

**LAND RIGHTS RESEARCH AND RESOURCES INSTITUTE
(HAKIARDHI/LARRRI)**

**REPORT OF THE NATIONAL FORUM ON LAND THAT WAS HELD
ON 12-13 MAY 2005 AT TEC KURASINI DAR ES SALAAM**

1.0 Introduction

The Land Rights Research and Resources Institute held its second National level Public Forum on land on 12-13 May 2005. The two day forum was partly one of the planned activities in the Institute's three year Strategic plan and a special event to commemorate the Institute's tenth Anniversary. It thus took place along with other activities such as Training of Trainers (TOT) workshop, preparation and running of a documentary on land rights advocacy, special media programmes, Special theatre performance by Dhahabu theatre arts Group and moving into a more spacious office premise. The main theme for this year's forum was Activism and Struggles of the poor against impoverishing processes and policies. This report highlights the main issues and events that took place during the two days. It thus skips some mundane description of proceedings like the opening remarks, introductions and the like. Such proceedings have been reserved for office use but can be obtained on request if need be.

1.1 Objectives

The main objective for the forum was to bring together small producers from grassroots level who have all along been struggling for their rights to land and other resources and a broad range of other stakeholders including land rights activists, activist intellectuals and key decision makers in the sector to discuss and share knowledge and experiences around common people's struggles over those rights and ways to ensure that they are best secured and protected in light of the on going market driven reforms. It was also a noble opportunity for LARRRI and its broad based stakeholders to reflect on the past experiences, challenges, lessons and impact of their interventions during the one decade period of their engagement with the public. Other objectives included:

- ❖ To create an opportunity for a broad range of grassroots based small producers (peasants, pastoralists, artisanal miners, fishermen etc) to meet, discuss and share knowledge and experiences of their struggles on land rights with one another so that they build horizontal linkages and strengthen existing initiatives and/or networks for land rights advocacy at grassroots levels.
- ❖ To help them strengthen their capacities in lobbying, advocacy and campaigns for their rights to land and other resources
- ❖ To attract public attention on the broad spectrum of issues such as land alienation, eviction, destruction of poor people's means of livelihoods etc that are taking place at grassroots level without full knowledge of the rest of Tanzanians
- ❖ To mobilize public support (especially peasants, workers, pastoralists and other groups) against neo-liberal policies and processes which encourage marginalization and impoverishment of small producers
- ❖ To chart out and deliberate on alternative processes and policies that will strengthen small producers security of tenure and rescue their resources/means of

livelihoods from further plunder and expropriation by both powerful local and foreign capital forces.

1.2 Participation

A total number of 105 Participants attended the forum out of which 65 were drawn from upcountry regions/districts. Specifically, participants were selected from such groups as rural based small pastoralists, peasants, fishermen, artisanal miners, women groups, representatives of like minded NGOS and CBOs and the Dar es salaam based land rights activists and academics. The ratio of men to women was also fairly good. Most participants hailed from districts where LARRRI has for the past ten years been doing some activities or provided some kind of ‘support’ to local based land rights initiatives. The districts were; **Kilosa, Hanang, Morogoro Arumeru, Simanjiro** (Mererani) **Ngorongoro, Mbarali, Mufindi Newala, Kilombero, Bagamoyo, Kahama, Meatu,** and **Ilala and Temeke** in DSM.

1.3 Main Theme and Sub topics

The main theme for the forum was *“Activism and Struggles of the poor against Impoverishing processes and Policies”* In its simplest intention, this theme aimed at provoking participants to think and deliberate on alternative ways of securing and protecting small producers rights to land which the mainstream policies and processes have either by default or design, disregarded them since colonial times. Having discussed intensively, participants would then chart out some concrete intervention strategies to reverse the on going reform trends and ameliorate their depressing situation. Under this theme, several topics were prepared and got presented in plenary by both Activist academics and trade unionists and ordinary Agro pastoralists. The topics were as follows;

- (i) The History of Poor People’s Struggles and Advocacy against Oppressive processes and Policies in Tanzania. By Prof. Seith Chachage Seith, Department of Sociology, University of Dar es salaam
- (ii) Public Struggles and Social Development; The perspectives of Small producers, Investors, Donors, Intellectuals and NGOs. By Prof. Issa Shivji, Faculty of Law University of Dar es salaam
- (iii) The History of Workers struggles for their rights, benefits and security of employment in Tanzania. By John Gonza, Trade Union Congress of Tanzania (TUCTA)
- (iv) Pastoral communities Struggles and Advocacy against land alienation and loss of pasture lands; The case of Barbaig in Hanang District. By Mzee Dancun Getakanoda,

