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Life in the margin

- a Minor Field Study on pastoralism and political marginalization in Tanzania

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ABSTRACT

In this thesis I examine pastoralists' marginalization when it comes to land ownership in Tanzania, through a Minor Field Study based on interviews. The perception on pastoralism is since colonial times very negative and their way of living do not seem appropriate for the 21st century by the government. Pastoralists face a multitude of problems such as land alienation, degraded resources, conflict and insecurity, poor social services and their land is seen as unproductive wastelands.

In 1995 a new National Land Policy was introduced in Tanzania with the aim to ensure people's rights to land and to reduce conflict. But even though pastoralists are considered in the policy it does not seem to be better off than previous land policies for many reasons.

Political marginalization of pastoralists when it comes to land ownership is related to participation in politics, education, State organization and political organization according to my operationalization of the concepts marginalization and land ownership. Furthermore I found through my interviews the additional indicators governance, corruption, perception on pastoralism and knowledge gap, which all are examined and contribute to my theory development. Both indicators from my operationalization and the additional indicators fit into the theory of social capital that is proposing a new bottom-up dynamic with support from organizations as agencies to reduce marginalization. This means pastoralists degree of marginalization when it comes to land ownership decrease as the degree of social capital increases.

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1. INTRODUCTION

Ever since colonial times policy makers have viewed pastoralists as archaic, unproductive and environmentally damaging relics of the past, who need to be modernized and brought into line with progressive and modern development. Despite decades of pastoral development programs and a plethora of policies designed to improve livelihoods, the vast majority of pastoral people still face a multitude of problems. These range from land alienation, degraded resources, acute poverty, conflict and insecurity, vulnerability to drought, poor social services and limited marketing opportunities. Pastoral areas continue to be viewed as unproductive wastelands, and government investment is rarely proportionate to the contribution made by these areas to local and national economies (Sendalo 2009).

Policies have during all times focused on settling pastoralists as the way to bring them improved services and opportunities. This inadequate recognition of pastoralism and the pastoral way of life in national policies has resulted in a great deal of conflict, mainly over land issues in Tanzania. It has contributed to a negative State perspective on the pastoral culture, way of life and its value as an economic activity. Together with an increasing population pressure and the diversification of land use patterns in Tanzania, access to pasture and water for livestock has diminished and forced pastoralists to migrate to the central, eastern and southern parts of the country. These migrations have led to increased tension and conflict with crop farmers, national parks and national conservation authorities, among others (Sendalo 2009).

The criticism directed against pastoralists concerns that "pastoral production has very low productivity", "pastoralism degrades large masses of land", "pastoralism invades established farms" and "at the moment it is impossible to control livestock diseases, thus making it difficult to export meat, milk and livestock due to international demands on livestock, health and products free of infectious agents". The conclusion of these points is that "pastoralists have to be given land and told to settle" (Sendalo 2009). Due to what is seen as pastoralists' failure to participate in economic processes, they have been singled out for the heaviest dose of developmental intervention whose goal has been to change their way of life to sedentary life and make them embrace agriculture in lieu of pastoralism (Kaare 1996, Scoones 1995).

1.1 Aim and research question

In June 1995 the new National Land Policy was released in Tanzania. Its overall aim is to "promote and ensure a secure land tenure system, to encourage the optimal use of land resources, and to facilitate broad-based social and economic development without endangering the environment" (National Land Policy 1995). When it comes to pastoralists it is seeking to address the problems of growing social conflicts, environmental concerns and land use conflicts by proposing that security of tenure for pastoralists in pastoral land areas will be guaranteed by appropriate measures, and that underutilized or neglected former pastureland will be reclaimed and restored to pastoralists (Mattee & Shem 2006).

The National Land Policy is both praised and criticized by different stakeholders, scientists, human rights organizations and citizens, depending on their interest of issue. Different interpretations, different applications and different ideologies results in contradictive messages about the policy.

The National Land Policy of 1995 is in its general goals considering pastoralists and their land rights, but still they are suffering from marginalization – both cultural, psychological, social, economic and political marginalization. The fact that they are marginalized is established by previous scientists as we will see in chapter 1.3, previous research.

For this reason, I will in this research question not if but why pastoralists are still marginalized regarding land ownership in Tanzania. I will embrace a political perspective within the concept of marginalization where political participation and self-determination are important factors, and from my research results I will search for further factors contributing to pastoralists' political marginalization. The aim is to answer my research question below and present a theory development on pastoralists' political marginalization in Tanzania. My research question is;

- Why are pastoralists, despite the National Land Policy of 1995, politically marginalized regarding land ownership in Tanzania?

When entering the field my pre-understanding consisted of experience from working with indigenous people in Latin America. Africa, Tanzania and pastoralists were to me a new field to explore. Because of that I have been open to all information I got during the research process, but it might also have limited me in that land rights is a huge area to manage and sometime it has been hard to demarcate, choose my own path and understand the context.

1.2 A case of

Indigenous people are minorities within modern states. It does not mean all minorities are indigenous, but they are usually minor groups of people, the initial population of a country, who is marginalized (IWGIA 2002 p.10). They are often called 'the fourth world' to emphasize the fact that they are the most vulnerable, poor and marginalized ethnic group (Johansson Dahre 2005 p.9) with much in common with other neglected segments of societies, for example lack of political representation and participation, economic marginalization and poverty, lack of access to social services and discrimination (UN factsheet).

Today there are close to 300 million indigenous people in the world in about 5000 different peoples (Johansson Dahre 2005 p.12) with different cultures, languages and traditions. Despite their differences they have common problems and strive for recognition of their identities, protection of their rights, their ways of life and their right to traditional lands, territories and natural resources (UN factsheet).

Indigenous people possess an invaluable knowledge of practices for the sustainable management of natural resources and have a special relation to and use of their traditional land. Their ancestral land has a fundamental importance for their collective physical and cultural survival as peoples (ibid.), which also is reflected in the definition of being indigenous. The etymology of the word tells us that indigenous means "originating in the region or country where found; native". Indigenous people's ancestral land has a fundamental importance for their collective physical and cultural survival as peoples. Even if they have developed a profound relationship with their lands and territories over centuries, they are still looking for a place for themselves. From the time of colonization until today indigenous peoples have been dispossessed of their lands. After repeating crucial calls at the international level for their recognition of their right to live on their lands which they have thrived on since time immemorial, they have recently been able to successfully assert their rights under international law. Land rights are an expression of indigenous peoples' identity and heritage, and thus their recognition is essential to ensure indigenous peoples cultural survival (Gilbert 2006).

Following the implementation of numerous political, economic, legal, and social reforms over the past decade, Tanzania is now a functioning democracy with political stability, peace, respect for human rights and rule of law (Mkukuta II). Land and natural resources occupy an important place in the political history, social organization and economics of Tanzania. Over the years, politics of land has pervaded the discourse at the national level in the country since the main components of the national economy of Tanzania are based on land, agriculture, mining, tourism, fisheries as well as forestry (Sendalo 2009).

About 87 percent of the Tanzanian population lives in rural areas (Odgaard 2006). The majority, about 82 percent, derives their main livelihood from agriculture (NSGRP 2005a p.

6). There are more than 120 different ethnic groups and equally many different languages (Odgaard 2006) and approximately 1,5 million pastoralists spread among five pastoral tribes and communities, of which the Maasai are the most well-known. Pastoralism is a way of livestock production in which livestock keepers move their cattle, sheep and goats from place to place to take advantage of pasture and water which are available at different times during the year. Pastoralists, like many other indigenous people in the world, face a number of acute challenges including a shortage of land for grazing, lack of water, frequent cases of cattle rustling, poor delivery of social services, population increase and a break-down of traditional institutions. Pastoralism in semi-arid environments requires regular movement and flexibility in order to utilize the different climate-driven resource niches (Sendalo 2009). A vast problem is that very little land in Tanzania is presently under formal registration. In 2005 more than 93 percent of the rural population were smallholders, of which 78 percent hold unregistered customary land rights (Poverty and Human Development Report 2005 p.84). Only very few pastoralists have as yet required registration certificate for the land they are using (Odgaard 2006).

Pastoralists are not the only group suffering from marginalization in Tanzania, and nor does it affect all pastoralists, but they generally do suffer disproportionately to other groups (Sendalo 2009). In most African countries pastoralism has lacked support from the highest levels of government. Despite decades of pastoral development programs and a plethora of policies designed to improve pastoralists' livelihoods, the majority of pastoral people still face a degree of marginalization and poverty that is disproportionate to that experienced by other groups in Africa (Hesse & Ochieng Odhiambo 2002). Most of the policies in Tanzania were historically, and are still, based on the underlying notion that pastoralism is not the most efficient use of land. Rather, other forms of land use have been given priority and they have continually lost land to other users (Mattee 2007). Like many other African countries Tanzania is constantly under pressure both from internal and international environmental organizations, conservationists, hunters associations etcetera to increase areas under conservation and to increase restrictions in areas already conserved. Establishment of Game Reserves and conservation are frequent sources of conflicts in many parts of Tanzania (Odgaard 2006).

Indigenous people in Africa seem to face an even bigger challenge as a result of the fact that African States have been reluctant to acknowledge the existence of indigenous groups within their territories (ILO Overview report). Many of them practice pastoralism, a way of life that often represents a challenge especially through the lack of recognition of collective land rights. A major cause of the neglect and violation of a variety of their rights emanates from the loss of their ancestral land due to conservation programs, the promotion of tourism and new challenges due to climate change. Factors such as lack of consultation, compensation and failure to provide alternative land have exacerbated the effect of land loss. The institution of individual land rights, as well as the vesting of lands customarily owned by indigenous peoples in the State, or the devalorisation of communal land rights, has had a profound effect on the rights of indigenous peoples. Moreover agriculture and individual land tenure is ranked

over collective nomadic land use. Pastoralist's former role of conserving and managing protected areas is undervalued (ILO Overview report). The government is paradoxically conserving areas by throwing out all people living there, areas that for centuries have been conserved by the people (Edward PINGO).

In all matters affecting pastoralists' consultation is the key to ensuring that any legislative, policy or program measures undertaken respond to the actual needs of indigenous peoples as stated by them. ILO states in one of their reports that "experience from throughout the world has demonstrated that consultation mechanisms are most effective when designed in consultation with indigenous peoples, and built into the administrative structure of the State, at all levels of governance. Indigenous peoples should be allowed to participate fully in decision making in elective institutions and governance structures at all levels. States should adapt their electoral processes to cater for the specificity of indigenous peoples, in particular nomadic peoples, so as to ensure their effective political participation" (ILO Overview report).

1.3 Previous research

This chapter is about getting a grip on the discourse within my research field that is the already existing empirical knowledge. Most previous research on pastoralism and land rights is focused on the implementation of the Land Act and Village Land Act, derived from the National Land Policy, or they are social or cultural studies on pastoralism and their way of living. There are also several studies about the pastoral situation with a social- or anthropological approach. Below I will present the existing empirical knowledge relevant to my field.

Pastoral people in Tanzania have been the most prominent victims of protected areas and wildlife conservation policies and practices widely acknowledged today. In pre-colonial times pastoral groups controlled a vast area stretching from central Kenya to central Tanzania. Today this area has shrunk to less than two thirds of their former territory and will probably go on dwindling (Kaare 1996). This despite of decades of pastoral development programs and a plethora of policies designed to improve pastoralists' livelihoods. The majority of pastoral people still face a degree of marginalization and poverty that is disproportionate to that experienced by other groups in Africa. According to Hesse and Ochieng Odhiambo there are three factors that broadly contribute to this situation. Firstly, because many pastoralists live in drought-prone areas where resources are scarce and unstable. Since their production systems are inherently vulnerable, they have developed complex strategies to mitigate the effects of environmental uncertainty. Secondly, since colonial times their vulnerability and poverty has been exacerbated by inappropriate policies and development interventions that have systematically undermined their institutions and strategies for responding to environmental adversity. In most African countries pastoralism has always lacked support from the highest levels of government, and has rarely, if ever, benefited from institutional frameworks

explicitly designed to promote pastoralism as a viable land use and livelihood system. This is the main cause of pastoralists' marginalization in Africa (Hesse & Ochieng Odhiambo 2002).

Migration caused by inadequate consideration of pastoralists in policies renders their economies difficult to manage. The ever shrinking areas to which they are forced to move are then unable to sustainably hold their herds, leading to land degradation. And when this happens they are blamed for it (Scoones 1995).

Pastoral communities have often been the victims of land-related conflicts in different parts of the country. Due to seasonal movements of livestock under the transhumance system, seasonal grazing land has been labeled as no man's land and legally or illegally alienated into larger plantations, mining caves or national parks (LHRC 2011). Also alienation of pastoral lands generally has been a result of the misconceptions about the modes of pastoral land and resource use. Many people have never understood the rationale of customary pastoral livelihood systems but think that they need to be modernized and brought into line with progressive and modern development (Sendalo 2009). Most of the policies in Tanzania were historically, and still are, based on the underlying notion that pastoralism is not the most efficient use of land. Rather, other forms of land use have been given priority. As a result pastoralists continually have lost land to other users, as their lands continue to be converted to farm land and to conservation in game parks, game reserves and game controlled areas (Mattee 2007).

