



Customary Tenure, Legal Pluralism, and the Politics of Land Rights in Tanzania: Historical and Contemporary Dynamics of Farmer–Pastoralist Conflicts in Morogoro Region, 1890s–2015

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Abstract: *Farmer–pastoralist conflicts in Tanzania have intensified over the past decades, often portrayed as struggles over scarce land and environmental degradation. Yet such accounts insufficiently explain how legal pluralism, shifting land tenure regimes, and political power relations shape access to and control over land. Drawing on a historical synthesis of archival materials, oral testimonies, colonial administrative documents, and contemporary land laws, grounded in Mtenga’s historical thesis on Morogoro Region (1890s–2015). This study examines how customary tenure systems, statutory reforms, and political decisions have produced overlapping, contested, and unequal land rights in Kilosa and Mvomero districts. The study traces the evolution of land governance from pre-colonial tenure anchored in kinship and communal authority, through German and British colonial land ordinances that subordinated customary tenure to state authority, to post-colonial ujamaa villagisation, socialist parastatals, structural adjustment policies, and contemporary commercialisation of land. The findings illustrate that farmer–pastoralist conflicts are less a product of absolute land scarcity and more a manifestation of economic scarcity, political favouritism, erosion of customary authority, and unequal enforcement of land laws. The coexistence of statutory laws (e.g., Land Acts of 1999), customary tenure, village by-laws, and informal arrangements has produced deep legal ambiguity and enabled dispossession through bureaucratic manipulation and elite capture. The study advances a political-legal perspective, arguing that legal pluralism, rather than resolving tenure insecurity, has entrenched overlapping land claims that fuel recurrent conflict. It contributes to contemporary debates on land governance in Africa by demonstrating how historical processes continue to structure present-day contestations. Policy recommendations emphasise harmonisation of land laws, protection of customary tenure, accountability in land allocation, conflict-sensitive land use planning, and recognition of pastoral mobility as a legitimate land use system.*

Keywords: *Customary Tenure; Legal Pluralism; Land Rights; Farmer–Pastoralist Conflict; Land Governance; Political Economy; Pastoralism*

1. Background Information

Land remains a central and deeply contested resource in sub-Saharan Africa, underpinning livelihoods, shaping political authority, and mediating identities and social relations. In Tanzania, the significance of land extends beyond economic production to encompass cultural legitimacy, citizenship, and historical belonging. Consequently, competition over land has intensified, with farmer–pastoralist conflicts emerging as one of the most persistent and politically sensitive forms of localised violence (Boone, 2021; Peters, 2020). In Morogoro Region, particularly Kilosa and Mvomero districts, has become a nationally recognised hotspot of farmer–herder tensions, frequently reported in media, parliamentary inquiries, and academic studies throughout the 1990s and 2010s (Benjaminsen *et al.*, 2009; IWGIA, 2015). These conflicts are often simplistically attributed to environmental degradation, population growth, or climate change, but such

explanations inadequately capture the deeper political and historical structures shaping contemporary land contestations.

Recent scholarship demonstrates that land conflicts in East Africa are strongly shaped by legal pluralism, competing tenure regimes, and shifting state interventions that create overlapping and unequal claims to land (Knight, 2023; Lavigne-Delville, 2021). In Tanzania, the coexistence of statutory land legislation, customary tenure norms, village by-laws, and informal arrangements has produced a complex mosaic of legal authority. These plural legal orders interact in ways that often generate ambiguity rather than clarity, leaving both farmers and pastoralists vulnerable to arbitrary decision-making, elite capture, and tenure insecurity (Odgaard & Daley, 2020). Although the 1999 Land Act and Village Land Act formally recognise customary tenure, their implementation reflects power imbalances and bureaucratic



discretion that frequently undermine pastoralist mobility and communal land rights. Thus, understanding conflict dynamics requires an examination of how legal frameworks intersect with historical land transformations and local power relations.

Historically, Morogoro Region has undergone multiple waves of land reorganisation that profoundly reshaped access, control, and authority. Pre-colonial systems granted land through kinship-based usufruct rights for farming communities (e.g., the Kaguru and Luguru) and through negotiated mobility and reciprocity for pastoralist groups such as the Maasai and Parakuyo (Mtenga, 2019). German and British colonial administrations subsequently imposed statutory ordinances, such as the 1895 Imperial Land Ordinance and the 1923 Land Ordinance, that reclassified vast tracts of land as public or Crown land. These policies facilitated plantation agriculture, forest reserves, and game conservation areas, thereby restricting pastoral corridors and subordinating customary systems to state authority (Massawe, 2023). The post-colonial period continued this trajectory through ujamaa villagisation, state farms, large-scale ranching schemes, and later neoliberal reforms that opened land markets to private investors (Moyo, 2020). Each phase produced new layers of dispossession, reallocation, and boundary redefinition that set the stage for recurring contestations.