Besides the four main papers, there were four testimonies on land alienation, people’s evictions and gross violation of their land and human rights as follows;

- (i) The implications of 20,000 plots survey project to small land holders in Buyuni village of Ilala District Dar es salam. By Abdallah Matata, Buyuni Villager

- (ii) The incidences of gross violations of human rights and land rights to the resident communities of Mererani Tanzanite Mining in Arumeru district. By Aman Mustapha, Mshindi Ngao and Mrs Rozi
- (iii) Pastoralist struggles for land and human rights in the Ngorongoro Conservation Area. By Tapua Loongito, Maasai elder from Ngorongoro
- (iv) The implications of investment in village lands to the land rights of villagers; the case of Itete and Mbingu villages in Kilombero. By Mikaeli Pawa, ITETENJIWA Agro pastoralist CBO in Kilombero

1.4 Experience of land rights struggles from the region (East and Central Africa)

Land reforms in East and southern Africa regions have passed through relatively similar trends and milestones. Struggles for land in Kenya, Zimbabwe, Mozambique, Namibia and many other countries have quite often captured the attention of both local and International media. At the centre of those struggles, there has always been a challenging question; how to balance between local users' rights and commercial interests on land. Local policy and law makers seem to be increasingly overwhelmed by the pressing demands and voracious wants of the liberal masters who in the name of investment are pushing for valuable resources like minerals, tourist goods and now land. It was on such grounds that LARRRI found it imperative to invite representatives from like minded organizations in those countries to share their experiences in struggles for the land rights of small producers and shed light on what could be done to ameliorate the situation. There were four representatives from Kenya, Uganda and Zimbabwe participated fully in the forum.

1.4.1 The Kenyan Land Alliance (KLA) was represented by its National Coordinator Mr. Odenda Lumumba. He broadly explained Kenya's land reforms processes indicating that it has been all difficult to come out with a policy which would probably clarify the rights of small producers mainly pastoralists in Kenya. He added that the group (pastoralists) has fallen victims to major ranching, private estate and Wildlife conservation projects, and no body seems to render them support. That is why they are moving on to take over the lands for grazing by swords and sticks. He insisted that poor Tanzanians need to establish a National Social Movements (NSM) that will champion the struggles for land and other rights for small producers, adding that, in the current situation where all the reforms are in favor of promoting capital interests, the only hope for the poor lies on their common front. That is why a social movement to liberate themselves and their land was vital. Another representative from Kenya one Mr. Michael Odhiambo, a coordinator for the Resource Conflict Centre alias RECONCILE that is based in Nakuru attended the forum too.

1.4.2 The Uganda Land Alliance (ULA) was also represented by its National Coordinator Mr. Oscar Kanyenganyere who shared ULA's experience in advocacy and land law reforms which culminated into the formulation of the Uganda Land Act in 1998 that is generally regarded as good law. The law vests the land on the people of Uganda. He pointed out however that, the policy formulation process has like Kenya, been so

cumbersome and frustrating as various interests including external forces including the World Bank and IMF want to influence it and guide the agenda. In the meantime, various stakeholders are debating on the policy framework which is yet to come out as draft policy. He commended Ugandans participation in the land law legislation processes and the civil society's facilitation role. He thus urged Tanzania's Civil Society to carryout broad based awareness campaigns to enlighten rural based communities about the law as means to strengthen their capacities in protecting their rights.

1.4.3 The African Institute for Agrarian studies (AIAS) based in Harare Zimbabwe was represented by one Mr Tendai Murisa a Research Fellow with the Centre. Mr Tendai was appointed by Prof. Sam Moyo one of the committed supporters of LARRRI based in Harare to share thoughts around *Land Occupations and Land Reform in Zimbabwe; Towards the National Democratic Revolution*. In his presentation, Mr Tendai raised a number of pertinent issues including the structure and challenges of the nationalist land occupation Movement, the new agrarian structures and the plight of land reforms in general. He was however pessimistic on the issue of sustainability of the reforms and the future of Zimbabwe in light of the forthcoming regime changes given the intense criticisms surrounding the reform agenda and the pressures from Western masters. The Research Fellow was very firm to commend and reminded participants that the only effective weapon for poor people to liberate themselves, secure and safeguard their land was their '*will and unity*'. Reference was made to Zimbabwe veteran farmers that they managed to dictate the land reform agenda only because they were determined and united. The exciting presentation ended with an appeal to African governments and Tanzania government in particular that it is duty bound to protect its citizens. It can only do so by supporting their initiatives and demands in land reforms as Zimbabwe government did to their farmers adding that, all the struggles of the veterans would have been futile without the support of their government.

