
Joint Village Land Use Planning in Tanzania: A process to enhance the securing of rangelands and resolving land use conflicts

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Abstract

In Tanzania, ongoing land insecurity is a structural cause of food insecurity particularly for pastoralists, agro-pastoralists and small-scale crop farmers leading to land use conflicts, compromised access to resources including grazing and water and rangeland degradation. Land tenure security and management can be improved through village land use planning (VLUP) and land certification – namely the issuing of certificates of customary rights of occupancy (CCROs). In situations where villages share resources such as grazing areas and water, joint village land use planning and the provision of group CCROs are more appropriate. Due to a lack of resources and capacity the implementation of these has been limited to date and particularly in ‘difficult’ areas where land use conflicts occur. Indeed only about 1.28 million hectares or 2.1% of the 60 million hectares of rangelands is protected as grazing in village land use plans [in 479 villages in 69 districts] (21 regions) (Ministry of Lands 2015). Between 2010-2015 the Sustainable Rangeland Management Project (SRMP) assisted nine villages to carry out village land use planning, and successfully piloted the implementation of joint village planning across three of these, leading to the protection through certification of a shared grazing area called OLENGAPA, found in Kiteto District, Manyara Region. This paper describes these experiences, and the opportunities for scaling-up and eventually mainstreaming.

Key words: Tanzania, pastoralism, rangelands, land use planning, governance, livestock

Context

Resilience-building planning in drylands requires a participatory, integrated approach that incorporates issues of scale (often large scale) and the interconnectedness of dryland ecological and social systems. In an often political environment that supports small, “manageable” administrative units and the decentralisation of power and resources to them, planning at large scale is particularly challenging; development agents in particular may find it difficult to work across administrative boundaries and/ or collaboratively.

In Tanzania, the Village Land Act No. 5 of 1999 (VLA) and the Land Use Planning Act No. 6 of 2007 (LUP Act) guide planning at the local level. The VLA (sections 12 and 13) grants power to

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Village Councils (VCs) and their institutions to prepare participatory village land use plans (VLUPs). The LUP Act (sections 18, 22, 33, and 35) provides for the formation of planning authorities, functions, and procedures of developing participatory VLUPs and approval processes, and grants power to VCs to prepare those plans.

The Tanzania National Land Use Planning Commission’s Guidelines for Village Land Use Planning, Administration and Management (the NLUPC Guidelines – April 2013 revised version) detail six main steps to follow when developing participatory VLUPs. Despite this guidance, limited resources mean that village land use planning rarely gets beyond Step 4 of six, and support for the actual implementation of plans is lacking or extremely limited.

Village land use planning in rangelands faces particular challenges. Lands held by individual villages are generally not sufficient to sustain rangeland production systems such as pastoralism, and so demand a sharing of resources across village boundaries. There is low awareness on land use planning amongst district governments and communities, and conflicts over boundaries are common. Conventional land use planning tends to limit the mobility of pastoralists and others such as hunter-gatherers, whereas the semi-arid and arid environment of these areas demands that this mobility is retained.

The Sustainable Rangeland Management Project

The Sustainable Rangeland Management Project (SRMP), led by the now Ministry of Agriculture, Livestock and Fisheries (MALF) and ILRI (International Livestock Research Institute) and supported by ILC and IFAD, has been working with national and district governments, local civil society organisations (CSOs), and communities to carry out village land use planning in a better way in pastoral areas. In the initiative discussed in this paper, the project focused on four districts – Kiteto, Bahi, Chamwino, and Kondoa (later Chemba). It reviewed relevant policy and legislation and related guidelines, and identified places where implementation could be improved through activities that increased the participation of marginalised groups in decision-making processes, encouraging a negotiated and agreed upon sharing of resources, including across village boundaries, and making the whole process more informed and more efficient. Pilots of this implementation were carried out in the four districts to demonstrate these points.

Of particular interest to the Project was the process of joint village land use planning (JVLUP). According to policy and legislation, this should be undertaken where two or more villages share resources across their boundaries. The VLA of 1999 (section 11 and Regulation 2002 No. 26-35) empowers VCs to enter into joint land use agreements with other villages to jointly plan, manage, and use the shared resources. The LUP Act (section 18) provides for the formation of a JVLUP authority and (in section 33 (1) (b)) provides for preparation of a joint “resource management sector plan” for the shared resource(s). Further, once a JVLUP process has been carried out, a group (e.g. an association) of land users can be formed, to whom certificate(s) of customary rights of occupancy (CCROs) can be issued in order to secure their rights of use to the shared land and/or resource.
Despite the apparent potential benefits of these processes, they had not been implemented due to a lack of recognition of the opportunities and a lack of available resources and technical capacity. For the SRMP, these processes provided an opportunity to formalise and protect the sharing of resources across village boundaries, and particularly the sharing of grazing lands, which are increasingly being lost to agricultural encroachment and other land pressures. It was believed that this would result in better planning and management of such resources, and thus ultimately would improve livestock production and local livelihoods. It was agreed therefore that the SRMP would pilot them.

