

TO: Expert Mechanism of United Nations

FROM: Pilot Light Development Organization (PILIDO), Arusha, Tanzania

RE: Submission to the “Study on the Right to Land under the UN Declaration on the Rights of Indigenous Peoples”

CC: Sister Marvelous (Marvie) L. Misolas, M.M. NGO Representative to the UN,
Maryknoll Sisters of St. Dominic (Special Consultative Status with ECOSOC and DPI)

DATE: 14 January 2020

BACKGROUND

Pilot Light Development Organization (PILIDO) is a NGO registered in February, 2018 with the Tanzania Ministry of Home Affairs. PILIDO is a civil organization, still new and securing initial investments and administration expenses for a predictable base; nevertheless, PILIDO has implemented significant development activities on a small budget for its “Light For Women’s Empowerment” (LFW) and “Land Tenure Security” Programmes. The Motto of the Land Programme is “Land is the Fundamental Source of our Livelihood.”

The vision of PILIDO is a transformed society in which all people are aware of their social / economic rights and empowered to participate in, and enjoy inclusive sustainable development.

PILIDO serves communities in the six (6) Pastoral Districts which cover an area of 75,000 sq. km. in Northern Tanzania. Indigenous to this area are the Maasai, pastoral and agro-pastoral people, as well as hunter-gathering communities.

PILIDO was founded by a professional and experienced staff of women and men, who are development practitioners with complementary skills in social development; land tenure and natural resource management; gender equity and women’s empowerment; public health education focusing on HIV-Aids and Ebola; livestock development. The core staff are: Ms. Grace Mtataiko, Coordinator of PILIDO; Ms. Seela Sainyeye, Program Director of LFW; Mr. Benedict Nangoro, Advisor; Mr. Emanuel Ndulet, Land Officer; Sr Sue Rech, M.M. Advisor. All the above staff members are indigenous Maasai except Sr. Sue Rech.

RELEVANT INFORMATION TO THE UN “STUDY ON LAND RIGHTS”

In the last twenty (20) years, accelerated foreign investment in land has led to gross alienation of land from Tanzanian people. Water sources and other key natural resources, necessary for local production, are lost to investors leading to displacement of rural populations. Land is being lost to mining, land grabbing, grain and sugar cane plantations, to hotels and tourist development. Scramble for farmland has intensified; foreign farmers introduce new technologies for industrial agriculture, lease huge tracts of dry and wet season grazing lands, employ their own nationals and sell local farm produce on world markets.

INSECURITY OF RESOURCE TENURE AND PROPERTY RIGHTS UNDERMINES SUSTAINABLE GOVERNANCE AND MANAGEMENT OF NATURAL RESOURCES

Insecurity of resource tenure emerged as a major challenge facing pastoral and agro-pastoral communities in the recent past. Massive alienation of high potential areas, especially those reserved for dry season grazing were put aside for other uses such as national parks, forest reserves, game reserves and wetlands. Some areas of the pastoralists' lands were given over to large scale farms growing wheat, barley and setting up commercial ranches.

In the Pastoral Districts, much of the grazing lands, saltlicks, cultural heritage and water sources were allocated for other uses through various investment schemes. Investors grabbed vast areas of land for mining, large scale farms, hunting blocks and other forms of 'foreign' land uses. Local pastoral communities, depending on their herds and large areas of rangeland, found themselves with access to inadequate lands to support their main economic production - herding, and therefore their very livelihoods.

The Maasai Women say: In the old days, God gave us abundant land for our herds - land as far as our eyes could see. There were no fences. Now our eyes see buildings, large farms, and towns, and our herds eat grass in-between fences.

Women also say: In the old days, we get fire wood near our homesteads but now days we walk far away to get firewood and take long time - we women are the ones to build our homes and we use grass for roofing. In the old days, we did not buy grass, but nowadays we women are getting difficult time because there is no rain and no grass. We are making a shift to build modern houses which is very big cost.

