

Climate change, squeezed land resources and local adaptation strategies in Tanzania.

Introduction

Climate change and climate variability are creating increasingly vulnerable conditions in fragile ecosystems of indigenous peoples. Changes in land tenure and agriculture, and sedentarization, are also fracturing large-scale pastoral ecosystems into isolated systems.

With respect to climate change adaptation, strategies to support indigenous communities should be geared towards building adaptive capacity and resilience through developing policies that provide opportunities to practice mobile livelihoods enhance and secure access to strategic resources; promote pastoralists' resilience to droughts by developing livestock markets, defending communal land tenure, good governance and respect for pastoral rights; scale-up and fully implement disaster insurance schemes for indigenous peoples so as to prevent downward slide of vulnerable populations due to climate threats.

Land tenure, resources utilization and survival mechanisms vis-a-vis climate change

- *Pastoralist communities*

In what sense are pastoralists uniquely vulnerable to climate change vis-a-vis shifting property rights? As a system of land use and management, pastoralism in Tanzania, like most of it in Africa, is characterized by several unique features which are particularly challenging from a land policy perspective. The first is mobility. Seasonal movements are essential for pastoralists to tackle marked spatial and temporal variations in livestock grazing resources while enabling pasture restoration at certain times of the year. Mobility allows herders to exploit multiple niches distributed across space and at different times to depress fluctuations in production; it enables herders to engage in opportunistic grazing strategies that both increase average herd productivity and reduce the riskiness of production resulting from climatic variability.

Mobility gives rise to a second characteristic of pastoral land use: fluid boundaries and different degrees of access rights – what called – fuzziness. For example, pastoral communities grant each other access to their territories in order to overcome feed shortages resulting from drought or seasonal variations, and to confirm their claims and strengthen their traditional social relations and networks with other communities. Fuzzy access rights are also evident in the tendency in some pastoralist systems for rights to pasture in outlying areas used in the rainy season to be undifferentiated among group members, while rights to pasture in home areas during the dry season are much more strict. In most pastoral areas, differing categories of rights over resources coexist, ranging from those that are more private (such as dry season wells), to those that are more communal in nature, such as access to dry season forests or grazing around a water point. Wet season pastures and water

tend to be managed under controlled open access systems.

A third central feature of traditional pastoralist systems is the common use of land as opposed to individualized grazing areas. Various forms of common and open access tenure regimes are well suited to support the system of mobility, by reducing the transactions costs of negotiating access that would necessarily accompany more rigid, geographically defined boundaries of ownership.

However, as is well-known for common pool resources of all types, a lack of clearly defined individual property rights can lead to overuse of the resource – overgrazing and lack of range management in the case of pastoral systems. This tension between the need for flexible spatial and social boundaries in highly variable environments and the requirement for social and spatial exclusion that is usually necessary for sustainable resource management lies at the heart of pastoralist land tenure policy debates.

rangeland on a sustainable basis are limited. Larger populations of both pastoralists and agriculturalists also disrupt the reciprocal arrangements that had existed between the two groups, whereby herders gained access to crop residues and farmers obtained milk and meat. Conflicts between nomadic and settled communities are more and more common in the country, particular, in Morogoro, Coastal, and Manyara regions.

- ***Hunter-gatherers***

The Hunter-gatherers community's property administration are traceable to customary land tenure which has lasted for millennia. Land belonged to the community and each person had rights of access to land based on his needs. Access rights were guaranteed by a political authority which did not own land, but merely exercised political authority over land. The political authority facilitated the structural framework within which rights of access were to be enjoyed equitably.

Access rights were determined by virtue of membership in the community or a unit of the community. This meant that the social and cultural life of each community was important in

influencing tenure systems and property relations in general. For example, the economic and cultural activities, such as hunting and gathering, significantly influenced the prevailing land relations.

The Hunter-gatherers set up their community with an equal division of

It is widely recognized that traditional pastoral land use systems are under threat from population pressure and the expansion of sedentary agriculture in areas bordering on rangelands. Pastoralism is particularly sensitive to population growth since the technical possibilities of increasing the productivity of the



Picture 1: Pastoralist and crop farmers conflict as result of diminishing grazing land vis-a-vis climate change (PAICODEO)

labour between men and women. Women controlled the use of the land and inheritance passed through the maternal side while men managed hunting activities and the distribution of goods from the land. Goods were considered community property with the whole tribe sharing in equal parts.