The recognition and implementation of indigenous peoples' rights are crucial for the achievement of overall development goals since the right to be consulted and to participate in decision making is among the most fundamental of indigenous peoples' rights. Without strong policy direction it is highly unlikely that pastoral issues will be included in the policy dialogue. This lack of participation by pastoralists in decision making implies that their needs and priorities are not reflected in national policies, strategies and programs (Feiring 2008). Theoretically policies are supposed to respond to the common needs of the nation as a whole, but in practice they tend to favour politically dominant elites whose political leverage is an intrinsic element of the process of policy formulation (Hesse & Ochieng Odhiambo 2002).

The lack of participation in structures of governance where policy decisions are made are one of the key issues affecting pastoralists' livelihood systems, as well as the mobility of pastoral communities that has made it difficult for them to participate in the mainstream political process at local level. Lastly, there is a lack of common voice or organized institutions to represent their interests in the decision-making process (Mattee & Shem 2006). Many pastoralists lack an adequate understanding of government, of important legal procedures and of their rights and responsibilities as citizens (Bonfiglioli 1992). "There is no vibrant and effective pastoral civil society movement capable of engaging with the policy apparatus to represent and defend the interests of pastoral people", says Hesse and Ochieng Odhiambo (2002). However, pastoralists are becoming more capable of representing themselves since a growing number of educated pastoralists' children are providing a bridge between pastoral communities and democratic institutions (Lister 2004).

One of the reasons why the Tanzanian government has been evolving policies and practices most of which are in conflict with the needs and interests of pastoral communities, is that policies are not based on pastoral socio-economic realities (Tenga et. al. 2008). Information on pastoralism is available, but many policy makers, government staff, Non-Governmental Organizations personnel, etcetera do not fully understand the dynamics of the system and are therefore unable to design and implement policies that are supportive of the sector (Hesse & Ochieng Odhiambo 2002).

Indigenous peoples in general are often underrepresented in public institutions and many policy-makers and government officials are guided by misperceptions regarding the 'backwardness' and 'under-development' of these peoples (Feiring 2008). Progress in pastoralists' engagement in the policy process has been slow because of the persistence of negative perceptions about pastoralism. Some of the factors that have led to this failure are; that there has not been a clear and common vision about what it is about pastoralism that needs to be addressed in policy; that there are many dimensions of pastoralism given different emphasis by different organizations; and that divisions within the pastoral lobby have fragmented the voice of pastoralists and reduced their political weight (Mattee 2007). Their presence would nevertheless be perceived as being transient in nature. Political participation is therefore monopolized by the more sedentary communities, and the pastoral communities are largely excluded (Mattee & Shem 2006). Policies are theoretically supposed to respond to the common needs of the nation as a whole, but in practice they tend to favour politically dominant elites whose political leverage is an intrinsic element of the process of policy formulation (Hesse & Ochieng Odhiambo 2002).

1.4 Justification of research

There are pastoralists in parts of Africa, central and south west Asia, and northern Europe. I found Tanzania an interesting case to study since they have had a long period of socialism after its independence, which has formed the country in many ways. Julius Nyerere who was the president during the socialistic era found it important to bring all people together to one nation and did not take ethnicity into consideration when building the country.

Furthermore, land and natural resources occupy an important place in Tanzania's political history. Politics of land has pervaded the discourse at the national level in the country over the years and there have been changes in land reforms. The vital importance of land issues to social and economic development in Africa is unquestionable. The fact that land is becoming an increasingly scarce resource in many parts of the continent, and also a more and more conflict ridden resource, has implied that issues related to land ownership and land conflicts now range high on the policy agendas both in African countries and among international donors (Sendalo 2009).

The Tanzanian government is in their country profile at their web page (**Tanzanian government**) promoting themselves as a government "committed to pursuing pro-investment and pro-growth policies", something I find very interesting when looking at the situation of pastoralists on the one hand and their economic contribution to the country on the other. Even though they largely contribute to the economy they are marginalized and marginalization is one of the causes to poverty (Vilby 2007). This is paradox to Tanzania's politics and poverty reduction strategies.

There are other groups than pastoralists who do suffer from social, economic and political marginalization in Tanzania as well. But to ensure their land rights pastoralists do not have a policy considering their livelihood, while many other groups like hunter and gatherers, miners and fishermen have additional policies considering their rights (Tanzanian government). Pastoralists in Tanzania do suffer disproportionately to other groups (Sendalo 2009), why I have chosen to study this group and no other.

There are indigenous people around the world who have a tradition of organizing themselves to promote their rights and interests. To for example Maasai, one of the pastoral people in Tanzania, this is a new process which will take time to form (IWGIA 2002 p.107). As we will see organization is crucial to decrease marginalization, why pastoralists in Tanzania's situation is different from other pastoralists in other parts of the world.

There are very few studies on political attitudes and behavior in a new democracy in contemporary Africa. Many academics have written about involving citizens in policy making, but empirical research about the actual effects is scarce. Those who are made are often case studies focusing on a limited number of cases. That is why my study will contribute with a theoretical approach to what is written on pastoralism, land ownership and marginalization.

1.5 Demarcations

When writing about Tanzania as my case I refer to Tanzania mainland and do not include Zanzibar since they have their own government. Within Tanzania mainland I have concentrated my time and resources to Dar es Salaam and Arusha. So when talking about pastoralists in general it is important to keep in mind that the study is made in the northern and eastern parts of the country. This will be further explained in the methodological chapter 3.2.2.

The ideal study would of course be to visit all organizations working on pastoralists land rights, or all pastoral villages, something that was not possible for this thesis because of time and resource limitations. It would also be interesting to interview people from the government, ministries, politicians, etcetera, but this was not possible either and the focus of this research lies within a pastoral and organizational perspective.

In Tanzania pastoralists are spread among five pastoral tribes and communities (Sendalo 2009). It is easy to forget that they are not a homogenous group, why there is no consensus on what constitutes the 'interests of pastoralists'. There is a high level of differentiation according to ethnicity, gender, wealth and political affiliation (Hesse & Ochieng Odhiambo 2002). In this study I will however treat pastoralists as a group since I do not consider neither cultural nor social affects, but have a political perspective on their marginalization and land rights. In the National Land Policy of 1995 and among my interviewees pastoralists are considered as a group.

There are many policies regarding land in Tanzania, but I will only focus on the National Land Policy of 1995 to demarcate my material and my research. I do not attempt to study the policy process nor the implementation of it, why I study the policy itself and not the legally binding Land Act and Village Land act or the Strategic Plan for Implementation of New Land Laws.

1.6 Disposition

After an introduction to the pastoral way of life, the challenges they meet in their land ownership and previous research on the field I will begin this research with an operationalization of the two concepts marginalization and land ownership. It will lead us through political marginalization, self-determination, political equality and participation to finally present the indicators on marginalization and land ownership used in this research. Theory of social capital will be presented as a possible theory to use for theory development.

In chapter three I present my methodological framework using the indicators operationalized to create an interview guide and then conduct semi-structured expert interviews with pertinent and eligible persons on the field, exclusively people working at Non-Government Organizations and Civil Society Organizations with a focus on the issues of pastoralism and land.

Chapter four is a short summary and introduction to land politics in Tanzania that will contribute to a deeper knowledge and understanding of the pastoral situation regarding land ownership. First I go through the history from colony to liberalism and then the National Land Policy of 1995.

Chapter five is my analysis. Initially my empirical analysis where I present my research findings based on the interviews and analyze them within my range of conceptualization in chapter two. After that my theory development where theory interconnect with further research findings.

In chapter six I conclude my research by answering my research question, present my theory development and discuss generalizability and possible future research.

In chapter seven you will find an executive summary of this research.

2. THEORETICAL FRAMEWORK

My conceptualization and operationalization of my theoretical framework marginalization and land ownership will have an emphasis on marginalization since that is what this research mainly will focus on. But in their composition the concepts will find common ground in political participation, why I have chosen to do a parallel approach in this chapter.

At the end of this chapter the theory of social capital will be presented as a possible theory to use in my analysis and theory development.

2.1 The concept of marginalization

The etymological meaning of marginal, coming from the latin word *margo* which means edge or boundary, was initially used for the white edge of the margin on a paper (Svenska Akademien). The encyclopedia Britanica defines marginal as "written or printed in the margin of a page or sheet", but also as something situated at a margin or border and not of central importance. It is also characterized by the incorporation of habits and values from two divergent cultures and by incomplete assimilation in either the cultural habits of new immigrant groups or that they are excluded from or existing outside the mainstream of society, a group, or a school of thought (Encyclopedia Britanica). In everyday speech today marginalization is the process of making a group or class of people less important or relegated to a secondary position (www.yourdictionary.com). People are considered close to the lower limit of qualification, acceptability, or function and barely exceeding the minimum requirements (Encyclopedia Britanica).

Robert E. Park was first to use marginal as a concept within social science in his article *Human Migration and the Marginal Man*, published in 1928. Park is using the concept to explain the process of civilization, consequences of migration and conflicting cultures. He believes that 'the Marginal Man' is a cultural hybrid that is related to two distinct worlds (Park 1928). To Park marginalization was a result of people from different cultures living together, and he found marginalization as a relatively permanent condition. To social science he contributed with his identification of a social phenomenon and an understanding of how to use the concept of marginalization (Svedberg 1997).

Everett Stonequist went on to develop the concept of marginalization, built on Park's fundamental principles. Racial disparities and differences in ethnic origin were to Stonequist the most important grounds to marginalization. He also describes how a marginal personality can arise when a group tries to go to another group that has more prestige and power (Stonequist 1935, 1937 & 1964).

Stonequist's development of the concept laid the foundation of marginalization and has been the basis for many scientists, even if it was still not complete. The still unclear conceptualization led to two opposite perspectives. One was to endeavor to extend the term so that it for example came to include everyone in a status dilemma or everyone who was confused over one's social identity. The second perspective led to an operationalization and delimitation of Stonequist's conceptualization, based on empirical studies where a more nuanced picture of marginalization emerged. One problem with the two lineages is that they often have their base in the dominating culture and a complete assimilation target (Svedberg 1997).

Eventually center-periphery thinking emerged, which today is part of how we define marginalization in everyday language. People in a vulnerable position relative to a center are a third trend within marginalization as a socio-cultural isolation. Within this perspective the negative aspects of marginalization are brought up and many researchers use this theoretical perspective to describe for example conditions of the poor. The strength of this perspective is that it is capturing the important phenomena where the possibility to remain outside the socio-economic system decrease at the same time as the risk to end up at the edge or outside of the system increases (Svedberg 1997).

Lars Svedberg is also bringing up a fourth perspective where he emphasizes a social situation seen as an expression of historical and structural conditions. It is defining and clarifying certain group's peripheral position in relation to a center, just like the third perspective (Svedberg 1997).

To summarize, the concept of marginalization has undergone a marked change over time which Lars Svedberg has summed up in four theoretical perspectives; cultural cleavage, social psychological dilemma, socio-cultural isolation and partial socio-economic participation.

Lars Svedberg is writing from a European point of view and with a social perspective, but believes that his conceptualization can be used on other areas as well. With a starting point in his third and fourth perspective presented above, with a common concern about some people or groups being excluded from full participation in the society leading to marginalization, I will continue developing the concept of marginalization and adapt it to my study with a political perspective.

As the advance of democratization and citizenship swell the ranks of those "included" in the social order, the plight of those with limited access to the franchise and without rights or at least enforceable claims to rights becomes problematic. This is why concern with marginalization is relatively recent and the concept still has many aspects to explore.

According to the International Encyclopedia of the Social Sciences, "marginalization comprises those processes by which individuals and groups are ignored or relegated to the sidelines of political debate, social negotiation, and economic bargaining – and kept there" (International Encyclopedia of the Social Sciences). Mette Andersson and Lars Svedberg agree upon the concept of marginalization as a process creating social inequality as

understood within a hierarchical model. But Svedberg also argues that marginalization is not a permanent condition. He believes a marginal position may continue for a long time, but in a long term results in being either integrated or precluded (Andersson 2003, Svedberg 1997).

According to the etymology and research on the concept of marginalization presented above, it can be divided into (Svedberg 1997):

- cultural marginalization
- psychological marginalization
- social marginalization
- economic marginalization
- political marginalization

2.1.1 Political marginalization

The concept of marginalization is a rather new phenomenon that still leaves a lot to be answered. Most research so far has been done on social marginalization or socio-cultural marginalization, but it leaves a lot open here as well.

To answer my research question, it is more relevant to focus on political marginalization for pastoralists since it is within the political field it is possible to influence their land ownership within the National Land Policy of 1995. That is why I will leave out the other four dimensions on marginalization and focus on the political.

