sustainability and poverty reduction in Tanzania

Tanzania is undergoing a rapid pace of policy change. Vision 2025, the National strategy for Growth and the Reduction of Poverty, the Rural Development Strategy (NSGRP), the Agricultural Sector Development Strategy (ASDA), a draft Livestock Policy, a new Wildlife Policy, and the Local Government Reform Programme (LGRP) are just some of the institutional changes that have taken place in the last five years. The presidential elections in December 2005 saw a new and populist government sweep into power eager to build on these reforms and deliver on their

election manifesto to bring development, peace and prosperity to all Tanzanians in the years to come.

Although driven by noble objectives, these reforms will in practice affect different communities in different ways. This in part reflects the difficulty central level policy making has in accommodating the huge diversity of Tanzania's environment and natural resources, and the very varied manner in which its citizens derive their livelihoods. But it is also due to the fact that certain policies are designed explicitly to favour one sector over another, or to encourage radical changes in the manner in which a particular sector is organized and supported. The latter is particularly true for pastoralism and agro-pastoralism, two sectors which the government seeks to modernize and change in its drive towards modernization. Some of the institutional reforms are going to have serious repercussions on pastoral and agro-pastoral livelihoods, the good management of the environment and peaceful co-existence among communities.

The rapid pace of change has also prevented many citizens from participating in and shaping the policy options and directions being proposed by government. As a result, many communities have been left behind. This is particularly true for rural people, and the pastoral and agro-pastoral communities among them.

In order to address this problem and to guide its policy advocacy work, the Ministry of Livestock Development and Fisheries (MLDF) project (see box 1) commissioned a study to review existing and planned policies and laws that currently touch upon pastoralism and analyse how they actually impact, or are likely to impact, on pastoral and agro-pastoral and agro-pastoral livelihoods. This report presenting the outcome of the consultancy work, is intended for broader dissemination among the various stakeholders in Tanzania with an interest in pastoralism in order to allow greater understanding of the issues, and to facilitate dialogue between stakeholders.

The policies and laws reviewed include those dealing with overall national development, those specific for the livestock sector, those dealing with access to pastoral resources, those dealing with conservation of wildlife and other natural resources, and those dealing with decentralization of local governance.

2 The Situation of pastoralists

2.1 Mobility and its central role in pastoralism

Despite the extensive documentation of the efficacy of indigenous pastoral systems in Tanzania and elsewhere (Benhke and Scoones, 1993, Homewood and Rodgers, 1991), negative perceptions pervade pastoral policy and management, especially in regards to livestock mobility and the migration of pastoralists to new territories outside their traditional areas (Galaty, 1993) – see boxes 1 and 2.

Box 1: Positive effects of mobility
<ul style="list-style-type: none">• It results in the optimal utilization of the existing natural resources, by taking advantage of

temporal and spatial variations in the distribution and quantity of rainfall and forage, as well as the best nutritional status of the forage.

- It is an effective way of risk management by evading drought conditions and actual or potential disease or pest outbreaks, which usually depend on climatic conditions.
- It avoids the over exploitation of the natural resources by reducing concentration of livestock in one area, thus leading to conservation of the biodiversity.
- Evidence from Botswana and Mali confirms that animals reared in mobile systems are up to three times more productive per hectare than those reared under similar climatic conditions in ranches or sedentary systems in either Australia or the USA (Haan de, C. *et al.*, 1999 cited in Bonnet, B. *et al.*, 2004).

Pastoralists and their livestock must possess a high degree of resource utilization mobility in order to respond to temporal and spatial variation in the distribution and quantity of rainfall and forage (Homewood and Rodgers 1991). Mobility also enables pastoralists to manage disease risks by avoid known area of infestation (Grootenhuis and Olubayo, 1993).

Various factors, which will be discussed below, have constrained pastoralist mobility, and therefore the ability of pastoralists to make efficient use of resources, and to avoid exposure of livestock to disease.

Pastoralism should not be seen intrinsically expansionist in nature, but as an efficient production system of use and exploitation of range resources. Markakis (2004) emphasizes the double imperative of the pastoralist mode of production, namely extensive land use and freedom of movement in order to (i) have access to dispersed, ecologically specialized and seasonally varied grazing lands and watering holes; (ii) to provide forage for different livestock species; and (iii) to afford a margin of safety against erratic rainfall. It is not true that pastoralism is irrational and destroys the environment. Pseudo-technical assertions that blame pastoralists for environmental degradation and desertification have no scientific basis.

Box 2: Negative policy statements of pastoralism in Tanzania

- The growth of the livestock population has raised demand for grazing land, and has created serious soil erosion problems in some areas due to overgrazing this has led to increased movement of large herds of livestock to areas which traditionally had few livestock, such as Mbeya, Iringa, Morogoro, Rukwa and Coast Regions, creating serious land use conflicts. (URT, National Land Policy, 1995).
- While seasonal migration of livestock is an important coping mechanism in times of drought, there are problems of disease control, land degradation due to a lack of sense of ownership of the grazing lands, and occasional conflicts between crops and livestock farmers (URT, Agric. Sector Dev. Strategy, 2001).

- We will take deliberate measures to improve the livestock sector. Our people must change from being nomadic cattle herders to being modern livestock keepers. We will take measures to improve pastures, veterinary care, cattle dips, and auctions... (Hon. Jakaya M. Kikwete, President, URT on his inaugural speech to Parliament, 30th Dec. 2005).
- We are producing little milk, export very little beef, and our livestock keepers roam throughout the country with their animals in search for grazing grounds. We have to do away with archaic ways of livestock farming. I therefore create a separate Ministry for Livestock (Hon. Jakaya M. Kikwete, President, URT in a press conference announcing his Cabinet, 4th Jan. 2006).

Children with their herds of livestock near a watering hole at Loliondo, Ngorongoro District.

2.2 Pastoralism under pressure in Tanzania

Pastoralists suffer from the effects of settlement, encroachment on their traditional pastures, lack of infrastructure, hostile market mechanisms, and difficulties of marketing their products (DANIDA, 1995).

There have been many attempts since colonial times of modernize the pastoralists system through sedentarisation policies and projects. Failure of such schemes and policies has led to disillusionment and frustration on the part of decision makers who in turn blame the pastoralists for being conservative and resistant to change (Anderson, 1999).

Not all sedentarisation is forced. There are instances where sedentarisation has also originated with the pastoralists themselves, sometimes to access infrastructure such as schools, hospitals and markets, or sometimes because of drought and the loss of their animals (Fratkin et al., 1999). Sedentarisation for whatever reason, without good planning and transfer of appropriate livestock management techniques, extension services and good livestock marketing systems tends to affect pastoralists and the environment negatively (Shem et al., 2005). It results in large numbers of livestock being confined in one area for the whole year, thus overburdening the grazing area and consequently damaging the environment through land degradation due to overgrazing (Homewood and Rodgers, 1991). Continuous overgrazing changes the composition of the pasture and is often reflected in a decline in the quality of the animals (Brockington, 2000). The settlement of pastoralists usually degrades the livestock from increased disease pressure. Moreover, due to the disruptive nature of sedentarisation, traditional institutions for conflict resolution have become weakened (Shem et al., 2005). As they lost their land, some pastoralists become sedentarised, while others migrate to new areas often occupied by crop farmers, resulting in conflict and sometimes violence, particularly over the allocation of land and water resources. However, in some areas the immigrant pastoralists and the indigenous ethnic groups, mainly agriculturalists, have forged complementary co-existence, for example in the Usangu plains in Mbeya region, Tanzania (Kajembe et al., 2003).

