

TALA-Perspectives on domestic land based investments in Tanzania

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Brief Introduction on TALA-NES Tanzania

- Tanzania Land Alliance (TALA) is a coalition of 14 Civil Society Organizations namely; (1) Land Rights Research and Resources Institute (LARRRI/HAKIARDHI) which serves as a Secretariat (2) Legal and Human Rights Centre (LHRC) (3) Lawyers Environmental Action Team (LEAT) (4) Pastoralists Indigenous NGOs Forum (PINGOs Forum) (5) Women Legal Aid Centre (WLAC) (6) Ujamaa Community Resource Team (U-CRT) (7) Mtandao wa Vikundi vya Wakulima Tanzania (MVIWATA) i.e a National network of small scale farmers' groups in Tanzania, (8) Tanzania Natural Resources Forum (TNRFF) (9) Tanzania Women Lawyers Association (TAWLA) (10) Tanzania Grass Roots Oriented Development (TAGRODE) (11) Parakuiyo Pastoralist Indigenous Community Development (PAICODEO) (12) Pastoral Women Council (PWC) (13) Community Research and Development Services (CORDS) (14) Morogoro Paralegal Centre (MPLC)
- It was founded in 2010 with a focus to undertake joint advocacy activities to spearhead the attainment of land rights for marginalized rural based and peri-urban communities (namely peasants, pastoralists, artisan miners and hunter-gatherers) in Tanzania
- ▶ The idea behind formation of the alliance is to implement joint land and natural resources rights advocacy interventions in a strategic and collaborative way, to improve the rights and livelihoods of the majority marginalized rural based and peri-urban communities in Tanzania

Tanzania National Engagement Strategy-

NES Tanzania

- ▶ The inception workshops held in Dar es salaam from March 1 to 10, 2016 organized by ILC national members (MVIWATA, PAICODEO, UCRT and TNRF), CSOs, Global members and donors resolve to kick start NES in Tanzania. Tanzania Land Alliance (TALA) was designated to coordinate NES in Tanzania.
- ▶ NES Tanzania has three components
 - i. Coordination, Communication, Advocacy and Policy Dialogue.
 - ii. Civil society independent monitoring and dialogue on good land governance and inclusive agricultural investment (Land-based investments)
 - iii. Strengthening land governance through district and village land use planning, registration and management of shared resources including grazing areas (Rangelands/SRMP)

Local/domestic land grabs in Tanzania context

- ▶ Liberalization policy in mid 1980 and changes in the land legislation and effort to create conducive environment for investors in the late 1990s put much emphasis on FDIs as compared to creation of the internal entrepreneurs. Investors in Tanzania are defined as per the Tanzania Investment Center (TIC) Act which defines an investors in accordance with the capital he/she is investing;
- ▶ TIC defines one as an investor on the basis of capital, for local investors with capital not less than 100,000USD (project worth and beyond) and for foreign investors 500,000USD (strategic investors, in SEZ) 300,000 USD outside SEZ, such conditions and many other makes it difficult for local entrepreneurs to venture into agriculture through such windows as TIC and will always seek alternative ways to gain land by either partnering with local politicians or transfer land from village to general land category then seek partnership with foreign investors through joint ventures;
- ▶ Most of these locally based land grabs are not documented as compared to foreign based large scale investment in agriculture until when either of the promises are not fulfilled or when villagers realise that their land have changed status and that they no longer have powers after the transfer; individuals involved sometimes are natives to the area or are politically connected if not politicians themselves;
- ▶ There are also cases of land acquisition where individuals have prior information of an investment in the area, i.e information about an FDI to be set in the area and therefore land is acquired for speculative purposes with anticipation of compensation or selling land once the prices are hiked due to economic prospects linked to the presence of a functioning investment

TALA-NES Engagement in monitoring agriculture and land investments; Selected case studies

- ▶ Members of TALA have involved themselves in either providing legal aid in terms of raising awareness about the provisions of the Land Acts, specifically the Village Land Act No 5 of 1999 and the Land Act No 4 of 1999. Through media and or through direct programs in areas targeted by investments or area prone to conflict due to multi land use;
- ▶ Lutukila Mixed Farm enterprises case was reported to HAKIARDHI, a member of TALA by the villagers who felt they were being shortchanged by the investor and wanted a legal advice from a neutral partner, this is after staying away for 18 years having secured the land in the first place in 1992!
- ▶ Facts of the case;
- ▶ Land acquisition was done by a locally registered company R.S.R Tanzania Ltd an import, export, clearing and forwarding company in 1992 and later on registered the land as “Lutukila Mixed Farm Ltd” in 1997, the company vanished after acquisition only to appear back in 2010 under a joint venture;
- ▶ Lutukira Mixed Farm Limited has entered into a joint venture with a Seychelles company known as Montara Continental to form a up a management company known as Montara Land Company Limited which is now running the farm.