The protection and rights of citizen in their capacity as citizens is very limited among pastoralists (Martinussen 1997 p.201-202) since they have limited access to information and knowledge about their rights and obligations (LAMP 2005). Instead, their protection and rights are mainly determined by other factors such as social status, social and political affiliations, and economic and political resources. The fact that governments' bureaucracy often is contradictory and frequently unknown to those concerned results in distortions of resource-weak citizens and groups in the society. The large majority of the citizens with poor economic and political resources to demand their rights are badly off in relation to the political and administrative authorities. They often have no real opportunities for securing their rights, and others rarely do it for them. Furthermore, the State in most economically backward countries is organized so as to exclude the large numbers of poor and marginalized people from influencing decision making, mainly because of an idea about meeting their demands would imply serious threats to the powerful elites who control the State (Martinussen 1997 p.201-202).

Martinussen has elaborated a model with several indicators on political marginalization (1997 p.300). Within his model economic and social marginalization are included, indicators I have chosen to leave out as discussed above.

Indicators:

Social differentiation and conflicts of interest
No access to decision making
Poor understanding of the available options   Political marginalization
Unorganized
Politically passive

2.2 The concept of land ownership

Jérémie Gilbert (2006) is exploring the discourse on property rights and relates it to indigenous people's right to ownership and use of their lands (Gilbert 2006). The centrality of land rights for indigenous people is as mentioned before reflected in the definition of being indigenous, where the etymology of the word tells us that "indigenous" means "originating in the region or country where found; native" (Dictionary of Etymology). Property on the other hand means firstly the rights to own, possess, use and dispose, and secondly that possession can be exercised collectively or individually (Oxford English Dictionary).

From a historical perspective land rights of indigenous people has gone from an age of dispossession, to an age of forced integration and assimilation, to the age of rights, and is now entering an age of negotiation between States and indigenous peoples. This movement is part of the larger development of international human rights law that has increasingly addressed the issue of political participation and, more generally, the democratic entitlements of minorities and indigenous peoples (Franck 1992). Treaties in the past between States and indigenous peoples have generally required indigenous people to cede, release and surrender the ownership over their traditional territories. But today several States have entered into treaty relationships with indigenous peoples to seek to achieve certainty of land ownership while not unilaterally extinguishing indigenous territorial rights. This phenomenon of modern treaty making as a way to resolve disputes over land claims is one of the solutions adopted by several countries. Indigenous territorial rights are at the cornerstone of these "peace for land treaties", as governments seem willing to recognize some indigenous territorial rights in exchange for peace (Gilbert 2006). This since "the fundamental root source of conflict between indigenous peoples, on the one hand, and States and non-indigenous entities and individuals, on the other, is their differing views as to which actor possesses valid title to the land and resources located in territories traditionally occupied by indigenous groups" (Martínez 2004).

One of the strong trends within the discourse of human rights law is the increasing recognition that minorities and indigenous peoples should have more control in the conduct of their own affairs (Ghai 2001). In terms of land rights, these democratic entitlements are reflected by the rights of indigenous peoples to participate and be consulted in decisions affecting their territories and natural resources (Gilbert 2006). The ILO Convention No. 169 is

not ratified by the Tanzanian government, but for the international discourse it has played a significant role on indigenous people's rights to land ownership. It gives indigenous and tribal peoples the right to be consulted, and to express their views. It offers them the opportunity to participate in decision making processes and to influence their outcomes. It provides the space for indigenous and tribal peoples to negotiate to protect their rights (ILO Convention No 169).

2.2.1 Self-determination

'Self-determination may make some people think of the right to vote, or the right to belong to political parties or the right to self-government. (. . .) But when I think of self-determination I think also of hunting, fishing, and trapping. I think of the land, of the water, the trees, and the animals. I think of the land we have lost. I think of all the land stolen from our people. I think of hunger and people destroying the land. I think of the dispossession of our peoples of their land.' /Ted Moses, Grand Chief of the Cree (2001)

There is an increasing movement towards the recognition of self-determination as comprising a right to effective political participation. Jérémie Gilbert (2006) means that it "from an indigenous perspective, is heartening to see that the issue of control over territory has finally been linked to the principle of self-determination in its totality including its economic, social and cultural aspects, as well as the civil and political ones". Land rights have played a tremendous role in indigenous peoples' claims to self-determination, which in turn has been an important tool for indigenous people in their struggle towards political participation (ibid.). Self-determination appears to be the best vehicle to embark upon the recognition of their right to live on their lands and to ensure indigenous peoples' participation in decisions affecting their lands. It contains all the aspirations of freedom and represents the ideal of a people entitled to pursue its own destiny (Buchana 1993). According to Jérémie Gilbert (2006) there is an emergent correlation between self-determination and indigenous peoples' right to determine the use of their lands and thus, a right to give their prior, free and informed consent to decisions affecting their territories. Based on this approach, it would be argued that "self-determination should be a guiding principle for territorial negotiations between States and indigenous peoples based on equal rights". What self-determination is granting indigenous people is the right to participate in decisions whenever their natural resources are affected. In this context of self-determination seen as a right to participate in decisions affecting their lands, self-determination is about the right of indigenous peoples to be integrated in the political decision making process (ibid.).

Self-determination is also about the right to engage in the national structure of States, about political participation. As Turpel puts it: "participation rights may be useful or, more likely, essential on the road to the recognition of self-determination" (Turpel 1992). It is also important to keep in mind that self-determination is about "the right of a people to freely determine their political status and freely pursue their economic, social and cultural development". Knowing that land rights are at the cornerstone of indigenous peoples' political, economic, social and cultural development, it is certain that self-determination

should grant them the right to freely determine the use of their territories that are so central to their cultures (Gilbert 2006).

2.2.2 Political participation

If social differentiation and conflicts of interest, no access to decision making, poor understanding of the available options, being unorganized and politically passive are indicators on political marginalization, the way out seems to be political participation which will be explored in the section below.

There are several, partly contradictory theories about people's participation. In the 1950's and the 1960's classical modernization theories saw widespread and active people's participation as a problem. Some of those theories assert that participation and democracy are incompatible with rapid economic growth. Too much involvement of the masses in decision making would impede growth since ordinary citizens lacked the foresight and imagination required to plan for the future. Other modernization theories acknowledged that broad public participation in political life could be reconciled with economic growth and modernization, but only if participation was carefully organized and controlled (Martinussen 1997 p.232).

Political participation consists of "those legal activities by private citizens that are more or less directly aimed at influencing the selection of governmental personnel and/or the actions they take" (Verba, Nie, & Kim, 1978, p.46), and is also a way to win political influence and to affect decision makers (Verba & Nie 1972 p.2).

Theory on political participation is tangential to theory on, among others, participatory democracy that claims that; "participation gives citizens a more direct say, it gives a voice to individual citizens and to minorities, it encourages civic skills and civic virtues, it leads to rational decisions based on public reasoning, and it increases support for the outcome and the process" (Michels 2011).

Rousseau is considered the father of participative democracy. He viewed that participation of each citizen in political decision making is vitally important to the functioning of the state, which laid the foundation for theories on participatory democracy. According to him the basis of the political system is the social contract, under which individuals abstain from their own desires and decide to work together and to be free by making the laws by which they are governed. A modern theoretical view on participatory democracy is also to consider participation in for example local communities and not only in political matters (Pateman 1970, Barber 1984). Michels (2011) summarize citizen participation in politics as:

- it gives citizen a say in decision-making (influence)
- it contributes to the inclusion of individual citizens in the policy process (inclusion)
- it encourages civic skills and virtues (skills and virtues)
- it leads to rational decisions based on public reasoning (deliberation)
- it increases the legitimacy of decisions (legitimacy)

Participation is, according to Bruce L. Smith, "a framework of policies, principles, and techniques which ensure that citizens and communities, individuals, groups, and organizations have the opportunity to be involved in a meaningful way in making decisions that will affect them, or in which they have an interest" (Smith 2003).

Participatory policy-making approaches citizens more as a group and less as individuals (Michels 2011). But it requires that citizens are informed about the topic and are willing, have the opportunity and access to be involved. It is also of great importance that the policy-makers are willing to listen and are making an effort to understand different opinions (Smith 2003).

In order to influence policy it is important to understand policy and the policy process that results in certain decisions. The policy would ideally be a means for citizen to hold public institutions accountable for their actions concerning issues of public interest. However, many policies aimed to serve the public interest arise from a centralized system that often promulgates policies in which 'the poor are seen not as beneficiaries of policy, but as agents of environmental destruction' (Mattee 2007).

2.3 Political rights ⬅➡ Political equality

The meaning of political rights is the pursuit for political equality, according to the International Encyclopedia of the Social Sciences. There is no possibility of political equality without certain rights since political rights provide an essential foundation for political equality. Rights intrinsic political citizenship and civil citizenship, which includes the process of law with the concomitant right to assert and defend oneself in terms of equality in the courts, and the right to think, speak and worship freely (International Encyclopedia of the Social Sciences).

Political equality is most relevant in democracies since they are based on the expectation that people are sovereign and that public officials are to be equally accessible and accountable to all. But it is still not the same thing as equal political power among ordinary people even in democracies. Those who are entrusted with responsibility for governing inevitably wield greater power than others. Instead of equal power, therefore, political equality among citizens would seem to require that they enjoy equal political rights, equal political voice, and equal political responsiveness (International Encyclopedia of the Social Sciences). The latter two are further explored below.

2.3.1 Political voice

Political voice is a second requirement, after political participation, for the achievement of political equality. It refers to the sum total of political inputs, that citizen in a democracy use to control who will hold political office and to influence what public officials do. Through their political voice, citizens raise political issues, communicate information about their

political interests and concerns, and generate pressure on policymakers to respond to what they hear. The equal political voice does not require that all individuals are equally active, but it requires a common participative input that is representative across all politically relevant groups and categories (International Encyclopedia of the Social Sciences).

Citizen in a democracy have a variety of options for the exercise of political voice. They can seek indirect influence through the electoral system by voting or engaging in other efforts to support favoured political parties or candidates, or they can seek direct influence through the messages they send to office holders about their politically relevant preferences and needs. They can both act individually or collectively. They can undertake mainstream activities, such as joining organizations or contacting public officials, or challenging ones, such as attending protests or demonstrations. It is however difficult to achieve equality in political voice since individual citizens on the one hand differ in their capacity and desire to take part in politics, and political activities on the other differ in the extent to which the demanded inputs like time, money and skills are conducive to broad and representative participation or to participation by narrower and less representative publics. This means public officials hear an unrepresentative set of messages with disproportionate information about the interests and opinions of, and feel more constrained to respond to, the affluent and well-educated. The extent to which unequal political voice is structured by occupation, education, and income implies, moreover, that disadvantaged groups defined along axes other than social class are also underrepresented politically. Not only in authoritarian states the political voice of women or groups of racial, ethnic or linguistic minorities is muted (International Encyclopedia of the Social Sciences).

A systematic disfavouring of certain groups could lead to a unification and politicization of the groups in opposition to the government. Policies favouring some ethnic groups would contribute to transforming ethnic categories from being passive non-beneficiaries to being active political adversaries who might threaten political stability and the survival of the government concerned. To be able to understand or predict conflicts it is useful to investigate possible biases based on the interests of ethnic categories and communities (Martinussen 1997 p.330).

2.3.2 Political responsiveness

Political responsiveness is the third requirement, which necessitates not just that citizens speak but also that public officials listen. The political responsiveness, as an aspect of political equality, is nearly impossible to measure and highly contested theoretically. There are extensive obstacles to making a systematic empirical assessment of policymakers' responsiveness to various competing forces, especially since political influence is often exercised behind the scenes or used to shape the political agenda rather than the content of decisions. In any particular policy controversy it is difficult to discern who is exercising power and to whom decision makers are responding. Furthermore, democratic theorists raise concerns about the universal desirability of equal responsiveness (International Encyclopedia of the Social Sciences). Even if there is a lot to gain on public participation, like helping to yield the quality on decisions, resolve conflicts, enhance public knowledge, understanding and awareness, consider special rights of certain groups, counter public mistrust of the

system, allocate scarce resources, etcetera (Smith 2003), it would constitute a form of majoritarian democracy that would grant no space for the exercise of independent judgment by political leaders who may command special information, experience, or insight. Furthermore, it would entail no deference to intensity of preference. That is, an indifferent majority would inevitably prevail over a minority that cares a lot. If such a political configuration were present over and over, that minority would never achieve its proportionate share of political influence. Moreover, if not coupled with equal voice, a pattern of equal responsiveness would give advantage to the noisy over the silent and produce a circumstance far from political equality (International Encyclopedia of the Social Sciences).

2.4 Operationalization of marginalization and land ownership

From the above etymology, theory and decomposition of the concept of marginalization and land ownership it is now time for their operationalization. The six areas below are the initial indicators for this research that will contribute to the answer of my question on why pastoralists, despite the National Land Policy of 1995, are marginalized regarding land ownership in Tanzania. They are all in one way or another mentioned in this chapter as indicators on marginalization and land ownership. They provide the basis for my interview guide and further on my analysis.

Participation: to see if pastoralists have the right to self-determination, if they are participating in the political debate and try to influence their land rights and implementation of the National Land Policy of 1995.

Organization: to see if and how pastoralists are organized in any kind of movement where questions concerning their land rights are discussed, and to see if it is or has been possible to organize different tribes desires into one common voice.