Many pastoral households in East Africa have already fallen victim to these pressures and have left livestock production without being able to find alternative livelihoods (Shem et al., 2005).

2.3 Forces at play

Lack of understanding of pastoralism by policy makers

The ecological significance of mobile pastoralism is little understood, and consequently much interfered with, by policy makers, development planners and governments in their common desire to modernize livestock production and pastoralists.

Rangeland management is inspired by practices that come from totally different and irrelevant eco-social regions (such as the western prairies of North America, Australia and New Zealand). Methods and philosophies of “carrying capacity” and other management tools considered “scientific” come from alien eco-social systems, and have been shown to be deficient when applied in the East African pastoralist context (Behnke and Scoones, 1993; Homewood and Rodgers, 1991).

Twins encroachment by state and private interest

State encroachment has often been in the form of the establishment of national parks and game reserves on traditional pastoral lands, and the subsequent exclusion of pastoralists. The expansion of small scale and commercial cultivation has also resulted in a loss of range resources (Lane, 1991; 1998). Cultivation of wetlands on a small scale by local farmers or on large-scale irrigation projects has resulted in the loss of dry season grazing. Other land uses, such as mining, have also deprived pastoralists of access to range resources.

Inappropriate systems for delivery of social services

There are experiences in Tanzania and elsewhere in the region showing the introduction of schools etc to be destructive to the lifestyles, livelihoods and value systems of nomadic pastoralists (Shem et al., 2005). The children of pastoralists attending such schools are nearly always alienated from their cultural and livelihood heritage and learn to disdain their parent’s way of life in favour of false expectations of a settled, urban life with professional jobs which most are never able to attain. This is contributing in the medium and long-term, to the reduction of rural productivity and to food insecurity and the erosion of the most valuable indigenous knowledge systems for sustainable resource management.

Interaction between wildlife and livestock

There has in the past been a close and relatively harmonious association between livestock and wildlife in Tanzania. It has also been suggested that pastoralists have had a significant influence on the evolution of the ecology of the areas they inhabit, including the type and distribution of wildlife species (Homewood and Rodgers, 1991). Pastoralists have adapted to and influenced their environment without destroying its sustainability (Ghimire and Phimbert, 1977).

However, competition for resources such as grazing and water between livestock and wildlife is a major concern among pastoralists in Ngorongoro and in many

areas of East Africa. Moreover, most diseases affect livestock to a much greater extent than wildlife. Wild ungulates are important, or potentially important, in the spread of several viral diseases of concern to livestock producers. Among the cost to any community of integrating wildlife and livestock in the same habitat is disease (McCabe et al., 1992). Predation of livestock and humans is often cited as a major risk by pastoralists (and indeed non-pastoralists) who live near wildlife sanctuaries. Damage to crops and infrastructure by wildlife is a key issue.

Although wildlife constrains land use for pastoralists, opportunities from wildlife may be incorporated into pastoralists livelihood strategies, especially through community-based natural resource management in areas that possess 'sufficient' wildlife for sustainable use through consumptive and non-consumptive means. In practice, however, the potential of wildlife to contribute to the sustainable rural livelihood strategies of pastoralists is constrained by a number of factors. Some of these factors include the perceptions of the cost and benefits of wildlife, national and international wildlife legislation, natural resource tenure, the degree of community homogeneity, and the quality of institutional management (Talbot and Olindo, 1990; Nelson, 2004).

3 Laws and policies touching on pastoralism

3.1 Introduction

Many policies, strategies and laws touch directly or indirectly on pastoralism and pastoralists' livelihoods. These policies and laws can be grouped around five areas:

- Those dealing with overall national development
- Those specific to the livestock sector
- Those dealing with access to pastoral resources
- Those dealing with conservation of wildlife and other natural resources
- Those dealing with decentralization and local governance.

3.2 Pastoralism in the National Development Strategies

The National Strategy for Growth and Reduction of Poverty (NSGRP), 2004

The NSGRP (2005-2009) builds upon the first Poverty Reduction Strategy Paper. It pays attention to stimulating private investment, improving infrastructure, developing human resources, building a competitive economy and an efficient government. The strategy is also expected to deepen citizen ownership and inclusion in policy-making processes. It recognizes the need to make participation much more institutionalised rather than a one-off event. This is an opportunity for pastoralists to engage with government in various policies and strategies.

Among the guiding principles of the strategy is the issue of equity, where it is rightly noted that growth is necessary, but not sufficient, for poverty reduction. Government policies, it is claimed, will therefore aim at improving access to and use of, productive assets for the poor and addressing regional disparities, by identifying economic potentials of the disadvantaged regions, as well as ensuring equal and universal access to public services including physical infrastructure and social services.

Of greatest significance, however, is the NSGRP's recognition of "pastoralism as sustainable livelihood". For the first time, pastoralism has been officially recognized as a form of livelihood rather than simply as a mode of production. This ought to change the way the government deals with the issue of pastoralism and pastoralists. Furthermore, some of the specific actions proposed by the Strategy could be of benefit to pastoral communities (see box 3).

Box 3: Specific actions

- Promote efficient utilization of rangelands
- Empower pastoralist institutions
- Promote programmes that increase income generating opportunities for women and men in rural areas through promoting local small scale industries
- Construct more charcos (dams), improve access and quality of veterinary services, and promote dairy and leather industries, and
- Ensure improved access to reliable water supplies for livestock development through promotion of small-scale rainwater harvesting.

Source: United Republic of Tanzania, Vice President's Office, 2004

Taking these proposals together with those for improving the quality of life and social well-being of the poorest and most vulnerable groups, reducing political and social exclusion, and promoting national cultural identities, even though there are no specific targets for pastoralists, a significant opportunity is apparent within the NSGRP for pastoralists to assert their rights. Pastoralists should therefore be able to urge the Government to take appropriate steps to implement these proposals, which would be in their interests.

The Rural Development Strategy (RDS), 2001

The Rural Development Strategy was formulated to provide a strategic framework for the coordinated implementation of sector policies and strategies concerned with the development of rural communities in line with the Poverty Reduction strategy Paper (PRSP). It was supposed to complement the Agricultural Sector Development strategy (ASDS) formulated at the same time (see below). While the ASDS covered the agricultural sector, the RDS was meant to cover all dimensions of poverty reduction, including agriculture, non-farm economic activities, social services and economic infrastructure.

The RDS advocates improvement of the livelihood quality of rural people by meeting their basic needs as well as electricity, communication, information and transportation. It also recognizes the need for rural people to be empowered to take charge of their development, and of the need to diversity the rural production mix more towards the prevailing patterns of demand in world trade.

