



# Formalising village land dispossession? An aggregate analysis of the combined effects of the land formalisation and land acquisition agendas in Tanzania

Linda Engström<sup>a,\*</sup>, Joanny Bélair<sup>b,c</sup>, Adriana Blache<sup>d</sup>

<sup>a</sup> Swedish University for Agricultural Sciences, Department for Urban and Rural Sciences, Box 7017, 750 07 Uppsala, Sweden

<sup>b</sup> University of Ottawa, Department of Political Studies, 75 Laurier Ave. East., Ottawa ON, K1N 6N5, Canada

<sup>c</sup> Utrecht University, Faculty of Geosciences, Domplein 29, 3512 JE Utrecht, Netherlands

<sup>d</sup> University of Toulouse, Department of Human Geography, Jean Jaurès 5 Allées Antonio Machado, 31058 Toulouse, France

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## ABSTRACT

While literature on land grabbing and land formalisation respectively has literally exploded the past decade, few studies analyse the practical processes taking place at their confluence, or provide an analysis at an aggregate level. This paper is based on 27 months of in-depth empirical investigation of thirteen large-scale agro-investments across four regions in Tanzania. It explores how four key legislative acts and policies related to land formalisation and land acquisition for large-scale agro-investments unfold on the ground, their implementation and combined effects. We show that land formalisation and acquisition are intrinsically linked: the former paving the way for investment in all thirteen cases. Moreover, rather than fulfilling development policy expectations of land tenure security for smallholder farmers, employment and poverty reduction in rural Africa, we demonstrate that, in Tanzania, these combined processes rather foster village land dispossession, investors' land acquisitions, and a (re)centralisation of land control. Therefore, we argue that the conjoint implementation of policies associated with land formalisation and land investments have adverse consequences for rural farmers whose land is formalised and then set aside for investment ultimately leading to a formalised rural land dispossession. Our unique aggregate analysis thus provides solid support to the existing critique towards the parallel implementation of land formalisation and large-scale agro-investments, and the interlinked reform of the land legislative framework, all strongly supported by global development bodies.

## 1. Introduction

Since the beginning of the land rush in the mid 2000's, literature on land grabbing and land formalisation in Africa respectively have literally exploded. Even though partly stemming from different policies, the two phenomena are closely interlinked in practice. According to development bodies, large-scale land investments are intended to bring employment and new capital and technology to modernise developing countries' agricultural sector, ultimately being a potential way to foster rural socio-economic development and reduce poverty. Investors frequently express a similar focus on intensive agriculture which they

propose will bring a green and inclusive development (PIM, 2010, SAGCOT 2011, Green Resources, 2019). Yet, available data on the actual results of this recent wave of new investments indicate that the land rush is falling short of such expectations: only a small share of businesses have managed to develop the land they have acquired and many investments fail to fulfill promises of socio-economic development (Lay et al., 2021). Moreover, despite frequent rhetoric on acquiring marginal or idle land, many businesses primarily target prime agricultural farmland, already used by smallholder farmers and herders and located near water sources and infrastructure, thereby finding themselves in direct competition with local populations over water and land (Bergius, 2012).

\* Corresponding author.

E-mail addresses: [linda.engstrom@slu.se](mailto:linda.engstrom@slu.se) (L. Engström), [j.belair@uu.nl](mailto:j.belair@uu.nl) (J. Bélair), [Adriana.blache@univ-tlse2.fr](mailto:Adriana.blache@univ-tlse2.fr) (A. Blache).

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Concomitantly, land tenure insecurity for villages and smallholder farmers has become one of the biggest concerns associated with this land rush. Although improving land tenure security was on the development agenda prior to this wave of international land investments, it has gained momentum. Indeed, the formalisation of local communities' land rights has become one of the mainstream advocacy solution to protect them against land dispossession (Boone, 2019; Franco and Borrás, 2021). The underlying rationale is simple: because local communities' land rights are not formalised, they are vulnerable to land grabbing and/or do not benefit (as expected) from land investments.

However, despite all good intentions, results of formalisation in protecting smallholder farmers' land rights are mixed. Assuming due diligence from government authorities in charge of land administration ignores that land administration is easily politicized. It does not ponder the risk for elite bias in land administration, and thus in the conception and implementation of land formalisation programs. Indeed, many studies show that, when implemented, both these development orientations have proven problematic across Africa, not least for rural smallholders. For example, existing customary land rights are not always fully acknowledged by authorities. Even when customary land rights are recognized, consultation and compensation processes with local communities are often controversial. In addition, the "idle" land concept becomes politically contentious as it may serve as justifying villagers' eviction and dispossession (Arnall, 2019; Borrás, 2011; Boche and Anseeuw, 2017; Glover and Jones, 2019; Tufa et al., 2018; Persson, 2019; Hindeya, 2018; Nalepa et al., 2017). As a result, land acquisitions across the globe have caused land dispossession for smallholder farmers (Drbohlav and Hejkrlik, 2018; Dürr, 2017; Levien, 2017; Bottazzi et al., 2018; Hajjar et al., 2019) (for the Tanzanian case, see Locher, 2016; Greco, 2015; Bergius, 2012; Sulle and Nelson, 2013).

For Tanzania specifically, scholars have emphasized land dispossession as an effect of land formalisation programmes (Odgaard, 2002; Sundet, 2006; Collins et al., 2019) and of land formalisation combined with land acquisition for investment (Walwa, 2017; Maganga et al., 2016; Stein and Cunningham 2017; Bluwstein et al., 2018; Locher et al., 2012). Borrás and Franco (2021, 15) even argue that "The 'land tenure security' strategy seems to suggest that we just forget, forgive and formalise land dispossession caused by extraeconomic coercion. In short, and to put it in polemical terms, the implication of the above is a shift in public action from dismantling land-based inequality to formalising inequality."

Yet, despite the rich literature described above, few studies have dwelled into the practical processes taking place at the confluence of land formalisation and land acquisition in the context of the new land rush. Contributing to this body of work, our study aims to explore how processes of land formalisation and land acquisition linked to large-scale agro-investments unfold on the ground and their combined effects. The findings presented here are based on 27 months of in-depth empirical investigation<sup>1</sup> of thirteen large-scale agro-investments in Tanzania across four regions. Based on this data, we can provide a unique, aggregate analysis of the Tanzanian case, which allows us to explore the general patterns resulting from these processes. Thus, this paper explicitly addresses Borrás and Franco's advice (2013, p. 1742) to go beyond analyses of individual land grabs to more ambitious studies of how these are spatially and temporally embodied within political and capitalist processes, and how "land grabbing and land concentration [are] likely to be organically linked". To do so, acknowledging how global dynamics and national political economies are entangled and how actors exert their agency in this changing land-related political economy is key to such an analysis of the effects of current development orientations.