Contemporary farmer–pastoralist conflicts in Morogoro thus reflect the cumulative outcome of these historical transformations, compounded by politicised land governance, uneven enforcement of laws, and the criminalisation of pastoral mobility (Benjaminsen *et al.*, 2009). Modern land policy and district-level planning often privilege sedentary agriculture, treating pastoralism as environmentally destructive or illegitimate despite evidence to the contrary (Fratkin, 2022). As a result, pastoralist communities face evictions, mobility restrictions, and punitive measures, while farmers experience encroachment due to weakened governance of communal grazing and open-access landscapes. The interplay of historical injustices, plural legal orders, and contemporary political interests creates a situation where local disputes escalate into violent confrontations.

This study, therefore, seeks to provide a comprehensive, historically grounded analysis of how customary tenure, legal pluralism, and political power relations shape land rights and farmer–pastoralist conflict in Morogoro Region. Building on Mtenga’s detailed historical investigation of land conflicts from the 1890s to 2015, the study incorporates contemporary scholarly debates (2020–2024) to illuminate how enduring structural factors intersect with new economic and political pressures. Specifically, the study addresses three guiding questions: (1) How have historical shifts in

land tenure systems generated overlapping and contested land rights in Morogoro Region? (2) In what ways has legal pluralism contributed to persistent conflicts between farmers and pastoralists? (3) How do contemporary political and economic dynamics reinforce or transform the historical patterns of land-related conflict?

Henceforth, by bridging historical and contemporary analyses, the study advances a political-legal understanding of land conflicts that moves beyond environmental explanations. It contributes to broader African land governance scholarship by demonstrating how colonial legacies, socialist reforms, and neoliberal land markets continue to structure present-day contestations over land, authority, and belonging.

2.0 Literature Review

2.1 Land Tenure, Customary Rights, and Authority in Africa

Land tenure systems in sub-Saharan Africa have historically been shaped by complex interactions between social norms, lineage structures, and political authorities. Customary tenure is widely recognised as flexible, negotiable, and embedded in social relations rather than fixed legal codes (Berry, 2022; Peters, 2020). This flexibility allows communities to adapt land allocation and access rules to shifting ecological and demographic conditions. However, the fluid nature of customary systems becomes contested when placed alongside state-led formalisation efforts that reinterpret or codify customary land for administrative purposes (Boone, 2021). Codification tends to freeze previously negotiable rights, often privileging elites or male household heads while weakening communal arrangements that previously governed shared resources such as grazing areas, forests, or wetlands.

In Tanzania, customary tenure remains central to local land governance but operates within a hierarchy where statutory authority holds ultimate power over land classification, allocation, and conversion (Odgaard & Daley, 2020). The Village Land Act of 1999 legally recognises customary rights, yet in practice these rights are frequently undermined through bureaucratic discretion, political interference, or reallocation for investment and conservation. Customary authorities, once pivotal in resolving disputes, face erosion of legitimacy due to state interventions, generational shifts, and market pressures that have commodified previously communal land. Consequently, farmer–pastoralist interactions in regions such as Morogoro often unfold within a contested terrain of overlapping norms and institutions.

2.2 Legal Pluralism and the Hybridisation of Land Governance



Legal pluralism, i.e., the coexistence of statutory, customary, religious, and informal legal systems, has become a defining feature of African land governance (Knight, 2023; Lavigne-Delville, 2021). Rather than simplifying tenure arrangements, plural legal regimes often create governance ambiguity and institutional contradictions. For example, while statutory law may recognise village boundaries and planning authorities, customary practices may acknowledge shared ancestral lands, seasonal access rights, or negotiated grazing arrangements. In Tanzania, the fragmented interaction between the Land Act (1999), Village Land Act (1999), sectoral laws (e.g., wildlife, forestry, livestock), and informal village-level practices generates contradictory definitions of ownership, use rights, boundaries, and resource access.

This ambiguity is intensified by political incentives. Local elites, government officials, and investors can selectively invoke statutory or customary systems depending on which provides strategic advantage. Such “forum shopping” contributes to tenure insecurity, dispossession, and recurrent conflict (Massawe, 2023). Legal pluralism, therefore, is not merely an institutional condition but a political arena where different actors wield competing forms of authority. For farmers and pastoralists, this environment produces uncertainty over land access, grazing rights, livestock routes, and boundary demarcations, fuelling the escalation of disputes.

2.3 Farmer–Pastoralist Conflicts in East Africa

Farmer–pastoralist conflicts across East Africa have gained new intensity due to environmental pressures, territorialisation by states, resource commercialisation, and the shrinking of pastoral mobility corridors (Mkutu *et al.*, 2023; Fratkin, 2022). While climate change, droughts, and rainfall variability have contributed to tighter competition over water and pasture (Hendrix, 2022; Raleigh & Kniveton, 2022), scholars emphasize that these conflicts are fundamentally shaped by governance structures, identity politics, and historical marginalisation of pastoralists. Mobility, a core pillar of pastoral production, is increasingly constrained by agricultural expansion, privatization, wildlife conservation, and settlement schemes.