However, in addressing pastoralists specifically, the strategy notes the negative consequences of their actions through migration, which it claims causes land degradation due to overgrazing, land use conflicts and the spread of animal diseases, the Strategy has the objective of resettling pastoralists on a permanent basis by identifying and demarcating pastoral land, issuing of land title deeds to livestock keepers, improving water infrastructure in all livestock keeping areas and launching disease control campaigns. The Strategy therefore sees sedentarisation as the way of addressing the problems of pastoralists. This is obviously base on an

inadequate understanding of pastoralism as a livelihood and as such, it is not likely to achieve any positive results for pastoralists, but may lead to their further impoverishment.

The Agricultural Sector Development Strategy (ASDS), 2001

The Agricultural Sector Development Strategy was formulated to implement the Agricultural and Livestock Policy of 1997 (see below), and to contribute to the Poverty Reduction strategy Paper which had been adopted earlier. The primary objective of the ASDS is to create an enabling and conducive environment for improving the productivity and profitability of the sector as the basis for improved farm incomes and rural poverty reduction in the medium and long-term.

The ASDS envisions an agricultural sector that, by 2025, is modernized, commercial, highly productive and profitable, utilizes natural resources in an overall sustainable manner and acts as an effective basis for inter-sectoral linkages. One of the assumptions which guided the formulation of the Strategy was that Tanzania is endowed with a large human population involved in agriculture but with low productivity, and an underutilized and abundant natural resource base, which presents a considerable opportunity for expansion in farm production of most crops, livestock and livestock products. The strategy therefore proposes for the Government to work towards creating an enabling environment for medium and large-scale investors to make use of the abundant land resources in the country.

The Strategy identifies the following strategic issues to be addressed. These include:

- Strengthening of the institutional framework for managing agricultural development;
- Creating a favourable climate for commercial activities;
- Clarifying public and private roles in improving support services'
- Improving the marketing of inputs and outputs.

Specific actions are proposed for each of the issues. Among them are proposals that have a direct implication on the access of pastoralists to land resources. For example, in creating a favourable climate for commercial activities, it is proposed that procedures for gaining legal access to land should be streamlined in order to make it possible to use land titles as collateral for loans. It is also proposed that since the lack of legal and physical access to land is a major hindrance for medium and large-scale farmers wishing to invest in agriculture, the Government will undertake land surveys and demarcation to identify potential investment zones.

While the Strategy acknowledges that mobility is an important coping mechanism in times of drought, it notes the problems of disease control and land degradation due to a lack of individual ownership of the grazing lands, and occasional conflicts between crop and livestock farmers. It is therefore proposed that the needs of pastoralists and agro pastoralists in term of water, pasture and rangeland infrastructure must be identified in a participatory manner, and land to be used by

pastoralists and agro pastoralists must be demarcated and allocated accordingly. To this end the Government will prepare comprehensive land use maps to indicate areas suitable for cropping, grazing and for private sector investment.

As far as provision of services is concerned, the strategy states that private paravets and qualified vets will provide animal health services in the rural areas as a more cost-effective service delivery approach. Additionally, the Government will ensure that infrastructure used for the control of animal diseases will be maintained or developed up to the legal minimum standards, and eventually transferred to private operators. This will include dips, slaughter slabs, and abattoirs. The ASDS therefore strives to promote private sector-driven modernization and commercialization of the whole agriculture sector, including the livestock sub-sector, by guaranteeing easy access to large parcels of land for large-scale investment in agriculture. It is assumed that the entry of large-scale investors into the sector will lead to modernization. This emphasis on modernization and commercialisation has serious consequences of the traditional sector. It also threatens the livelihoods of these communities since easy access to land by large investors basically means increased ease of land alienation from local communities and increased potential conflicts among various resource users including pastoralists.

3.3 Pastoralism within the Livestock Sector Policy and Legal Framework

Agricultural and Livestock Policy, 1997

The Agricultural and Livestock Policy has so far been the leading sectoral policy in terms of animal production. In analyzing the livestock sub-sector, the Policy acknowledges that despite the large livestock population and vast rangelands resources, the sub-sector's contribution to the agricultural and national GDP is relatively low. The Policy lists many constraints that prevent the sub-sector from realizing its full potential – see box 4.

Box 4: Key constraints affecting the productivity of the livestock sector in Tanzania

- Inadequate seasonal and poorly developed water resources leading to poor livestock distribution, overgrazing and range degradation.
- Lack of guaranteed security of land tenure and appropriate mechanism for land acquisition. This, the Policy claims, does not provide incentives for rational rangeland management and discourages investments to improve pastures and water supplies. It is also claimed that insecure land tenure is fuelling conflicts between farmers and pastoralists.
- Inadequate supply of appropriate inputs.
- Inadequate use and control of natural rangeland resources.
- Lack of appropriate national pastoral policies and programmes
- Inadequate social and economic services in pastoral areas
- Lack of integrated and sustainable resource use combining crop farming, animal husbandry, wildlife exploitation, fishing and forestry as and when appropriate.

Source: United Republic of Tanzania (1997), Agricultural and Livestock Policy, Ministry of Agriculture and Cooperatives, Dar es Salaam.

Within respect to access to resources, the Policy recognizes that there are growing social and land use conflicts and environmental concern due to haphazard alienation of rangelands for large scale agriculture, which has alienated pastoralists' grazing lands. As such, the following is proposed:

- Security of tenure for pastoralists in pastoral land areas will be guaranteed by appropriate measures including gazetting to protect grazing lands from encroachment.
- Certificates of village land will be issued to protect common property regimes.
- Under-utilised or neglected former pasture land will be reclaimed and restored to pastoralists, when not in conflict with national interests (although one wonders how what is of national interest is decided, and whether the livelihoods of the local communities are not a matter of national interest!).
- When any activity other than pastoralism ceases in rangelands (e.g. an abandoned ranch), that land will revert to its original land use.
- Shifting agriculture and nomadism will be discouraged.
- Incentives to "proper" pastoral land stewardship including the provision of infrastructure like water supply and cattle dips through cost sharing schemes will be provided. Cattle movement will be regulated through coordinated planning and the provision of stock routes and other mechanism.
- The Government will recognize and respect the rights of pastoral communities to their traditional grazing lands and will promote communal initiatives for better management and integrated exploitation of rangeland resources.
- All Acts and regulations pertaining to pastoral land use and tenure will be reviewed to bring them in time with the National Land Policy of 1995.
- The Government will promote community based natural resource management and control among livestock keepers and farmers through participatory land use planning.

In seeking to transform the pastoralist mode of production, the Policy sets the immediate objectives in the pastoral sector as: improving marketing infrastructure, income diversification, recognition and empowerment of pastoral institutions, encouraging pastoral communities to identify their own problems and to take necessary action. The long term objectives are the improvement of the socio-economic and cultural welfare of pastoralists, improvement in management of natural resources by pastoralists, development of sound participatory and sustainable pastoral/agro-pastoral institutions and the formulation of pastoral policy that incorporates pastoral issues sufficiently in other national policies and recognition and sustenance of traditional customary land rights of pastoralists. Accordingly, the Policy proposed that:

- The Government will work with pastoral communities, NGOs and the private sector to provide appropriate support services and delivery systems; and,
- It will encourage pastoral communities to form savings and credit institutions such as savings and credit societies, trust funds and rural banks. In addition, financial institutions will be encouraged to work with pastoral communities to develop an appropriate credit system.