Information: to see if pastoralists are informed about the National Land Policy of 1995 and are aware of their land rights in general.

State organization: to see if pastoralists consciously are excluded from decision making by the State, if decision making processes are closed and they stand outside the political debate, if their voice is being considered.

Mistrust: to see if pastoralists mistrust the government, if they differentiate from the society at large, if they feel that their voice and participation matters, and to see if pastoralists and pastoral organizations mistrust the governmental system and democracy at large.

Conflicts: to see if there are conflicts of interest between the State and pastoralists.

2.5 Social capital

As operationalizing the concepts of marginalization and land ownership above I also kept in mind all literature and previous research on pastoralism and land in Tanzania. The theory of social capital is a theory that never appeared or was taken into consideration in this literature, but it is a theory I find possible to add to this research in my theory development. I will stay with an inductive strategy and see what my research findings will show, but still present the theory of social capital here.
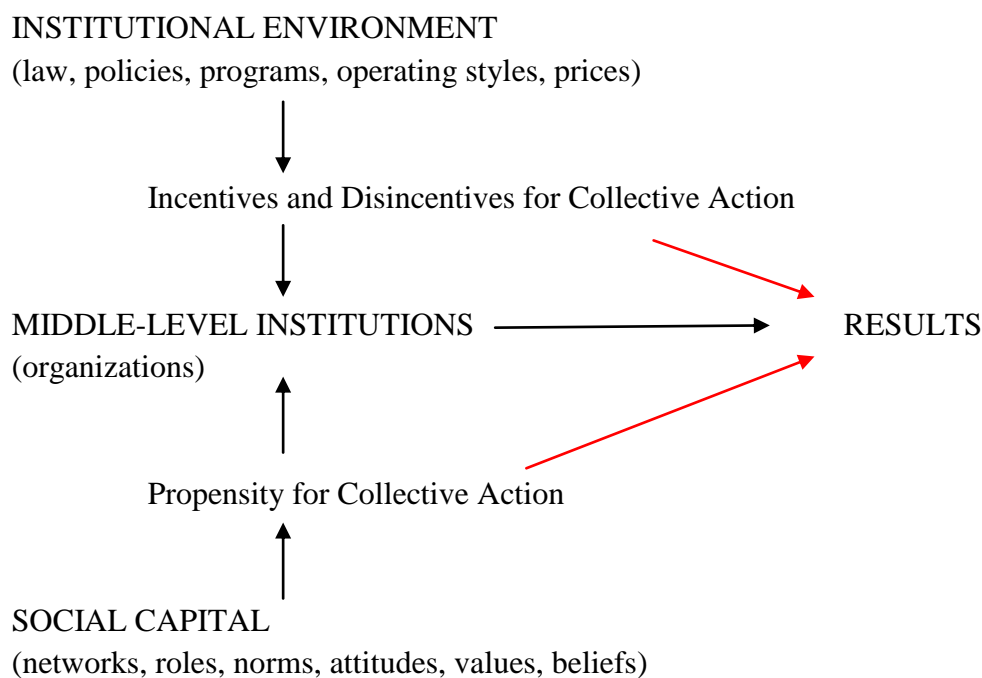
Social capital first gained popularity with James Coleman who sees it as "social relationships which come into existence when individuals attempt to make best use of their individual resources" (1990 p.300). But social capital is usually associated with Robert Putnam who defines the concept as "those features of social organization, such as trust, norms, and networks, that can improve the efficiency of society by facilitating coordinated actions" (Putnam 1993 p.167).

Homogeneity of interests and points of view appear paramount in explaining levels of social capital. From a policy viewpoint, social capital may well be a primal variable that resides in the inherent ability of different individuals to relate to one another, but it is however something those policymakers cannot affect easily (Pargal, O. Gilligan & Huq 2002 p.205). Non-Governmental Organizations have a long time ago accepted that organizations of the poor may have an important role to play in development and that empowerment is an important poverty reduction goal in its own right. Organizations that link grassroots with for example national confederation and are better able to be participatory and accountable have an important role to play in shifting the relationships between poor people, States, markets, and more powerful interest in society (J. Bebbington & F. Carroll 2002 p.234-235).

Social capital represents a propensity for mutually beneficial collective action, and it derives from the quality of relationships among people within a particular group or community. By investing in the stock of social capital economic development, community peace and democratic participation can all be promoted in this manner. Where social capital is high collective action in support of shared goals are more likely (Krishna 2002 p.ix-xi). Communities that have low level of social capital are less capable of organizing themselves effectively (Putnam 1993). However, the organizations are necessary to help select goals that are feasible and likely to be achieved, given the constraints and opportunities available within their institutional environment. With their regular contact with State officials and market operators and their familiarity with their procedures and practices, they can help villagers to organize themselves in ways that are more likely to succeed. Also the rules and operating procedures of government agencies are often complex and specialized knowledge is required to gain access to government agencies (Krishna 2002 p.9-11). "Social capital matters for development, for communal harmony and for democratic participation, and it matters even more when is activated and made productive through the intervention of capable agents"

(ibid. p.31). Anirudh Krishna is also bringing up that proponents of social capital maintain that participation in democracy will also be higher, and more people will be involved actively in a larger range of political activities, in communities where the stock of social capital is high (ibid. p.141). Putnam claims that "citizens in civic communities demand more effective public service, and they are prepared to act collectively to achieve their shared goals" (Putnam 1993 p.182). However, collective action is not the same as collective achievement. To achieve higher benefits, social capital must be harnessed and directed intelligently toward incentives available in the external environment. Strategies must be adopted that are capable of achieving success, which is where agents come in. Undirected social capital might end up achieving nothing more than a lot of collective inputs. The interaction between the two variables social capital and agency capacity is crucial for distinguishing between high-participating and low-participating villages (Krishna 2002 p.165-169).

Social capital theory is proposing a new bottom-up dynamic to replace those failed efforts that were intended to deliver economic and social benefits from the top-down. "Instead of considering macro-economic policy or design of State institutions as the principal concerns of public policy, attentions needs to be directed equally toward grassroot-level capacities for public action" (Krishna 2002 p.3). It is though argued by many academics, and especially structuralists, that what happens at the bottom of society depends on the nature of structures erected at the top (red arrows in the figure below). This causal arrow social capital reverses by saying what matters are the natures of social relations existing at its base. Democratic institutions must be built up in the everyday traditions of trust and civic virtue among its citizens (ibid. p.17-18). The different perspectives are shown in the figure below (ibid.p.170):

INSTITUTIONAL ENVIRONMENT
(law, policies, programs, operating styles, prices)

Incentives and Disincentives for Collective Action

MIDDLE-LEVEL INSTITUTIONS   RESULTS
(organizations)

Propensity for Collective Action

SOCIAL CAPITAL
(networks, roles, norms, attitudes, values, beliefs)

Grootaert and van Bastelaer are presenting the dimensions of social capital in a similar figure below but with more specific indicators (Grootaert & van Bastelaer 2002 p.343):

Macro

Institutions of the
State, rule of law

Governance

Structural (registered org)

Cognitive (between neighbors)

Local institutions,
networks

Trust, local norms,
and values
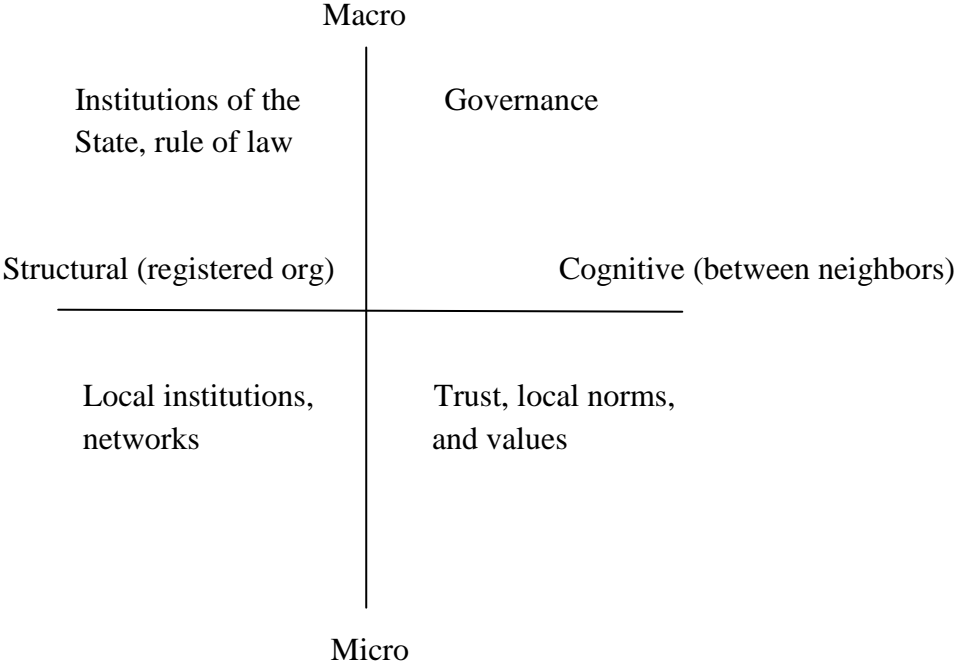
Micro

It views social capital along a micro to macro continuum. Macro level includes the political regime, the rule of law, the court system, and civil and political liberties. Micro level is the one usually associated with Robert Putnam that defines social capital as those features of social organization, such as networks of individuals or households, and the associated norms and values that create externalities for the community as a whole (Grootaert & van Bastelaer 2002 p.2).

The other dimension spans the range from structural manifestations of social capital to cognitive ones. Structural manifestations refer to the more visible and perhaps more tangible aspects of the concept, such as local institutions, organizations, and networks among people, which can be set up for cultural, social, economic, political, or other objectives. Cognitive social capital refers to more abstract manifestations, such as trust, norms, and values, which govern interactions among people (ibid. p.342-343).

3. METHODOLOGICAL FRAMEWORK

Qualitative methods have made an important contribution to political science and our understanding of political phenomena and explanations of them. Qualitative methods are good at tapping into the thought process or narratives that people construct. This is why qualitative methods are good at capturing meaning, process and context (Devine 2002 p.197-199).

3.1 Research design

My intention with this qualitative study is to draw some general conclusions about why pastoralists' are marginalized regarding land ownership in Tanzania, and with my explanatory purpose provide a theory development which will contribute to the ongoing debate.

According to Flick the research process can be described as "a path from theory to text and another from text back to theory. The intersection of the two paths is the collection of verbal or visual data, and their interpretation in a specific research design" (Flick 2006 p.4).

I assume an inductive method where my research findings will contribute to the theory development, even though I have already presented social capital as a possible theory to use.

The research is mainly based on interviews why this is my main material. Below I will describe the process of selecting interviewees and I am very satisfied with the fact that I have covered the most well-known and important organizations working with pastoralists and land issues in Tanzania, even if there of course are many more. What feels like a failure, even if I could not do much to prevent it, is that all interviewees except for one are men. A vast majority of the employees at the organizations are men. Since my research does not consider gender issues it hopefully does not make much of a difference for my results either, but it would be interesting to include more of women's perspective on marginalization.

However, several articles, books and websites are used as well to give the research some weight and contribute to the important chapters presenting previous findings, empirics and theories.

3.2 Interviews: Semi-structured expert interviews

The word interview means "exchange of views" between two people who talks about a certain topic (Dalen 2007 p.9). Interviews as method is useful since it goes beyond the spontaneous exchange of view as in everyday conversation, and becomes a careful questioning and listening approach with the purpose of obtaining thoroughly tested knowledge (Kvale 1996 p.6).

In-depth interviewing is based on an interview guide, open-ended questions and informal probing to facilitate a discussion of issues in a semi-structured way. The interview guide is used as a checklist of topics to be covered, although the order in which they are discussed is not preordained (Devine p.198-199). The questions are based on operational indicators on the concept of marginalization (Esaiasson et.al. 2012 p.242). When designing my interview guide I have been aware of both content and shape. This means my questions are connected to my research question and I have made sure my questions contribute to a dynamic interview where my respondents felt comfortable to tell their thoughts and experiences (ibid. p.264).

My interview guide consists of open-ended questions and informal probing to facilitate a discussion of issues in a semi-structured way. It has been used as a checklist of topics to be covered, although the order in which they are discussed is not preordained (Devine 2002 p.198). In some cases the questions were adapted to the situation, which gives me a higher validity. Semi-structured interviews are interesting since the interview subjects' viewpoints are more likely to be expressed in an openly designed interview situation than in a standardized interview or a questionnaire (Flick 2006 p.149). The orientation to an interview guide also ensures that the interview does not get lost in topics that are of no relevance and permits the expert to extemporize his or her issue and view on matters (Flick 2006 p. 165). In some cases questions are similar or enter the same field, which only makes the answers more trustworthy if the responses are similar (Esaiasson et.al. 2012 p.243).