<sup>1</sup> Findings presented here were collected through three distinct ethnographic Ph.D. research projects looking at the local impacts of land deals in those four regions.

Theoretically, we draw on different insights. First, the land grab literature highlights that legal and institutional plurality is key to understanding land grabbing processes and outcomes (Cotula, 2012; Anseeuw et al., 2012; Edelman et al., 2013). Indeed, in the post-colonial settings of Tanzania, as in many other African countries, the state often uses various legal mechanisms to legitimize decisions related to access and rights to land, thereby further complicating the often overlapping formal and informal institutional structures over land rights, land allocation and administration. As documented by several scholars, these divergent formal and informal beliefs and norms configuring tenure relations are recurrent sources of land conflict, accelerating in the prevailing macro context of a growing global interest farmland as an investment asset.

Second, the sociology of the state literature helps us better pondering how processes associated with land allocation and administration are inherently political and historically embedded (Baglioni and Gibbon, 2013; Wily, 2012). As noted by Kelly and Peluso (2015, p. 488), "large-scale land allocations have been part of, and enabled by, much longer historical trajectories of state land acquisition, control, commodification and frontier making". Indeed, for the state, as Scott (1998) argues, increasing the legibility of illegible populations (for example, through land titling, mapping, census, taxation) is crucial to asserting and strengthening its political control and legitimacy. Regarding large-scale agro-investments in Africa, scholars have showed that the state's involvement in land deals is not purely developmental or economically motivated: it is also often intertwined with the state officials' desire to strengthen their political and territorial authority over the periphery (Lavers, 2012a, 2012b; Bélair, 2018; Nalepa et al., 2017; Wolford et al., 2013; Lavers and Boamah, 2016; R. Hall and Kepe, 2017).

Third, and finally, in addition to literature on land grabbing, land formalisation and state formation, Neo-Marxist scholars argue that new neoliberal enclosures in developing countries have been created by the desire for global capital expansion and the constant quest for new investments frontiers (McMichael, 2012, 2013; Glassman, 2006; Harvey, 2003; Akram-Lodhi, 2007; Akram-Lodhi and Kay, 2010; Bergius et al., 2017). Importantly, they highlight that capitalist accumulation processes and concomitant land dispossession are often results of a "combination of predatory practices and legal mechanisms" (Harvey, 2003; Kandel, 2015, p. 635). Similarly, Hall et al. (2011) point to the mixture of mechanisms at play to enable dispossession, including regulation, force and efforts of legitimization. Furthermore, it has been argued that a key to understand resulting processes of dispossession is the dual role played by state officials involved in both land administration and investment negotiations: they are at once "regulators and rent-seekers" (Peluso and Lund, 2011, p. 670; see also Bélair, 2018; Blache, 2018; Maganga et al., 2016), observations that proved important to our study.

During a total of 27 months, data was collected through 666 semi-structured interviews with village, district and central government officials, village members, civil society organisations, corporate executives and agency staff. We conducted 58 focus group discussions and participatory observation and a large share of the 666 interviews in 73 villages and 4 subvillages (see Table 1). In addition, document analysis constitutes an important part of the study, not least to triangulate interview data,<sup>2</sup> including analyses of title deeds, official letters, District and Village Land Use Plans and Village Land Certificates—when available, and regional maps, corporate documents, key legal frameworks and development policies. For Rufiji and Misenyi districts, data collection was conducted between June 2016–September 2017 (9 months). For Bagamoyo and Kigoma districts, fieldwork was conducted over 1–3 months each year between 2012 and 2016 (7 months), with a shorter follow-ups in 2017 and 2020. For Kilombero and Ulanga

<sup>2</sup> For instance, signatures on Village Land Use Plan documents could be used to verify the participation/consent (or the lack thereof) from village councils and chairmen.

**Table 1**

An overview of the number of villages visited and the number of interviews conducted per district.

Region	District	Investors	Number of villages visited	Number of focus groups conducted	Number of interviews conducted (village, district and central government representatives, villagers, company executives, civil society organisations, development officials)
Morogoro	Kilombero	Green Resources Ltd.; Kilombero Sugar Company Ltd.; Kilombero Plantation Ltd.; Sugar Development Corporation; Kilombero Valley Teak Company	39	25	259
Morogoro	Ulanga	Kilombero Valley Teak Company	13	13	125
Pwani	Rufiji	Lukuliro Farm Holdings, Eurovistaa Inc.; Safe Agricultural Production; Rufiji Sugar/Agro-Forests/METL Group; Frontline	9	0	84
Pwani	Bagamoyo	AgroEcoEnergy	2 villages & 4 subvillages	6	73
Kagera	Missenyi	Kagera Sugar	9	0	81
Kigoma	Uvinza	Felisa Ltd.	1	14	44
<b>4</b>	<b>6</b>	<b>13</b>	<b>73 villages, 4 subvillages</b>	<b>58</b>	<b>666</b>

districts, fieldwork was conducted from May to September 2015, June to August 2016 and in March and April 2017 (11 months) with a short follow-up in September 2019 (see Table 2). Our data enabled an aggregate analysis of the patterns that emerge from the combined effects of land formalisation and acquisition in Tanzania. Yet, it is worth noting that researching land matters in Tanzania is politically contentious. Preserving our independence, rendering the field legible and assessing our positionality in the field were constant challenges that the authors addressed through constant reflexivity. Moreover, the authors carefully triangulated the information collected in order to ensure the validity of findings to the extent possible, not least through field observations and putting much effort into the challenging task of collecting and analyzing various official documents (Fig. 1).<sup>3</sup>

The paper is composed of another three sections. Section 2 contextualises the Tanzanian case, giving an overview of how the two development orientations of land acquisition for agro-investment and land formalisation have unfolded in Tanzania over decades. It presents i) a critical discussion on the overarching Tanzanian legal land framework including the recent national land policy process; ii) different legal and policy initiatives that foster large-scale, private sector land acquisitions for agro-investment and iii) a discussion on the land formalisation agenda and the national guidelines for its implementation. Section 3 analyses and outlines the outcomes of the implementation of four key legislative acts and policies; two in direct relation to land acquisition and two policies guiding land formalisation processes. The paper ends with a discussion and a concluding section.

<sup>3</sup> Although we provide district and investors' names, we chose to not reveal the names of villages or villagers because it would violate our ethical responsibility as researchers exploring the highly political and controversial topic of land in Tanzania, potentially putting our respondents at risk of retaliation from e.g. the government.

