

## STUDY OUTLINE AND TERMS OF REFERENCE

# FILLING IN THE KNOWLEDGE GAPS TO BETTER UNDERSTANDING POLICY OPTIONS FOR PASTORALISM AND RANGELAND MANAGEMENT

## 1. Introduction

Pastoralism<sup>1</sup> can be defined as an extensive system of animal production that involves varying degrees of mobility where families depend on livestock and their by-products for a significant level of their subsistence and income. Many groups practice different forms of pastoralism in Tanzania ranging from the Maasai in Ngorongoro highlands and Longido plains to the Barabaig. Pastoralists may be defined as depending on livestock for a significant level of income (i.e. greater than 50%). Some form of mobility is a key element of pastoralism. Mobility in (disequilibrium) drylands is often the best way to manage these environments sustainably (UNDP, 2003, p.1) and to maximise livestock survival and productivity (TAPHGO, 2003). Mobile pastoral systems are more economically productive per land unit than the highly capitalised ranches in northern countries (UNDP, 2003, p. 10).

### 1.1 Policies and laws related to pastoralism and rangeland management

There are a number of policies, laws and guidelines which are very important to consider when addressing the issue of policy making in Tanzania (Anon 2000, pp. 3-4). Of particular importance are:

- i. **Vision 2025** – which sets the economic and social vision the country hopes to attain by 2025;
- ii. **Poverty Reduction Strategy Programme II (PRSP)<sup>2</sup>** – which is the medium term strategy for poverty reduction, developed through broad consultation with national and international stakeholders, in the context of the enhanced Highly Indebted Poor Countries Initiative (HIPC);
- iii. **Joint Assistance Strategy (JAS)** – which is the result of a mutually felt need by the Government of Tanzania and its international partners for a comprehensive development agenda around which issues pertaining to ongoing activities can be regularly discussed and assessed;
- iv. **The Local Government Reform Programme (LGRP)** – which aims at decentralisation by devolution. It is focussed particularly on the medium to long term process of legal and institutional reform, intergovernmental fiscal reform, capacity building, deepening of local accountability and the promotion of community accountability in the planning and execution of infrastructure and service delivery projects (Tedemand, 2003, p. 7);

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<sup>1</sup> Pastoralism is used to include agro pastoralists as well as pastoralists.

<sup>2</sup> One of the many influential factors in putting together the first PRSP was the result of a study on the 'Voices of the Poor' in the 1995 World Bank report. This study covered more than 6,000 people in 87 villages in Tanzania. Among the findings of this study is the importance which the poor attach to security of land tenure, availability of inputs, access to markets and health services and social capital such as trust, unity and participatory involvement – particularly at village level. The second PRSP has been called the National Strategy for Growth and Poverty Reduction (NSGRP) or MKUKUTA.

- v. **The Agricultural Sector Development Strategy (ASDS)** which envisages 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 (ASSP, 2003);
- vi. **The Rural Development Strategy (RDS)** which provides a strategic framework to facilitate the co-ordinated implementation of sector policies and strategies concerned with the development of rural communities; and
- vii. The IFAD/MWLD proposal on pastoral and agro-pastoral communities development project;
- viii. **The Livestock Policy** – which sets out the government’s new policies on livestock development in Tanzania – with a focus on increasing levels of sedentarisation and commercialised production of livestock products.
- ix. The draft **Range Management Bill** which sets out how the government envisages rangelands will be managed in the future – a key institution to be introduced will be ‘Range Development Associations’.

In addition to the above, the country’s land laws are of particular significance for pastoralists. The Land Act and the Village Land Act are designed to promote the individualisation, titling and registration of land. While the land laws do not guarantee local land rights, they go some way to supporting customary land rights and promoting village-based land management. Yet they remain poorly understood and implemented. The Strategic Plan for the Implementation of the Land Laws aims to address these deficiencies, although through a perhaps overly technocratic and expedited approach. While many in the private sector are rushing to register their land holdings, pastoralists seem to have been more hesitant to do so, although there is a special provision in the laws for them to acquire collective deeds of occupancy. There is a substantial amount of apprehension by pastoralist interests that titling of land in a form other than at collective village level will compound ongoing land loss issues.

A land bank inventory has been set up and the results have been given to Tanzania Investment Centre. It is not yet clear what land is included in the land bank, nor what will happen to this land bank, but it is proposed that many millions of acres of ‘free land’ will be given to investors. Much of this ‘free land’ is land traditionally used by pastoralists on a seasonal basis. Once this land is given to investors it will be difficult for pastoralists either to access it or to reclaim it.