Open-ended questions are used to allow the interviewee to talk at length on a topic, to talk freely and it is their perspective that is paramount. People can tell their own story in language with which they are familiar (Devine p.198-199) and the questions do not constrain the person in advance to give predetermined response. On the other hand the answers will require a lot of work to be analyzed compared to predetermined answers or a quantitative study with prepared responses (Andersson 2003 p.73).

From a linguistic, temporal and in particular an ethic point of view I have decided to make expert interviews with representatives from organizations in Tanzania working on issues concerning pastoralists and land rights. It would be very time consuming to travel around the country to visit pastoral villages and one or several interpreters would have been necessary to translate the different languages spoken by pastoralists. But above all I would not consider it ethnically defensible since my long experience living with indigenous people tells me arriving to a village for a short time to conduct interviews is not in line with an appropriate cultural behavior.

To conduct expert interviews means I am more interested in people's capacities of being experts on a certain field than in the person as such. The interviewees chosen I consider pertinent and eligible persons on the field, integrated to this study not as a single case but as representing their organizations and the group pastoralists (Flick 2006 p.165). Expert interviews have given me a general picture of the pastoral situation concerning land ownership and not only parts of it as it would have been in a case study or when only visiting a number of villages.

There are of course advantages and disadvantages with my method. One advantage is my frequency of answers, which compared to surveys sent by mail, is remarkable higher. Another is my control over who is answering my questions, if they have been taken my questions seriously or used any means. In my case it has also been an advantage to do interviews since my questions were asked in English, which is not my mother tongue and in most cases not the respondent's either, and gave me the opportunity to explain or clarify my questions or the answers I got. One disadvantage I am aware of is my impact on my interviewee, which is unavoidable – partly my sex, age and ethnicity, and partly oblivious impacts in terms of pronunciations, facial expressions and gestures (Esaiasson et.al. 2012 p.234-236).

The answers and narratives might also have been affected by political ideals, people's backgrounds, etcetera, or have not corresponded perfectly to my questions. I believe every interview has contributed with something to my thesis, unless otherwise for my pre-understanding of the context and the field.

There are several risks with conducting expert interviews brought up by Flick; that the expert blocks the interview in its course, because he or she proves not to be an expert for this topic as previously assumed; that the expert tries to involve the interviewer in ongoing conflicts in the field and talks about internal matters and intrigues in his or her work field instead of talking about the topic of the interview; and that he or she often changes between the roles of expert and private person, so that more information results about him or her as a person than about his or her expert knowledge (Flick 2006 p.165). The first risk took place a couple of times and what happened was that my interviewee got a second or third person into the room to join the interview. My interview was transformed into a kind of focus group interview, but I still maintained the characteristic of an interview and made sure that it did not turn into a discussion. What I have noted was positive with the group interviews was that the interviewees could add to each other's answers, information that probably would have been left out in a single interview.

After each interview I have taken notes on the specific interview situation, where all problems with expert interviews and interviews as such have been considered and later reflected on as analyzing the interviews. This includes the interview situation where my way of acting, how I ask the questions and me as a person might have affected the answers I got. To maintain a high reliability this has been included in my notes and later analysis of the results (Larsen 2009 p.81).

To achieve a successful interview there are things to consider and be aware of. First of all I have made sure all interviews are made in an environment where the interviewees feel comfortable since the place of the interview has an impact on the responses I get (Esaiasson et.al. 2012 p.270).

Secondly I have considered the codes of ethics that are "formulated to regulate the relations of researchers to the people and fields they intend to study. Principles of research ethics ask that researchers avoid harming participants involved in the process by respecting and taking into account their needs and interests" (Flick 2006 p.45). Two important ethic

codes for the research are that it should be based on informed consent, avoid harming the participants in collecting data, doing justice to participants in analyzing data and confidentiality (ibid. p.46-50). Ethics are consistent to the whole research process, not only the field work and data collection (Ryen 2004 p.156).

Thirdly I have considered the understanding of culture since a research in my home environment never would be the same as a field study in a different culture (ibid. p.177). If we use Spradley and McCurdy's (1972 p.8) definition on culture the concept means "the knowledge that people use to generate and interpret social behavior", this becomes obvious. An increased attention to cultural behavior and how people communicate is crucial to understand, in my case, the relationship between me and my interviewees as well as between the organizations and pastoralists. How I say good morning to my interviewee or how I am dressed might be crucial to what information he or she wants to share with me in the interview. All qualitative research is about relations (Ryen 2004 p.177-183).

Finally, I have recorded most interviews since it is easy to lose focus on the answers while asking questions and taking notes. Listening to an interview again and again always contribute with new perspectives, as well as transcribing them. Since English is not my mother tongue it has also been an advantage to record the interviews. But I have always made sure this is all right with my interviewees and have been open to other ways of documenting my interview, like writing a protocol. I am aware that taping interviews, as well as taking notes during the interview, sometimes can make the informant nervous. My informants have always been informed about me recording the interviews and what it should be used for. They have had the possibility to say no. During the interviews, and immediately after, I have made short notes on answers, the interview and my impression of the situation. During two interviews I was writing a protocol. All recorded interviews have been transcribed, and together with my notes the material has covered most aspects (Larsen 2009 p.98-99).

3.2.1 Representativeness

Representativeness and reliability is about designing and generating a sample of people, places or activities suitable for study (Devine 2002 p.205).

At the very beginning of this research, after elaborating a research question, I decided to do interviews with Non-Governmental Organizations and Civil Society Organizations working on the issues pastoralism and land. This since my aim was to be able to draw general conclusions and do a theory development on pastoralist's marginalization and not only from a case study in one or a few villages. As time went by I began to question if the organizations could represent a common voice of pastoralists. With that in mind I started to do interviews and found that pastoralists' voice is mainly directed through the organizations, according to the organizations themselves, and when meeting pastoralists in a village I saw the existing trust between at least the organization I was there with and the village we visited.

A vast majority of the organizations confirmed that they had the legitimacy to represent pastoralists. The organizations working on legal issues are excepted since they are not

working to represent pastoralists the same way. The feeling I got from the organizations speaking on behalf of pastoralists was different in Dar es Salaam from Arusha. I felt the organizations in Arusha were working a lot closer to pastoralists than the organizations with head offices in Dar es Salaam, which is natural since there are a lot of pastoral communities in the area of Arusha.

"Qualitative research is often dismissed because it is not possible to generalize the findings from a study that confines itself to a small number of people or a particular setting" (Devine 2002 p.207). I am aware of drawing conclusions from a small number of interviewees to the government and population at large. However, if the research question is general and the population homogenous it is possible to draw general conclusions based on very few cases (Esaiasson 2012 p.165). This research is far from a complete analysis, but my findings are empirically valid knowledge contributing to the discourse on pastoralism and land ownership. My intention is to design a research that facilitates an understanding of the topic and are not to be seen as absolute truths.

3.2.2 Interviewees

The process of selecting interviewees within qualitative interviews research needs to be structured and well thought out (Dalen 2004 p.54-55). In my case it has been a question of localizing Non-Governmental Organizations and Civil Society Organizations working with pastoralists and land rights, and who considered themselves representing the group of pastoralists. Having pastoralists' support is important to legitimate them as interviewees. A majority of my interviewees are pastoralists who got the opportunity to study at the university and today work with pastoral issues.

While preparing my field work in Sweden I localized and contacted a number of organizations working on pastoralists and land issues. After that I have used both forums and umbrella organizations to find further organizations, but also the so called snowball sampling where my interviewees have been asked to nominate potential informants during my time in field. The request has been made at each subsequent interview until the required number of interviewees has been reached (Devine 2002 p.205). After a while the interviewees suggested each other, which is where I decided to have covered the field with enough interviews for my research. Since an overwhelming majority of the organizations on the field are situated in Dar es Salaam and Arusha this is where I decided to concentrate my time and resources. I am aware there are many more organizations working on those issues and in other parts of the country as well, but I consider that I have covered the most recognized and well-known.

In my bibliography you can find names of my interviewees, date of the interview and what organization they are representing. The organizations are also presented in Appendix I. Since it is not important to this research who said what I have decided not to name them anywhere in my texts.

4. LAND POLITICS IN TANZANIA

This chapter will contribute to a deeper knowledge and understanding of the pastoral situation in Tanzania regarding land ownership. I will illuminate that peoples way of living, in this case being a pastoralist, affect the level of marginalization you are exposed to. The chapter will also contribute to a deeper understanding of forthcoming interviews by going through Tanzania's history from being a colony, to independent socialistic state, to today's liberal influences. Under the following headings I will continue with the emergence and releasing of the National Land Policy in June 1995 and account for its main points concerning pastoralists.

4.1 From colony to liberalism

Tanzania was a German Protectorate from the late 1800's until the First World War when it became part of a British mandate until its independence in December 1961 (Sendalo 2009). During all this time pastoralists have been continuously marginalized and threatened with land alienation, shortage of grazing land and uncertainty surrounding pastoral land rights and possession (Gastorn 2008 p.46). Prior to the National Land Policy of 1995 land legislation was mainly composed by the Land Ordinance passed by the British in 1923, but has been supplemented by a number of amendments and laws both during and after independence (Sendalo 2009). However, the history of the pastoral peoples since the turn of the 20th century is a matter of land loss and marginalization in which state policies tended, intentionally or unintentionally, to eliminate pastoral forms of land use rather than improve them (Gastorn 2008 p.47).

The colonial legislation and programs in Tanzania viewed pastoral land as reserves awaiting proper allocation and exploitation (Sendalo 2009). This changed however after independence, when socialism was embraced in Tanzania as the dominating political ideology. President Nyerere had a great impact on the political direction in which the new born nation took off. The first ten years the country improved in many areas and its independent socialistic aspirations caused international attention. Various reforms, among them a land reform, swept over the country. Tanzania became an exemplary of education, health care and rural development among African countries and as a socialistic country land tenure was also a matter of central interest (Larsson 2006). A new realization that pastoralism was a way of life, which had to be secured in official policy, started to emerge (Sendalo 2009).

There are more than 120 different ethnic groups and equally many languages in Tanzania and huge differences in the way these different ethnic groups are socially organized and in the

customary rules and norms they observe. Nyerere's governance style was driven by the quest to unify the country across the tribal, racial and religious divides. He deliberately ensured that his governmental leadership characterized such unity (Mwapachu 2005 p.33). In his President's Inaugural Address in December 1962 he articulated the vision for his newly born independent state: "We determined to build a country in which all her citizens are equal, where there is no division between the rulers and ruled, rich and poor, educated and illiterate, those in distress and those in idle comfort. We determined that in this country all would be equal in dignity, and would have an equal right to respect, to the opportunity of acquiring a good education and the necessities of life, and all her citizens should have an equal opportunity of serving their country to the limit of their ability" (ibid. p.109).

In the 1970's a land reform that caused forced displacement and generated in thousands of new villages was introduced, which resulted in land conflicts, total confusion and questions about tenure of land. Together with a domestic political stagnation, the break-up of the East African Community, repeated draughts and a costly military intervention in Uganda, gradually put the country to the brink of catastrophe. When Nyerere resigned from the presidency in the 1980's Tanzania was forced to take part in an economic-recovery program in order to put right after the national economic collapse. The International Monetary Fond imposed extensive liberalization in the financial system of the nation (Larsson 2006), and imposed modernization strategies for pastoralists that failed and officials' totally misconceived pastoralism (Sendalo 2009). In June 1986 Tanzania adopted an Economic Recovery Programme supported by the International Monetary Fond, the World Bank and donor countries. This marked the beginning in the turn of events for the Tanzanian economy. Through the Economic Recovery Programme the process of dismantling the socialist economic system and building a new market-driven economy was put into gear (Mwapachu 2005 p.38). Liberalization of the economy and emphasis on privatization opened the rangelands to a host of external forces (Sendalo 2009).

4.2 The National Land Policy of 1995

In January 1991 President Ali Hassan Mwinyi appointed a Commission of Inquiry, also called the Shivji Commission, into Land Matters to look into and make appropriate recommendations on existing land tenure and its problems in the country. In June 1995 the National Land Policy was released (Gastorn 2008 p.42-44).

The National Land Policy of 1995 was needed since the human and livestock populations are increasing and there is a raised demand for grazing land. Overgrazing and extension of cultivation to marginal land areas has resulted in a reduction in areas available for pastoralists. Movement of large herds of livestock are increasing to areas that traditionally had few livestock, creating serious land use conflicts. The new land policy was seeking to address the problems of growing social conflicts, environmental concerns and land use conflicts by proposing for instance that security of tenure for pastoralists in pastoral land areas will be

guaranteed by appropriate measures, and that underutilized or neglected former pastureland will be reclaimed and restored to pastoralists (Mattee & Shem 2006).