## 2. Setting the context in Tanzania

### 2.1. The Tanzanian legal land framework

Since the early 2000's, land has become perhaps more pertinent an issue in Tanzania than ever before. Tanzania's land legislative framework<sup>4</sup> has been depicted as one of the most progressive in Africa, because it recognizes the authority of the village council to govern village land. However, from the onset, there have been concerns regarding the genuine engagement of the state to decentralise land administration and provide villagers with secured land rights, especially because the discretionary power of the central state regarding land allocation and administration remains unquestioned. Indeed, all land in Tanzania still belong to the President: "all land [...] is public land vested in the President as trustee on behalf of citizens" (National Land Policy 1995).<sup>5</sup>

As indicated, the President also has the right to convert village land into general land, for "public interest".<sup>6</sup> Another controversial aspect intrinsic to the two most important Acts for this paper – The Land Act and the Village Land Act both from 1999 – stems from their contradictory statements on the characterization of the "village land" versus "general land". The former argues that general lands represent "all public land which is not reserved or village land", whereas the latter defines general land as "all public land which is not reserved land or village land and includes unoccupied or unused village land" (Section 2 of the Land Act [Cap. 113 R.E. 113] our emphasis). This addition provides ample leeway for interpretation of how to define "unused" land.<sup>7</sup> A

<sup>4</sup> Tanzania's public land is divided into three legal categories: reserved land, general land and village land. Reserved land include Nature Reserves and National Parks. The Village Council is responsible for managing Village land, and General land is a residual category: everything that is not reserved or village land falls into general land and can then be deemed available for investments

<sup>5</sup> This follows practice during the British and German colonial rule and goes against the 1992 Land Commission's recommendation that the ultimate ownership of land should be vested in the village governments (Shivji, 1992).

<sup>6</sup> This process is regulated under the Compulsory Land Acquisition Act No.47 of 1967 (Cap 118), which states that "The President may, subject to the provisions of this Act, acquire any land for any estate or term where such land is required for any public purpose" (Part II.a.3.).

<sup>7</sup> For a broader discussion on these narratives, see Scoones et al., 2019.

**Table 2**  
An overview of investment cases<sup>1</sup>.

Investor	Region	District	Hectares	Legislative act/policy resulting in dispossession	Key actors	SAGCOT	Status of the investor land title transfer <sup>2</sup>	Status of the investment
Green Resources Ltd	Morogoro	Kilombero	62,000	■ Village Land Use Plan	■ Central state ■ Norfund ■ District authorities	X	■ Partly completed	■ Operational
Kilombero Sugar Company Ltd.	Morogoro	Kilombero	12,000	■ District/Village Land Use Plan ■ Land Bank	■ Sugar Board of Tanzania ■ Central state ■ District authorities ■ Illovo Sugar Ltd.	X	■ Completed	■ Operational
Kilombero Plantation Ltd (KPL)	Morogoro	Kilombero	5800	■ Village Land Use Plan	■ Central state ■ District authorities ■ Agrica Ltd (previous InfEnergy)	X	■ Completed	■ Not operational (went bankrupt in 2019)
Kilombero Valley Teak Company	Morogoro	Ulanga / Kilombero	28,000	■ District/Village Land Use Plan	■ Central state ■ District authorities ■ The Commonwealth Development Corporation (CDC) ■ Japan International Cooperation Agency	X	■ Completed	■ Operational
Sugar Development Corporation	Morogoro	Kilombero “The Ruiipa Site”	10,000	■ District/Village Land Use Plan	■ Central state ■ Sugar Development Corporation (SUDECO) (later the Sugar Board of Tanzania - SBT) ■ Rufiji Basin Development Authority (RUBADA) ■ District authorities ■ Ward authorities	X	■ In process	■ Not operational
Lukulino Farm Holdings	Pwani	Rufiji	5507	■ Village Land Certificate/Village Land Use Plan	■ TIC ■ Central state ■ District authorities		■ Completed	■ Not operational
Eurovistaa Inc	Pwani	Rufiji	1301	■ Village Land Certificate/Village Land Use Plan	■ TIC ■ Central state ■ District authorities		■ Completed	■ Not operational
Safe Agricultural Production	Pwani	Rufiji	3060	■ Village Land Certificate/Village Land Use Plan	■ Central state ■ District authorities		■ Completed	■ Not operational
Kagera Sugar	Kagera	Missenyi	About 25,000	■ Village Land Certificate/Village Land Use Plan	■ Central state ■ Kagera Sugar ■ District authorities ■ Local investors (local political elite)		■ Completed	■ Partly operational (production on approx. 9000 out of 24 000 ha as of 2017)
Rufiji Sugar/ Agro-Forests/ METL Group	Pwani	Rufiji	Over 25,000	■ Village Land Certificate/Village Land Use Plan	■ Rubada ■ District authorities		■ In process	■ Not operational
Frontline	Pwani	Rufiji	5050	■ Village Land Certificate/Village Land Use Plan	■ Rubada ■ District authorities		■ In process	■ Not operational
Felisa Ltd	Kigoma	Uvinza	4258	■ Village Land Certificate/	■ District authorities		■ Completed	■ Partly operational (production)

(continued on next page)

Table 2 (continued)

Investor	Region	District	Hectares	Legislative act/policy resulting in dispossession	Key actors	SAGCOT	Status of the investor land title transfer <sup>2</sup>	Status of the investment
AgroEcoEnergy	Pwani	Bagamoyo	20,374	Village Land Use Plan <ul style="list-style-type: none"> <li>■ Land Bank</li> <li>■ Land for Equity</li> <li>■ Village Land Use Plan</li> </ul>	<ul style="list-style-type: none"> <li>■ Central state</li> <li>■ Standard Bank</li> <li>■ Swedish Development Agency (Sida)</li> <li>■ African Development Bank</li> </ul>	X	<ul style="list-style-type: none"> <li>■ Completed but revoked in 2016</li> </ul>	<ul style="list-style-type: none"> <li>■ Not operational</li> </ul>

In all our cases, the status of land before any transfer was contested. Neither the historical recognition of customary rights before villagisation in the 1970's, nor customary claims by villagers based on the Village Land Act were taken into account by the Tanzanian government. Furthermore, in some cases the issue of who were natives or not, and how that influenced their rights, complicated the situation.

<sup>2</sup>Data on status was collected between 2017 and 2019 for the different cases. <sup>3</sup>AgroEco Energy has been replaced by a domestic investor on 10 000 ha, making rapid progress.

range of scholars have criticised the risks of not defining “public interest” and the ambiguity of how general land is defined in the 1999 Land Acts. In an FAO report, Sundet (2005) pointed out that such vague terms constituted potential means for the central state to lawfully dispossess Tanzanians to favor investors.