With respect to mobility of pastoralists, the Policy argues that free movement of pastoralists with their cattle from over-stocked to under-stocked land areas, if not regulated, will bring about land ownership and land-use conflicts with settled communities. Thus, while the Government encourages livestock owners in overgrazed areas to move to lower stocked areas, it will facilitate and coordinate discussions with the local communities in the under stocked areas so as to agree on modalities of the new settlements. This will involve government support in land use planning, grazing and water rights, establishment of necessary basic infrastructures in the new areas including construction or rehabilitation of livestock marketing facilities. The proposed approach is rather top down since it is the government which will regulate the movement of livestock, based on management models which are alien to pastoralists, rather than building on the existing mobility mechanisms which are based on local knowledge and experience.

The policy promises a lot in terms of securing grazing lands for pastoral communities and the provision of services. However, it is obvious that the concerned Ministry/Ministries have not been able to implement what was proposed in the Policy. However, it is an opportunity for pastoral communities to pursue with the Government to ensure that the Government implements what is already policy. A possible constraint is the lack of legal mandate by the concerned Ministries to implement issues pertaining to land, but the other possible reason could be the lack of will on the part of Ministry officials. An examination of the proposed Livestock Policy will shed light on this.

The proposed National Livestock Policy

This policy is meant to be an instrument towards achieving the Tanzania Development Vision 2025 and the National Strategy for Growth and Reduction of Poverty. The policy envisions a future livestock industry in the following way:

“By the year 2025, there should be a participatory livestock sector which to a large extent shall be commercially run, modern and sustainable, using improved and highly productive livestock to ensure food security, improved income for the household and the nation, while conserving the environment.”

The policy is aimed at modernizing pastoral production. It is commodity-oriented. Its intention is to modernize the livestock sector through extensive and sedentarised modes of livestock production and settling of pastoralists. However, modernization of livestock production is not synonymous with improvement of

pastoral livelihoods, although the former could be a good vehicle for the latter. Moreover, the Government is unfortunately still following top down planning approaches based on the belief that giving titles to pastoral villages will improve both livestock productivity, reduce resource conflicts with cultivators and conserve the environment. However, this will not be beneficial to the majority of pastoralists unless the land is communally owned and managed by established, legitimate, and representative local institutions, which will oversee sustainable use of the natural resources. Group ranch experience in Kenya also shows that land titling is not beneficial to the majority of pastoralists (Rutten, 1992).

The new National Livestock Policy may be the beginning of the forced sedentarisation of pastoralists with its accompanying social and environmental consequences. Where enforced, the ecological consequences of static animal husbandry policies such as those advocated by this policy include:

- Overgrazing around settlements and undergrazing of remote rangelands. Excessive overgrazing has led to soil erosion, bush encroachment in many arid and semi-arid areas and an increase of tough unpalatable grass species such as *Eleusine jaegeri* in Ngorongoro Conservation area of Tanzania.¹
- A loss of indigenous knowledge and controls on range management leading to less efficient management of range resources.

As mobile animal husbandry is a productive and environmentally friendly land use system in arid areas, the trend of this policy may end up being counterproductive both in the short term and long term. Recognising that pastoralists' techniques represent a 'realisation of the full potential' of natural resources, and that nomadic pastoralism is a highly evolved ecological response to seasonally scarce resources, it should be protected and promoted as a sound and well-adapted eco-social system of livelihoods and the husbanding of natural resources.

Past government policies, especially those on land and water resources, have contributed to the current marginalisation of pastoralists (Mattee and Shem, 2005). Instead of addressing pertinent issues and factors affecting the traditional herd, the new policy seems to blame pastoralists for what has and continues to go wrong in the livestock sector. The new livestock policy is silent on how the problem of alienation of pastoralists' land will be addressed. Other key limitations of the draft policy are highlighted in box 5.

¹ According to a draft General Management Plan for the NCA (2006-2016) the increase of *Eleusine jaegeri* and *Pennisetum schimperi* - both unpalatable grasses - have been attributed to overgrazing or to the lack of fire, but the causes have not been systematically investigated.

Box 5: Key limitations of the draft National Livestock Policy

- No policy statement to support pastoral systems to help in the conservation of natural resources and cultural heritage while providing for the improvement of their standard of living.
- Absence of policy provisions in support of mobile services to meet pastoralists' basic needs in health, education and veterinary services.
- Lack of a clear policy statement on the strengthening of the financial capacity of pastoralists communities.
- Lack of a statement of capacity building of pastoral NGOs
- The policy is silent on measures to strengthen efforts to prevent desertification including use of traditional means of resource management which are more suitable than those based on Western range management concepts.

This Policy is currently being finalized. A national consultative workshop on the final draft of the Policy was held in Dar es Salaam on 28th March 2005. the following general observations were made at that meeting:

- The document failed to draw on the experiences and failures of the past government policies towards the livestock sector. This approach could be a better way of justifying the need for a new policy.
- Insufficient time was allocated for wide consultation with stakeholders in all sectors of the livestock industry. The haste with which this policy was prepared leaves a lot to be desired.
- The document lacked inputs from experienced and probably ore competent local experts from universities, NGOs and government-supported livestock projects. It was strongly felt that the quality of the document could be improved.
- There is no policy statement of pastoralism and the draft policy's first weakness is that it does not even define pastoralism and agro-pastoralism except by equating it with the extensive livestock production system. Pastoralism is labeled as being an 'inefficient system' which has poor animal husbandry practices, lacks modernization, is based on irrational behaviour to accumulate stock beyond the carrying capacity, and lacks market orientation. In essence, the new livestock policy is anti-pastoralism and wishes it away. The social aspect of pastoralism is completely ignored in the policy's pursuit for modernization and commercialization of the livestock sector.

After the national consultative workshop, an extended consultation process – organized by pastoralist networks and project in northern Tanzania resulted in a joint proposal (comments and amendments) to the final draft of the National Livestock Policy. The Livestock Policy Task Force coordinated by the Tanzania Natural Resource Forum (TNRF) provided technical support to the pastoral networks. Comments and amendments were taken to Dodoma towards the end of 2005 and presented to the Minister of Water and Livestock Development himself

(see box 7). The Task Force was promised more feedback on its proposals as soon as the new government was installed (after the December 2005 General Elections).

The proposed Beef Industry Act

The Ministry of Water and Livestock Development is currently in the process of preparing the Meat Industry Board Act, which will regulate the meat industry in the country. The preparatory activities started in 2003 and have involved identifying key meat industry stakeholders, organizing a preliminary stakeholder consultative workshop, and the drafting of the Bill. However, the Bill could not be tabled in Parliament because it was deemed to be overlapping with the Act establishing the Tanzania Food and Drugs Authority. The Bill is therefore to be revised before it is resubmitted for consideration.

