THE FACT FINDING MISSION REPORT ON THE LAND CONFLICT AND BOUNDARIES IN RUFIJI DISTRICT: THE PREDICAMENTS OF PASTORALISTS EVICTED TO RUFIJI DISTRICT15-21 APRIL 2013

OFFENSIVE DEMONSTRATION HELD IN IKWIRIRI TOWN WHERE PASTORALISTS' HOUSES AND OTHER PROPERTIES WERE DESTROYED AND BURNED

Introduction and background

a. Introduction

This fact finding mission had been organised to investigate the challenges facing pastoralists in Rufiji District, the challenges which have been defined as the source of conflict in this district. Although pastoralists had arrived in Rufiji since 1990's but they officially went there and other places in Coastal and in Lindi Regions after they had been evicted from Ihefu and Kilosa in 2006-9. The Government, through their operation, announced to prepare areas for pastoralists and also to set all necessary and potential services for them to survive In Lindi, Ruvuma and Pwani Regions.

This fact finding mission aim at considering and investigates the underlying reason for the main challenges facing pastoralist in Rufiji district. In fact the pastoralists were not given specific areas to live but were psychologically made to believe that they have, while in fact there are not yet areas set for livestock grazing except in 7 villages where grazing areas were identified.

b. Methodologies

Different methods were used in the collection of facts and data in this fact finding mission including direct conversations with victims and interviews with different groups. The team also visited sites of conflict and meeting with local authorities in those areas including the village authorities and district authorities. Holding public meeting was another main method used to get facts whereby the pastoralist were able to speak loudly to explain the challenges facing them and sources of conflicts with farmers.

c. Rationale of the study

This study was important for monitoring the implementation of the government strategy and plan to allocate areas for pastoralists after the Ihefu eviction. The mission aims to assess the implementation of the plan at district levels. Again the mission will look at the reason behind frequent conflicts between the pastoralists and farmers in Rufiji in particular and recommend on possible solutions that would eliminate those conflicts. These conflicts have negative impact to both farmers and pastoralists. The impact caused by these conflicts includes loss and destruction of properties and even loss of life. These impacts reflect the seriousness of the matter that requires the government intervention to take actions and also finds solutions for promotion of peace and harmony in the community.

d. Background of the study

This study goes back to 2006/2007 where the government conducted the forceful eviction of the pastoralist from Ihefu basin and promised to reallocate them in Pwani and Lindi Regions. Rufiji district is one of the 6 district of Pwani region of Tanzania. The district's name comes from Rufiji River, which runs through the district.

According to the 2002 Tanzania National Census the population of Rufiji District was **203,102** while the National Census of 2012 indicates that the district has a total population of

217, 274 people The district has 19 wards and more than 50 villages. These wards are Bungu, Chumbi, Ikwiriri, Kibiti, Kiangoroni, Mahege, Maporini, Mbuchi, Mbwara, Mchuwi, Mgomba, Mkongo, Mtunda, Mwaseni, Ngorongo, Ruaruke, Salale, Umwe and Utete. Rufiji was among the districts which were planned to receive pastoralists evicted from Ihefu.

However, the government through the district council of Rufiji had managed to survey and identify areas for grazing in 7 villages for pastoralists. The exercise to identify and survey areas for livestock grazing was done in the following villages; Nyamwage, Tawi, Mbwara, Chumbi "C", Chumbi "A", Chumbi "B" and Muyuyu. This reveals that the shortage of grazing land in Rufiji is still big to the extent that pastoralists face a lot of challenges including that of living in many villages illegally and hence they are supposed to leave as we found in Kilimani village whereby the village authorities issued a short notice requiring some of the pastoralists to get out of their village regardless of the costs they had paid.

In Rufiji in particular, the district managed to set aside more than 78,784.51 hectares for pastoralist in 39 villages, though the plan was 52 villages but it had managed only to demarcate 7 villages out of 39 planned for the first phase of the project. The reason behind being lack of funds. In deed the government had collected millions of fund from pastoralists through fines and taxes during all evictions though no one knows how those funds were utilized. The question is why the government would not use the same money to demarcate all grazing land in Rufiji or build all services for both human and livestock. Again, the government could be transparent and involve pastoralists in the process of preparing budgets and requests for contribution in meeting the costs for demarcation of grazing land.