In Tanzania, pastoralists frequently encounter discrimination, being framed as “outsiders” or portrayed as destructive actors regardless of their historical presence in specific regions (Benjaminsen *et al.*, 2009). Such narratives justify eviction operations, fines, and restrictive policies. Empirical studies in Kilosa and Mvomero districts show that conflict arises not from absolute land scarcity, but from politically engineered scarcity created through exclusionary land allocation, ambiguous boundaries, weak enforcement, and unequal recognition of land claims (IWGIA, 2015). These patterns underscore the need to interpret conflicts

through social, political, and legal structures rather than environmental determinism.

2.4 Political Ecology, Territorialisation, and Land Governance

Political ecology scholarship offers critical insights into how state interventions, conservation policies, development projects, and market forces reshape land access and contribute to conflict (Benjaminsen *et al.*, 2009; Nelson *et al.*, 2022). State territorialisation, through protected areas, ranching schemes, forest reserves, and commercial farms, has historically displaced or restricted both farmers and pastoralists in Tanzania. Projects such as sisal estates, NAFCO farms, and NARCO ranches created enclaves of state or private authority, often disregarding pre-existing customary claims. When such estates collapse or are abandoned, the resulting “no-man’s lands” become highly contested, providing fertile ground for conflict.

Conservation initiatives, including wildlife corridors and game reserves, also play a central role. While intended for ecological protection, these areas often overlap with customary grazing routes or farming areas, leading to dispossession and violent encounters with enforcement agencies (Massawe, 2023). Political ecology therefore highlights that land conflict is not a simple resource problem but a complex political process driven by power relations, state agendas, and competing visions of land use.

2.5 Gaps in Existing Literature

Despite extensive research on pastoralism, climate variability, and local conflicts, several gaps remain. First, few studies provide long-term historical analyses linking pre-colonial tenure systems, colonial land alienation, socialist villagisation, and contemporary neoliberal reforms to current farmer–pastoralist tensions. Second, limited work examines how legal pluralism interacts with political interests and elite capture to shape conflict dynamics. Third, most analyses treat farmers and pastoralists as homogeneous groups, overlooking internal class dynamics and differentiated access to political networks. This study fills these gaps by integrating historical, political, and legal perspectives into a comprehensive account of land rights and conflict in Morogoro Region.

3. Theoretical Framework (Strengthened and Updated to 2024)

Understanding the historical and contemporary dynamics of farmer–pastoralist conflicts in Tanzania requires a theoretical approach that captures the intersections of power, law, environment, political economy, and historical processes. Land conflict in Morogoro Region does not emerge from a single cause; it reflects layered transformations spanning pre-colonial tenure systems, colonial land ordinances, socialist



villagisation, neoliberal land markets, and shifting patterns of state territorialisation. To capture these complexities, this study adopts a threefold theoretical framework grounded in the Political Economy of Land, Legal Pluralism, and the Political Ecology of Conflict. These perspectives collectively illuminate how structural inequalities, contradictory legal regimes, and socio-environmental politics shape contemporary struggles over land between farmers and pastoralists.

3.1 Political Economy of Land

The political economy of land provides a critical lens for understanding land as a site of power, class formation, state authority, and economic transformation. Scholars highlight that land in Africa is not merely a productive asset but a political resource: it structures citizenship, authority, and social belonging (Boone, 2021; Bernstein, 2021). Political economy approaches emphasise how land governance is shaped by historical state-building processes, market expansion, and shifts in agrarian relations. In Tanzania, land transformations, from German plantation concessions to British Crown Land policies, from post-independence villagisation to neoliberal land investment, have systematically altered access, authority, and ownership (Moyo, 2020). These shifts privileged certain actors (state officials, investors, elites) while marginalising others (pastoralists, poor farmers), creating structural inequalities that fuel conflict.

From a political economy perspective, scarcity is produced, not merely ecological. Policies that allocate large tracts of land to parastatals, conservation zones, or private investors create economic scarcity even when land exists spatially. This helps explain why conflicts intensify around former NAFCO farms, abandoned sisal estates, or NARCO ranches, spaces reallocated through political networks rather than local needs (Benjaminsen *et al.*, 2009). Thus, political economy theory helps situate conflict within broader processes of accumulation, dispossession, elite capture, and class formation.

3.2 Legal Pluralism and Land Governance

Legal pluralism is the second major lens informing this study. It focuses on the coexistence of multiple and often conflicting legal systems; statutory, customary, religious, administrative, and informal; that regulate land rights and resource access (Knight, 2023; Lavigne-Delville, 2021). In Tanzania, this plural legal landscape is institutionalised through the Land Act (1999), Village Land Act (1999), village by-laws, customary norms, and sectoral laws (forestry, wildlife, livestock). Although the Village Land Act legally recognises customary tenure, it simultaneously grants the state discretionary powers to reclassify land as general or

reserved land, creating a hierarchy that subordinates customary authority to statutory power.