Our young men "Morani" travel big distances with our herds to find grass, and they meet tractors digging up the earth where once there was grasslands.

This shrinking natural resource - LAND - coupled with intensified climate change and climate variability, now pose increased threats to food security and to a secure livelihood. Sustainable development and attainment of sustainable development goals are made a distant dream for most of the pastoral and agro-pastoral communities in Northern Tanzania. The frequency and intensity of droughts pushed many households and communities to live below the poverty line.

Among Maasai Women, the story is told that long ago, the call of the red-billed bird called 'ormunguku' announced the coming of the rains. These days, however, ormunguku has not been seen and her call is silent. The prophecy of ormunguku is no longer needed. There is no rain.

Maasai Elders, managers of their herds and keepers of indigenous climate knowledge, predict climate variability. They say, "Early morning we examine our herds and if our cows are laying on their side and defecate without getting to their feet, we know there will be drought. In the old days, we quickly sent our Morani to search for new grazing, but these days there is no more land and nowhere to move our herds.

It is within this context that pastoral and agro-pastoral communities raised their concerns during a need assessment and baseline surveys undertaken by PILIDO. The pastoralists urged PILIDO to join their (pastoral) efforts to take initiatives ensuring security of land tenure, integrated governance and management of natural resources in their respective villages. In response to this urgent community need, PILIDO initiated a Land Programme that addresses governance and sustainable management of natural resources (land, water, forests, grazing areas, saltlicks, wetlands), as well as ensuring security of land tenure and property rights of the pastoralists.

INITIATIVES TO SECURE STATUTORY & CUSTOMARY LAND TENURE RIGHTS

PILIDO initiated and is implementing a Programme to address:

- 1) security of resource tenure and property rights
- 2) strengthening village level institutions to enhance de-centralized governance of land and natural resources
- 3) enhance participatory and inclusive policies, norms, decision-making processes that are exercised in order to enable all men, women and youth at village level to be involved in sustainable management of natural resources
- 4) recognition and respect for legitimate tenure rights, especially customary resource rights for transhumance pastoralists in target areas
- 5) promotion of resilience and adaptation to climate change.

PILIDO PROGRAMME OBJECTIVES, ACTIVITIES AND OUTCOMES / RESULTS

The objectives, activities, outcomes, results and strategies for this Programme have been broken into three (3) complementary components for management purposes.

A. Component 1: Village Land Demarcation, Mapping and Certification

This component follows under the Village Land Act of 1999, and has the following objectives: a) demarcation, mapping and certification of village lands so they are recognized and administered as units; b) producing cadastral maps that show village parcels of land and village communities that own them; c) establishing boundary agreements between one village and all its neighboring villages; d) ensuring village land ownership and right to natural resources are enshrined in the Tanzanian land policy, legal and regulatory framework; e) establishing village land registries for land administration and record keeping purposes.

PILIDO Programme Activities Under Component 1 are:

- To simplify the national land policy, Village Land Act No. 5, 1999 and land regulations of 2001 to be understood by the villagers
- To facilitate villages border agreement meetings for all neighboring villages
- To survey, place beacons and draw cadastral maps
- Prepare beacon coordinates
- Draw village maps for the surveyed villages
- Compute village area maps and follow through the approval processes through district, region and national levels
- Approval of village maps at Ministerial (national) level.
- Prepare village seals for Land Certificate of Occupancy

- Signing and issuance of village Certificates of Occupancy showing the actual piece of land owned by each respective village
- Establish village land registry for land administrative purposes

B. Component 2: Community Resource Use and Management

The National Land Policy of 1995 stipulates clearly that security of land tenure in Tanzania depends on usage. This component of the Programme therefore addresses the present and critical condition for land security of tenure and rights holders. It is therefore designed to zone all village lands into five main categories:

- * Permanent residential areas
- * Service provision areas for schools, health centres, etc.
- * Agriculture areas
- * Pasture reserve areas
- * Wildlife / conservation / reserved areas