Lutukila Mixed Farm; from speculation to joint venture! A Case study

- ▶ Lutukira Mixed Farm Limited claimed to acquire 50,000 acres from Lutukira village back in following all the process from the village to Ministry level. However the documents seen by the team of HAKIARDHI researchers show the different scenario as the permit from the Ministry was given through letter with reference number LD/163537/18 of 7th December 2000 where the Commissioner for land authorize the acquisition of 20,000 hectares of land from Lutukira village but since then Lutukira Mixed Farm Limited did not proceed with anything until 2008 when the company requested cost for measuring the area from the Songea District Executive Director;
- ▶ Lessons learnt from this case;
- ▶ Due process was never followed, village assembly and village council meetings were compromised, the investor induced the members to make decision through payment to attend the meeting, (this is equivalent to bribing)
- ▶ Flawed EIA process, the process was not participatory, neither the village nor the district authorities were served with the EIA document
- ▶ Whereas villagers take the MoU as a binding document between the Village council and the “company” the company understand its obligations as part and parcel of corporate social responsibility
- ▶ The terms that were agreed by villagers while granting their land to the investor are not the same as stipulated in the MoU, the villagers wanted the company to build water system but in the MoU the company promises to build water wells
- ▶ Some of these flaws are also due to the pressure from above whereby each district/region is supposed to attract investors as a result facilitation is only geared on ensuring that the investor gets land by hooks and crooks

Mvomero and Kilosa districts, a highlight of political class and land grabs

- ▶ Mvomero and Kilosa districts are found in Morogoro region which is considered as one of the food basket of Tanzania, the two districts have attracted multiple land uses and are home to both pastoralists and farmers. Due to proximity to Morogoro township and Dar es Salaam, the two districts have witnessed an influx of investors both domestic and foreign
- ▶ In the study titled “The state of the then Nafco, Narco and Absentee Landlords’ Farms/Ranches in Tanzania” conducted by HAKIARDHI/Land Rights Research and Resources Institute, the two cases revealed a lot on politicians and acquisition of land which was formerly under the then National Agriculture and Food Cooperation and National Ranching Cooperation;
- ▶ When the two state parastatals became defunct, the government opted for privatization in which in Mvomero district, Mtibwa Sugar Company took over large chunk of the former NARCO ranch, the reminder part which was supposed to be subdivided to needy villagers, small holder farmers and pastoralists as the report indicates was appropriated by top level politicians including former presidents and a prime minister, a total of 10,019 ha (pg 87) was never redistributed to the villagers instead top government officials and politicians managed to get hold of the whole chunk of land;

Mvomero and Kilosa districts, a highlight of political class and land grabs

- ▶ It should be noted however that the land was still under general land category to make the claim of villagers valid the government was supposed to transfer the land into Village land category to enable villagers access and user rights but this was never the case;
- ▶ In the original plan, each villager was promised 5ha of land, but instead from the research each of the politicians and well connected individuals acquired about 100ha-5000ha in some cases;
- ▶ The research findings were picked by the Shadow Minister for Lands who used the National Assembly platform who accused the top politicians cited in the report for undermining local development by acquiring huge chunks of land some of which they could not develop;
- ▶ Two top level politicians, a former ruling party Secretary General and the Second Phase Prime Minister responded to the accusation with the former Secretary General reporting the matter before the Parliamentary Privileges, Ethics and Powers Committee to call upon the Shadow Minister to provide further evidence on the claim. The former Prime Minister responded by shading light on how acquisition and allocation of land was done, according to him, he was told that he has been allocated land in Mvomero district which at the time was still new to go and stimulate development through farming he ended up calling whoever is aware of where the land is to go and acquire it since he was not even conversant with the location

Mvomero and Kilosa districts, a highlight of political class and land grabs

- ▶ Kilosa district shares similar pattern with the minor difference that it is full of absentee landlords, in the similar study that was conducted to establish why there are persistent clashes between pastoralists and peasants in the area, the district went further and proposed for the President to revoke the title deeds of the absentee landlords and redistribute land to the needy peasants and pastoralists in the area;
- ▶ It was promised that this will be done, but to date there have been several clashes between pastoralists and farmers over land but little has been done with regard to the revocation of titles and redistribution of land. The current government resolves to do that but by redistributing land to the new investors both foreign and local;
- ▶ In Kilosa a new dimension is taking place, land occupations by landless peasants and pastoralists, TALA partners specifically MVIWATA and PAICODEO are assisting the communities around by advocating for land redistribution to the landless communities

TALA-NES Tanzania current interventions to address LBIs

- ▶ TALA roles in NES includes Coordination, Communication, Advocacy and Policy dialogue
- ▶ Two working groups were established in the process. These are; Rangelands Working Group (RWG) and Land based Investment Working Group(LBIWG).
- ▶ The Rangelands Working Group (RWG) is coordinated by International Livestock Research Institute (ILRI)
- ▶ Land based investment working group is coordinated by Tanzania Natural Resources Forum (TNRf)

Roles of Rangeland working group and Land Based investment group

- ▶ The roles of Rangelands working group are Securing village grazing areas, Capacity building and learning, lobbying and advocacy
- ▶ The roles of Land based Investment working group are to conduct Situational analysis and Identification of particular investment cases to monitor, Capacity building and Learning, Raising awareness: Influencing land to be a priority sector in Tanzania; and Participate in Regional and International land policy and governance process

Conclusion

- ▶ Under NES, Tanzania will be able to create a multistakeholders platform which will bring together the government, CSOs and the private sector and other relevant stakeholders in the land sector;
- ▶ From the analysis and experiences on the ground, this will provide room for us as CSOs to engage the government and the private sector through dialogue and discussions to strengthen the policy process; the current work we are doing will also feed into the ongoing National Land Policy Review
- ▶ Individual members are still documenting the cases, raising awareness on the legal framework governing land, supporting land use plans in the villages, litigation where applicable and reporting for coordination, advocacy and lobbying at national level;

THANKS FOR LISTENING

TANZANIA LAND ALLIANCE

“AMPLIFYING OUR SYNERGIES TO THE WORK OF LAND RIGHTS CSOs”

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