Legal pluralism theory argues that such contradictions generate jurisdictional ambiguity, producing contested boundaries, overlapping claims, and strategic legal “forum shopping,” where actors selectively use either statutory or customary law depending on the advantage it offers (Odgaard & Daley, 2020). This is especially evident in Morogoro, where farmers, pastoralists, village councils, district authorities, and investors invoke different legal orders to legitimise competing claims to the same land. Pastoralists, whose livelihoods depend on seasonal mobility, find their customary rights undermined by rigid village boundaries, land titling, and conservation regulations that do not recognise transhumance as a legitimate use. Legal pluralism therefore exposes how institutional contradictions and unequal legal recognition drive recurring conflict.

3.3 Political Ecology of Conflict

The political ecology of conflict offers a complementary lens by highlighting how environmental narratives, conservation agendas, state territorialisation, and resource governance intersect with power, identity, and historical inequalities (Benjaminsen *et al.*, 2009). Political ecology challenges simplistic Malthusian explanations that attribute conflict solely to population growth or climate stress. Instead, it shows how environmental discourse is politicised to justify land control, exclusion, or eviction (Massawe, 2023). For instance, pastoralists are often portrayed as “environmentally destructive” or as “outsiders,” legitimising punitive operations such as forced removals, livestock confiscations, or restricted mobility, even when ecological evidence contradicts such claims (Fratkin, 2022).

Political ecology also illuminates how conservation and development interventions reconfigure land access. In Tanzania, the expansion of game reserves, forest reserves, grazing control zones, and wildlife corridors has historically displaced both pastoralists and smallholder farmers (Nelson *et al.*, 2022). Territorialisation, the process by which states claim and regulate land through mapping, boundaries, and enforcement, creates new forms of exclusion and produces conflict where flexible customary access once prevailed. This framework thus situates the Morogoro conflicts within broader political and environmental processes, underscoring how state interventions and development agendas reshape landscapes in inequitable ways.

3.4 Integration of the Three Frameworks

When synthesised, these three theoretical perspectives provide a powerful and holistic understanding of land conflict in Morogoro Region. The political economy framework reveals how historical and structural forces shape



land distribution and inequalities. Legal pluralism exposes the institutional contradictions that create competing claims and governance uncertainty. Political ecology situates these dynamics within shifting environmental governance, territorialisation, and narratives of legitimacy. Together, they explain why farmer–pastoralist conflicts persist despite legal reforms, state interventions, and land-use planning initiatives.

This integrated framework therefore supports the study's central argument: that farmer–pastoralist conflict in Morogoro is not merely the outcome of environmental pressure or resource scarcity but a manifestation of historically layered, legally ambiguous, and politically mediated processes of land governance.

4. Methodology

This study adopted a historical, qualitative, and interpretive research design to examine the evolution of land tenure systems, legal pluralism, and patterns of farmer–pastoralist conflict in Morogoro Region from the 1890s to 2015. Historical analysis is particularly appropriate for studies investigating long-term socio-political and institutional change, as it enables the researcher to trace continuities, ruptures, and transformations across different governance regimes (Tosh, 2015; Morgan, 2020). By integrating archival sources, oral histories, colonial and post-colonial administrative documents, and contemporary land legislation, the study provides a multidimensional understanding of the historical processes shaping present-day land conflict dynamics.

4.1 Research Design

The research employed a qualitative historical design, guided by an interpretivist epistemology. This approach assumes that land relations, customary authority, and conflict dynamics are socially constructed and historically embedded (Chakrabarty, 2019). The design enabled the study to synthesise diverse forms of evidence; textual, oral, legal, and administrative; into a coherent narrative. A historical narrative strategy was used to reconstruct events, decisions, and policies chronologically, thereby revealing how past actions and institutional arrangements shaped current land tenure practices and tensions between farmers and pastoralists.

4.2 Data Sources

4.2.1 Archival and Documentary Sources

Archival research formed a core component of data collection. The study reviewed German colonial records, including the 1895 Imperial Land Ordinance, mission archives, district reports, and correspondence housed in the Tanzania National Archives. British colonial documents, such as the 1923 Land Ordinance, land settlement reports,

and district handbooks, were also analysed. These records provided insights into the formalisation of statutory land control, plantation establishment, and early restrictions on pastoral mobility.

Post-colonial documents were drawn from district land offices, village registries, and Ministry of Lands publications, including files on ujamaa villagisation, parastatal farm allocations, NARCO ranching schemes, land use plans, and eviction operations. Contemporary legal documents such as the Land Act (1999), Village Land Act (1999), and sector-specific laws (livestock, forestry, conservation) were reviewed to assess contradictions in the statutory framework. This triangulation of documents is consistent with best practice in historical and political-legal studies (Bowen, 2009).

4.2.2 Oral Testimonies and Interviews

To complement written records, the study conducted oral testimonies and semi-structured interviews with key informants. These included elders, pastoralist leaders (particularly Maasai and Parakuyo), long-term farmers (mainly Kaguru and Luguru), former village leaders, and district authorities. Oral histories provided insights into land allocation practices, customary negotiations, mobility patterns, and lived experiences of conflict that are often absent from formal archives (Vansina, 2019).

Interviews were conducted using purposive and snowball sampling to identify knowledgeable participants. Discussions explored themes such as customary tenure, boundary disputes, villagisation experiences, interactions with district land officials, and perceptions of state interventions.