Apart from the above mentioned laws and policies there is a drive by Ministry of Livestock Development to form livestock producer and keeper associations<sup>3</sup>. These associations will be registered and officially recognised by government.

It would appear that in general pastoralists and pastoralism are largely excluded from current government debates. Current government policy focuses very much on livestock development and views pastoralism as an out-dated mode of production.

### *1.2 Land loss for protected areas and commercial agriculture*

There are particular problems as well that need further investigation. In 1959, Ngorongoro Conservation Area Authority was created (Ngorongoro Conservation Area Authority Ordinance, 1959) following the recommendations of a Committee of Enquiry set up by the colonial government to issue of whether or not to allow local people to live in and cultivate within the Serengeti National park. The recommendations resulted in the partition of the SNP into two separate units: the SNP in the west designated as an exclusive wildlife area; and the

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<sup>3</sup> This information is based on a study of livestock producer and keeper associations carried out by BACAS, Sokoine University of Agriculture, Morogoro.

NCA in the east (consisting of the Ngorongoro Highlands, the eastern fringe of the Serengeti plains and Kakesio-Endulen area). An “agreement” was signed with the Maasai elders who “agreed”<sup>4</sup> to vacate Serengeti on condition they retained rights of habitation, cultivation and socio-economic development in NCA.<sup>5</sup> Although in the colonial records this appears as a compromise approved by the Maasai, the decision in effect compelled them to abandon their homeland. By way of compensation for the loss of resources in SNP, the government agreed to provide the Maasai with social services within the NCA and invest in water supply projects.

In 1974/1975, the Maasai who resided inside the crater were forcibly removed; and livestock access to salt licks and grazing inside the crater restricted. In 1975 amendments were made to the NCAA principal legislation (see The Games Parks Laws (Miscellaneous Amendments) and section 9A was included that banned cultivation within the NCAA.

In 1980s, 1990s and early 2000s, diseases killed livestock in large numbers and pastoralist peoples found themselves living in abject poverty. Without any alternative to eke a living such as practicing limited cultivation for food production, residents of the Ngorongoro found themselves living in sub-human conditions, with great cost to human life. A comparative studies done in 1999, found out that Ngorongoro Maasai lived in poorer conditions compared to those living in the Loliondo area<sup>6</sup> in the areas of nutrition, livestock and holdings, general welfare.

Attempts of the Ngorongoro people to organise themselves have often been frustrated and constrained by the NCAA that has been playing the triple roles of legislature, executive and judiciary at the same breath. Using the same powers, the NCAA blocked attempts by Ngorongoro residents to benefit from legal aid support that some University of Dar es Salaam lawyers offered them. In the last few years, plans have been developed to evict more than 200 families from Ngorongoro and to resettle them elsewhere.

Something similar if less dramatic is happening in Loliondo with the involvement of United Arab Emirates in tourism, the more recent involvement of Tanzania Breweries Limited and Thompson Safaris and other tour operators. Likewise in Kiteto big farmers from Njombe, Iringa and other areas have taken large tracts of land from pastoralists in the area.

Side by side with these developments has been the success of pastoralists in Mkomazi in winning their case against eviction from their long standing grazing areas. While they won this skirmish, they have not succeeded in winning any battle yet. The Tanzanian Government has yet to implement any of the findings or recommendations of the case. On the other hand pastoralists take encouragement on the achievements of the San people in Botswana to win the right to return to their homeland.

In the light of all of this there is need for a comprehensive study that will bring together the many challenges facing pastoralists and providing advice for different actors on how best to respond to these challenges so that pastoralists can ensure that their natural resources which have sustained their livelihood until now will continue to sustain them in the future.

## **2 Study Objectives**

The main objectives of the study are:

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<sup>4</sup> According to Lissu (2000), the Maasai really had no choice. They were forced to sign and were forcibly evicted.

<sup>5</sup> URT (1990:5) “A conservation and development strategy for the Ngorongoro Conservation Area: Report of the Ad Hoc Ministerial Commission on Ngorongoro”, Ministry of Lands, Natural Resources and Tourism, Dar es Salaam.

<sup>6</sup> See J.T.MaCabe, et. Al. (1999) GL-CRSP-MAS Project Report

1. To assess the situation of pastoralists in Tanzania in the light of current and future policy and environmental changes;
2. To identify practical responses that will help ensure pastoralism provides a sustainable livelihood to the millions of people who depend on it while contributing to the national economy of the country.