In essence, property rights to land in Hunter-gatherer society comprise of “a

The future of indigenous peoples: Strengthening local adaptations through formal land titling

Most indigenous peoples, tribal people and ethnic minorities have culturally distinct land tenure systems based on collective rights. In Tanzania, these systems are only partially recognized, leading to social and political marginalization, impoverishment

Box 1: Securing the Traditional Lands of the Hadzabe (UCRT, CCRO policy brief, 2014)

Mongo wa Mono village (now split into Mongo wa Mono and Domanga villages) in northern Tanzania contains the last significant area of land for East Africa's – and in many respects the world's – last remaining 'first people', the Hadzabe hunter-gatherers. The village was formed specifically to give the Hadzabe control over village land, enabling them to use and manage the land in a way that supports their livelihood and culture. But over the years outsiders moved in, encroaching upon this Hadzabe-dominated village, and in 2009 the majority of representatives on the Village Council were non-Hadzabe. This shift presented a very real threat that lands originally secured for the Hadzabe in village land use plans and by-laws could instead be allocated to individuals for other purposes, such as farming. Without being able to maintain majority representation on the Village Council, the Hadzabe were faced with the reality of having limited say or authority to make those critical decisions about land use.

To find a solution to this significant potential threat, UCRT worked with the Hadzabe and the Ministry of Lands to secure the first-ever group CCRO. The CCRO, which dedicates approximately 20,000 hectares of village land as a Hadzabe conservation zone, secures Hadzabe communal rights to live on, manage and use their ancestral lands in perpetuity.

and conflict. If indigenous peoples are to survive and prosper, culturally and

web of interests” with many different parties having a right to use, regulate, or manage the resource based on a range of customary institutions or local norms. Each of these interests often play a critical role in livelihoods, social relations, and ecological functions and that is why formalization of property rights has led to a disruption of peoples livelihoods by cutting off this web.

economically, they must have secure rights to their land.

In Tanzania legal regulations offer individuals and groups the opportunity to exercise land rights. The law two optional courses in acquiring land rights in the country: (a) Granted Right of Occupancy, expressed in the Land Act No 4 of 1999 as *General Lands* and (b) the *Customary Rights of Occupancy* (Land Act No 5 of 1999), which can be acquired through local government authorities comprising District Councils, Village Councils and Village Assemblies. The Land Act defines Customary lands as *Village Lands* and provides the legal basis for management and governance of the village land. Village lands held through customary rights of occupancy may be apportioned to individuals or groups through Certificates of Customary Rights of Occupancy (CCROs), which effectively formalizes their rights to that land.

Such CCROs have been issued to individuals in Tanzania, as the CCRO is basically the legal framework for individuals living in a village (including in peri-urban areas) to document and formalize their land holdings. Ujamaa

Community Resource Trust (UCRT), a local NGO, has been working on pilot project for strengthening land tenure, especially for pastoralists and hunter-gatherers, because the procedure for obtaining a CCRO is a relatively fast and straightforward way to secure group rights to land, and particularly, because a CCRO can be issued to minority groups, who are often vulnerable to land grabs and competing interests.

The law provides for two different categories of 'groups,' which are eligible for a group-CCRO – a registered group such as formalized trust, society or community based organization and a

traditional institutions like Maasai traditional elders (*Ilaigwanak*). Moreover, the law makes room in recognizing exceptional groups for example hunter-gatherers, whose life style – hunting – may be confused with poaching in the legal system.



Picture 2: Sample CCRO acquired by Hadzabe for their 20,000 hectares of land (UCRT, 2012)

Challenges still persist!

Indigenous groups that want to make a land claim face great challenges. Not only are the CCROs processing are expensive and require a lot of time, but they also require a great deal of solidarity of indigenous peoples and informed consent which is difficult to obtain.

With prejudice from the state and surrounding communities, Indigenous people are forced to provide a lot prove about claimed lands. They must be able to prove that ancestral customs and traditions are still being maintained, that a link to the land has been retained over the years and that the land has cultural significance to the Indigenous group making the claim. These are very difficult things to prove because Indigenous people do not have written records.

A land claim by the Barbaig people has demonstrated how difficult it can be to prove links to the land. Their court case lasted for years because at first there was not enough evidence found to show the people's link to the land. Although the Barbaig people had lived in the area for thousands of years, they had to fight very hard to show the country was theirs. Luckily their fight paid off and they won their native title claim.