4.2.3 Focus Group Discussions (FGDs)

Focus Group Discussions were organised in selected villages with mixed groups of farmers and pastoralists. FGDs enabled the study to capture collective narratives and observe how different groups interpret the causes and consequences of conflict. FGDs are particularly valuable in research where community-level interactions and shared histories shape resource perceptions (Krueger & Casey, 2015).

4.2.4 Observation

Non-participant observation was carried out in conflict-prone areas, grazing routes, farmlands encroached by livestock, and abandoned parastatal estates. Field observations helped triangulate claims made in interviews and official documents, supporting methodological robustness.

4.3 Data Analysis

The study employed thematic content analysis, combining both inductive and deductive coding strategies. Historical documents were organised chronologically to trace patterns



across the pre-colonial, colonial, socialist, and neoliberal periods. Thematic codes included “customary tenure,” “legal pluralism,” “elite capture,” “boundary conflict,” “pastoral mobility,” and “state intervention.” This analytical approach allowed the researcher to synthesise disparate sources into a structured narrative, while maintaining sensitivity to historical context (Given, 2016). NVivo qualitative software was used for organising interview transcripts, archival excerpts, and field notes.

4.4 Validity, Reliability, and Triangulation

Triangulation was applied across data types; archival documents, oral testimonies, legal texts, and field observations; to enhance reliability and minimise bias. Cross-verification ensured that no single source dominated the narrative, consistent with methodological rigor in historical research (Bowen, 2009). Member-checking was used during follow-up interviews to confirm the accuracy of interpretations. The use of multiple theoretical lenses; political economy, legal pluralism, and political ecology; further enhanced validity by enabling multidimensional interpretation.

4.5 Ethical Considerations

Ethical approval was secured from the relevant university research ethics committee. Participants were informed about the purpose of the study, and verbal consent was obtained prior to interviews. Sensitive information, particularly concerning violent incidents and state actions, was anonymised to protect respondents. The study adhered to ethical guidelines for oral history research and community-based inquiry (Yow, 2019).

5. Findings

The findings of this study reveal that farmer–pastoralist conflicts in Morogoro Region are deeply embedded in historical transformations of land tenure, legal pluralism, and shifting political economies. Rather than emerging from environmental scarcity alone, the findings demonstrate that conflicts are anchored in long-term institutional contradictions, erosion of customary systems, and state-led territorial interventions. The analysis is organised around five major thematic findings: (1) pre-colonial customary tenure arrangements, (2) colonial restructuring and land alienation, (3) villagisation and post-independence state interventions, (4) neoliberal reforms and elite capture, and (5) contemporary legal pluralism and escalation of conflicts. These themes illuminate how overlapping claims and governance contradictions gradually produced structural tensions that manifest today in violent farmer–pastoralist interactions.

5.1 Pre-colonial Customary Tenure and Flexible Governance Systems

Prior to colonial intervention, land governance in Morogoro Region was characterised by flexible and negotiated tenure arrangements. Farming communities such as the Kaguru and Luguru accessed land through kinship-based usufruct rights, while pastoralists, mainly Maasai and Parakuyo, exercised mobility rights derived from reciprocity, seasonal agreements, and negotiated access to water and grazing land (Mtenga, 2019). Conflicts existed but were regulated through clan leaders, elders’ councils, and inter-group agreements. Customary institutions emphasised fluid boundaries, enabling adaptation to ecological variability, a system that functioned precisely because it was not territorially fixed (Berry, 2022).

The findings indicate that the collapse of this flexibility due to later state interventions became a central driver of conflict, as formalised boundaries replaced negotiated access, criminalising customary pastoral mobility.

5.2 Colonial Land Policies and the Institutionalisation of Conflict

German and British colonial administrations imposed statutory systems that fundamentally altered land relations. The 1895 Imperial Land Ordinance and the 1923 Crown Lands Ordinance declared vast areas as state land, facilitating plantation agriculture, forest reserves, and administrative divisions (Massawe, 2023; Boone, 2021). Pastoralists were increasingly restricted from fertile valleys and riverine zones, while farmers were pushed into nucleated settlement schemes.

Archival evidence shows that colonial policies:

- i. reclassified customary lands as “unused” or “unoccupied,”
- ii. prioritised sisal plantations, settler estates, and conservation areas, and
- iii. introduced fixed boundaries that contradicted fluid customary tenure.

This period marked the beginning of legal hierarchy, where statutory land claims overrode customary authority. Early displacement of pastoralists in areas later becoming Kilosa and Mvomero created latent grievances that resurfaced in post-independence conflicts.

5.3 Ujamaa Villagisation and Post-Independence Territorial Reordering

Villagisation (1973–1976) brought the most dramatic reconfiguration of land governance in Morogoro. Approximately nine million Tanzanians were resettled nationwide (Shivji, 1998), disrupting ancestral land rights and pastoral grazing routes.

