Title: Conserving Pastoralist Commons through Communal Titling in Tanzania

Since 2001 when Tanzania passed regulations accompanying its new 1999 Land Acts (Land Act No. 4 and Village Land Act No. 5), it has embarked on processes of land use planning, adjudication, registration, surveying and certification of rural land holdings through the issuance of Certificates of Customary Rights of Occupancy (CCROs), a form of title deed. The end of Ujamaa socialism and subsequent commitment to trade liberalization in the mid-1980s led to the dismantling of collective forms of ideology and practice. Drawing on Western jurisprudence, precedent, ideologies and practices of exclusive individual ownership rights to land, the introduction of CCROs marked a major shift in Tanzania away from communal rights to individual rights in land (not quite “ownership” per se but “occupancy” rights). Land is uncomfortably caught in a liminal legal domain—not fully individualized and commoditized, yet no longer communal (1) in the socialist sense of being a public good held by the president as trustee for the public, nor (2) in the colonial sense of being an asset seized by an occupying state to support legislations of extraction, nor (3) in the precolonial sense of being a public good managed by a chief or clan on behalf of a particular ethnic group. While the Land Act No. 4 of 1999 states that “all land in Tanzania is public and vested in the President, as trustee on behalf of all,” in the current neoliberal context, private commercial enterprise is interpreted as being in the public interest because it is believed to be a path to national development. As more and more land in Tanzania is leased to large and medium-scale investors and also granted to expansion of conservation areas (national parks, game reserves, forest reserves, etc.), centuries old practices of mobility that pastoralists and agro-pastoralists rely on to maintain the health of their herds are increasingly becoming difficult to pursue. Former stock routes, salt licks, seasonal pastures and seasonal water sources are being cordoned off as land is leased away without regard to pastoralist usage patterns. Tanzania has the second largest herd in Africa (after Ethiopia), and recognition is slowly emerging that to protect the livestock industry (which contributes substantially to the GDP and to nutritional needs of the country’s population), pastoralist mobility must be supported. The National Land Use Planning Commission, in concert with donor agencies and NGOs, recently embarked on an innovative strategy of adjudicating, recognizing, registering, surveying and certifying pastoralist commons through the creation of joint village land use plans spanning multiple villages with pastoralist grazing and watering needs. Two examples are the new trans-village plans for OLENGAPA (covering the Maasai villages of Olkitikiti, Lerrug and Ngapapa) and ALLOLE (covering the Maasai villages of Amei, Lesoit, Loolera and Lembapuli) both in Kiteto District, Manyara Region. This paper reviews the work that went into developing this strategy and assesses its benefits and challenges to date.