This paper describes the experiences of this JVLUP process in pastoral areas of Tanzania, undertaken through the SRMP, which resulted in a joint village land use agreement (JVLUA) between villages sharing resources. It describes the steps taken and the challenges and problems faced, together with the solutions found to resolve them.

Piloting joint village land use planning

Through the SRMP, the process of participatory joint village land use planning was carried out in two districts, following the NLUPC Guidelines. Some steps in the Guidelines were slightly modified to suit the context and conditions for more sustainable rangeland management. The first pilot commenced in 2013 in Dodoma region in three villages – Lahoda, Handa, and Kisande – located in Chemba (previously Kondoa) district. The villagers chose the name LAHAKI to represent the three villages (made up from the rst letters of their names) and the shared grazing area, which the project intended to protect. The second cluster was located in Manyara region and was made up of Orkitikiti, Lerug, and Ngapapa villages, with the shared name of OLENGAPA.

Once general agreement had been established between the three villages in each cluster to proceed with the JVLUP exercise, the first step was participatory mapping of the rangeland resources: these maps formed the basis of both the six individual village land use plans (three in each cluster) and the two joint ones. The joint mapping process initiated discussions over shared resources, which would lead to the joint land use agreement. Joint land use management committees were established to oversee the process; these consisted of the three village land use management committees in each cluster.

Initially a total of 8,508 hectares, or 33% of the land, in the LAHAKI cluster was set aside for grazing. In OLENGAPA the initial total land set aside for grazing was 32,149 9 hectares, or 55% of the total village land. Each shared grazing area was allocated as a single block that ran across the boundaries of the three-village cluster. However, as the process advanced in each cluster of villages, disagreements emerged – with objections in particular from agriculturalist groups who resisted (sometimes violently) the previously agreed allocation of land to grazing. The
processes were also politicised, as local elections were under way at the time and individuals took advantage of this opportunity to rally support for their own causes. Despite the involvement of the District Council (DC), the process in LAHAKI stalled and reached an impasse that continues to this day, with agriculturalists who have encroached into the grazing area still refusing to move out.

In OLENGAPA, however, despite some hurdles, a joint land use agreement was finalised and signed on 19 November 2014. The agreement provides assurance that every VC will respect the plan and that no single village can make changes to the areas identified for the sharing of resources without the consent of all three villages. However, although the villages had originally agreed upon a shared grazing area of 32,149 hectares, it became clear as the demarcation of the land took place that they had in fact reduced the shared area to 12,187 hectares. All three villages had reduced the amount that they were prepared to give to the grazing area, and this was a decision made by pastoralists as well as agriculturalists. The feeling was that, although grazing land was important, there was also a need for more agricultural land as livelihoods were becoming increasingly diversified.

Following on from the approval of the JVLUA, the three OLENGAPA Village Councils established a Joint Grazing Land Committee made up of members from all three villages. This Committee is responsible for planning, management, enforcement of by-laws applicable to the OLENGAPA, and coordination of the implementation of the OLENGAPA land use agreements and joint land use plan. In addition a Livestock Keepers Association was established including 53 founding members with most households from the three villages being associate members. A constitution was developed for the Association, and the Association was officially registered on 11 September 2015.

In January 2016 the Ministry of Lands approved and registered the village land boundary maps and deed plans for the three villages. The District Council has issued the village land certificates and the next step is for Village Councils to begin issuing CCROs. The shared grazing area will require three group CCROs to be issued to the Livestock Keepers Association – one from each village for the part of the grazing area that falls under its jurisdiction. Signboards and beacons marking the boundary of the shared grazing area are being put in place. A further layer of security can then be achieved by registering the grazing area with the MALF.

Figure 1: Map of the OLENGAPA shared grazing area
CHALLENGES

The JVLUP process and resulting agreement(s) were not without their challenges, as described above. Though these consumed both time and resources, the SRMP team believes that the investment has been worth it and that the security of grazing in the villages involved has been significantly increased. The key challenges encountered during the processes in LAHAKI and OLENGAPA, and the actions taken to overcome them, included the following:

1. Land is an emotive subject and, as evidenced by this experience, stirs up emotions both good and bad. The issue of land can also easily become politicised and be used by those with power to further their own agendas and reap benefits above and beyond those realised by the community as a whole. Recognition of these challenges is vital, and responsive ways to mitigate any negative impacts will need to be developed if a process such as JVLUP is to run smoothly. A weakness of the process supported by the SRMP was that it was not followed through consistently or in a timely manner, and had several breaks, which were used opportunistically
by different sets of stakeholders to try to scupper the process. In future, such situations should be avoided if possible.