The overall aim of the National Land Policy of 1995 is; "to promote and ensure a secure land tenure system, to encourage the optimal use of land resources, and to facilitate broad-based social and economic development without endangering the environment". More specific objectives of the policy are for example; "to promote an equitable distribution of, and access to, land by all citizens"; "to ensure that existing rights in land, especially customary rights of smallholder peasants and herdsmen are recognized, clarified and secured in law"; and "to protect land resources from degradation for sustainable development". The parts of the policy that concerns pastoralists brings up that; "security of tenure for pastoralists in pastoral land areas will be guaranteed by appropriate measures including gazetting to protect grazing land from encroachment"; "that certificates of Village Land will be issued to protect common property regimes"; "that underutilized or neglected former pasture land will be reclaimed and restored to pastoralists, when not in conflict with national interests"; "when any activity other than pastoralism ceases in rangelands that land will revert to its original land use"; "citizens shall participate in decision making on matters connected with their occupation or use of land"; "a land market shall be facilitated in such a manner that rural and urban small-holders and pastoralists are not disadvantaged"; "a system of land dispute resolution shall be established that is independent, expeditious and just"; and "land information shall be accessible to the population" (National Land Policy of 1995).

4.2.1 Land structure

Tanzania's Land Act classifies land as reserved land, village land and general land. Reserved land includes statutorily protected or designated land such as national parks, land for public utilities, wildlife reserves and land classified as hazardous, which designates land whose development would pose a hazard to the environment. Village land includes registered village land, land demarcated and agreed to as village land by relevant village councils, and land that villages have been occupying and using as village land for twelve or more years (including pastoral uses) under customary law. All other land is classified as general land. General land includes woodlands, rangelands and urban and peri-urban areas that are not reserved for public use. Under the Land Act, general land includes unoccupied or unused village land (Land Act of 1999).

The President of Tanzania serves as the trustee of all land and is responsible for allocations of general land, but the responsibilities are generally executed by the Ministry of Lands and Human Settlement Development (Land Act of 1999). The governance structure is designed to foster decentralized administration of land, but the central government continues to exercise significant authority over land through the Land Commissioner and, to a lesser extent, the district councils (Village Land Act of 1999).

4.2.2 Opinions on the National Land Policy of 1995

There are many opinions and concerns about the National Land Policy of 1995. According to the Legal and Human Rights Center, LHRC, there is plenty of indication to suggest that its primary objective is not to secure land rights or interests of the majority poor, but to make more land available for commercial and often foreign-backed investment. LHRC means that the evolution of Tanzania's reform of its land laws is an initiative embarked on as part of broad economic liberalization supported by donors and the World Bank Group. LHRC also indicates that the land policy "turns against the pastoralists, blaming them for encroaching into agricultural lands and causing conflicts with other communities, and for land degradation" (LHRC 2011). Not only LHRC but several pastoral organizations are expressing their fear that pastures may be looked at as idle or bare land, and then be identified for investment purposes. Climate-driven mode of land and resource use has led to their lands being dubbed as uninhabited, barren or under-utilized resulting that their lands have been confiscated without concern for the pastoral way of life on the pretext that it was 'no man's lands' (Sendalo 2009). The government's concept of productivity conflicts with pastoralists' way of living (ILO Overview report). A majority of the pastoralists do not have land registered and are not able to go through the long procedure it takes to obtain certification. A large part of the land areas used for pastures fall under the category general land, which is under exclusive control of central government (Sendalo 2009).

The Policy was overwhelmingly supported by many stakeholders except for a few academics and pastoralists' Non-Governmental Organizations although they participated in its formulation. Pastoralists have ever since viewed the policy as a document marginalizing livestock keeping. It addresses the question of pastoral land tenure, which is very progressive, but also suffers from several shortfalls in being too vague and not indicating by what mechanisms the security of tenure for pastoralists could be achieved (Gastorn 2008 p.45-46).

5. ANALYSIS

My analysis consists of two parts; firstly my empirical analysis to examine the relationship between pastoralism and marginalization, to find the causal mechanisms and draw conclusions on why pastoralists are marginalized; and secondly do a theory development interconnected with further research findings and suitable theories.

It is important to keep in mind that this research is about finding probabilistic explanations where every single case can be a temporary deviation from the basic systematic patterns, and are not to be seen as deterministic explanations (ibid. p.121).

Since it is not important to this research who said what I have decided not to name my interviewees anywhere in my texts. No footnote in this 5.1 means information from my interviewees.

5.1 Empirical analysis

All organizations interviewed are in some way or another working with education and trainings of pastoralists in the villages to raise awareness. This capacity building of the pastoral civil society and the community itself aims to make people aware of the land laws and to influence changes in policy so that they can defend and demand for their rights. Some organizations have special education and information programs to build capacity of the local community for them to be aware of the number of issues affecting them and how to address them so they get aware of what the policies says, how the land should be managed and how to solve conflicts related to land issues at the village level. "We want to build capacity so the people get their land rights secured but also get understanding of the land rights through the number of trainings, working and seminars we provide to the community" (Interviewee).

Many of the organizations are networking with each other and solve conflicts together, and some of them are umbrella organizations where others are members. Some are considered as forums or organizers of forums bringing up the issue of pastoralists and land rights, where HAKIARDHI, PINGO's forum and Tanzania Land Alliance are the most well-known. Those are forums where people from the grassroots sometimes are participating, but their exposure is limited and the few participants should not be seen as representatives for the whole pastoral community in a big country as Tanzania with many inhabitants.

One organization is for example carrying out education about land and property rights, supporting communities by getting them to understand the process, "to get them to understand that whatever you have you must have it legally so that investors or the government do not just come and say 'you move and we take this'" (Interviewee). This is something prioritized by many organizations, to facilitate for villages to get certificates which considers the

boundaries and give the power to the village assembly who is supposed to manage that particular land. The organizations are doing much of the government's work with demarcations and conflict solving.

Pastoralists have always owned land in common and do not see the reason of having a paper on their land. But both not having a paper on your land and a communal ownership of your land are welcoming other land users and is open to the common interest and investors. There are a lot of conflicts arising and increasing within and between different groups of land users in Tanzania, mentioned by the organizations interviewed; between pastoralism and tourism since many pastoral areas are productive and attractive for the establishment of national parks and game parks which contradicts with the land use of pastoral livelihood and livestock keeping; between pastoralists and farmers who argue on the use of land; between local authorities and investors because of the Tanzanian Investment Center who give land to investors that seems to be unused land, but is used by pastoralists rotationally, or land that becomes national reserves where pastoralists are no longer allowed to live; conflicts caused by confusion within the administration of land and contradictive land laws; conflicts of interest within the government where they are meant to represent the people and people's rights, but also have an economic interest which is not always in line with the people; and finally the increase of value of the land and the coming of investors to Tanzania that pays tremendous amounts of money for land, which results in everyone wanting their land protected.

Sometimes it is hard to communicate with people and to reach pastoralists since they move around. They usually do not go into litigations both since they do not have the time for that, and they will probably not stay long enough at one place to pursue it. "If they are confronted in any conflict they often just leave the area rather than try to defend their rights, even if there are some that tries to do that as well" (Interviewee).

Training and capacity building is also aiming to engage pastoralists in the policy debates to ensure that the interest of pastoralists is included in the development issues and to make sure the customary leaders are considered in the decision making process. All organizations are also in some way working to advocate for pastoralists' rights, especially on land and natural resources by raising issues from the grassroots to the national level. But some argue it is difficult since there are conflicts between different groups of pastoralists since they have different ways of living and some cannot live together. This makes it difficult to organize them as a group to defend their rights although pastoralists get together better today than before. They have got a more collective interest and discuss issues within the village as a collective thing, probably since their rights have been denied collectively rather than individually. "They are organized in some cases, especially when there is an agreed kind of issue to follow that is affecting all pastoralists within an area, they are coming together and fight for it" (Interviewee).

It is difficult for pastoralists to influence on their land rights. They are using the legal system, their voice, they are using their popularity as an international body, making compliances, going to the public, to media, open court cases, challenge evictions and they tag

who they want to influence and use external forces. "But pastoralists depend very much on the civil society and Non-Governmental Organizations to address their issues" (Interviewee). Most of the work with land issues for pastoralists is done by national organizations that get together and mobilize since pastoralists "do not know how to go about anything" (Interviewee). It is very difficult and costly for them to for example find a way to register their land. That is why pastoralists try to influence their land rights and solve conflicts through the organizations, who forward it to the government. Pastoralists are waking up to demand their land rights using the existing institutions and structures to request the villages to be demarcated. Non-Governmental Organizations and Civil Society Organizations are in good position to lobby and advocate for issues affecting pastoral livelihoods including issues of land ownership. "We are local, regional and national Non-Governmental Organizations who are coming together to air out or voice up for the pastoral community" (Interviewee).

"Right now there is a great movement raised up by many Non-Governmental Organizations who work in pastoral areas" (Interviewee). They are much more involved in pastoral issues than politicians. There are many organizations that consist of pastoral people, some purely pastoralists but others that are operated and managed by colleagues who are not pastoralists. Most of them are educated individuals who come from the communities. But it is a limited amount of information that is reaching the government since there is a lack of pastoral leaders at the national level, in the government and the decision making process. "We can talk about pastoralists but we need implementers in the center" (Interviewee).

It is mainly the Civil Society Organizations and Non-Governmental Organizations expressing desires and demands of pastoralists to the government and ministries, and some see it as the only way for pastoralists to influence on their land rights because of their lack of education, low awareness of their rights, obligations and the laws, and low ability to organize themselves. The moving around also makes it harder to identify your enemy and find a common interest. On the other hand this is sometimes criticized by the government and organizations themselves. "Let people speak themselves with their enemy" (Interviewee). To speak on behalf of someone else necessitates support from all pastoralists, which is impossible when pastoralists do not agree within themselves and the government loses confidence for the organizations. Also organizations are working for their own interest, to implement their programs and to get new money.

Pastoralists also use the Tanzanian Parliamentarian Group to address their challenges and problems. It is a group of parliamentarians representing the pastoral community in the parliament. They have some influence, but are very few and need to buy in other members of the parliament to support their arguments.

What seems to be missing is a common effort among the stakeholders to address land issues, and individual initiatives from pastoralists. "There are a lot of upcoming organizations and there is a need for creating a unified force and forum" (Interviewee).

5.1.1 The National Land Policy of 1995

Most of the organizations agree on the National Land Policy being very general and includes all Tanzanians, but it does not address the special needs of pastoral livelihood systems. The fact that conflicts among pastoralists are increasing every day shows that the policy is not articulating the issue of pastoralism. The policy was supposed to cure all land conflicts including reducing the number of disputes which end up in court, but instead the number of disputes are increasing every day. If the policy would have been well addressed there would at least have been some sort of harmony with the conflicts when the policy was introduced. The policy is rather causing confusion, and there is a kind of lawlessness since even where the laws should protect pastoralists they are sometimes evicted.

There is no favouring policy environment for pastoralists' existence. Many would like to see and work for a policy that is specifically addressing pastoralists, just like many other groups like miners and fishermen have specific policies. "Pastoralists are different from other groups and they have different needs, but the land policy does not share them, which is its weakness" (Interviewee). For example the policy states that land should be used productively, but pastoralists are using the land in seasons and move from one place to the other to follow the pastoral resources. Their land is seen as unproductive, but if you look at the national income pastoralism is big in terms of employment and as contributors to the national economy, but the perception from the government is still that they do not contribute with anything.

The National Land Policy of 1995 includes all groups of the society even if it is not specific on any ethnic group or considers pastoralists needs. Nevertheless the challenge comes to the implementation side of it and it does not work very well in practice. The policy does not explain the process of implementation and the government does not have the budget to implement it, which is what Non-Governmental Organizations and Civil Society Organizations now are doing for them in terms of demarcating the villages for example.

All organizations interviewed agree on the fact that the policy is not well known by the citizens and they do not know what it is saying, it is only known by people who are really dealing with the issue. "There has not been a systematic way to make sure the population is aware of the policy and their land issues. The government is reasoning that they know the policy and 'that is good enough for you, trust us'" (Interviewee).

The reason for people to be unaware is not only a question of education, information and consultations, but also lies within the technical language in which the policy is written. The fact that it is not known causes a lot of conflicts since many people ignore the policy and continue the way they have done things before, which causes a clash between what is done traditionally and what is done as part of the policy. Pastoralists also believe the evictions are okay and do not resist or defend their rights since they are not aware of either their rights or the policy. In some areas though where organization have been working a lot or where they are being evicted and received help to defend their land people are aware of the policy and their rights.

I found that the consultations done by the so called Shivji commission before the creation of the National Land Policy of 1995 are not well known by all organizations, which probably has to do with the fact that the recommendations of the commission were not considered by the government in the end. Only one interviewee is commenting on the report of the commission: "They did a very good job where they collected views from almost all the villages in Tanzania, they even tried to formulate a policy. But the government did not like it so they did not take it into account. They formulated the land policy without regarding what had taken place" (Interviewee).

Nevertheless there is a clear pattern in the organizations' answers on consultations; "a majority of the people were not part of the policy formulation" (Interviewee); "policy in Tanzania is usually shaped by people who are highly ranked in the communities" (Interviewee); "there were consultations among stakeholders by the commission that was formed, but not very much among the people" (Interviewee); "the government has never been very interested in consultations" (Interviewee); "there should be consultations when shaping a policy, but in practice there is none" (Interviewee); and "there were no consultations, and if there were it was only in Dar es Salaam" (Interviewee). Also one interviewee indicates that people are invited but do not participate in policy formulation, why it is formulated without considering the minority group (Interviewee). A contributing fact is that the issue of pastoralism and land rights was not as big before 1995 as it is today. The number of livestocks is increasing as well as peoples need for land during the recent years (Interviewee).