The TOR is broken into three distinct sections to facilitate the consultants in carrying out the study as follows:

### 2.1 Policy-related issues

#### ▪ **Situating pastoralism in the wider debate on the future development of Tanzania** by:

1. Reviewing all relevant Government and other policies, laws, strategies and other documents to develop a detailed but incisive commentary that lays out current policy trends and development priorities in relation to the rangelands, providing an explanation of their rationale. Policies and strategies should be analysed also for substantive contradictions and inconsistencies. Documents to be reviewed should include: Livestock Policy, Rural Development Strategy, Vision 2025, MKUKUTA, Wildlife Laws and Policy, Draft Rangelands Management Bill, Agricultural Development Strategy, Forest Laws and Policy, Land Policy, Land Act, SPILL, Tourism Policies and Laws, Village Land Act, Beef Industry Act, Government Notices, Local Government Laws, CCM Manifesto etc.
2. Developing an analysis of the underlying dynamics and factors driving policy priorities, discourses, processes and outcomes affecting pastoralism and rangeland management. Examining the extent to which high level policy priorities are modulated by formulaic consultative policy-making processes as laid out in the ASDP, aimed at including otherwise politically marginalised pastoralists. Identifying appropriate illustrative case studies that help to understand the nature of policy development – two examples being the development of the new Livestock Policy and the draft rangelands management bill.
3. Identifying political and policy instruments that are of most relevance to the pastoralist debate today – building on previous research work such as the study by Professors Mattee and Shem.  
*Note:* A case study in Monduli might be useful to see how pastoralists are included and at the same time excluded from political decision-making.
4. Providing a descriptive overview of the directorates of Ministry of Livestock, Prime Minister's Office of Regional Administration and Local Government, Ministry of Lands and Human Settlements, Ministry of Natural Resources and Tourism and Ministry of Finance. Explaining their functions and roles in relation to policy making and implementation, and how these different ministries inter-relate, at different strategic levels (Departmental, Permanent Secretary, Ministerial). Also evaluating the functioning and significance of different parliamentary committees – particularly the Finance and Economic Planning Committee, the Natural Resources and Tourism Committee and the Agriculture, Livestock and Land Committee – in influencing the content of policies and laws. Assessing particularly those private sector/non governmental interests that seem to influence most the policy process and outcomes.
5. Better understanding the government's (foreign direct) investment priorities – and how and what types of investment are being attracted in the rangelands. In this regard better understanding the development and functions of the Tanzanian Business Council as well as the Investment Round Table of Tanzania; reviewing organisational strengths their level and reach of influence; and what the pastoralist movements might learn from them;

### 2.2 Rangeland management and economics

- **Given rising population and a static or declining natural resource base, what are the opportunities and challenges for pastoralism in meeting domestic and international demands for livestock-based products while improving local livelihoods and conserving natural resources and the environment?**

There is a need to develop compelling empirical arguments in support of pastoralism that are persuasive and have currency within the Tanzanian Government, in order to advocate for pro-pastoralist and better policy for the rangelands. These arguments need also to include realistic ways forward for addressing very real economic and ecological issues in the rangelands, as human and livestock populations grow. A new Range Management Act is expected to be passed in 2007. It is important that this Act set a new precedent in moving away from previous policies emphasising sedentary range use, to providing the tools and incentives needed for improving pastoralist range management systems and livelihoods so that their long-term decline is reversed.

1. What are the trends with respect to access to and control of land, natural resources and water in Tanzanian rangelands today especially for pastoralists. What appears to be most affecting the status of natural resources in the rangelands and what are they key geographical trends? How can resource trends be best analysed and rangelands best defined? How much land is under different levels of protected area management? How much is under different types of farming? How much is under pastoralism and other open rangeland use? How much impact have large investment projects had on local access to lands – and what role has the land bank had on land allocations to date? What are the implications at present and for the future?
2. What are the demographic trends in rangeland areas and what is the projected population? What is the cattle population and the projected population? What information is available on livelihood trends and the changing importance of cattle in pastoralist livelihoods?

Note: A study of what is happening in Sonjo land may be informative here as they are surrounded by Loita Maasai and have a strategy of increasing their population to increase their political voice.