Many pastoralists in Rufiji still live in great doubts about their settlements regardless of the fact that they were legally brought by the government. The doubts are due to recent conflict that emerged in Ikwiriri whereby many houses and properties belonging to pastoralists were burnt and destroyed by farmers. Again the local authorities disguised pastoralists following their campaign at the end of last year (2012) whereby they passed in some villages influencing residents to deny the arrival of pastoralists, a decision which was challenged by the minister of Livestock and Fisheries when admitted that the pastoralists in Rufiji and other areas in Lindi and Coastal regions were intentionally brought by the government and that no one could take them out of these areas. The response paralysed the motive of local leaders of the area. This reaction reduced the speed of residents to evict the people once more.

e. The pastoralist organisation and unity

Since their arrival in Rufiji District, pastoralists were disorganised. They lacked formal organisation and leadership. With this disorganisation it was difficult for them to organise themselves to discuss potential challenges facing them. Each pastoralist was struggling on his own searching for his own grazing land and ways of surviving. In April 2009 at last they formed an organisation called **CHAMA CHA UMOJA WA WAFUGAJI WA ASILI RUFIJI- (CHUWAARU)** which later was registered and given the number **No. SA.18343.** This organisation is meant to advocate for the land rights of all pastoralists in Rufiji district. CHUWAARU believing on unity as their strength in raise one voice to demand for their pastoral life. This unity is a non-partisan, non-religions, non-tribalism, but a unity for all pastoralist indigenous' livestock including cattle, sheep and goats.

The Unity believes in two key values **PEACE AND EQUALITY** among the members and their manifesto is led by the slogan **"PEACEFUL GRAZING FOR SUCCESS".** The organisation has its office in Ikwiriri town in Rufiji district, Coastal Region. It also has established small centres at the village level and currently there are about 9 centres.

It is structured by a General Assembly which is the higher authority to make decisions from the Executive Committee which is responsible in day to day activities of the unity. It also has a Board of Trustees, Chairman, Vice Chairman, Principal Secretary and Deputy Secretary together with a Treasurer. The executive committee if formed by 25 members at the district level and 12 members of a like committee at the village level.

1. Findings from the field

a. Sources of facts of land conflict in Rufiji

The land conflict in Rufiji has been a historical issue. During colonialism the people of Rufiji who were known by the name Warufiji had resisted the colonial government from acquiring their land under the African movement known by then as Majimaji war led by Kinjekitile Ngwale. This resistance was against the colonial government from taking and grabbing land for cultivation of big plantations for exporting goods.

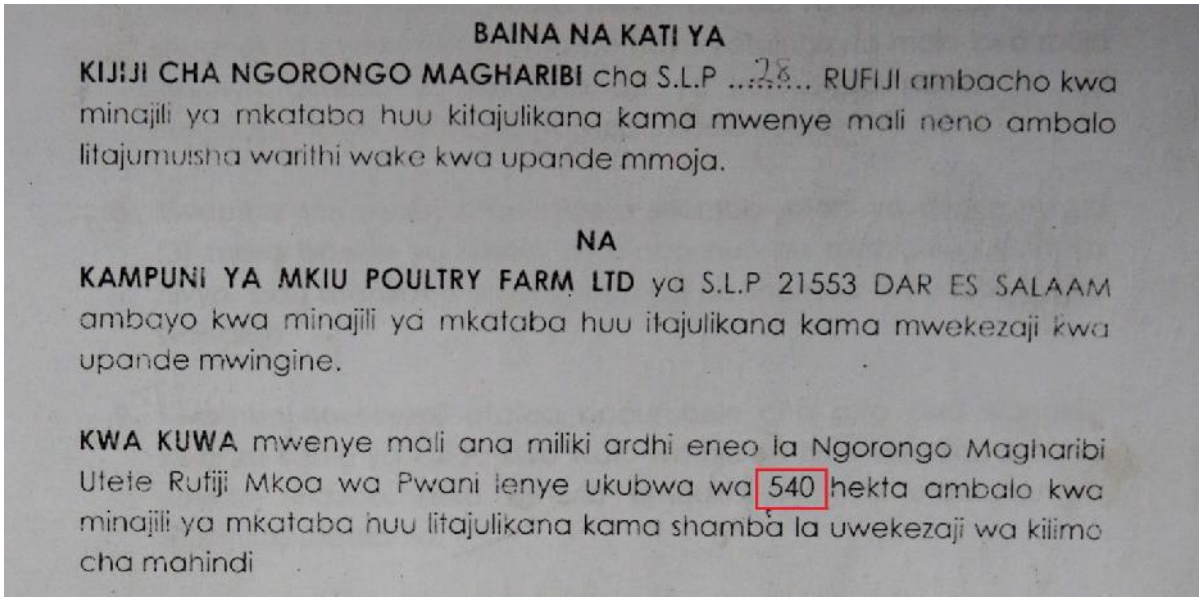
This was just the beginning but it also continued even after independence where by the colonialists came with a new approach of investment under neo-colonialism. The need of biofuel and commercial crop plantation globally had created the global pressure on land in Rural Africa. This however had led to displacement of people to pave way for establishment of these global projects which have never being beneficial to rural communities. All these have been the source of conflict not only in Rufiji but also in many rural areas in Tanzania.