Objectives of Component 2 are following:

- * Enhance security of land tenure and increase productivity
- * Form 'land-use committees' to reduce land use conflicts
- * Establish mechanisms for governance and management of village natural resources
- * Empower target communities in matters of land legislation and management of natural resources
- * Build the capacity of village institutions to address land use challenges effectively and in a participatory manner

PILIDO Programme Activities Under Component 2 are:

- Formation of Village Land Use Committees elected by Village Assemblies
- To facilitate villages' common boundary agreements and document them
- To demarcate, survey, map and register village lands according to policy, legal and regulatory requirement for maps and land titles regulations
- Zoning of village lands according to different uses
- Drawing of land and resource use maps
- Formulation of village by-laws to re-enforce use of each zone
- Building of a 'strong room' in each village with special furnishings, eg: file cabinet, etc. to preserve land registries

Programme Outputs For Component 2 are:

- ❖ Village land certificates and titles secured
- ❖ Existence of and functional conflict resolution committees

- ❖ Resources-based conflicts monitored, resolved and minimized
- ❖ Increased awareness of the need for security of tenure / resource rights of pastoralist and hunter-gathering communities
- ❖ Existence of strong village land adjudication communities and ward land tribunals
- ❖ Existence of well functioning and well administered village land registries

C. Component 3: Securing CCROs (Certificate of Customary Right to Occupancy) for Joint Village Grazing Rangelands

The purpose of this component is to ensure that land policy, law and regulations are used to establish joint village land use plans that allow for co-management of specific pastoral resources such as grazing areas. This arrangement facilitates mobility of livestock in an organized way; pastoralists move their herds according to agreed rotational patterns that allow grass and vegetation to regenerate.

Objectives of Component 3 are following:

- * To provide a legal tenure framework that shelters collective rights of pastoralists to own natural resources, and use such resources for their productive purposes
- * To strategically restore and protect land rights of the pastoral communities through demarcation, titling and registration of ‘bundles’ of rights for key pastoral resources, especially grazing, browsing, water & saltlicks, and securing CCROs for such areas.
- * To register groups of neighboring villages that decide to own and manage their grazing areas collectively.

CONCLUSION

The right of pastoralists to wide open savannah areas, devoid of cultivation, roads, construction, allows daily and seasonal movement of their livestock - this is critical for sustainable use and their management of natural resources in arid and semi-arid areas of Northern Tanzania. In the past, this free mobility was the natural environment of the pastoralists; they were the primary and superb conservationists of Land.

The Maasai Women say: *In the old days, Engai (God) gave the Maasai all the land we needed for our herds, no one was poor. If an elder, his wives and children had no herds, they were given cows to graze in open plains and have milk for the children. Land was abundant. We Maasai cared for God’s Land.*

Given this urgent situation of accelerated land loss in Tanzania, the Programme of PILIDO for security of tenure and rights to natural resources, enables pastoral communities to own and manage their resources in a sustainable manner. Moreover, it allows people and livestock to cope with the ecological reality of a variable climate. The PILIDO Programme is premised on this social, economic and ecological reality of the savannah pastoralists in Northern Tanzania.

The Programme strategy uses participatory governance and management approaches stipulated in the National Land Policy of 1995, while applying decentralized and devolved mechanisms as

provided in the Village Land Act of 1999. This gives authority over village lands to Village Assemblies. Furthermore, this strategy puts emphasis on participation by villagers ensuring that norms, institutions and processes are inclusive to ensure people's access to land, and that land rights are guaranteed for all men, women and youth in each village.

These participatory methods are further guided by the following values: inclusive decision making; leadership accountable to answer a well-informed public and villagers; embracing diverse cultures; knowledge of systems and different, but complementary livelihoods in the villages (farming, pastoralism, hunter-gatherers); protection of vulnerable groups and access to justice for all.

Thank You.

Respectfully Submitted By:

Pilot Light Development Organization (PILIDO)
Arusha, Tanzania
14 January 2020