1.5 Training of Trainers (TOT) Workshop

Three days before the National land forum began; LARRRI organized a Training of Trainers Workshop for rural based land rights activists and representatives from land rights advocacy CBOs and NGOs. A total number of forty (40) participants mainly from Arusha, Morogoro, Kilosa, Hanang, Arumeru, Buyuni (Ilala (Dsm), Kigamboni (Temeke Dsm), Bagamoyo, Iringa and Mbarali attended the workshop. Organizations which sent their representatives included PINGOS FORUM (Arusha), KAMMAMA KIDTF(Arumeru), JEBA society (Bagamoyo), UWABA (Hanang), KINNAPA (Manyara), MVIWATA (Morogoro, Arusha). LADO and CRT Ujamaa Trust both of Loliondo in Ngorongoro district were invited but could not make it. The main objectives for organizing a TOT workshop were: First, to raise awareness of the rural communities about the Tanzanian land tenure system in general and the basic human and land rights as provided for in various instruments. Second, to strengthen their self organizing, lobbying and advocacy skills and capacities so as to enable them actively engage with the on going land reforms. Thirdly, to broaden the scope of land rights activist at grassroots levels and fourthly, to generate, guide and shape ensuing discussions and debate on land issues.

Six subjects focusing on three main areas were taught. The first area concerned rights and human rights in general. It thus broadly explained basic concepts with regard to rights and human rights in particular, constitutional guarantees for protection of human rights and the history of struggles for human rights. The second area focused on land policy, its legislation and provisions for land rights of the small producers. It also broadly covered topics on land disputes and conflicts. The last part focused on methods, that is how to organize and conduct a Training of Trainers programme and the strategies for self organizing, mobilizing and conducting land rights advocacy campaigns. Participants also received copies of reference books, hand outs and off prints for further reading, sharing with their colleagues and using them for training in their areas. A detailed TOT report is available separately.

1.6 Documentary

This is a 45 minutes video programme that is both an awareness raising material and a campaign instrument. It tells a story of people's struggles for their land and related resources rights from the pre colonial era to date. The programme contains narrations of experts on land matters as well as case studies of some victims of land alienation, wild life conservation and modern investments. The tape reveals that the land tenure system in Tanzania through its various land reforms has failed to guarantee security of tenure to the rural based small land holder and users. As result, they have always fallen victims to nationally driven projects on land, broad based investments and tourism and wildlife conservation. All these have in turn manifested into severe land scarcity on certain parts of country, which further generates endless land disputes between multiple land users that none of the formal authorities seem to take them seriously. Worse enough, at the centre of rural people's sufferings, there are both coercive and security instruments of the state to execute uncouth orders and the judiciary to justify their evil actions in courtrooms. Land rights and justice through legal channels becomes a difficult undertaking to achieve. The communities are crying out for their land, their dignity, their life and their freedom. Who is on their side to help? May be their official representatives; may be the civil Society, land rights activists or who? May be their own unit could give them solutions to their problems. That is the challenge this small piece ends with. Initially, one hundred VHS copies were reproduced for distribution to all the participants with plans to reproduce them after getting feedbacks from viewers. The tape was also aired on Channel ten Television which covers most capital towns of the regions and districts in Tanzania and therefore viewed by millions of Tanzanians.

1.7 Theatre Arts (Play)

This was a fifteen (15) minutes play which explains the implications of the radical title, lack of knowledge on land laws and the land acquisitions act that was performed by Dhahabu Theatre Art Group based in Dar es salaam. It simply shows a poor and illiterate countryman whose farm land became acquired to give way to a new development but without following proper procedures as provided for by the land acquisition act number 47 of 1967. As result he loses his family land without a penny of compensation and consequently fails to take care of his family. The family is homeless, can neither sustain

its living nor afford minimum cost for their daily subsistence, healthcare and education for their only daughter despite her being selected to join higher learning a institution. The play reveled out real cases that were also testified by participants from Buyuni Village who suffered the consequences of the twenty thousands plot survey project in Dar es salaam. The performance took place in the first evening of the forum that is 12 May, 2005 and it was followed by a very live discussion and LARRRI documentary. 70 participants from upcountry regions and some Dar es salaam based journalists attended the show.