In August 2015, Tanzania initiated a review of its 1995 National Land Policy. The 2018 draft of the revised National Land Policy (hereafter NLP draft 2018) does not address the pitfalls of previous land policies, nor does it provide viable solutions to tenure insecurity, dispute settlements, and overlapping institutional structures over land allocation and administration. Rather, it reaffirms that Tanzania has “plenty of unused or unoccupied village land” and that villagers’ main economic activity—subsistence agriculture—is economically unproductive. Given these statements, it is without surprise that particular emphasis is put on promoting investment in the land sector: “In respect to land for investment purpose, the country is in great need of promoting local and foreign investment” (NLP draft 2018, p. 59). In addition, the NLP draft pushes for a recentralization of land management by establishing government controlled land offices at ward and village levels to oversee village planning and mapping processes. This attempt at centralizing land management is significant because it might disempower villages’ authorities whose powers are clearly stipulated in the Village Land Act. Concretely, it means that villagers will still be authorized to manage their land, but under the purview of a new, state appointed, agent at village level.

## 2.2. Promoting land based investment in the agricultural sector

The development orientation of liberalising the land market emerged in the 1990's. For instance, in 1997, the Tanzanian Investment Center (TIC) was created to promote, co-ordinate and facilitate investments in Tanzania. TIC was also tasked with identifying “unused” land available for investment and facilitate land allocation to investors by creating a nationwide registry of all land available for investment in a Land Bank. In line with the privatisation agenda, two key national strategies were subsequently launched. First, the *Kilimo Kwanza* in 2009 (translating into Agriculture First) aimed to facilitate access by investors to land (Abdallah et al., 2014). Second, the Southern Agricultural Growth Corridor of Tanzania (SAGCOT) was launched at the African World Economic Forum in 2010, constituting a third of Tanzania’s land area and aims to transform more than 300,000 ha of land into highly intensive and mechanized agricultural production. However, implementation is slow “if not under existential threat” (Hartmann et al., 2021, p. 128). Meanwhile, in 2005, a third policy influencing private investment in land was initiated that has been paid much less attention in the academic scrutiny of land grabs - the Land for Equity Policy. The Policy was

introduced to ensure that large-scale agro-investments were “win-win” solutions, benefiting both public and private stakeholders (Engström and Hajdu, 2018). This would be enabled through the central government, or even local communities, becoming shareholders in the company, with the expectation of gaining dividends in the longer term - suggestions resembling ideas promoted by the World Bank. Although the policy was specifically linked to, at the time, a newly initiated investment in Bagamoyo District (one of our cases), the idea was to apply the Land for Equity Policy widely on future agro-investments (Abdallah et al., 2014).

Within the current legal framework, land for large-scale agro-investment can be acquired mainly through two different processes. First, the President can allocate land directly for investment by transferring village land to general land for “public interest”. Second, public agencies<sup>8</sup> in collaboration with the Ministry of Land may attribute village land for investment purposes. Previous studies show that in practice, the Village Council agrees willingly or not, and with varying degrees of information about the consequences (Locher and Müller-Böker, 2014; Bélair, 2018) to give up their village land rights to a parcel of land, and central agencies oversee the process of transferring it permanently to general land.<sup>9</sup>

## 2.3. The land formalisation agenda

Apart from land acquisition for investment purposes, the second development orientation under scrutiny in this paper, is a re-emphasis

<sup>8</sup> Public agencies with such authority include the Tanzanian Investment Center, the Rufiji Basin Development Authority (RUBADA), the Southern Agricultural Growth Corridor of Tanzania (SAGCOT) Center Ltd., or specific crop regulating parastatals like the Sugar Board of Tanzania. As the paper focuses on farmland deals, we are not going to tackle the Export Processing Zone Authority or environmental government organs, but we acknowledge that they can be also part of land transfers. Also, it is worth noting that as of September 2017, the government has decided to dismantle Rubada and to transfer the remaining employees under the Ministry of Agriculture (for a detailed discussion on Rubada’s role with investors, see Bélair, 2018).

<sup>9</sup> Contrarily to Tanzanian investors who can obtain rights of occupancy on general land, foreigners can only be granted Derivative Rights of Occupancy, usually in the form of long-term Leasehold Titles. Consequently, they must pass through the TIC, which remains legally the ultimate holder of land rights on their behalf.