The study finds that in Kilosa and Mvomero, villagisation:

- i. forced communities into nucleated villages, creating new settlement boundaries,
- ii. fragmented communal grazing systems,
- iii. relocated farmers and pastoralists into contested territories, and
- iv. generated disputes over newly drawn village borders.

Oral testimonies highlight unresolved grievances from this era, as families displaced from fertile lands later reclaimed them, clashing with newly settled groups. In pastoral settlements, villagisation eliminated traditional livestock corridors, forcing herders to encroach on farming areas.

5.4 Neoliberal Market Reforms, Land Commercialisation, and Elite Capture

The introduction of Structural Adjustment Programs (SAPs) in the 1980s and 1990s further intensified land conflicts. Market liberalisation encouraged private investment in agriculture, ranching, and real estate, accelerating land commodification and weakening local oversight (Moyo, 2020). Findings reveal that:

- i. abandoned parastatal estates (e.g., NAFCO farms, sisal plantations) became contested spaces;
- ii. politicians, retired officers, and business elites acquired large farms through opaque processes;
- iii. village councils lacked power to challenge top-down land allocations; and
- iv. pastoralist lands were systematically reduced through private leases and ranch expansions.

This resulted in political and economic land scarcity, despite the physical presence of underutilised lands. The period marked the rise of “elite capture,” where influential actors used statutory laws, land offices, and political networks to secure large tracts, often at the expense of pastoral communities.

5.5 Legal Pluralism, Contradictory Boundaries, and Contemporary Conflicts

The findings show that legal pluralism—where statutory, customary, and village laws coexist—created deep governance ambiguities. Contradictions between the Land Act (1999), Village Land Act (1999), pastoral legislation, and conservation rules resulted in overlapping claims. Conflicts intensified in villages where:

- i. customary grazing lands were allocated to investors through statutory titles,
- ii. village boundaries overlapped due to poorly drawn surveys,
- iii. district land-use plans ignored local customary arrangements, and
- iv. pastoral mobility was criminalised rather than accommodated.

The Kambala (Mvomero) conflict (2013–2015) exemplified these contradictions: villagers relied on customary boundaries, while district officials enforced statutory maps—leading to violent clashes (IWGIA, 2015; Mtenga, 2019).

5.6 Criminalisation of Pastoralism and the Politics of Exclusion

The study finds that pastoralism has been politically framed as “destructive,” “foreign,” or “backward,” influencing state-led eviction operations such as “Remove Livestock from Kilosa” (2009). These operations involved fines, livestock confiscation, forced grazing fees, and displacement of communities (Benjaminsen *et al.*, 2009). National discourses often depicted Maasai and Parakuyo herders as “invaders,” reinforcing discriminatory governance practices.

This political framing contributed to:

- i. disproportionate penalties on pastoralists,
- ii. restrictions on cattle movements,
- iii. eviction from long-held grazing lands, and
- iv. increased ethnic tensions.

Thus, legal and political narratives; not ecological conditions; have been central drivers of violence.

Table 1. Synopsis of Key Findings and Their Historical Sources

Thematic Area	Key Findings	Primary Evidence Sources	Implications for Conflict
Pre-colonial tenure	Flexible access, negotiated mobility	Oral histories; Mtenga (2019)	Low conflict; strong customary regulation
Colonial land alienation	“Unoccupied land” doctrine, plantations, territorialisation	German/British archives; Boone (2021)	Displacement; early grievances
Villagisation	Forced resettlement; boundary creation	Shivji (1998) archives; testimonies	Overlapping claims; fragmented grazing
Neoliberal reforms	Land markets; elite capture	Moyo (2020); district files	Political scarcity; dispossession
Legal pluralism	Contradictory laws; forum shopping	Land Acts; Odgaard & Daley (2020)	Governance ambiguity; escalated disputes
Criminalisation of pastoralism	Evictions; mobility restrictions	IWGIA (2015); Benjaminsen <i>et al.</i> (2009)	Violent clashes; ethnic tensions

6. Discussion

The findings of this study highlight the complex interplay between history, law, politics, and environment in shaping farmer–pastoralist conflicts in Morogoro Region. The discussion integrates these findings with the study’s



theoretical framework; Political Economy of Land, Legal Pluralism, and Political Ecology; to show how contemporary conflict dynamics are deeply rooted in long-term structural and institutional processes rather than immediate environmental pressure or demographic change. This multidimensional perspective illuminates the ways in which colonial legacies, post-independence policies, and neoliberal reforms have collectively produced the governance contradictions, economic inequalities, and political narratives that fuel recurrent conflict in the region.

6.1 Historical Legacies and Institutional Path Dependence

The study demonstrates that the roots of conflict lie in historical transformations that reconfigured land relations. Pre-colonial systems were characterised by negotiated access, mobility, and flexible boundaries. This flexibility enabled communities, farmers and pastoralists alike, to adapt to ecological variability (Berry, 2022). However, colonial land ordinances enforced fixed territorial boundaries, introduced private property concepts, and displaced local communities to accommodate plantations, settlers, and conservation areas (Boone, 2021; Massewe, 2023). These interventions disrupted customary tenure systems and created a structural foundation for contestation.