1.8 Media Coverage

A good number of print and electronic media journalists participated in the forum and recorded events that formed part of the news of the two days in radios, television and newspapers. Some of the newspapers that covered news about the forum included Majira, Mwananchi, Mtanzania, Kiongozi and the English daily Tabloid the *Citizen*. Some reporters have kept on releasing features and articles based on the forum programmes. The cuttings from those papers are attached with this report. As for the radio stations, Radio Uhuru, Radio Tanzania and Radio Free Africa reported news from the forum. Radio Tanzania through MVIWATA programmes has already aired two special editions on land focusing on the forum discussions. Given the wide coverage of both radios, it is very likely that information and issues from the forum reached millions of Tanzanians especially rural based communities who traditionally tune the two radio stations. There were also reporters from Independent Television (ITV), Channel Ten and Star Television who, besides reporting the news, prepared and aired exclusive interview pieces with participants from 12 to 14th May, 2005. There are plans to continue debating some key issues raised in the forum in the newspapers, TV stations and Radios.

1.9 Immerging Issues and forum deliberations

(i) Debate on market interests Vs Security of tenure on land;

The message that ran out from the onset of the forum to its closure was a fierce reaction of participants against the nature of recent land reforms that they have responded more to market interests and ignored community rights to land and their security of tenure. They maintained that recent land reforms have put too much emphasis on commercialization of land at the expense of the majority small peasants, pastoralists, artisanal miners and other marginalized groups' rights to land and access to means of livelihood. The National land Policy and its subsequent legislation together with the Mining Act and wildlife Policy, acts and regulations, were sited as instruments which facilitate dubious decisions and processes on natural resources as they apparently stress on promoting business in those sectors while disregarding traditional users' rights on the resources. As result, small land holders and users are increasingly being pushed away to the peripheral precincts where they cannot sustain their living. Participants came out with vivid examples of poor people who have been driven out from their traditional lands to give way to investors in such areas as Mining (Mererani, Kahama), Wildlife (Ngorongoro), Agriculture (Kilombero, Mbarali, Hanang, Arumeru) Pastoralism (Mkata Ranch in Kilosa, Kilombero), Wildlife Hunting (Loliondo and Kilombero) etc. In short, land reforms were blamed for failing to balance between market interests and the security of tenure for the majority rural based

small land holders and users. This was a central problem although many other issues such as land disputes, lack of public awareness on land laws, land and human rights violations in rural areas etc, emerged in the course of discussions. A number of recommendations were thus adopted including the following.

(ii) Need to establish a National Social Movement.

The two day forum was a session to brainstorm about the future of land and human rights activism in Tanzania in the context of the changing social economic and political climate of the country and the world at large. Participants raised and discussed issues that would help ameliorate the situation. One of the solutions, they resolved to form a national wide Social Movement that will lead the public into a constant national debate on the plight of the Nation in general and the rights to land of the poor in particular. The Movement is ideally a catalyst for societal change. Every person who is committed to realize social changes in the country will in his/her own right be self motivated to actively participate in identifying key issues for advocacy and campaign and mobilizing the public to engage fully in agitating for changes. Participants of the forum divided into groups based on their geographical locations and nominated contact persons to stir up the movement. The list of names is attached to this report.

(iii) No holding back in struggles

In a situation which manifested people's commitments to defend their rights to land, participants kept on reminding one another that they should tirelessly keep on pressing their demands even where the respective authorities keep deaf ears to their demands. There were breathtaking testimonies of participants from Hanang, Mbarali and Mererani whose demands for their land were disregarded by policy and decision makers no matter how hard and courageous they had attempted to persuade the officials to take their views into consideration. They thus resolved to continue with efforts to influence policy and legislative reforms through strategic lobbying, advocacy and broad based campaigns for land rights.

(iv) Strengthening Public Engagement networks.

Forum participants also noted that struggles for land and human rights have been one of the most common undertakings for most Community Based Organizations (CBOs) and NGOs. What has been lacking in their efforts is some kind of institutional linkage between them both nationally and at grassroots levels. Participants therefore vowed to establish horizontal networks for land rights advocacy and strengthen existing ones as one of the ways to forge a collective bargaining spirit for the poor. The networks will help and support one another's course of action and concretize ties between activists and the public. Each area network will be coordinated by a locally elected representative who will be responsible to link with other networks and feedback to own constituency.

(v) Information searching, dissemination and popularization.