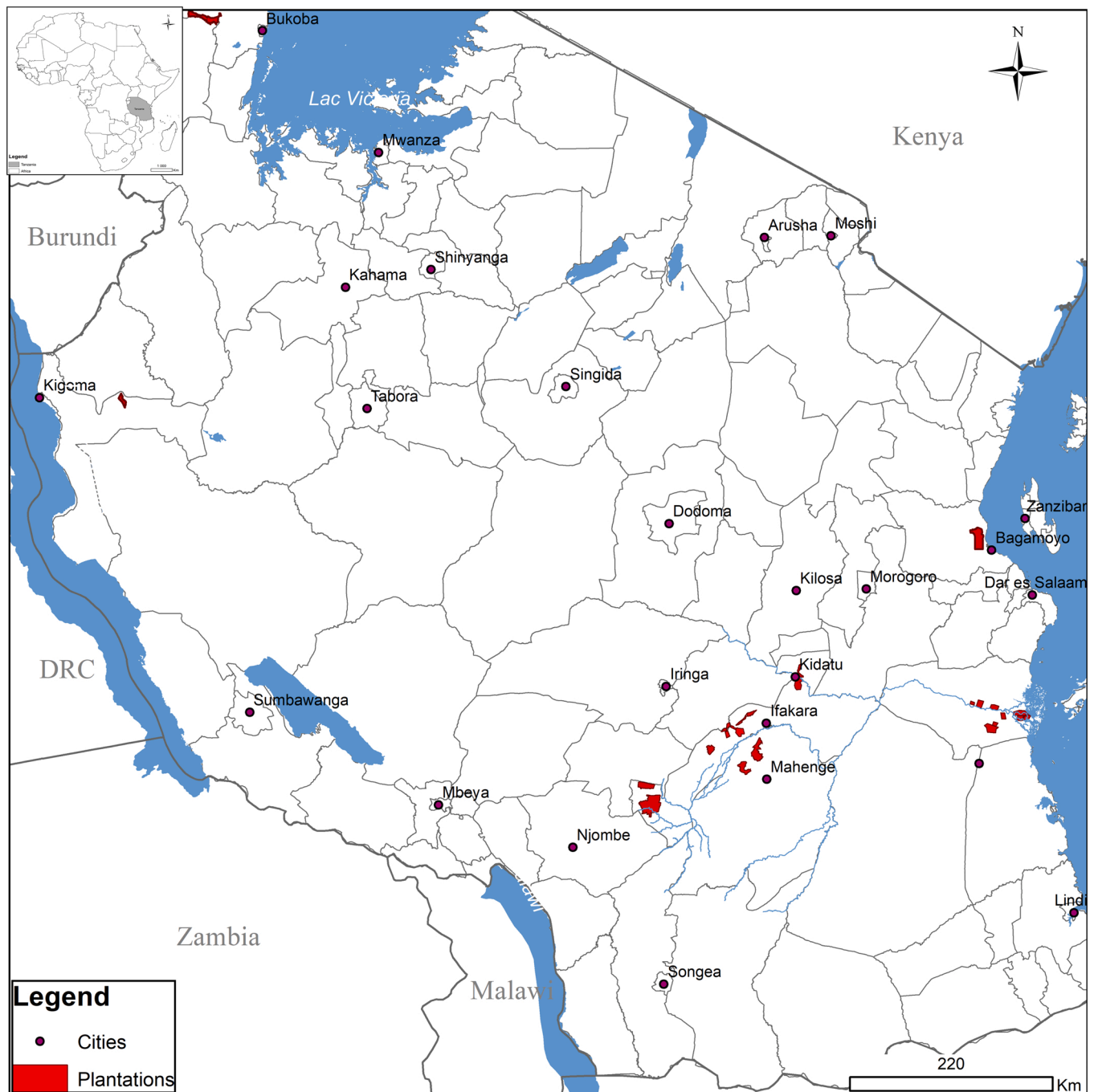


Fig. 1. The locations of our thirteen investment cases.

on land tenure<sup>10</sup> formalisation (hereafter land formalisation). Underpinning the donor driven agenda on land formalisation in Tanzania, and many other African countries, is the view that land use arrangements need to be planned, registered and titled. According to the World Bank, land formalisation is crucial to provide security of tenure for smallholder producers to encourage investment, and thus, productivity increases

<sup>10</sup> Payne (1996, p.3) defines land tenure as “the mode by which land is held or owned, or the set of relationships among people concerning the use of land and its product”. He states that the way land tenure is conceptualized reveal underpinning assumptions, varying from seeing land as something sacred to values where land is to be seen as any other commodity, and can be commercialized and exploited.

(Byamugisha, 2013). The idea is also that by identifying land available for investment through land formalisation, it will facilitate land transactions by providing (foreign and domestic) investors diligent and secure access to land and reduce land conflicts (Askew and Odgaard, 2019).

In Tanzania, the land formalisation agenda has been mainly donor funded (Stein et al., 2016; Biddulph, 2018). For instance, the Land Tenure Support Programme (LTSP), funded by Swedish and British development agencies, aims at securing land tenure for investors and smallholders alike (LTSP, 2016). The National Land Use Planning Commission (NLUPC) is an advisory organ to the government, coordinating activities related to land use, established by the Act of Parliament no. 3 of 1984 (and later by the Land Use Planning Act, Cap 116) (Kazueni et al., 1993). More specifically, NLUPC is responsible for the

planning of rural areas, and in charge of overseeing the implementation of the formalisation programme country wide. One of the responsibilities of the NLUPC is to provide training to district teams on methods and techniques for land planning.<sup>11</sup> According to the national planning strategy for land use planning, the district planning team should make their district land use plan before starting the planning process at the village level (URT, 2017).

The district planning team is the planning authority at the village level. According to the NLUPC, the team should be composed of about eight to ten members, from various professional backgrounds (e.g. land, livestock, water, forestry, wildlife and community officials). At village level, land planning and formalisation entails two distinct but interrelated steps. First, village borders should be identified, marked and registered to achieve a Village Land Certificate.<sup>12</sup> The certificate endows the Village Council the right to manage the demarcated land (Village Land Act, pp. 49–50). In cases where there are contesting opinions between the village and other landholders, the Minister of Lands is required to appoint a “mediator” to work with the conflicting parties to find a “compromise” (section 7(2)(a), Village Land Act). Following the Village Land Certificate process, Village land use planning should take place where zones are identified for different land uses *within* the land demarcated in a Village Land Certificate.<sup>13</sup> Importantly, a Village Land Use Plan must also be in place for a village council to decide to grant derivative rights to investors within the village (Village Land Act Section 33, 169).

#### 2.4. Legal requirements for participation in Tanzanian land use planning

The Village Land Use Plan (VLUP) is described as “one of the key elements for enabling [village members] to have sustainable success in economic and social activities” (VLUP Kilombero village, p. ii). The Land Use Planning Act (2007, p. 13) also specifies the important role that villages should play in the process by stipulating that “every village council shall be a Village land use planning authority for the respective village” and that land use plans should be approved by village assemblies.<sup>14</sup> Officially then, the process should be participatory in a number of ways and follow the directives stipulated by the Ministry of Lands<sup>15</sup> in the document titled “Guidelines for Participatory Village Land Use Management in Tanzania” (URT, 2011). Similar emphasis on the importance of participation of local communities in development interventions can be found in global sustainability safeguards.<sup>16</sup> In Tanzania, one of the key instruments to ensure this participation is a requirement in the National Guidelines for Participatory Land Use Planning to form a Village Land Use Management Committee in each

<sup>11</sup> Training is based on a document called: Guidelines for participatory Village land use planning, administration and management Tanzania. It is worth noting that district teams have their own budget which is attributed by the Treasury (not the NLUPC). Planning is usually done using hand GPS and topographical maps, and more rarely by satellite imagery. [https://www.nlupc.go.tz/uploads/publications/sw1574325071-Guidelines%20for%20Participatory%20Village%20Land%20Use%20Planning,%20Administration%20and%20Management%20in%20Tanzania.pdf]

<sup>12</sup> This process is regulated by the Village Land Act and granted by the Commissioner for Lands.

<sup>13</sup> This process is regulated by the Land Use Planning Act of 2007. Following the establishment of a Village Land Certificate and a Village Land Use Plan, individual titling programmes can be launched, with the purpose of issuing land titles at individual/household level, so called Certificates for Customary Rights of Occupancy.

<sup>14</sup> The assembly consists of all village members at least 18 years old.

<sup>15</sup> Ministry of Lands is short for Ministry of Lands, Housing and Human Settlements Development.

<sup>16</sup> See for instance the World Bank’s Environmental and Social Framework, FAO’s Voluntary Guidelines and the FAO, IFAD and World Food Programme’s RAI principles for Responsible Agricultural Investment

village. The Committee should work in collaboration with district land officers and village council in the planning process (URT, 2011, pp 31–47).