Box 6: Comments and proposed amendments to the National Livestock Policy, May 2005

Primary reasons for concerns

- The livestock policy as it stands does not lay the foundations for a concerted effort to support the livelihoods of livestock keepers. It is production orientated.
- Whilst improvement in production and commercialization should remain a major goal, the policy needs to concentrate more on how it is going to facilitate poor livestock keepers to attain appropriate levels of production and access markets.
- It displays a surprising lack of understanding of the intricacies of non-equilibrium environments (rangelands) and agro pastoral and pastoral systems. For this reason **many of the shortcomings of the livestock sector are blamed on the mobility of pastoralists.**
- **Mobility** needs to be acknowledged as a necessary factor of livestock production in the rangeland, it is only once this is acknowledged that realistic, effective strategies to assist livestock keepers in these areas can be developed.
- If the current draft is taken in the context of the Presidential Circular of 2002, it would appear that, rather than building on pastoral livelihood systems, it is paving the way for the enactment of legislation to impose **strict control on livestock movements.**
- **The loss of mobility** will spell disaster not only for pastoral livelihoods, but for the entire pastoral ecosystem including wildlife and the revenue it generates from the photo-tourism and hunting industries.
- The occurrence of drought is a problem throughout East, Central and the Horn of Africa due simply to the arid/semi arid environment. In response, pastoralists have developed **mobility as the most sustainable and reliable livelihood strategy.**
- It is true that **livestock movement** can pose disease transmission problems and increased land-use conflicts with other land users. But these issues are surmountable with appropriate support and conflict management processes.
- **The benefits of mobility** (reliable and sustainable livelihoods) should be judged against the costs (disease and land-use conflict).

Source: Livestock Policy Working Group

The main purpose of the proposed Bill is to organize the marketing of meat and meat products both nationally and internationally. It is noted, for example, that the meat sub-sector is currently made up of many scattered individual smallholder producers and traders and very few, if any, big and commercial oriented meat industry stakeholders. As such, Tanzania has not been able to capture the international markets which are highly regulated by international organisations such as the WTO.

The Bill therefore proposes to establish the Meat Industry Board Act whose main objective will be to ensure availability of high quality livestock, safe meat, meat products, hides and skins and other meat industry products for the local and export markets. The Bill essentially seeks to promote and regulate trade in order to penetrate markets currently not accessible. In this respect, pastoralists may benefit from the Act as long as it does not set regulations that will make it difficult or impossible for them to participate in these markets.

The proposed membership of the meat Industry Board and the General Assembly for the Meat Industry Board gives very little opportunity for pastoralists to have a meaningful input into these organs. This is because it is heavily biased towards government bureaucracy. Even where it is proposed to have one representative of livestock producers, one wonders how such a person can be selected to be truly representative of livestock producers (even within a District), considering the diversity of the producers themselves.

3.4 Pastoralism and access to resources

The National Land Policy, 1995

The overall aim of the National Land Policy is to promote and ensure a secure land tenure system, to encourage the optimal use of land resources, and to facilitate broad-based social and economic development without endangering the environment. Some of the specific objectives of the Policy include:

- To promote an equitable distribution of, and access to, land by all citizens
- To ensure that existing rights in land especially customary rights of smallholder peasants and herdsmen are recognized, clarified and secured in law
- To streamline the institutional arrangements in land administration and land dispute adjudication and also make them more transparent, and
- To protect land resources from degradation for sustainable development.

Increases in human and livestock populations are cited as some of the reasons why a Land Policy is needed. It is noted in the document that the growth of the livestock population has raised demand for grazing land, and has created serious soil erosion problems in some areas due to over-grazing. At the same time, the increase in human population has resulted in the extension of cultivation to marginal land areas, which has resulted in a reduction in areas available for pastoralists.² These trends have, the to areas that traditionally had few livestock, such as Mbeya, Iringa, Morogoro, Rukwa, and Coast Regions, creating serious land use conflicts.

The Policy is also meant to regulate the other trends like entry of large-scale investors into the agricultural sector, expansion of urban areas, and the commodisation of land.

² Interestingly, no mention is made as to what impact this spread of agricultural activities in marginal areas may have had on the environment.

In seeking to address the problems of growing social conflicts, environmental concerns and land use conflicts due to haphazard alienation of rangelands for large-scale agriculture, the Policy proposed that:

- Security to tenure for pastoralists in pastoral land areas will be guaranteed by appropriate measures including gazetting to protect grazing land from encroachment.
- Underutilized or neglected former pastureland will be reclaimed and restored to pastoralists, when not in conflict with national interests.
- When any activity other than pastoralism ceases in rangelands (e.g. abandoned ranches), that land will revert to its original land use.

The Land Act and Village Land Act, 1999

The Land Act of 1999 is the basic law in relation to land other than the village land, the management of land, settlement of disputes and related matters. The Village Land Act of 1999 is an Act to provide for the management and administration of land in villages, and for related matters.

For the purposes of the management of land under the Land Act, 1999, and all other laws applicable to land, public land is categorized as “General land”, “Village Land”, or “Reserve Land”. Land falls into three categories (Wily, 2003):

- Village Land which includes all and within 11,000 village areas, and which is governed by the Village Land Act.
- Reserve land is all that land set aside for special purpose in accordance with already existing laws (e.g. the Cap. 412. National Parks Ordinance and Act No. 12 of the 1974 Wildlife Conservation Act)
- General Land which is all public land that does not fall under the above two categories and includes urban areas and lands that have been allocated by the government under entitlements.

It should be noted, legally, all land in Tanzania is public land and remains vested in the President for and on behalf of all Tanzania citizens.

Key features of the Village Land Act include:

- This Act is subservient to the Land Act
- Land under this Act may be held for customary rights of occupancy, for which a certificate will be issued
- The Act recognizes communal village land
- Land sharing between pastoralists and agriculturalists is recognized
- Every village shall establish a Village Land Council to mediate disputes concerning village land

- The President may transfer any area of village land to general or reserved land for public interest
- Public interest shall include investments of national interest

Titling of customary rights and interests in land is a key feature of the Village Land Act and is widely considered to be a useful provision to secure rights and occupancy for local people. This can have advantages and disadvantages for pastoralists. The first advantage is that, through titling, it might be easier to prove ownership and hence guarantee security against encroachments. The second advantage is that pastoralists may be able to use their lands as collateral in mortgage schemes. However, if customary titling extends to the individualization of land holding then it will interfere with communal use of pastoral resources. This will amount to fragment the commons, which will interfere with traditional arrangements for utilization of common grazing resources. Secondly individualization would make alienation easier at the right and obligations on land, including its disposability, would be statutorily placed on the individual. The situation now in the commons is that rights and obligations in pastoral resources are the responsibility of everybody in the commons. In some places such as Kenya, individualisation of the commons has led to massive land alienations and concentration of lands under the control of a few rich elites and influential individuals (Rutten, 1992).