2. Successive village boundary conflicts held up the VLUP processes and constrained investments in the better management of land. Village boundary disputes were fuelled by a lack of awareness of land laws among villagers and their leaders. Much time and effort was taken up by discussions and arguments over the movement of village boundaries in order to justify the resource ownership and use rights of individual villagers, even though these would not make a critical difference where resources were shared.

3. The experiences of LAHAKI in particular highlighted that the decentralisation of powers without limitations to village level (provided for by the VLA), coupled with low levels of awareness and understanding of proper management of village land amongst VC members, has led to corrupt practices and abuse of powers by village leaders and wealthier people in the villages. Further, village leaders and the more powerful members of the community dictate the decisions of Village Assemblies (VAs), resulting in decisions that favour personal interests rather than those of the community.

4. Misconceptions about the concept of a joint land use agreement were noted amongst village members. The process of joint land use planning was new, and some villages found it difficult to grasp (despite a history of shared resource use in the area).

5. Heavy encroachment onto rangelands in the project area by crop farmers from neighbouring districts and regions made the securing of rangelands for pastoralists an uphill task. Pastoralists’ poor awareness of government policies and of their rights, together with their generally low levels of education, made it easy for better-educated crop farmers to take advantage of them. In addition, there is a tendency for pastoralists to turn to crop farming for short-term financial gains, at the expense of pasture lands. At the same time, agriculturalists take advantage of pastoralists’ lack of experience in both growing and selling crops. The likely consequence of these actions seems, unfortunately, to be an inevitable further loss of pastoral lands.

6. The multiplicity of actors involved in land use decision-making and dispute settlement – including autonomous village governments, each with full powers and mandates to make decisions on land use within their areas of jurisdiction – made the process long-winded and time-consuming.

7. Data collection was challenged by an inadequacy of spatial data, basemaps, high-resolution satellite imagery, and underlying technology, including geographical information systems (GIS), remote sensing, surveys, and mapping, and by a lack of experience in VLUP approaches and techniques amongst members of district participatory land use management (PLUM) teams and CSOs.

8. Limited financial resources allocated for land use planning at central and local government
levels constrain the development and implementation of VLUPs, and increase the reliance of
government and communities on projects such as the SRMP to support such processes.

9. In hindsight, a lack of clear selection criteria for villages to enter into a JVLUA led to the
inclusion in the partnerships of problematic villages, while potentially more appropriate
neighbouring villages were left out. Villages that are not included in the joint land use
agreement in OLENGAPA still use resources in the area. This could lead to conflict, which may
threaten the sustainability of the OLENGAPA partnership, unless additional provisions are made
to include them in the agreement. It is hoped that these issues will be addressed in recently
launched Phase III of the SRMP.

10. The human population in the villages continues to grow, both internally as well as through
migrants coming into the villages. Livestock populations are already high for the resources
available. This means that pressures on land and rights over it will increase. Obtaining a VLUP,
joint VLUP, a joint land use agreement, group CCRO, or other agreement is only the starting
point in an ongoing process of negotiation and/or a battle to hold onto these rights.

Moving forward

SRMP has now entered its third phase (2016-2020) with the financial support of IFAD, Irish Aid,
the International Land Coalition, ILRI, and the Government of Tanzania. This phase focuses on
the scaling-up of the joint village land use planning approach in several new clusters of villages,
as well as expanding the original ones. This includes the securing of grazing areas through the
provision of CCROs and improving the management of the areas by the established Livestock
Keepers Associations through action research on such as rangeland rehabilitation, and
improvement and intensification of rangeland and livestock productivity.

Activities will be undertaken in three regions – Manyara, Morogoro and Pwani. The locations of
the new clusters of villages appropriate for joint village land use planning will be identified
through a mapping of grazing areas, livestock routes, and VLUP interventions across a pastoral-
dominated landscape or corridor stretching form Kiteto district (in Manyara region), through
Kilindi district (Tanga region), Mvomero district (Morogoro) and up to Bagamoyo district in Pwani
region.

Improving the enabling environment for future interventions

SRMP also aims to improve the enabling environment for current and future interventions. The
SRMP is a component of the ILC’s Tanzania National Engagement Strategy (NES). A NES is the
framework through which ILC members collaborate, strategise, and engage with government and
other partners in order to effect positive change. In Tanzania the NES has two main components
– land-based investments and rangelands. The SRMP is a key mechanism for achieving the NES
rangeland-focused objective of securing grazing areas.
Through working closely with national and local government, SRMP aims to influence policy and legislation to provide a more enabling environment for securing the rights of local rangeland users including rights to key resources such as grazing areas and water, maintaining necessary mobility. The Project also aims to improve the participation of such users, women and men, young and old, in decision-making processes pertaining to their lands. SRMP will build the capacity of different actors to support the securing of rangelands, resolve conflicts between land users, and improve the management of rangelands through research, training and learning. The ILC Rangelands Initiative will assist cross-country and cross-continental exchange with other ILC members and their partners working in similar contexts. This includes through learning visits, study tours, meetings, and dissemination of results through publications, conferences, social media and other forums.