Post-colonial policies such as ujamaa villagisation intensified these transformations. Forced resettlement, boundary reorganization, and the creation of nucleated villages dissolved longstanding customary institutions and generated overlapping territorial claims (Shivji, 1998). These findings align with political economy arguments that early state-building decisions have long-lasting effects on land access, authority, and institutional configurations (Moyo, 2020). The persistence of conflict, therefore, reflects institutional path dependence, where historical disruptions continue to shape contemporary governance challenges.

6.2 Legal Pluralism and Governance Ambiguity

The findings underscore that legal pluralism is a core driver of conflict. The coexistence of customary norms, statutory land laws, village by-laws, and sectoral regulations produces contradictory and overlapping claims to land. Despite the Village Land Act (1999) offering legal recognition to customary tenure, the continued discretionary powers of the state, such as the ability of the Minister to reclassify village land, reinforce uncertainty and fuel disputes (Odgaard & Daley, 2020). These contradictions enable “forum shopping,” where actors strategically invoke legal systems that serve their interests (Knight, 2023).

For pastoralists, this legal ambiguity is particularly harmful. Statutory frameworks rarely accommodate mobile land use

systems, resulting in the criminalisation of transhumance, fines, and evictions (Benjaminsen *et al.*, 2009). This aligns with political ecology insights that legal regimes often delegitimise pastoralism by framing it as environmentally destructive or incompatible with “modern” land use (Fratkin, 2022). The findings confirm that legal pluralism produces institutional uncertainty, providing fertile ground for conflict escalation when boundaries are contested and governance authority is unclear.

6.3 Political and Economic Construction of Land Scarcity

This study’s findings reveal that land scarcity in Morogoro is politically and economically constructed, not naturally occurring. While environmental stressors such as drought and climate variability influence resource availability, they are insufficient to explain violent conflict. Instead, the allocation of large land blocks to investors, the expansion of ranches, and the proliferation of private leases have concentrated land in the hands of political elites and external actors (Moyo, 2020). This is consistent with political economy perspectives that highlight how state policies and market reforms create winners and losers in land distribution (Bernstein, 2021).

Abandoned estates, such as former NAFCO farms and sisal plantations, became hotspots of conflict because their reallocation lacked transparency and ignored customary claims. The findings confirm earlier work suggesting that unequal land distribution and elite capture are central to conflict dynamics in Tanzania (Massawe, 2023). Thus, conflict is less the product of resource scarcity than of governance failures, weak accountability, and unequal access to political networks.

6.4 Territorialisation, Conservation Politics, and Mobility Constraints

Political ecology perspectives help explain how state territorialisation and conservation policies exacerbate tensions between farmers and pastoralists. The creation of protected areas, forest reserves, ranching blocs, and wildlife corridors reduced the mobility of pastoralists, forcing them into farming zones where conflict becomes inevitable (Benjaminsen *et al.*, 2009). These interventions often disregard customary grazing routes and seasonal access patterns, reflecting broader global tendencies where conservation is used as a tool for asserting state control (Nelson *et al.*, 2022).

The findings demonstrate that anti-pastoral narratives, framing herders as “invaders” or “environmental destroyers”, have legitimised state violence and discriminatory policies. This aligns with regional evidence showing that pastoralists face systematic marginalisation in East Africa due to



political narratives that do not recognise mobile livestock systems as a legitimate form of land use (Mkutu et al., 2023). As a result, conflict becomes a product of territorial exclusion and discursive marginalisation, rather than ecological pressure alone.

6.5 Fragmented Governance and Failure of Conflict Resolution Mechanisms

The persistence of conflict reflects not only historical and legal contradictions but also weak conflict resolution mechanisms. Village councils, district land officers, and tribunals often lack the capacity, resources, or political independence to enforce equitable decisions. Findings reveal that boundary disputes remain unresolved for years, sometimes decades, due to bureaucratic delays, corruption, and political interference (Mtenga, 2019). Furthermore, conflict resolution mechanisms do not adequately integrate customary institutions, which previously played a key role in mediating disputes.

The absence of institutional coordination between statutory and customary systems intensifies governance fragmentation. District-level decisions frequently undermine village land-use plans, while national-level directives often disregard local ecological knowledge and customary practices. This governance failure aligns with broader critiques that African land governance systems lack coherence across scales, resulting in institutional inertia and policy contradictions (Lavigne-Delville, 2021).

7. Conclusion and Policy Implications

7.1 Conclusion

The enduring and often violent farmer–pastoralist conflicts in Morogoro Region, particularly in Kilosa and Mvomero districts, cannot be adequately explained through the dominant lenses of demographic pressure, climatic stress, or absolute physical scarcity of land. While these factors undoubtedly exacerbate tensions, the evidence presented in this study demonstrates that the primary drivers are structural and historical: the persistent subordination and erosion of customary tenure systems, the deep contradictions embedded in Tanzania’s plural legal framework, and the politically mediated processes of dispossession and exclusion that have unfolded from the colonial era to the present neoliberal moment. From the German and British declaration of “unoccupied” land as Crown property, through ujamaa villagisation and the creation of parastatal farms, to the market-driven land commodification of the structural adjustment and post-1999 Land Acts period, successive regimes have systematically undermined the legitimacy and functionality of kinship-based and reciprocal land governance arrangements while simultaneously relying on customary authorities for local administration. The resulting legal pluralism, far from offering a flexible hybrid solution,

has institutionalised ambiguity, overlapping claims, and selective enforcement that disproportionately disadvantage mobile pastoralists and smallholder farmers alike.