Under section 4 (1) of the Village Act, 1999, the President can transfer any area of village land to general or reserved land for public interest, which may include investments of national interest. There are cases in the history of Tanzania where this power has been used to move pastoralists out of their ancestral lands. One example of this is the Canadian financed wheat farm complex (NAFCO farms) in Hanang district, Arusha Region that led to the dispossession of the Barabaig pastoralists of their traditional grazing land (Lane, 1996; 1991).

Furthermore, general lands have contradictory definitions. According to the Village Land Act, general lands are defined to mean public lands which are not in the category of village or reserve lands, while according to the Land Act, general lands are public and include unoccupied or "unowned" village land. This contradiction in definition threatens the security of pastoralists' land. Pastoralists' land is often considered "idle", "unoccupied", or "unowned". This land can therefore easily fall into the category of general land, which means the government can dispose of it (possibly in establishing Land Banks, see below) without having to seek the consent of pastoralists.

The Minister for Land is responsible for policy formulation and ensures its implementation of officials in the Ministry, including all functions connected with the implementation of the National land Policy and the Land Act, 1999, as delegated by the President. However, the most powerful person is the Commissioner for Lands, who is the principal administrator of the Land Act, 1999. The Act gives the Commissioner a lot of power over all issues of land in Tanzania. The Minister under Section 12 (1) of the National Land Act, 1999, should establish

the Land Allocation Committees at all levels of Government to advise the Commissioner on the exercise of the power to determine applications for right of occupancy. Local government authorities have no power to make any offer or grant any right of occupancy to any person or organisation, unless specifically authorized by this Act or any regulation made under this Act. A local government authority may make representation in writing or orally to the Commissioner on any matter connected with the administration of an area situated within their area of jurisdiction and the Commissioner shall respond to that representation as he or she sees fit. This clause gives so much power to the Commissioner that he or she can refuse to grant land rights to a person or a community (say pastoralists) regardless of the fact that the district officials may have considered the land to be important to the livelihoods of such a community. On the other hand, the Commissioner may also rule in favour of the group, depending on the group's ability to make intelligent arguments, a rare attribute of the majority of people in the rural areas, who are often illiterate and uninformed of their rights.

The Land Act, 1999, Section 37 (8), states that lands acquired before the enactment of the act shall be deemed to have no value, save for "unexhausted improvements" for which compensation may be paid under this Act or any other law.³ What this means for pastoralists who practice mobile livestock grazing systems and often have temporary dwellings is that they can be kicked off of any land without compensation in favour of foreign investors. The biggest threat to pastoralism in Tanzania therefore, lies within this piece of legislation. Its enactment and the repeal of the Range Development and Management Act, 1964 and the Rural Lands (planning and Utilization) Act, 1973 pose a great threat to pastoralists' livelihoods.

Tanzania Investment Act, 1997

The latter aspects and the Tanzania Investment Act, 1997, are very detrimental to the existence of pastoralism in Tanzania. The Tanzania Investment Act, 1997, allows non-citizens to own land for the purpose of investment. The setting aside of 2.5 million hectares of land for prospective investors under the new land Bank scheme under TIC will take away land already occupied by people such as nomadic pastoralists and other vulnerable communities. This argument is supported by the procedures used by TIC to identify and survey the so-called suitable land for investment. According to HAKIARDHI, an NGO dealing with advocacy on land issues, TIC wrote letters to regional authorities, informing them about the government's intention to establish a land bank. Village authorities were told to earmark land for the purpose in only seven days.

The proposed Range Management Act, 2005

The overall aim of the proposed Range Management Act is to increase the productivity of Tanzania's Rangelands and livestock sector (see box 8 for some of the act's specific objectives). To meet these objectives the Act proposes to establish a

³ Unexhausted improvements refer to improvements on the land which may still be in use.

rangeland Management Council and provide for the development and management of Range Development Areas.

The establishment of range Development areas (RDA) is proposed under section 14 of the proposed Act. In order to promote the highest use of “general lands”, the Minister responsible for livestock and rangeland development, after consultation with relevant Ministries, may establish RDAs within the general land and part of the village lands that has been demarcated for livestock use.⁴ Whenever such RDAs are established, the Minister shall grant adjacent landowners, upon application, rights-of-way over the lands for stock-driving purposes to provide access to water, salt-licks and marketing facilities or to lands not within the Range Development areas but owned by the person with stock-grazing rights. Furthermore, the Minister shall provide for the protection, administration, regulation and improvement of the range development areas, adopt regulations and enter into collaboration agreements necessary to accomplish the purposes of the Act, regulate occupancy and use, and provide for orderly improvement and development of the grazing.

Within the Range development Areas, rangeland developments shall be installed, used, maintained or modified in a manner consistent with multiple use management. The District rangeland Management Coordinating Committee shall, at the time when any land becomes a Range Development area, declare the number of authorized livestock units of such a Range Development area, and may from time to time vary this authorized number.

In seeking to establish clearly demarcated areas for livestock use where district level management committees control carrying capacity, the proposed Act is essentially supporting the establishment of ranches but under a different name. The provisions within this act betray the same misconceptions held by government of pastoralism as a backward, unproductive and environmentally damaging livelihood system. The proposed Act seeks to modernize pastoralism by limiting livestock husbandry to specific areas in which forage, water and other inputs are provided, and livestock movement and numbers are strictly controlled. It is a “ranchers” vision of livestock production in Tanzania, which seeks to control, through technical means, the major factors of livestock production: access to forage and water. Such a vision, however, fails to accommodate the highly dispersed and unpredictable nature of natural resources in Tanzania.

Box 7: Key objectives of the proposed Range Management Act (date)

- Promote the commercialization of forage resources
- Encourage and facilitate the active participation of Tanzanians in the sustainable planning, management and utilization of rangeland resources
- Ensure ecosystem stability through sustainable utilization of forage, water and soil resources
- Delegate responsibility for the sustainable utilization of forage, water and soil resources to the lowest possible level of individual users of rangeland resources
- Ensure the supply, enhance the quality, and improve the marketability of livestock and their products
- Promote co-ordination and co-operation between the ranches and other agencies and bodies

⁴ As stipulated in the Land Act of 1999, Village Land Act of 1999, and the Environment Act 2004.

in the public and private sectors in respect of the utilization of rangelands of Tanzania.

- Improve understanding and methods of managing ecosystems for multiple benefits.
- Provide arbitration in conflicts between and within different grazing industry stakeholders and other land users.

3.5 Pastoralism and conservation

The Environmental Management Act, 2004

The objective of this Act is to provide for and promote the enhancement, protection, conservation and management of the environment. In the promotion of the stated objective, this Act provides a legal framework necessary for coordinating harmonious and conflicting activities with a view to integrating such activities into an overall sustainable environmental management system by providing key technical support to sectoral ministries.

Under the Act, various types of land constitute environmentally sensitive areas. There include:

- Areas declared as environmentally sensitive by any local government authority
- Areas designated by the National Environment Management Council (NEMC) as prone to soil erosion
- All areas that have been closed by the Minister to livestock keeping, occupation, cultivation and other specified activities
- Arid and semi-arid lands
- Land specified by the NEMC as land which should not be developed on account of its fragile nature or of its environmental significance
- Land declared under any written law as an environmentally sensitive area or hazardous land.