Some participants revealed out very nervous information regarding gross violations of human rights in Mining areas especially Mererani. These involve striping off workers clothes, brutal killings and injuring of artisanal miners and destruction of properties for the so called 'inspection and security reasons'. Though exit gate inspection is a normal

practice in Mining areas, the story of Mereran exposed strange and awkward deeds that in simple terms are dehumanizing. It was noted however those, little of all those abuses have captured the attention of the public because of poor mechanisms of searching for and dissemination of information. The forum thus deliberated that participants endeavor to search for and expose all the vices to the public through media and Civil Society Organizations with wider networks.

(vi) The role of civil society commended.

Most participants acknowledged the fact that LARRRI and other like minded Civil society Organizations (CSOs) have added value to their advocacy strategies and struggles for their rights. They thus commended the grassroots level workshops, training seminars and Training of Trainers programmes (TOT) to continue. They kept on insisting that LARRRI must extend its programmes to other areas especially where land disputes are more prevalent. Emphasis was also made that LARRRI should focus on the area of investment in villages as many peasants and pastoralists seem to be losing their lands because of both weak organs of village governance and lack of villagers' awareness on civic duties and responsibilities. This is basically an area that LARRRI had planned to engage broadly but was not funded in the previous programme phase. It is therefore one of the key areas to capitalize on the forthcoming programmes.

(vii) The role of Media.

Media practitioners were challenged to ensure that they extend their coverage to rural areas where land disputes and violation of poor people's rights are more prevalent. Most participants insisted that, instances of evictions, burning of villagers houses and properties and use of excessive force to drive villagers out of their traditional lands to give way for investors and/or wildlife conservation do always take place in rural areas but are not reported in the media. They therefore appealed to the media to keep the public informed of what is happening in rural areas and use their professions to challenge unviable policy reforms.

(viii) National Forum on land annually

Participants commended LARRRI's commitment to organize such a big forum which was generally successful to bring together people from diverse social and occupational background for a common course. They thus urged LARRRI to organize such events annually as means to monitor progress of implementation of our recommendations, participants' commitment to their vows and to track feedback from the public. Likewise other organizations were encouraged to organize similar forums in their respective areas in order to widen the scope of debate and discussions on land rights issues.

2.0 Cost

The national Forum on land was part of the three years strategic plan for LARRRI. It was thus part of programmes and activities funded by the Oxfam Netherlands or NOVIB as popularly known. NOVIB had allocated fifteen thousand US dollars that is equivalent to fifteen million Tanzanians Shillings. However, the actual financial requirement for a successful organization of the forum stood at Tsh.32 Mil. LARRRI requested Oxfam

Ireland through its Joint Oxfam Livelihoods Initiative for Tanzania JOLIT programme to top up the budget deficit to a tune of 14 Mil. LARRRI is very grateful that JOLIT supported the forum without hesitation. With that support the total budget for the forum was Tshs. 29mil but the actual expenditure remained 32Mil. LARRRI is grateful to NOVIB and JOLIT for their support.

The forum's financial report forms part of the Institute's Annual Financial Statements which are separately available on request. However, an extract of the forum expenditure can also be obtained separately for record and reference purposes.

3.0 Concluding remarks

It all suffices to say that a national forum for LARRRI is not just like any other *industrial NGO work* but rather a keenly thought out working session *to* critically assess the land tenure reform trends and implications for small producers in the country which is our primary constituency. It is also a gathering of concerned nationals and allies from neighboring countries *to* reflect on the recent past interventions and see if they have made any meaningful impact in the society we work. Furthermore, it is a plenary to chart out various alternative tenure systems that can certainly guarantee socially just and fairly equitable access to, ownership and control of land and land based resources. Based on those premises, this year's forum discussed very profoundly whether the voices of the poor get recognition in policy circles. The general discussion and feelings of participants seemed to conclude that struggles for inclusion must continue as very little input from the majority poor do get access to policy machineries especially in recent times when the ears and eyes of policy makers are wide open for free market. A number of issues were thus deliberated as resolutions for the forum some of which have been highlighted earlier on. More emphasis was put on; the need to establish a national social movement that would help to sustain and spearhead a national debate on land rights through out the country so that poor people get time to constantly engage on debating about their rights, the need to strengthen existing networks for policy lobbying and advocacy, the need to establish and/or strengthen existing local based horizontal linkages for a common cause and the need to constantly support each other in pursuit of common courses. Participants from each district grouped together to agree on the modalities for self organization and coordination of the movement. LARRRI's role in this regard will be to follow up the movement activities in respective areas and help disseminate information widely. **With determination and will, there is always a way.** This is how the forum was concluded.