What appears on the surface as ethnic or livelihood-based antagonism is, in reality, a manifestation of manufactured economic scarcity: vast rangelands and former estate lands exist, yet access is gated by bureaucratic discretion, elite capture, investor privilege, and a sedentary bias encoded in both law and policy. Pastoral mobility, a rational and ecologically adaptive strategy, has been progressively criminalised and spatially confined, while the expansion of commercial agriculture, conservation enclosures, and speculative land deals has been politically facilitated. The cumulative outcome is a landscape of chronic tenure insecurity in which local actors; farmers, pastoralists, village officials, and district authorities; operate within a rule-of-law vacuum that invites manipulation, corruption, and violence. Historical injustices have not been redressed; they have been layered and re-inscribed, producing new forms of class differentiation within and across ethnic groups and transforming episodic resource disputes into entrenched structural conflicts.

7.2 Policy Implications and Recommendations

Addressing these deeply entrenched conflicts requires moving beyond symptomatic interventions (evictions, sporadic mediation, or livestock reduction campaigns) toward systemic reforms that confront legal contradictions, historical dispossession, and political economy distortions head-on. The following interlinked recommendations emerge directly from the analysis:

- i. Harmonise statutory and customary law and reduce discretionary state power: The 1999 Land Act and Village Land Act must be amended to remove the President’s and Minister’s overriding authority to transfer village land to general or reserved categories without transparent, participatory, and judicially reviewable processes. A revised legal framework should elevate Certificates of Customary Rights of Occupancy (CCROs) to the same status as granted rights of occupancy and establish clear primacy rules when statutory and customary claims overlap.
- ii. Legally recognise and spatially protect pastoral mobility: National and district land-use plans must formally designate and demarcate livestock corridors, dry-season grazing reserves, and transhumance routes as protected public goods, with legal status equivalent to agricultural zones. The ongoing National Livestock Policy Review and the drafting of a new Rangeland Management Act present immediate opportunities to enshrine mobility as a legitimate and modern land-use system rather than an archaic exception.



- iii. Accelerate participatory village land-use planning and tenure formalisation without privatisation: The state should significantly scale up funding and technical support for participatory village land-use planning and the issuance of group or communal CCROs, particularly in conflict hotspot areas. Such processes must explicitly protect secondary rights (grazing, passage, water access) and prohibit the individual titling of communally managed grazing lands.
- iv. Institute transparency and accountability mechanisms in land allocation: All large-scale land transfers (>500 ha) must be publicly disclosed, subjected to free, prior and informed consent of affected communities, and entered into a national public land transactions registry. An independent Land Ombudsman with investigative and sanctioning powers should be established to address elite capture and corruption in land administration.
- v. Strengthen inclusive, depoliticised conflict prevention and resolution institutions; Permanent, multi-stakeholder District Land Conflict Mediation Committees, comprising elected farmer and pastoralist representatives, traditional authorities, women, youth, and technically trained mediators, should be legally empowered and resourced. These bodies must have binding decision-making authority on disputes below a certain threshold and be insulated from partisan political interference.
- vi. Integrate livelihood diversity and climate resilience into land governance: Land-use planning and climate adaptation strategies (including Tanzania's National Climate Change Strategy and NAP process) must explicitly recognise and support both crop farming and pastoralism as complementary rather than competing systems. Investments in shared infrastructure; strategic boreholes, community-managed grazing blocks, and agro-pastoral conflict-sensitive irrigation schemes; can transform zero-sum competition into positive-sum cooperation.
- vii. Address the legacy of historical dispossession through restorative measures: A time-bound National Land Justice Commission should be established to document and redress colonial and post-colonial displacements, particularly the uncompensated alienation of grazing lands for plantations, ranches, and reserves. Restitution, alternative land allocation, or equitable benefit-sharing arrangements with current occupants could help defuse long-standing grievances that continue to fuel violence.

Only by confronting the legal ambiguities, political inequalities, and historical injustices that this study has traced across more than a century can Tanzania move from managing recurrent farmer–pastoralist crises to achieving

equitable and sustainable land governance in Morogoro and beyond. The challenge is not merely technical but profoundly political; it demands a decisive reorientation of state policy away from sedentary, investor-centric, and exclusionary models toward an inclusive pluralism that finally grants customary tenure and pastoral mobility the security and dignity they have long been denied.

Declaration of Conflict of Interest

I hereby declare that there are no known competing financial interests or personal relationships that could have influenced the research and findings presented in this paper.

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