The village is just being informed of the decision already made by the government. While the investor is still in negotiation with the district authorities, the village authorities are informed to convene the general assembly meeting of all villages where the district authorities will attend to address the public in presence of the investor. The meeting will be for instructing the villages that the Government had decided to give land to the investor.

The other source of conflict is the breach of laws and corruptions. The land laws of 1999 provides for the procedures of land acquisition in all categories of land. In the village land in particular, the Village Land Act No. 5 of 1999 provides for the procedures to be used to acquire village land. It also stipulate for institutions trusted with power and mandate to make decision on matters of land in the village land. This procedure are known by the government but due to bribes received from investors, the government turns against the law and will of the people and become an agent of foreign companies and investors.

In Rufiji, almost all lands allocated to pastoralist have been given to investors who facilitate the displacement of pastoralist. In all circumstances, the village authorities and district councils seems to suppot the investor and that the pastoralists are required to move out of the said area without being informed where to go. For example, Mkiu Poultry Farm Ltd., was given land in Ngorongo West and East exceeding the size the village is authorised to give out

in the area which the pastoralist were allocated. This has resulted to land conflict involving pastoralists and the investor who is supported by both the village and the district council.



BAINA NA KATI YA

KIJIJI CHA NGORONGO MAGHARIBI cha S.L.P ...28... RUFIJI ambacho kwa minajili ya mkataba huu kitajulikana kama mwenye mali neno ambalo litajumuisha warithi wake kwa upande mmoja.

NA

KAMPUNI YA MKIU POULTRY FARM LTD ya S.L.P 21553 DAR ES SALAAM ambayo kwa minajili ya mkataba huu itajulikana kama mwekezaji kwa upande mwingine.

KWA KUWA mwenye mali ana miliki ardhi eneo la Ngorongo Magharibi Utete Rufiji Mkoa wa Pwani lenye ukubwa wa 540 hekta ambalo kwa minajili ya mkataba huu litajulikana kama shamba la uwekezaji wa kilimo cha mahindi

Part of the contract entered between the Ngorongo East village and Mkiu Poultry Farm Ltd

b. Investment in Rufiji River Basin

Rufiji River Basin (RRB) is one of the fourteen basins in Tanzania and one of the largest basin in the country. The RRB covers an area of 176,000 sq. kms and consists of the Rufiji Delta, the Luweero, Kilombero and Ruaha Rivers. The Rufiji is the largest River basin in Tanzania and drains about 20% of the country. It is the most ecologically and biologically diverse socially and economically important wetlands. It supports a gallery of ecosystems.

Despite these innumerable natural resources, it inhabits approximately more than 500,000 people of whom 93% constitute small scale farmers and pastoralists.

In the 1970's the government tried to address challenges facing Warufiji through establishing small scale agriculture to meet needs of the Warufiji. One such initiative was an irrigation scheme supported by the government of Iran. This project collapsed. This project however was focussed on growing of rice in lower Rufiji River (Manongi n.d. Molosyi 1990).

Between 1995 and 2005 the government of Tanzania under former President Benjamin Mkapa had ignored the farmers and their subsisting agriculture. Instead his government forced and promoted larger scale commercial farming. It was in this context that the Warufiji of the delta found they engaged into disputing with their political elites.

In 2006 the government under President Jakaya Kikwete, gave more credits to the idea of promoting large scale farming. This was done by inviting foreign investors into agriculture sector. By this time the government was interested in growing plants for bio fuels.

The desire of the government to welcome interested partners coincided with a global demand for lands for both food and biofuel projects. This development at both the local and global level has created pressure on lands in the Rufiji River Basin.