Once the planning process at the village level is completed, the district planning team is required to submit a report including the Village Land Certificate, the Village Land Use Plan and village by-laws for revision and endorsement by the NLUPC. The NLUPC then submits the documentation to the Ministry of Land which has to publish the approved Village Land Use Plans. Village Land Use Plans usually have a validity of ten years. If there is a need for review or change in the plan, changes need to be agreed by both the village and district. Subsequently, the village and/or the district planning team should notify the NLUPC and the Ministry of Land for approval. However, as a highly ranked official at the NLUPC states: “in practice, they don’t do that all the time. Even not all Village Land Use Plans are received by us” (interview NLUPC 2017).<sup>17</sup>

The implementation rate of village land use planning has been slow much due to limited resources (Biddulph, 2018). As of 2016, out of the 12 545 villages in the country, 11 000 are surveyed but only 13,5% of villages have land use plans (NLP draft 2018). According to the NLUPC, the lack of financial resources is an important problem. Moreover, while attempts to implement the Village Land Act have been going on since the early 2000’s, recent formalisation initiatives have largely targeted areas demarcated for investment, not least the SAGCOT.<sup>18</sup> This geographic focus is officially due to the strive to reduce the risk of smallholders’ losing land to investors and because a Village Land Use Plan is a precondition to transfer land to investors (SAGCOT 2012, p. 14; interview with the director of Planning at the Tanzanian National Land Use Planning Commission 08.2017).

To conclude, Tanzania’s land policies and legal frameworks are geared towards the interlinked global development orientations of land formalisation and land acquisition for agricultural investment, with emphasis on the participation and consent of local communities. Moreover, both orientations are promoted as important strategies to enhance the conditions of smallholders, including reducing poverty and strengthening smallholders’ land tenure security. Yet, as the next section shows, the practical outcomes of land planning practices in association with land investments have led not only to village land dispossession but also to the formalisation of such dispossession.

### 3. Patterns of dispossession

In this section, we outline how processes of land formalisation and land acquisition by investors unfold on the ground. It is structured in three separate sections describing the practical implementation of four key legislative acts and policies: two acts guiding land formalisation; the Village Land Use Act and the Land Use Planning Act, and two policies related to land acquisition; the Land for Equity Policy and National Land Bank. In the former, we put particular emphasis on the implementation of village land use planning (to produce Village Land Certificates and Village Land Use Plans) and district land use planning (to produce

<sup>17</sup> To what extent there are consequences of not following the existing procedures of village land legislation (such as not submitting changed land use plans to the NLUPC), and what these consequences could be, remain unclear to us. Nevertheless, this example illustrates yet another the discrepancy between guidelines and practices in the Tanzanian context.

<sup>18</sup> Villages within the SAGCOT area have been the top priority of two recent formalisation programmes (the Land Tenure Support Programme initiated in 2016 (LTSP 2016) and the Programme for Planning, Surveying and Land Titling initiated in 2015 (PPSLT 2015)), because of its high agricultural potential and investment demands. For instance, since 2016, the Land Tenure Support Programme was implemented in three SAGCOT districts as pilot sites (Kilombero, Ulanga and Malinyi Districts). The first step of the programme was to demarcate village borders, then draw the Village Land Use Plan and then allocate individual titles, so-called CCROs, to villagers (LTSP, 2016).

District Land Use Plans).

### 3.1. The Land for Equity Policy

“There is no lack of land. If you travel around the country or fly over it, there is no lack of land. There are vast tracts of land that are not used, or used very little” (Interview agro-investor CEO, 2016)

The Land for Equity Policy was initiated around 2005 to be developed and piloted on a sugar-cane investment in Bagamoyo district. At the time, the investor aimed at planting 12,000 ha of sugarcane on a 20,374 ha estate (Engström and Hajdu, 2018). Through a Memorandum of Understanding, the land, which was part of a former state managed cattle ranch,<sup>19</sup> was allocated to the investor before people living on the land were informed (URT 2006, 2016). In 2013, the investor gained its derivative rights of occupancy including a Land for Equity arrangement with the Government (URT, 2013). Although approximately 1400 people resided on and used the land for farming, fishing and grazing (Chung 2017), the investor legitimized its project through depicting land in Tanzania as generally “underdeveloped” and “uncultivated” (PIM, 2010, p. 10 and 23), a view also indicated in the above quotation. In a Land for Equity arrangement, the land was to be handed over to the investor “free from encumbrance”, referring to it as being prepared for planting following an accomplished resettlement of the people residing on the land (Nshala et al., 2013, p. 62).

Despite this arrangement, however, and despite expectations on economic profit for the state and the local communities through their proposed future share-holding, none of the presumed beneficiaries gained as purported. Rather, the process was entangled by negotiations, unclear responsibility divisions between the government and the investor, and conflicts over land. For example, in 2012, three elders sued the government and the investor for trespassing, a court case which they eventually lost as the land was defined as general land, but that delayed the investment with several years (Chung 2017). Moreover, the land acquired by the investor included a land area that had not been part of the cattle ranch, but was claimed by one of the adjacent villages. However, in 2014, the District Office presented a new Village Land Certificate to this village, where the land that was previously village land had been excluded and allocated for investment (Chung 2017).

At the time of writing, the Land for Equity policy process has not been finalized. Despite financial support from the Standard Bank and the Swedish international development agency (Sida) the company failed to get the equity funding needed and was stalled by challenges such as those indicated above. Therefore, it never planted a single sugarcane on the land. Thus, when President Magufuli revoked the investor’s land title in 2016, the state had not gained any dividends. Nor had it received any land rent from the company: The company executives refused to pay any rent because the resettlement had not yet taken place and thus, they argue, the land was still not “free of encumbrance” which was promised through the Land for Equity arrangement.<sup>20</sup>

Meanwhile, since the local communities had eventually, in 2011, been informed about the upcoming resettlement and interlinked compensation processes, the project was repeatedly delayed and local communities awaited resettlement with increasing uncertainty. As with other pending land transfers, for instance in relation to the Ruipa investment in the Kilombero Valley below, the prevailing uncertainty regarding when the effective exclusion would take place created a *status quo*, or even regression, in terms of development. In this case, for

instance, farmers mentioned in interviews that they had stopped investing in farmland and put future planning on hold. Most importantly, the elders’ court case and the new Village Land Certificate produced a definite categorization of the land as general land and thus, the village was dispossessed of its land and the state consolidated its control over it.

### 3.2. The Village Land Use Act and the Land Use Planning Act

Village land use planning in villages whose land has been targeted for investment projects adversely caused dispossession in many of our cases. Such land use planning sometimes included a process to produce a Village Land Use Plan, and sometimes as a combination of producing a Village Land Certificate and a Village Land Use Plan. Although the Land Use Planning Act 2007 promotes a participatory approach, in all our cases with a village land use planning process, villagers’ influence over the processes and their outcomes has been minimal. Even though villagers were often involved to some extent in drafting their land use plan, consultations were often turned into a technicality rather than a collaborative process, through which villagers were neither allowed to significantly contribute nor to contest the validity of final plans. One rationale behind this is a disbelief in villagers’ capabilities to contribute, as expressed by one district land officer: “the government is trying to involve rural communities in planning and mapping processes, but in the end, the government is the only legitimate authority when it comes to land. If people do not understand what is good for them, the government must use its power for the public good” (interview Rufiji District, 2016).<sup>21</sup> Through undermining village participation, the village land use planning processes we have studied have significantly contributed to conflicts between villagers and district authorities. However, as we will show, there is a great variance in the implementation of land formalisation processes from one district to another.