In theory, many of the provisions within the Environment Management act are consistent with pastoralism. For example, under 67 (j) “the Minister can make guidelines on methods to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities. The Minister can adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

However, in practice much depends on whether or not policy makers have a good understanding of the great potential benefits pastoralism can bring to the environment if livestock mobility is recognized and supported. The periodic and seasonal movement of livestock over the range is a key factor in ensuring the sustainable use of pastures and contributing to the biological diversity of pasturelands. These ecological benefits of pastoralism are not necessarily understood or recognized by policy makers, and indeed the act is not clear on

measures to be taken in supporting and preserving mobile pastoral systems to help in the conservation of natural resources and cultural heritage.

The provisions of the Environmental Management Act have the potential of creating conflicts with the range Management act, particularly with regard to the development and management of rangelands, especially in the arid and semi-arid areas which are defined as environmentally sensitive.

The Wildlife Conservation Act No. 12 of 1974 (as amended in 1978)

The Wildlife Conservation Act of 1974 is one of the most significant pieces of legislation as far as pastoralism is concerned. Many of the protected areas in the country are either pastoral lands or were used by pastoralists in the past. For example, among the 123,165 sq km designated as Game Controlled areas by the Act, 28 percent are in areas traditionally used by pastoralists. The Serengeti National park, one of the largest in the world, was originally used by Maasai pastoralists up to 1959 when they were compelled by law to move out. Other national Parks and the Ngorongoro Conservation Area have likewise limited access to area and resources, which were previously used by pastoralists.

According to the Wildlife Conservation act, the President of the United Republic may declare any area of the country to be a Game Reserve. At the same time, the Minister responsible for wildlife may declare any area to be a Game Controlled area, while the Director of Wildlife may declare any area a Partial Game Reserve for protecting specific animals. The law therefore grants unlimited powers (vis-a-vis the ancestral users of the land) to the government authorities to acquire any piece of land for the purposes of protecting wildlife without any regard for the rights of the original inhabitants.

The Act places severe restrictions on accessing land declared a Game Reserve or Game Controlled Area. For example, the law prohibits any person from entering a Game Reserve unless he/she is ordinarily a resident in the area, from carrying any firearm, bow or arrow (the cultural tools of many pastoralists), and from grazing any livestock in the area. Failure to abide by the law makes someone liable for a fine, imprisonment or both.

Thus, the approach which has traditionally been used to conserve wildlife and other natural resources has been to exclude pastoralists from these areas. The law thus grants powers to the Government to disposes pastoralists of their lands but is silent on what should happen to those who had traditionally relied on such lands, either by way of compensation or otherwise benefiting from such government steps.

The Wildlife Policy of Tanzania, 1998

Tanzania adopted a Wildlife Policy in 1998, which, in the light of past failure (see box 8), promised to change the approach regarding the conservation of wildlife resources.

Box 8: Key problems facing the wildlife sector in Tanzania

- Failure of wildlife conservation as a form of land use to compete adequately with other forms of land use, especially in the rural communities.
- Loss of wildlife habitats to settlements, agriculture, grazing, mining, and logging due to human population increase.
- The existing land tenure system and the wildlife resource ownership by the state, which hinders investment in and development of the wildlife industry by the private sector.

The policy therefore aims at involving a broader section of society in wildlife conservation, particularly rural communities and the private sector. Accordingly, the role of the public sector will be to stimulate and guide the local communities and the private sector by administering, regulating, and promoting the management of the wildlife resources through developing an enabling legal, regulatory and institutional environment. This may eventually work in favour of the local communities within or around the protected areas. Among the strategies is the proposal to increase the areas classified as Protected areas, including wetlands. The Policy also proposes to establish Wildlife Management Areas as a new category of protected areas (originally not in the Wildlife Conservation Act of 1974) as a way of bringing about community-based conservation.

The Policy sees wildlife conservation as an important activity that should be able to compete with other forms of land use, especially since it generates substantial amounts of revenue and foreign exchange to the state (although local communities tend to benefit very little). It should therefore be enabled to compete with other land uses like farming or livestock production. The Government will therefore encourage community-based conservation in settled areas, the establishment of Wildlife management areas, game ranching and game farming as investment areas to increase local earnings and to generate more foreign exchange. This approach will have obviously negative consequences on pastoralists who will most likely continue to lose their lands to private investors seeking to establish game ranches or game farms, or to sedentary communities seeking to establish Wildlife Management areas. Furthermore, even if pastoral communities are granted rights over community-based wildlife and tourism activities, many issues over the good management and equitable distribution of revenues generated among the broader community remain to be resolved (see Nelson, 2004).

It can therefore be concluded that while the Policy promotes local community participation in conserving and exploiting wildlife resources, it facilitates the further marginalisation of pastoralists by encouraging more land to be brought under wildlife conservation at the expense of pastoral activities. It should be noted that despite the recognition of the local communities in the conservation of wildlife, the Directorate of Wildlife is still vested with the overall responsibility of managing all wildlife in the country. This includes the issuance of all permits required by law for wildlife related activities and for regulating the access to, utilization of, and trade in wildlife resources.

The proposed Revised Wildlife Act, 2004

The Revised Wildlife Act is expected to provide the legal basis for implementing the Wildlife Policy of 1998, and effectively replaces the Wildlife Conservation Act of 1974. In line with the policy, the objectives of the Act include:

- To support, strengthen and enlarge the wildlife protected areas network as the core of conservation activities,
- To establish Wildlife Management areas for the purposes of affecting community based conservation
- To encourage, promote and facilitate active involvement and participation of local and traditional communities in the sustainable planning, management, use and conservation of wildlife resources in and outside the wildlife protected areas network.
- To integrate wildlife conservation with rural development through the transfer of the management responsibility of wildlife Management Areas to local communities and ensure that local communities obtain substantial tangible benefits from wildlife conservation, and
- To create an enabling environment for the private sector to invest in different forms of wildlife utilization and conservation and to create the opportunity for citizens of Tanzania to become involved in the wildlife industry.

Thus, while the Act continues to advocate the expansion of wildlife-protected areas including wetlands (at the expense of traditional livelihood activities), it also recognises the role of local communities as partners in the conservation of wildlife. However, the same Act proposes an even more stringent approach to the protection of wildlife including the establishment of an armed paramilitary Wildlife Protection Unit for the enforcement of the Act. The act also proposes stiff penalties for those contravening the Act.

The Revised Wildlife Act offers little guidance on how exactly local communities will be involved in the conservation and utilization of wildlife (*vis-à-vis* hunters and investors). It only proposes that Wildlife Management areas may be established for purposes of effecting community-base conservation in areas:

- Outside core protected areas
- Used by local community members
- Within village land (such areas shall be managed in accordance with regulation formulated by the Minister. Hopefully such regulations will be formulated in a participatory manner to involve the intended local communities).