Requests for land from companies and individuals posing as investors and that the most recent cases is a more led by the government agency called Rufiji Basin Development Agency (RUBADA), to prepare acquisition of about 100,000 hectares of land on behalf of a Korean company. With this pressure, few companies have requested land.

The size of land required by these companies or granted were hard to acquire due to time and the workload, hence their names are as follows:

i. SEKAB TZ LTD (Sweden)
ii. SYNERGY TZ LTD (Asian)
iii. ALTRO AGRICULTURAL LTD (Bagladesh)
iv. African Green Oil Ltd
v. SAP Agriculture Ltd (Turkey)
vi. Koreans Rural Community Corporation (The Southern Koreans)
vii. Kilombero Plantation Ltd (Britain)
viii. Kilombero Valley Teak Co. Ltd (British)
ix. Kilombero Sugar Co. Ltd (Boars of South Africa)
x. Kilimo cha Yesu (Swiss) and;
xi. Greed Resources Co.
xii. Mkiu Poultry farm co. Ltd

c. Whose land is grabbed?

This question is very important to be known and answered for the general public of Tanzanian to be aware of who is grabbing land from whom? In all these investments, peasants and pastoralists are displaced and productions seem to be mainly for exporting.

In rural areas of Tanzania, most of land falls under village's authorities, this means more than 90 percent of land in Tanzania fall under village land and it is governed by the Village land Act No. 5 of 1999. The majority of rural residents either occupy land on customary basis which is recognised by law or acquired land through allocation by the village Council.

However, in many cases, Land governed under the Village Land Act cannot be transferred without the **CONCENT** and **AUTHORIZATION** of the village assembly decision and the village council, the decision of boards in the village.

A big surprise is that, the above listed companies acquired land exceeding the size that the village assembly can legally allocate. This happened whilst the district and Regional authorities are watching and still in the presence of Members of the Parliament.

It is however a fact that each company used its own approaches to acquire land. There are companies that approached village councils in the first place before they went to the government, and others started at the central government going down to villages, and when they reached at village levels, companies or the investors are just introduced by the district authorities; the district Commissioners and the district council. However, when the investor is given the piece of the land, that size of land is not given as per the provisions of the law, but is provided as to the desire of the investor. There is no room for the villages to negotiate over the size of land and terms on how the people will benefit from the company.

d. Main challenges facing pastoralist in Rufiji

Since their settlement in Rufiji and other areas in Lindi Region, pastoralists are faced with numerous challenges. The government had promised to prepare areas for them to settle before it conducted the operation in Ihefu and move pastoralist into these regions. The government plan was not only based on land to settle these people, but also considered their wellbeing.

They were to construct livestock infrastructures such as veterinary services, water facilities including water boreholes, cattle troughs, and traditionally grazing areas. The government also was obliged to consider the wellbeing of people by ensuring that all social services necessary for survival of those people are available. These included schools (Primary and Secondary), Dispensaries and health centres, and also transport facilities.

All these facilities were to be in place before the operation was conducted. But it is worth noting that all the plans and budgets remains in papers and in mind of government officials but no action was taken to implement even though the people are suffering.

The pastoralist are not yet well settled, they are still struggling to get places for grazing their livestock. And one among them, Matungo Jisama states that, they cannot think of schools and health centres for they are not sure of their settlements in the areas. He further gives an example that, since they went to Rufiji with others from Ihefu in 2006, they reported to the district council of Rufiji where they were directed to Ngorongo village. They were showed Two years later, the village authorities came to us with a message that we are supposed to move from this area as it has been given to an investor. Given these facts no pastoralist will look for other services while the primary demand is yet to be solved; lack of grazing land.

The actual situation in Rufiji district and other regions like Lindi is that pastoralists are living in big worries and bad situation due to lack of livestock services, lack of livestock passages to access water, neither schools for their children nor health centres.