In Rufiji district, which is part of the SAGCOT and thus one of the most targeted districts for large-scale agro-investments in Tanzania, nearly all village land has been surveyed. Out of thirty-eight villages, thirty-four have their Village Land Certificates and four were still lacking them mainly due to unsolved boundary conflicts between neighboring villages (interviews Rufiji District, 2016).<sup>22</sup> We have followed the village land use planning processes in three of the villages *with* land certificates. According to the Land Use Planning Act, it is mandatory for all villages to demarcate land for investment in their Village Land Use Plan. In all three villages, villagers identified land for investment that they deemed less valuable, for instance dense bush land that was currently unused.<sup>23</sup> If investors would show interest, villagers assumed that they would be interested in the land demarcated for this purpose on their land use plan. However, in all three villages, land acquisition for investment instead concerned land that was not demarcated for investment,<sup>24</sup> a process that would require a change in the Village Land Use Plans. Nevertheless, land transfers to the investor were completed. Throughout the process, the information regarding the planned investment locations was kept obscure to villagers even in village meetings with investors and district officials. Thus, district officials modified the land use plans without consultation with, nor the consent from, villagers, in direct violation of the Land Use Planning Act and the national guidelines developed by the Ministry of Lands. Further, once the land acquisition was approved at district level, villagers permanently lost the land because it was transferred to the general category.

<sup>19</sup> In 1974, the government granted 28 097 ha of land to a cattle ranch which went bankrupt in 1994. However, the land acquisition process and the compensation to villagers at the time was contested by adjacent villages.

<sup>20</sup> Half of the land that was acquired by Eco Energy Ltd has since been allocated to a domestic investor, who had, in 2020, already started construction of a sugar production plant and plantation of sugar cane on the land. The company is planning to start sugar production in June 2022 (Food Business Africa, 2021).

<sup>21</sup> Interview with Rufiji district official November 10, 2016.

<sup>22</sup> Interviews with Rufiji district Land Surveyor November 25, and Rufiji Liaison officer Rubada November 11, 2016.

<sup>23</sup> In our understanding, the kind of investment to be performed on that particular land does not need to be specified.

<sup>24</sup> Similar dynamics were observed for another two investment projects that were still in the process of land acquisition in Rufiji District in 2017.



Another illustration of a flawed land use planning process is the Ruipa site in Kilombero District, also a key SAGCOT investment area. In 2008, district authorities visited four villages to present a Village Land Use Plan in each village.<sup>25</sup> In all four villages, the plan showed how village land had been set aside for a parastatal sugarcane company, the Sugar Board of Tanzania, ranging from between 13% and 62% of the villages' land area<sup>26</sup> (Blache, 2018; Chachage and Mbunda, 2009). Importantly, this allocation of land completely disregarded the Village Land Certificate the villages had already obtained a few years earlier, in which this land was demarcated as village land. Thus, this land use planning process overlooked not only the criteria for participation in the Land Use Planning Act, but also the villages' authority over land management that they had gained through their Village Land Certificate. The process was legitimized by the central and district governments with the need to expand domestic sugar production in order to ensure self-sufficiency and reduce import expenditures. This is clearly a case where "public interest" was used to legitimize dispossession of village land.

These actions stirred strong resistance in all four villages and were contested in court by three of them. In the village that risked losing 62% of its land, the village assembly strongly disapproved of the Village Land Use Plan. However, they discovered that village approval of the Land Use Plan had been enabled by one of the village council members, who had close relations to a Kilombero company representative: he produced forged meeting minutes by using names of deceased people, children and others thereby providing district authorities with the necessary number of signatures to declare the Village Land Use Plan as approved by the Village Assembly (Village Assembly meeting minutes). In the face of these predatory practices, other village members including the village council, sustain their resistance against the VLUP, a contestation process that is still ongoing at the time of writing.

On the other side of the Kilombero River, in Ulanga District, ten villages bordering the Kilombero Valley Teak Company plantation<sup>27</sup> experienced similar processes (Blache, 2020). Here, district authorities changed the existing Village Land Use Plans without villagers' participation or agreement.<sup>28</sup> In one village, whereas the existing Village Land Use Plan showed the investors' land *within* the village boundaries, the new one removed half of the village land from the plan,<sup>29</sup> and instead labelled it "Kilombero Valley Teak Company". Similarly to the cases in Rufiji, the village lost its authority over this land to the state and it would never be able to claim it back would the investment fail or its lease run out because it had been converted to general land. Moreover, transferring the land to general land has freed the investor from paying any compensation to the village.

<sup>25</sup> In the VLUPs, it was stated that the land use planning process was hand in hand with SAGCOT and meant to allocate land for investment.

<sup>26</sup> In the VLUPs, one village was dispossessed with 62% of the village to a sugar plantation and 10% for the nearby RAMSAR site. The second village was dispossessed with 17% of its land to the sugar investment. In the third village, the VLUP demarcated 31% reserved for the RAMSAR site. In the fourth village, 13% of the total village land was allocated to the sugar company. Data is retrieved from VLUP and VLC documents and described more in detail in Blache (2018).

<sup>27</sup> The plantation was established in 1992 on 28,000 ha. The delimitation of the plantation borders was done with village council members. However, elders in one involved village argued that the borders were trespassing on village land, even excluding villagers from accessing the main river of the area.

<sup>28</sup> It was in focus group discussions with village council members and chairman held in 2017 that the villagers found out about the existence of their new VLUP.

<sup>29</sup> The existing VLUP was dated 2008 and the new one 2013.

We have also analysed processes where dispossession occurred during the process of granting a Village Land Certificate. One illustrative example of conflicts between villagers and district linked to such a process, was observed in Missenyi district.<sup>30</sup> In one village nearby the Kagera Sugar investment, village leaders initially refused to accept the first Village Land Certificate that was presented to them by the district because a whole section of their village had been excluded. Interviews and fieldwork revealed that the excluded land was valuable to local Tanzanian investors interested in establishing outgrower sugarcane plantations. When the village repeatedly refused to approve the Village Land Certificate, they were threatened by district officials who told them to comply, otherwise they would lose all their village land. Eventually, the leaders complied and signed the document to acknowledge their new Village Land Certificate (Interview, Misennyi district, 2016).<sup>31</sup>

Apart from neglecting legal requirements of local communities' participation, another aspect of rural land formalisation that proved problematic was that they were sometimes funded by external actors. With the case from Ulanga district above, the initial Village Land Use Plan had been financed by the Kilombero Teak Valley company, who delimited the borders of the plantation *within* village land. The second land use plan, where half of the village land (as per the first land use plan) had been removed to being outside the village, was financed by the Japanese International Cooperation Agency, in line with its global development aid programme aiming at strengthening development planning in the country. Thus, in both cases external funding was involved in the dispossession of land from the village, both in terms of access and rights. Interestingly, it was the development agency that contributed to an *irreversible* formalisation of this dispossession. Thus, in contrast to donors' ambition of increased security of tenure for small-holders through formalisation, it was the latter land use plan, funded by a foreign development agency that hit the villagers the hardest.