The Act further states that a General Management Plan shall be prepared in a participatory manner for every Wildlife Management Area. Assuming the pastoralism is allowed in Wildlife Management Areas, the General Management Plan could include the utilization of the WMA for pastoral activities. The issue then is what will be the mechanism for involving pastoralists in the development of

General Management Plans, so that their interests are taken into account alongside those of other stakeholders.

At the same time, the act allows game farming as well as the establishment of sanctuaries, zoos, etc, which will most likely be established in areas traditionally used for pastoralism, and which will increase competition for water and pastures. The issue is how pastoralists will be involved in demarcating and allocating land to such investors, who are not likely to allow livestock near their properties.

Since 2004, multiple consultations at various levels were conducted by the Wildlife Division of the Ministry of Natural Resources and Tourism aiming at a review of the Wildlife conservation Act. Civil society groups expressed concern that they had not been invited or had engaged in the official review process. Several civil society meetings were held, organized by the Wildlife Working Group (now known as the Tanzania natural Resource Forum) to gather more knowledge of how far the review process and drafting of other relevant laws (new land act) had proceeded.

A recent TNRF meeting in February 2006 in Dar es Salaam resolved that TRNF would draft a letter to MNRT and WD and request further clarification regarding the process and status of the draft legislation. It was further speculated that the Parliamentary Committee on this matter is the best focus for civil society engagement.

3.6 Pastoralism and decentralization

One of the key issues affecting pastoralists' livelihood system is their lack of participation in the structures of governance where policy decisions are made, and their lack of access to basic social services like health and education. In relation to this, the on-going decentralization process in Tanzania has a major influence on pastoral communities' participation in governance and access to services. Following the enactment of the Local Government Act of 1982. Local Government Authorities were established as policy and decision-making bodies at local level. The main objective of decentralization was to improve the delivery of service to the public and to further democratize the system of public service management. The process has involved political, financial and administrative decentralization, whereby local government authorities have mandates for formulating policies, programmes and operational plans for their respective areas within overall national policy frameworks.

In carrying out the decentralization process, the Government, with the participation of donors in implementing the Local Government Reform Programme (LGRP), which is meant to strengthen the Local Government Authorities (LGAs) in discharging more effectively their service provision and developmental roles.

Ultimately, when the reform process is completed, sometime in 2010, the Local Government Authorities will be institutions which are:

- largely free to make policy and operational decisions within the laws of the land;

- strong in terms of financial and human resources,
- led by people elected democratically,
- facilitative of people's participation in planning and implementing their own development plans,
- responsive to the needs and priorities of the people, and
- transparent and accountable.

Ideally, therefore, decentralization provides an opportunity for much more active participation of local communities in decisions with direct impact on their livelihoods. It also provides opportunities for District Authorities to respond more effectively to the needs and aspiration of their constituents, through the use of more participatory planning approaches. For example, through the Reform Programme a participatory bottom-up planning approach has been adopted which is meant to capture the needs and aspirations of the various local communities. This may be a window for pastoralists to express their needs and aspirations, which can be taken on board in District Development Plans. Furthermore, within the Agricultural Sector Development Programme (ASDP), it is envisaged that 75 percent of all support to the agricultural sector will be allocated to the Districts in line with the decentralization process. To tap such resources each District must prepare in a participatory manner and inline with the LGRP, a District Agricultural Development Plan. This is another opportunity whereby pastoralists may be able to express their needs and aspirations for inclusion in such plans.

Thus, the decentralization process and the LGRP do present opportunities for pastoralists to participate in promoting their interests through the envisaged participatory, bottom-up planning and decision-making processes. However, there are still some challenges which pastoralists will face.

Although LGAs will have a certain degree of autonomy, the central government, through its sectoral ministries, will still retain overriding powers where local interests conflict with national interests. This means that many of the policies and laws which impact negatively on pastoralists cannot be easily changed without the consent of the sectoral ministries, even where a Local Government Authority would want to do so.

Secondly, the mobility of pastoral communities has made it difficult for them to participate in the mainstream political process at local level. Many pastoral communities do not participate in the political processes which take place since their presence is perceived as being transient in nature. Political participation is therefore monopolized by the more sedentary communities, and the pastoral communities are largely excluded. Likewise the proposed participatory planning techniques assume a permanent residency for the participants, which may not be the case for many pastoral communities.

Lastly, pastoralists have traditionally lacked a common voice or organized institutions to represent their interests in the decision-making process. Rather, the

have emerged numerous CBOs and NGOs which when coupled with traditional leadership structures, have tended to fragment the voice of pastoralists, and have made it difficult to determine the best way of involving pastoralists in the various decision-making fora.

4 Conclusions

This study has documented key policies, strategies, laws and other initiatives, both existing and planned, which have a direct impact on pastoralists livelihoods in Tanzania, and for each of them has highlighted those specific areas and issues which anybody interested in pastoralism should take note of.

The issues of pastoralism and pastoralist livelihoods have been addressed in many of the existing policies, strategies and laws. Whilst there has been some acknowledgement, such as in the NSGRP, of the wisdom and necessity of protecting the pastoral livelihood system, most of the documents reviewed are not supportive of pastoralism.

There is a consistent view which seems to permeate all the policies and strategies that the productivity of the pastoral system needs to be increased through a process of modernization (probably by adopting western ranching models), and securing the tenure of pastoral lands for pastoralists. Demarcation and titling of land and elimination of mobility is the most popular approach being proposed by the government in almost all policies and strategies. From a technical and bureaucratic point of view, this makes a lot of sense since it is easier to oversee and monitor what is happening in the sector. But this approach brings along all the dangers which pastoralists try to avoid through mobility – concentration of livestock in one area leading to eruption of diseases, overexploitation of the natural pasture and water resources, and increasing conflicts with other land users. Furthermore, the proposed approach to reduce or eliminate mobility means that the traditional strategy of taking advantage of the spatial and temporal variation of pasture and water availability cannot be used, which will make the pastoralists more vulnerable to environmental shocks.

What is even more serious is that the proposed demarcation and titling of land will lead to privatization of land which is likely to have very negative consequences for the poor members of the community because they will be denied access to the resources which are currently accessible to all. Ultimately, instead of the pastoralists being assured of their livelihood, the proposed approaches are likely to make them more vulnerable and lead to further impoverishment and marginalisation.

At any rate, there has been little effort to translate policy into action to ensure that pastoralists are legally guaranteed access to land and water through clearly demarcated areas. Many of the policies advocating the protection of pastoralists' rights have not been given legal force. At the same time, the trends of expansion of protected areas for conservation purposes, of attracting large-scale investors into agriculture, and of commoditising land are being given legal force, and will work against the interests of pastoralists.

It is therefore important for pastoralists to seize the opportunities presented in many of the policies to encourage the government to enforce elements of policy and legislation supportive of pastoralism and pastoralist livelihoods, while at the same time lobbying against those policies which are not working in their favour. The NSGRP, for example, clearly recognizes pastoralism as a livelihood that should be

preserved. Since this provides the overall strategic direction for all the government initiatives, dialogue should center on how the proposals in the NSGRP can be translated into action by the different ministries and given legal force.

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