Finally the SRMP aims to influence thinking in Tanzania to be more supportive of livestock production systems including pastoralism through advocacy and lobbying, not only for the land rights of pastoralists and other rangeland users but also to raise awareness on the benefits of and opportunities for investment in pastoral production systems. A key vision of SRMP is to garner support for and move towards the establishment of a Southern-Livestock Green Growth Corridor or “SLIGGCOT” across the pastoral landscape where the Project is working.

CONCLUSIONS AND RECOMMENDATIONS

The SRMP is striving to improve the implementation of VLUP in rangelands in order to contribute to better sustainable management of them and the resolution of land use conflicts. The Project has achieved this in three ways in particular through the experiences (both good and bad) of LAHAKI and OLENGAPA. First, it has improved community awareness of the land use planning (including joint land use planning) processes both in the project areas and in neighbouring villages, as word of the experiences has spread. Second, it has built understanding of the joint planning processes in national, regional, and local governments, together with their capacity to implement such processes themselves. Third, it has offered innovative solutions to the increasing insecurities and conflicts over land use and access that rangeland users face by developing layers of security over a piece of land (in this case a shared grazing area), rather than relying on one layer only. Though these innovations already existed on paper (in policy and legislation), it was only through the SRMP that they have been put into action, and important lessons have been learned as a result.

In order to further improve the sustainability of the process of joint land use planning and management, and to facilitate the refinement and scaling up of the approach, the following recommendations are made:

1. More needs to be done by national and lower levels of government to establish an enabling and supportive environment for joint village land use planning and for the protection of rangelands more specifically. District Councils in particular require higher levels and more regular allocation of finances for VLUP than they are currently receiving. The capacity of local
government officers, including district PLUM teams, needs to be built in order to better contribute to the complex processes involved in joint village land use planning, including negotiation and conflict resolution.

2. There needs to be better collaboration between government and CSOs in order to jointly support communities to strengthen their rights to land and resources through processes such as JVLUP. More formalised coordination mechanisms should be established to this effect.

3. Biases remain against pastoralists in VLUP, even where they are the majority land users. As a result, rangelands are under constant pressure and conversion to other uses (even if those uses might not be appropriate). The continued encroachment onto grazing lands by non-pastoralists needs to be halted – once agriculturalists have established themselves in grazing areas, it is difficult to move them out (as seen in this pilot). Villages, districts, and higher levels of government should do more to protect rangelands and the rights of rangeland users, in order that livestock production can grow and better contribute to local and national economies. Well-informed and unbiased district and village land use plans can make important contributions to this.

4. VCs and other members of local government need to be more forthright in protecting land use plans that already exist, and in developing them where they are needed – including the protection of rangelands within them. There is still low capacity amongst VCs to manage village land, resulting in poor enforcement; as such, capacity-building for VCs also needs further attention.

5. A clear set of criteria for selecting villages for joint land use planning is needed in future to ensure that the process is cost-effective and successful, through the inclusion of the “right” villages. One obvious criterion is the sharing of livestock production resources across village boundaries, including grazing and water. Villages that share such resources can be identified at district level through, for example, a District Land Use Framework Plan. However, as the experience described here shows, this criterion alone is not enough to identify villages suitable for the process – other criteria should include a very clear and firm (perhaps financial) commitment from villages to the process.

The detailed and prolonged process of JVLUP is summarised here. These details need to be shared with communities and other stakeholders who are considering the process, so that they are better informed about what is expected of them and what they will have to contribute to reach agreement. There needs to be an improvement in the way that awareness-raising sessions on participatory land use planning (PLUP) are carried out with communities, including the allocation of sufficient time to allow in-depth dissemination and discussion of key documents and messages, as well as the roles and responsibilities of different actors, aspects of boundaries, resolution of boundary conflicts, etc.

Greater thought needs to be put into preparing for these sessions, which should be carried out
in such a way as to maximise knowledge transfer and consolidation, e.g. through visiting the proposed shared resources so that everyone understands their boundaries and the implications of demarcating them. This is particularly important in mixed crop/livestock villages where it is likely that disagreements over land allocation will exist, and boundaries will need to be negotiated and agreed upon. The steps taken through such negotiations and in order to reach agreement will require a significant investment of time and resources. It is vital that all stakeholders are involved in the negotiation process and that they are fully guided through the implications of any decision made. Only then is the process likely to run smoothly.