3. What is the total economic value of pastoralism in Tanzania? Developing economic comparators to assist pastoralists develop strong economic arguments to support the contribution that pastoralism makes to the economy in terms of:
  - Direct values – subsistence, internal trade, external trade, material supply for industry, employment, other socio-economic and cultural factors;
  - Indirect values – inputs for tourism, ecological services for wildlife conservation, small scale agriculture;
  - Option values – in relation to future opportunities eg. based upon the growth value of natural resources and new opportunities for increased livestock exports based on disease compliance equivalence;
  - Existence and bequest values – both global and local.
4. What new opportunities exist for livelihood diversification and increased revenues for local government from foreign direct investment – particularly tourism? How might the private sector be engaged to start developing alternative business approaches and models which better integrate with and support pastoralist livelihoods and sustainable rangeland development? What are key policy, legal and other constraints in this regard, creating dis-incentives for business to pursue alternative and innovative business models? What examples exist of successful initiatives in this regard from elsewhere, and what insights can be drawn from them? Within Tanzania, who are they key investors interested in developing ethical business relationships? How do they see pastoralism and the practical space for co-operation with pastoralist communities e.g. through ‘eco-tourism’?

### 2.3 Legal Issues

- **To review, assess and document the status, provisions and application of the principle legislation, acts and directives that affect pastoralists and the security of natural resources which have benefited them until now** i.e. what legal instruments are used to govern pastoralism today. What articles of the constitution are relevant for pastoralists and their rights? How is it applied? Are there gaps or breaches in the application?
- In relation to current laws which are relevant to pastoralists eg. land laws, **what are the relevant laws that could be utilised by pastoralists to secure their rights?** How are laws applied at present and are there opportunities for pastoralists to utilise them for their benefit? It is suggested that a particular focus is placed on events in Ngorongoro at present. In the light of the planned evictions what is the best response legally, politically and socially? In the TBL case in Sukenya, what can communities do to secure their livelihoods? In Kiteto where farmers have taken over pastoralist land what is the best response for pastoralists? In relation to Mkomazi, what have pastoralists learned from this case and the experience of ‘winning’ it<sup>7</sup>?
- Examine internal governance structures at village level (and the interplay between formal and customary) and investigate how these structures have led to local governance failure..
- In the light of the evictions of pastoralists in Ihefu, Southern Tanzania and the pending evictions in Ngorongoro, find out about the impact of these evictions on pastoralists and advise on what actions can be taken locally and internationally to prevent such evictions in the future, and what appropriate options exist to addressing range management and other concerns in a more equitable and community-driven way;

#### 2.4 For All Consultants

- What are the **longer term data and research requirements** that are required to assist pastoralists and their support organisations;
- To **identify key actors/organisation/academic institutions with common interests with pastoralists** e.g. small farmers, fishermen, small scale miners so that alliances could be formed with these actors to focus on the common interests of pastoralists and these actors – MVIWATA springs to mind.
- Based on the discussions with different stakeholders, to **propose a vision** for the future of pastoralism in Tanzania including a vision statement for discussion among pastoralists and their supporters
- To come up with **recommendations** and a proposed action plan for all stakeholders with an interest in pastoralism as to what are the most appropriate interventions for the future with particular focus on:
  - **Lobbying and advocacy work** – especially to help pastoralists to secure rights over their livelihoods, land and natural resources. As part of this it is important to identify strategies for achieving these outcomes and key supporting partners;
  - **Service delivery** – what are the most appropriate ways to assist pastoralists with services and the adaptive management of their rangelands;
  - **Evictions** – what is the best and most appropriate way to respond including linkages with institutions outside the country;
  - **Improving engagement with government** – traditionally pastoralists have taken a hostile approach to Government and their policies. More sophisticated and constructively engaging approaches need to be developed that compelling persuade government to re-examine its approach and stand on pastoralism
  - **Investment opportunities** – what opportunities exist in the current and possible future investment climate in Tanzania for pastoralists and what steps need to be taken to enabling pastoralists to better benefit.

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<sup>7</sup> How can pastoralists bring this issue forward to international fora like the African Union Court of Human Rights, The International Court of Justice?

In the light of the above the study team will come forward with a set of proposals on how pastoralists, their representatives, civil society partners and donors can best respond to these challenges.

### **3. Consultative Fora for Feedback on Study**

Following the completion of the initial study, the team is requested to meet with a small study group who commissioned the study so that they can have an opportunity to present their findings to date. It is suggested that this one day meeting takes place at the start of week 4 of the study. It will enable the study group to understand the issues and their relevance as well as help the study team to see what gaps exist and how to address them.