"The policy is not that bad, although it is not that good also. Still there is no respect by the government" (Interviewee). A majority of the organizations interviewed do not think the government is dealing with land issues in a good way nor take many initiatives, they are just doing it for their interest in politics. Politicians want to maintain their voice and their popularity rather than work for the rights of people. What politicians do depends on their interest and agenda in that issue. "If they are part of the problem they will try to sideline you, but if they do not have any interest they will listen to you" (Interviewee). Pastoralists have been very honest to the ruling party and keep on voting for them even if they oppress pastoralists. That is why politicians do not see the problem, continue oppressing them and mainly take issues in town into account where people easier choose to go to another political party. However this trend is about to change and people are opening their eyes and begin to talk, to question, to demand for discussion, to ask for the reasons of losing land, etcetera.

"The government does not recognize the concept of indigenous people, so we have had a lot of problems in trying to address the issues of indigenous people" (Interviewee). The government does not accept indigenous communities since they argue that all people in Tanzania are indigenous people. The pastoral representatives in the parliament have tried to bring up pastoralists issues, but they are very few people and the lack of pastoralists on important positions is a major problem. "There is not so much political will and pastoralism is not an issue of interest nor something that is accepted by the government officials" (Interviewee).

"The government sometimes considers the voice of the civil society, but you must keep on pressing them a lot because sometimes they have self-interest on land issues. Sometimes pushing them can lead to an increase of their interest over land, but it needs time and is not an easy task" (Interviewee). "They seem to want to do something about the problem since they keep talking about it, but not much has been done" (Interviewee).

Indigenous systems are undermined by the governmental system since they are top-down. Organizations want to see the legal structures to consider the cultural aspect in a broader coordinated system that people can participate in. If people would have been involved in a participative and diplomatic way there would not be as many problems. There is no integration of the people and processes of policy making are not being followed.

5.1.2 Summary

From my research findings above we can see that the indicators on political marginalization and land ownership are to varying degrees all found, that is social differentiation and conflicts of interest, no access to decision making, poor understanding of the available options, unorganized and politically passive. There are a lot of allegations towards the government, which is probably justified, because without education and knowledge, and with exclusion from decision making it is difficult to defend your rights. However it is difficult for the government to provide education when pastoralists are moving around, as well as for pastoralists to participate in politics.

Conflicts are arising and increasing in Tanzania between different groups and the fact that there are conflicts between groups of pastoralists makes it even harder to organize themselves. However there are indicators showing that they get together better today than before and are both trying to address a common interest and negotiate with the government, but here they need the government to change their perception on pastoralism and listen to the pastoral civil society.

Pastoralists depend a lot on Non-Governmental Organizations and Civil Society Organizations to address their issues. As the situation is right now for pastoralists with in particular a low level of education and organization they do not seem to have much of a choice and the organizations are doing a very good and important job on lobbying and advocacy for pastoralists land rights, but it becomes problematic since organizations have self-interest, specific programs to live up to and are accused by some to be corrupt. More importantly they cannot represent all pastoralists in Tanzania why they are losing the confidence of the government who believe pastoralists should speak for themselves.

Organizations seems to cooperate to some extent, but still the fact that they have self-interests and specific programs for their financing means that there is no common effort to address land issues and there is a risk for corruption. What I found positive among the organizations was that most of them are run by educated individuals who originate from the pastoral communities.

The level of self-determination is very low, which means pastoralists have no right to access natural resources and no right to participate in decisions affecting their territories. Poor participation leads to no influence in decision-making, no inclusion of individual citizens in the policy process, no encouraging of civic skills and virtues, no rational decisions based on public reasoning and a decrease of the legitimacy of decisions (see chapter 2.2.1).

Pastoralists were not included in the policy-formulation of the National Land Policy of 1995. A participatory policy-making would have required that pastoralists were informed about land issues and willing, have had the opportunity and access to be involved, and it would be of great importance that policy-makers are willing to listen and make an effort to understand different opinions. Together with the recurring factors education and pastoralists' way of living which hamper their opportunities for participation, the negative perception on pastoralism by the government plays a significant role. This is to be brought up under the next heading.

Pastoralists are marginalized when it comes to land ownership with a focus on political rights. Some of the causal mechanisms to that are already explored and I will now move on to the second part of this explanatory research where I will examine if there are further causal mechanisms to explain marginalization. The theory development will be done by summarizing further research findings, interconnect them with theories and finally draw some conclusions on further causal mechanisms and indicators on marginalization.

5.2 Theory development

In my operationalization of the concepts of marginalization and land ownership I identified the six indicators participation, organization, information, State organization, mistrust and conflicts. The indicators I would like to add in my theory development are related to the indicators already used, but are further examined. Those are governance, knowledge gap, corruption and perception on pastoralism and are to be further explained below interconnected with further research findings from my interviews.

I find the theory of social capital presented in chapter 2.5 relevant for my theory development since it promotes democratic participation and has a bottom-up perspective that aims to reduce marginalization. Furthermore the organizations have an important role to play as agents in social capital, which is also the case for pastoralists in Tanzania.

All of my indicators fit into the model of social capital. Governance includes participation, mistrust and conflicts; institutions of the State and rule of law includes information, corruption, knowledge gap, perception on pastoralism and State organization; and both local institutions, network and trust, local norms and values include organization.

5.2.1 Governance

Governance has become a popular concept in much of the contemporary political and academic debate and there are perhaps as many views as there are scholars interested, why it could be argued that the concept has too many significations for it to be useable.

Governance means "the capacity of governments, to make policies and put them into effect" (Pierre 2000 p.12-42). It is a key issue that is directly linked to pastoralists' rights to ownership of land (ILO Overview report). The question of governability is raised more with respect to less-developed societies since governance, and particularly democratic governance, depends upon development of appropriate forms of civil society rather than actions of governments themselves. To improve capacity for steering and management for the government it is important to strengthen the self-governing capacities of segments of society (Pierre 2000 p.33).

'Authoritative allocation of values for a society' is a conventional definition of the political process. The most important thing for the government is to take all society and convert into a set of more or less coherent policy statements (ibid. p.31). If democratic governance is to be achieved, the political system must be capable of linking the desires and demands of the public directly to policies (ibid. p.138). Members of the society are holding the role to present their 'wants and demands' to the government and to claim adoption of their own agendas through the political process (ibid. p.31). Putnam's research argues that it is virtually irrelevant whether the groups who are developing capacity are political or not. More important is the generation of organizational capacity and the movement of interest and identification beyond family (ibid. p.206-209).

Governance is a very broad term that is including what is mentioned above with mistrust of the government, the accusations of not addressing pastoralists and land issues enough, of not implementing the land policy, of causing confusion and conflicts, and not providing education, neither gives enough information nor accomplishes consultations. However governance is often mentioned as something the organizations are working specifically on.

The National Land Policy of 1995 is very general and does not specify pastoralists' needs. There is a need for such a policy on pastoral livelihood as well as a holistic view on policies since they are causing confusion. In a few years a new constitution will take place in Tanzania, why some organizations are involved in what they call the Kativa initiative, which means constitution in Swahili and aims to highlight and consider pastoralists (Interviewee). There is a clear lack of confidence in government when it comes to the addressing of pastoralists rights and implementing the land policy, and organizations are obviously doing what they can to fill that gap.

According to Shivji there is not a big difference between the principles behind the Land Ordinance of 1923 and today. Land continues to be vested in the President. Its management and administration is strongly placed in the executive arm of the State. The top-down managerial type administration over land has even been entrenched in law. Bureaucracy in

general has been given greater discretion in making decisions while elected and representative bodies have been undermined or made merely consultative (Shivji 1999).

Shivji's opinion on land management in Tanzania, together with my research findings allows me to situate the government within Pierre's pluralist model of relationship between the government and pastoralists. It is a traditional top-down notion of government where the government is relatively autonomous from interest groups. The poor influence among groups is not institutionalized or formalized and the government can pick and choose the groups with which it wishes to interact. This means it can be highly selective in how it uses its authority in interacting with society (Pierre 2000 p.34).

The interviewees are mentioning that the government is afraid of losing power by a more participatory style of governing. In theory this is not what happens when embracing participatory democracy. It does mean, however, that the State and society are bonded together in the process of creating governance". The State actually may be strengthened through its interactions with society (Pierre 2000 p.49).

The Tanzanian government has come under severe pressure because of difficulties in the management of public sector reflected in; financial mismanagement, corruption, poor accountability, an overloaded and inefficient legal system, ambivalence in sanctifying the fundamental human rights, erosion of meritocracy in public service and tax evasion and unnecessary bureaucratic procedures.

5.2.2 Corruption

Many of the organizations interviewed are accusing the government and State employees for corruption. Cases they are mentioning are for example when there is a conflict and the police is involved the ones with enough money to pay a cancellation of the case wins, or when pastoralists have to pay to use certain land, or when the police and leaders are buying livestock to a low price by the time pastoralists are told to reduce their number of livestocks or are evicted and need to sell some of their livestock so they can move.

However, corruption is also mentioned among the organizations. "There are a lot of upcoming organizations right now for the purpose of helping the grassroot community including pastoralists. Therefore given the fact that everyone can sit around the table and write proposal on the problem affecting the pastoral community in the grassroot can get money. That is why you can see a number of upcoming organizations dealing with pastoralist issues". This makes it even harder for the organizations in their lobbying and advocacy towards the government in a loss of confidence (Interviewee).

5.2.3 Perception on pastoralism

It has been mentioned that during my interviews I noticed an agreement on the lack of understanding or great misunderstanding by the government of pastoralists' way of managing land and natural resources that cause a lot of the problems. "People do not understand pastoralism. That is why they support farmers. That is the challenge that we see. The

government has to understand our livelihood. The way for them to understand is for us, the pastoral people, to explain ourselves and our interests. So there is a lot of training going on to make sure at least the policy makers and ministries understand what pastoralism is. And they listen, because if they do not understand the nature of the people in the country that means they are creating a lot of conflict. And they do not want conflict. So there is a lot of debate going on to ensure that there is a policy that govern livestock keeping or pastoralism. We try to make sure even the livestock ministry understands because it is one of the pillars of the government" (Interviewee). Not everyone agrees though with the allegation that the policy-makers and ministries are listening. "You find ministers asking where pastoralists come from, even the President himself. They do not even bother to learn about pastoralism" (Interviewee). "High people like the President and Prime minister have caused a lot of conflicts between the people because of their perception. They do not believe that something like pastoralism can exist. And the problem is that we have very few members of the parliament that can air out these issues. It is not an issue of interest, it is something that is not accepted by the government officials" (Interviewee).

According to many of the organizations pastoralism is contributing more to the economy than agriculture does, only that people do not question where the meat and milk come from. Pastoralism is seen as an inferior livelihood not appropriate for the 21st century. Their land is considered unproductive and one of the drivers of environmental deception (Interviewee).

The Tanzanian government does not accept the concept of indigenous people, since that would amount to accord them some rights, like the communal right. "Marginalization is a very important component of indigenous people, which means that once you accept that these people are indigenous you have to address the issues of marginalization by increasing the budget to that, the development. But also once you accept the issue of indigenous people it means you have to accept their self-determination, and by accepting their self-determination you accept their traditional leadership, which means you limit your powers within that community. And also when you talk about indigenous people definitely the government will have no right to interfere into their land. You have to address historical marginalization, attachment to land, which means because they are attached to land you have to protect their land, their culture. This means you have to establish an educational system that is favorable with their culture, like if you are mobile you have to establish mobile schools. If you accept them as indigenous people you will be accountable for what you have done to them. You have to address their historical marginalization. You will have to carry the blames for their problems. That is one thing our government is avoiding. They do not want to hear the word indigenous people. Tanzania is different from other east African countries. We do not believe in diversity. We believe that we are a very homogenous community" (Interviewee).

5.2.4 Knowledge gap

Education is widely discussed above relative to the indicators pastoralists' low level of education and unawareness of their rights, obligations and the land laws. However, an

important factor is also the knowledge gap between pastoralists and the government, on both sides.

Hesse and Ochieng Odhiambo (2002) identify three reasons why there is a knowledge gap; little of the research on pastoralism filters down to those who most need it; pastoralists are singled out as the main culprits of environmental degradation when northern cultural values and ideologies, which are widely shared by Southern policy makers, continue to shape environmental policy; and pastoral groups themselves lack the knowledge, capacity and resources with which to fight their own cause since they partly lack the skills to articulate the rationale underpinning their livelihood system, and partly because they are poorly organized politically (ibid.).

The poor understanding of pastoral systems by policy makers and the fact that pastoral people do not have the political leverage to ensure that policies are designed in their favour are two interrelated factors explaining pastoralists' situation. The power imbalance and knowledge gap leads to an inadequate and inappropriate institutional environment which is giving rise to a whole series of problems including land alienation, conflicts, lack of appropriate services, etcetera. "Until there is broader understanding and acceptance of the rationale behind pastoralism, it is unlikely that policy makers will provide an enabling environment for pastoral self-determination" (Hesse & Ochieng Odhiambo 2002).