Thus, the following are general challenges facing pastoralist in Rufiji District:

- Insufficient grazing areas.
- Lack of livestock and social services.
- Lack of infrastructure.
- Psychological torture of people.
- Continuing conflicts between pastoralists and farmers.
- On 03.7.2012 farmers in Utete town rioted aiming to set on pastoralists.
- On 2.2.2013 Mr Hune Ndaki Kajimila, a pastoralist, was given the notice to leave the village by the VEO of Chumbi village without stating any reason for chasing him away to an unknown place and he was imposed to pay staying fee before he leaves.
- On 16.3.2013- three pastoralists, Salehe Chafuchafu, Masharubu Chafuchafu and Masauda Chafuchafu were given notice to leave Kilimani village to unknown place.
- On 6th August 2008, 19 pastoralists from Ihefu were received in Ngorongo village and given an area for settlement and grazing their cattle with the fee of 665,000/= but the same area was given to an investor on 20th September 2012 known as Mkiu Poultry

Farm Ltd for keeping Poultry and cultivating maize. This was done out of knowledge as the same area was given to pastoralists four years prior. On 11.2.2013- three pastoralist, Lukelesha Senga, Shija Mabonga, and Shija Masonga were fined of 300,000/= each, as a fine for evading the village and meals allowance for the meeting held to discuss their application for recognizing them for being the residents of Ngorongo Magharibi village.

- On 29.9.2011- pastoralists, Lugolola Charles, Ndaki Masanja, Daudi Mtayo Dofu, Samwel Daudi, Charles Daudi Dofu were received in Kilimani East village and given areas to settle. On 17.7.2012 they were given a one month notice to 11st August 2012 to move out of the village for failing to control their animals.
- On 16.1.2009 pastoralists living in Maya Makimbi-nyasi in Utete West were told to pay a fine of 50,000/= each family, for environmental destruction. No further explanation were given or justification on how do they destroy the environment. On 17 January 2009 they wrote a letter to the District Commissioner of Rufiji complaining for this fine. No action was taken by the government though they were informed of all inequalities done to pastoralist.
- On 29.10.2012, Mr Lukata Singu, a pastoralist in Nyamwage village, Rufiji was deregistered as a resident of Nyamwage village even though he applied for residential place in December 18th 2006 and accepted on February 10th 2007 and given a direction on how to live in the village. But he was deregistered as a resident on 29th October 2012 following the entrance of his cows into the farms of Mzee Safiani Matimbwe in 2009, and on 29.7.2012 he grazed into restricted areas, source of water and in 2012 he let his cows enter into the farm of Mzee Matimbwe. Thus following all these uneven actions, he was deregistered from the village and was supposed to leave the village to an unknown place following a notice letter of 19th December 2012.
    - He paid 450,000/= for 3 days where his cattle were kept by the village scout.
    - He paid to the village office the amount of 300,000/=
    - He paid cost for the holding camp amount of 300,000/=
- **Livestock infrastructure**

1. **Marketing**; Currently Rufiji district has only two open markets that the pastoralist sells their livestock. These markets are established in Nyamaga and Ikwiriri Villages.
2. **Veterinary services**; since evicting pastoralists from Ihefu, The government had constructed five (5) Dips in the whole district of Rufiji. These were constructed between 2007/2008. Currently in Rufiji district there are 3 big villages which pastoralists get veterinary services owned by private individuals; these dips are in Utete, Ikwiriri na Mohoro.
3. **Settlements and allocations**; currently there are only seven villages whose areas are identified for livestock keeping out of 52 planned. The government claims that it failed to identify grazing land in all areas due to shortage of fund even though pastoralists agreed to contribute 172,000/- per family. In Rufiji in particular there are about 414 households and one family is estimated to have more than 30 people, thus pastoralists in

Rufiji are approximated to be around 12,420. These people are living in all 52 villages though only 7 of them are legally identified through identification of grazing lands.

4. **Land allocation for livestock grazing and requirements**; the total area for Rufiji district is 14,500 sq. Km. According to district livestock officer, land to be set for grazing land in Rufiji is about 78,674 hectares gathered from 52 villages in the process of village Land Use Plan(VLUP) whereby each village is obliged to set a certain portion of its land for traditional grazing. The Available land is 9,207.414 hectares obtained from 7 villages out of 52. It is said the district currently have about 109,239 livestock which is an increase of 277% of the total of 39,362 livestock in 2002. The budget for identifying all grazing area is about 81 million shillings and in the first phase the government had only contributed 10 million shillings and the community contributed 2,700,000 million shillings.

2. Recommendations

a. Provide regular paralegals and awareness training to pastoralists in Rufiji.
b. Follow up on the identification of grazing land process.
c. Support CHUWAARU which is a very relevant organisation.
d. To sensitize the pastoralist to contribute for demarcation of their land.
e. Provide technical assistance for the cases in courts.