On completion of the study draft there will be a one day consultation where the team will formally feed back their findings and recommendations and discuss the way forward. The purpose of this one day meeting is as follows:

- Feedback the findings of the study in line with the set terms of reference;
- Ensure that the information is as factual and accurate as possible;
- Put forward recommendations and discuss them with the participants – small group discussion would be one useful method here;
- Agree on key short term and long term recommendations as well as a plan of action outlining who ought to do what and when and where.

### **4. Organisation of the Study**

This study has developed into a joint effort between CORDS, IIED East African Programme (EAP) and Tanzania Natural Resource Forum (TNRF). CORDS and IIED EAP will take responsibility for recruiting consultants for the legal aspect and one consultant for the policy aspect. TNRF will take responsibility for the economic aspect of the study as well as sourcing one consultant for the policy aspects. CORDS and IIED EAP will fund the bulk of the study but TNRF will provide funding for one consultant on policy issues and one consultant on economic issues.

Dr Benedict Nangoro will take responsibility for and manage the study on behalf of CORDS/IIED East African programme with assistance from Alais Morindat and Dr Eamonn Brehony. Dr Andrew Williams, Tanzania Natural Resource Forum will take responsibility for the investment part of the study. The action plan that comes out from the study will be a key document to guide future interventions as well as provide a tool for monitoring the implementation. Once completed CORDS, TNRF and IIED East Africa will take responsibility for the next steps – publishing the study to a wider audience, circulate it to partners and help pastoralists strategise around it and identify action points, use materials for teaching and if money is available publish a position paper (occasional paper) on it.

### **5. Expected Output(s).**

The expected outputs of this study will be a report providing details on the following:

- Present and future challenges facing pastoralists and their livelihood and range management practices in the light of increasing population and decreasing natural resources;
- The mandate, jurisdiction and application of existing laws including the constitution
- Current policymaking practices and policies and how pastoralists can engage with them to achieve better outcomes for their needs
- Potential opportunities for pastoralists to benefit from and equitably partner with investment opportunities in the prevailing investment climate in Tanzania

- A map of existing social networks with a common interest in issues of concern to pastoralists
- Propose short term and longer term actions for pastoralists, their representatives and other actors in pastoralism to ensure that they are better able to control, manage and benefit from their natural resources as they have done in the past.

As part of the report, there will be an action plan on how to bring forward specific recommendations particularly short term actions as well as some long term ones.

The findings of this study will be used as follows:

- To inform pastoralist activists and their communities on how best to respond to current and future challenges to their livelihoods;
- To inform institutions and development activists on how and in what manner to build up the capacity of pastoralist civil society
- To publish the findings for wider circulation

## **6. Timeframe and methodology.**

The study will take place between July and September 2007 and the exercise will take a total of six weeks and (preparation, field work, debriefings and writing the report) of which five weeks are earmarked for fieldwork. As a lot of the information on trends are likely to be found in Dar es Salaam or Dodoma rather than in the field and as such time is needed to consult people and documents there. During the period, the consultants are expected to read relevant project documents; visit project sites in Ihefu and Lindi districts (re evictions), Ngorongoro district, Monduli district and possibly Simanjiro or Kiteto districts to talk to District officials, consult with relevant stakeholders, debrief on findings through a workshop and come up with a final study report.

## **6. Study Team**

The study team will be composed of five consultants with expertise and experience in law, policy making and investment. Consultants are Dr Ringo Tenga for the legal aspects and to act as team leader – he will also employ a constitutional lawyer for two weeks to help him formulate possible constitutional issues that are of interest and concern for pastoralists, Professor Mattee and Dr Michael Walsh for the Government policy issues, land bank and two economists – one from outside the country will carry out economic and investment issues.

## **7. Reporting**

The final report should include 1) the Executive Summary, Situation Analysis including a section on the current policy environment in Tanzania related to pastoralism, Main study findings and Observations, Conclusions and Recommendations.

The study team shall submit two bound copies of the final report and a retrievable electronic copy to 1) IIED East African Programme; 2) CORDS; 3) CORDAID/Trocaire; 4) Tanzania Natural Resource Forum. Each sectoral report will be of a maximum of 20 pages, excluding annexes, with the overall report being no more than 70 pages.

## **8. Budget**

A budget has been developed separately.



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