One interviewee does not think there is a conflict between the State and the people. The interviewee thinks it is a misunderstanding between what the government understands about the community and specifically about pastoralists, and about what pastoralists understand about the government. It is important to fill that gap of misunderstanding so it does not become a worse problem. Many organizations bring up the knowledge gap and lack of education contributing to pastoralists' marginalization, both the government's about pastoralists and pastoralists' about their rights, politics, the governmental system, etcetera. That is why many organizations are working with education, as brought up under 5.1. "We hope in the near future we will have people in different positions of decision making, by educating" (Interviewee).

What is further mentioned is that change should come from the grassroot level, that is where the pastoral system will not be undermined by a top down governmental system and where politicians will begin to listen. "I personally prefer to see this process of policy making and law making to start from the community in order for people to participate so that sometimes it can be easier even to implement it because they will be implementing something that they have contributed to and something that is coming from their own interest" (Interviewee).

6. CONCLUSIONS

Conflicts are arising and increasing between pastoralists and different groups in the society as well as between pastoralists and the government. Pastoralists have poor access to decision making since they scarcely participate in politics, which leads to no inclusion of individual citizens in the policy process, no encouraging of civic skills and virtues, no rational decisions based on public reasoning and a decrease of legitimacy in decisions.

Good governance, accountability and effective citizenship participation are fundamental to achieve positive change. Inequality can only be tackled effectively when communities have a genuine say in decisions that affect their lives. For this to happen pastoralists need to organize themselves and make an effort to participate in politics – with or without help from the organizations, organizations need to establish a common front with pastoralists support and make sure pastoralists speak for themselves, and the government needs to make an honest effort to include pastoralists into the decision making process and provide education and information to enable their participation. The effort includes to decrease the knowledge gap, learn more about pastoral livelihood and appreciate their contributions to the economy as well as the environment, to fight corruption and improve the policy environment on land ownership to reduce conflicts, confusions and more important recognize and take into account the different groups of the society and their different needs. A more participative style of governing would strengthen the government rather than reduce its power. Tanzania can be united as a country even with diversity among the people.

Pastoralists' general lack of education makes it hard for them to defend their rights, to understand how politics and the society work and recognize available options. It is necessary for pastoralists to organize themselves to reach a common voice, but conflicts between different groups of pastoralists make it hard. Pastoralists depend a lot on Non-Governmental Organizations and Civil Society Organizations to address their issues and do the lobbying and advocacy for them, but they cannot represent all pastoralists and pastoral groups in Tanzania why they are losing the confidence of the government who believe pastoralists should speak for themselves.

There are many reasons for pastoralists being marginalized when it comes to land ownership in Tanzania. The indicators elaborated in my conceptualization – participation, organization, information, State organization, mistrust and conflicts – are all to a varying degree found. Furthermore I have explored the indicators governance, corruption, perception on pastoralism and knowledge gap in a theory development where they all fit into the model and theory of social capital. This means pastoralists degree of marginalization when it comes to land ownership decrease as the degree of social capital increases.

For future investigations it would be interesting to discuss the government's responsibility and study pastoralism from their perspective. It is difficult to provide civil services such as education, health and water to pastoralists since they move around. It would be easier for the government to provide all of that if pastoralists stayed in one spot.

With more time and resources it would also be interesting to compare pastoralist's marginalization in Tanzania with other indigenous groups in the country, or pastoralists in other countries. For example to conduct a comparative research of the Maasai in Tanzania and Sami people in Sweden on the basis of social capital. I think the theory of social capital and the indicators on political marginalization and land ownership I have explored in this research are applicable to many more cases even though the conditions in terms of governance, corruption, education and democratic system are eminently different.

7. EXECUTIVE SUMMARY

Ever since colonial times policy makers have viewed pastoralists as archaic, unproductive and environmentally damaging relics of the past, who need to be modernized and brought into line with progressive and modern development. Despite decades of pastoral development programs and a plethora of policies designed to improve livelihoods, the vast majority of pastoral people still face a multitude of problems. These range from land alienation, degraded resources, acute poverty, conflict and insecurity, vulnerability to drought, poor social services and limited marketing opportunities. Pastoral areas continue to be viewed as unproductive wastelands, and government investment is rarely proportionate to the contribution made by these areas to local and national economies (Sendalo 2009).

In June 1995 the new National Land Policy was released in Tanzania. Its overall aim is to "promote and ensure a secure land tenure system, to encourage the optimal use of land resources, and to facilitate broad-based social and economic development without endangering the environment" (National Land Policy 1995). The policy is in its general goals considering pastoralists and their land rights, but still they are suffering from marginalization – both cultural, psychological, social, economic and political marginalization.

For this reason, I will in this research question not if but why pastoralists are still marginalized regarding land ownership in Tanzania. I will embrace a political perspective within the concept of marginalization where political participation and self-determination are important factors, and from my research results I will search for further factors contributing to pastoralists' political marginalization. The aim is to answer my research question below and present a theory development on pastoralists' political marginalization in Tanzania. My research question is; *Why are pastoralists, despite the National Land Policy of 1995, politically marginalized regarding land ownership in Tanzania?*

My theoretical framework consists of a conceptualization and operationalization of the two concepts marginalization and land ownership, which is a journey through self-determination, political participation and political equality resulting in six indicators; participation, organization, information, State organization, mistrust and conflicts. Furthermore the theory of social capital is presented as a possible theory to use for theory development at the end.

I assume an inductive method where my research findings will contribute to the theory development, even though I have already presented social capital as a possible theory to use. Social capital represents a propensity for mutually beneficial collective action, and it derives from the quality of relationships among people within a particular group or community. By investing in the stock of social capital economic development, community peace and democratic participation can all be promoted in this manner. Where social capital is high collective action in support of shared goals are more likely (Krishna 2002 p.ix-xi). Social

capital theory is proposing a new bottom-up dynamic to replace those failed efforts that were intended to deliver economic and social benefits from the top-down. "Instead of considering macro-economic policy or design of State institutions as the principal concerns of public policy, attentions needs to be directed equally toward grassroot-level capacities for public action" (Krishna 2002 p.3).

From my research findings above we can see that the indicators on political marginalization and land ownership are to varying degrees all found, that is participation, organization, information, State organization, mistrust and conflicts. Pastoralists depend a lot on Non-Governmental Organizations and Civil Society Organizations to address their issues. As the situation is right now for pastoralists with in particular a low level of education and organization they do not seem to have much of a choice and the organizations are doing a very good and important job on lobbying and advocacy for pastoralists land rights, but it becomes problematic since organizations have self-interest, specific programs to live up to and are accused by some to be corrupt. More importantly they cannot represent all pastoralists in Tanzania why they are losing the confidence of the government who believe pastoralists should speak for themselves.

The indicators on marginalization and land ownership I am adding in my theory development are governance, knowledge gap, corruption and perception on pastoralism. I find the theory of social capital relevant for my theory development since it promotes democratic participation and has a bottom-up perspective that aims to reduce marginalization. Furthermore the organizations have an important role to play as agents in social capital, which is also the case for pastoralists in Tanzania.

Finally, pastoralists' degree of marginalization when it comes to land ownership decrease as the degree of social capital increases.

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8.3 Interviewees

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HAKIARDHI 2012-06-25: Tomitho Cathbert
LEAT 2012-06-11: Adolf Runyoro
LHRC 2012-06-15: Reginald Martin
MWEDO 2012-06-21: Ndinini Sikar
Oxfam 2012-06-26: Justin Morgan, Zenais Matemu
PINGO's forum 2012-06-19: Edward T Porokwa
TAPHGO 2012-06-20: Parmet J Koromo, Daud
TNRF 2012-06-21: Geofrey Mwanjela, Alais Morindat, Zakaria Faustin
UCRT 2012-06-19: Makko Sinandei

Appendix I: Organizations interviewed

CORDS – Community Research and Development Servises (Arusha)

CORDS is an NGO and a voluntary organization focusing on the fundamental issues, approaches, challenges and changes that are needed to ensure the achievement of sustainable pastoral development, and curb the trend of further marginalization and impoverishment of pastoralists. CORDS believes in a society in which people are governing, self-defining, self-representing, self-developing, and self-determining; a society in which all persons have legal recognition of ownership of their own natural resources and that their social, economic, political and spiritual rights be enshrined in the constitution and other governing legal instruments. CORDS have five different programs: Pastoralist Community Media Programme, Gender and Women Development Program, Pastoralist land use Planning Programme, Pastoralist land rights Programme and Animal Health and Livestock Improvement Programme.

LARRRI/HAKIARDHI (Dar es Salaam)

The Land Rights Research and Resources Institute LARRRI/HAKIARDHI is an NGO and not for profit organization established in recognition of the need to generate and sustain public debates and participation in the rural areas on issues of land tenure. Since its establishment it has managed to spearhead the rights to land of rural and peri-urban based small producers through activist researches, lobbying and advocacy for policy changes, critical analysis of policies and laws and active participation in policy processed. LARRRI strives to build up a knowledgeable corpus of grassroots based communities who are able to stir up changes through self-mobilization and organizations and broad based public awareness programs.

LEAT – Environmental Management Action Team (Dar es Salaam)

LEAT carries out policy research, advocacy, and selected public interest litigation. Its membership largely includes lawyers concerned with environmental management and democratic governance in Tanzania. LEAT publishes Research Reports and Policy Briefs online and in print as a public service after extensive research into critical environmental issues facing Tanzania and East Africa. Its objectives are, among others, to develop and/or improve Tanzania's environmental law jurisprudence, to ensure that the country's natural resources and its environment are democratically governed, managed in accordance with the public trust doctrine and harnessed for the benefit of all Tanzanians, to impart to the general public an understanding of the laws and policies relating to the environment and natural resources, and to work with local communities in enhancing their access to natural resources and securing their rights to those resources.

LHRC – Legal and Human Rights Centre (Dar es Salaam)

LHRC is a non-profit making, non-governmental organization striving to empower the public, promotes, reinforce and safeguard human rights and good governance. Their main objective is to create legal and human rights awareness and to empower the general public, in particular, the underprivileged section of the society. This is done through access to justice,

mass education, community capacity building and empowerment, human rights monitoring, research in legal and human rights, documentation and dissemination of legal and human rights education.

MWEDO – Maasai Women's Development Organization (Arusha)

MWEDO is a non-governmental women-led organization which empowers women to enhance sustainable equitable and human development for Maasai women through access to Education, Women Economic Empowerment and maternal health and HIV/AIDS education. It aims to make significant contribution towards Tanzania Development Vision 2025 and the Tanzania Poverty Reduction Strategy through the provision and improving access to income and Gender equality for the underserved Maasai women and girls.

Oxfam Tanzania (Dar es Salaam)

Oxfam is an international confederation of 15 organizations working together in over 90 countries and with partners and allies around the world to find lasting solutions to poverty and injustice. Oxfam's focus in Tanzania is on building sustainable livelihoods, improving the quality of education and supporting accountable, transparent governance. They work directly with communities and seek to influence the powerful to ensure that poor people can improve their lives and livelihoods, and have a say in decisions that affect them.

PINGO's Forum – Pastoralists Indigenous Non-Governmental Forum (Arusha)

PINGO's Forum is a membership organization for Pastoralists and Hunter-Gatherers. Today they have 39 member organizations working in some eight regions of mainland Tanzania, a national platform to defend the interests of Pastoralists and build more capacity to lobby the government and other actors.

TAPHGO – Tanzania Pastoralist Hunter-Gatherers Organization (Arusha)

TAPHGO is a voluntary, autonomous and non-profit making umbrella organization formed by pastoralist and hunter-gatherers NGO's and CBO's in Tanzania. It has 32 member organizations operating in twelve regions. TAPHGO facilitates the capacity of member organizations for lobbying and advocacy at local, regional and national levels. It will also undertake policy analysis and seek to influence national policy making practices particularly on matters related to pastoralists and hunter-gatherers. The Policy Analysis and Advocacy department coordinates issues related to research studies on policy and other emerging issues that does not work in favor of Pastoralists and Hunter-Gatherers.

TNRF – Tanzania Natural resource Forum (Arusha)

TNRF is a membership-based organization made up of representatives from civil society organizations, academia, private sector and ordinary citizens. They focus attention on the three main thematic areas wildlife, forestry and rangeland. TNRF's mission is to work for improved natural resource governance by being a demand-driven network of members and partners that helps people to bridge the gap between people's local natural resource

management needs and practices, and national natural resource management priorities, policies, laws and programs.

<u>UCRT – Ujamaa – Community Resource Team (Arusha)</u>

UCRT is a Non-Governmental Organization working in different regions and districts in Tanzania. They are focusing on village land and natural resource management, but also facilitate for villages to get certificates which considers the boundaries and give the power to the village assembly who is supposed to manage that particular land. They are doing trainings on community leadership to engage people in the debates to ensure that the interest of pastoralists is included in the development issues.