

Tanzania's constitutional review process should live up to its promises and reach out to its minority groups

LSE alumna Katharina Neureiter says that it is time the Tanzanian political elite pays attention to the rights of the Barbaig pastoralists during its constitutional review process.

On a Tuesday early in July 2012, several hundred villagers and pastoralists assembled under a mango tree in Kidomole in Southern Tanzania to witness a process unique in Tanzania's history. For the first time, they expected to have a say in their country's legal future through the Constitutional Review Commission, currently touring the nation to garner people's thoughts for input into the new constitution which President Jakaya Kikwete promised to deliver in April 2014.



Barbaig pastoralists gather under a mango tree

On this day though, all the waiting was in vain. The government official did not turn up and the locals went back to their fields and cattle disappointed that they missed out on their chance to input their grievances about land rights, farming and politics.

Despite reports of a generally smooth start^[1], this episode sends a disappointing signal for the review process, especially as the current constitution has been heavily criticised by civil society groups for its denial of fundamental rights and liberties to citizens and its lack of legitimacy as it was crafted without consulting the majority of Tanzania's citizens.^[2] I argue that as usual in Tanzania, ideas designed on a high political level are generally positive and progressive, but the reality on the ground is of a different nature, especially that marginalised minorities, such as the Barbaig pastoralist tribe^[3], are, by and large, excluded from political and social participation.

The Barbaig have been wandering around the plains of East Africa for the past 3000 years and have largely maintained their nomadic lifestyle, always in pursuit of grazing fields and water for their cattle. Given the lack of boarding schools, few have received formal education and speak very little Swahili, the country's lingua franca.

Beyond that, many Tanzanians are highly suspicious about pastoralists. Politicians and the business elite want to halt the pastoralists' nomadic lifestyle because there is a perception that the large swathes of land taken up hamper land-based investments, such as mining and large-scale

agricultural projects. Grazing land also rivals the demand for farmland in a country where an exponentially growing population is creating a scarcity of fertile land. In a similar vein, subsistence farmers fear for their crops, which are said to be damaged by the pastoralists' cattle.

Based on Nyerere's ideology, Tanzania does not recognise the definition of "indigenous" in its usual sense, but claims that all ethnic Tanzanians are regarded as indigenous to the country.^[4] On one hand, this is commonly seen as the main cause for Tanzania's sonderweg in Africa as a peaceful nation void of ethnic tensions.

On the other hand, the Pastoralists Indigenous Non-Governmental Organisations Forum (PINGO) attributes this lack of recognition and political representation as a reason why their human rights are continually infringed as well as their repeated land conflicts with the state.^[5] Pastoralists are disproportionately affected by forced eviction^[6] and internal displacement in the name of conservation or development through government projects and private investors. On this account, the Barbaig are very eager to bring their viewpoint to the table, or to the roadside rather, and debate with government officials, who are willing to listen.

If the political elite of the country fails to achieve this inclusive process, Tanzania's road to a new constitution will remain bumpy. The constitution, and by extension the state, will continue to appear disingenuous if presidential promises are not accompanied by a change in mindset and attitude all the way down to the district officials and village leaders who can reach out to all members of society and enable true and fair participation for everyone – not only on a given Tuesday.

^[1] <http://allafrica.com/stories/201207030188.html>

^[2] <http://www.eastafricanewspost.com/index.php/east-africa-politics/620-tanzania-new-dawn-for-tanzanias-constitutional-review>

^[3] The Barbaig number around 90 000 in Tanzania (figure according to the International Work Group for Indigenous Affairs) <http://www.iwgia.org/regions/africa/tanzania/897-update-2011-tanzania>

^[4] United Nations Human Rights Council, Report of the Working Group on the Universal Periodic Review United Republic of Tanzania, 2011, p. 5.

^[5] http://www.pingosforum.or.tz/index.php?option=com_content&view=article&id=98:reports-2009

^[6] http://www.africanews.com/site/list_message/35996