Another example of externally funded land formalisation was found in Kilombero District, where the investor Green Resources Ltd. financed and realized the village land use planning of the four villages surrounding their plantation with obvious conflicts of interest. In one of those villages, 80% of the village land was transferred into general land in the new plan. Similarly, in two neighbouring villages, approximately half of the village's land was transferred to general land to be used by the same investor.<sup>32</sup> The investor legitimized such a contentious planning process by depicting the land as "currently unproductive grasslands with no prior economic activity" (Green Resources, 2019).

Two final examples show-casing predatory practices by investors in village land use planning processes derive from the investment undertaken in Bagamoyo district, and one investment in Kilombero district. In both cases, the consultants performing the land use planning in villages adjacent to the planned investments were funded by the investors. The resulting new Village Land Certificates (Bagamoyo case, see Chung 2017 for details) and Village Land Use Plans excluded land that was claimed by the villages and thus, both documents had been produced without the consent from village leaders as required by the legislative framework.

Below, we present findings on processes related to the implementation of the National Land Bank, the fourth and final act/policy that we have analysed the practical outcomes of.

### 3.3. National Land Bank

"This area is farmed by thousands of peasants and there are more and more pastoralists coming in the area. If they say it is a land bank, a

<sup>30</sup> Missenyi District is a relatively new district (2007). Out of 77 villages, 72 villages have been surveyed and received their Village Land Certificates, but by 2016 none of them had yet received their Village Land Use Plan (Interview District officers, 2016).

<sup>31</sup> Interview with district head of land department, August 11 2016.

<sup>32</sup> Data was retrieved from Village Land Use Plan documents.

land bank for whom?" (Focus group discussion, Ulanga District, 2016)<sup>33</sup>

As indicated, one of the main tasks of the Tanzanian Investment Center is to identify and gather land for investment in a so-called Land Bank. Importantly, however, in order to identify land for the Land Bank, formalisation processes, such as District Land Use Plans, Village Land Certificates and Village Land Use Plans, proved to be important processes in order to map, differentiate and formalise village land into general land for investment.

In 2013 and 2016 respectively, Ulanga and Kilombero districts drew their respective District Land Use Plan for the coming 20 years.<sup>34</sup> Doing so, they integrated instructions from the Ministry of Land to find suitable land for the Land Bank which included requirements to take villages' land use and claims into account. Nevertheless, in Ulanga, the process proved particularly messy since the plan demarcated a large tract of village land as Land Bank<sup>35</sup> without informing nor consulting affected villagers. Curiously, this District Land Use Plan was drawn by district officials who had drawn these villages' Land Use Plans earlier the same year. Thus, right after district officials legitimised the existence of the villages by drawing their Village Land Use Plans, the same districts officials erased this land in the district land use plan by demarcating 188,878 ha of their land as part of the Land Bank (Ulanga DLUP, 2013: 101).

Similarly, the Ruipa Site villages' land use planning processes described earlier in this section proved vital to pave the way for the Land Bank, through the district land use planning process. A few years after the contested village land use planning processes, the government presented the land as "free for investment" (SAGCOT, 2012, p. 30) and as part of the Land Bank (SAGCOT, SRESA, 2013, p. 162).<sup>36</sup> Moreover, the Kilombero District Land Use Plan was produced after the Village Land Use Plans just like the Ulanga plan. Most importantly, the district plan demarcated the whole area as "SUDECO" which means it was acquired by the Sugar Development Corporation. Thus, a Village land use planning process that did not fulfil legal participation requirements paved the way for expanding the Land Bank. This case, just like the one we present below, are cases where village land use planning and demarcations of land for the Land Bank demarcation have been linked and have led to transferring village land to the general category without fulfilling Tanzanian legal requirements of securing villagers' consent.

Apart from district officials using village and district land use plans in order to dispossess villages of their land and subsequently demarcate it for the Land Bank, our findings also indicate predatory practices used by district officials in Uvinza District<sup>37</sup> in direct relation to the Land Bank. In 1999, the TIC mandated the Kigoma regional office to identify "unused" land in the region with the specific purpose to set it aside for

<sup>33</sup> Focus group discussion with villagers in a village in Ulanga district, 14 August 2016.

<sup>34</sup> Ulanga District drew one for 2013–2033 and Kilombero District drew a plan for 2016–2036.

<sup>35</sup> In total, 189 000 ha were allocated to the Land Bank, which constituted 16% of the total district land area (Ulanga District Land Use Plan, 2013).

<sup>36</sup> Three out of the four villages affected by this loss of land organized themselves and launched cases at the High Court of Tanzania. To this day, the cases are still not settled, and the status of the land contested. Despite repeated threats by district authorities towards villagers, their resistance towards both processes around Village Land Use Plans and the District Land Use Plan has since continued, and tension and violence are increasing in the area (Blache, 2018).

<sup>37</sup> Kigoma Rural District changed into Uvinza District in 2014.

the Land Bank (Interviews Kigoma Region and Uvinza District, 2013 and 2014).<sup>38</sup> When Village Land Certificates and a land use planning processes were initiated in these villages a few years later,<sup>39</sup> the village border that was demarcated by district officials substantially reduced the village's land, according to village leaders and elders. Thus, the Village Council protested against their Village Land Certificate. The elders who participated in the border survey claimed that, during the process of demarcating the borders, the district officials had promised to continue the border demarcation another day in order to expand the village area. However, the district staff never returned to the village (several separate interviews with all the eight participating elders in 2013–2014). Nevertheless, the excluded 7000 ha, equaling a third of what the villagers perceived as their land, were subsequently transferred to the Land Bank as general land. Furthermore, this alienated villagers from the only permanent river in the area.

A few years after the boundary survey for the Village Land Certificate, in 2007, the company Felisa Ltd gained granted rights of occupancy to 4258 ha from the Land Bank area. Thus, it was the combined land use planning processes of Village Land Certificate and Village Land Use Plan that enabled land acquisition by the investor. Another negative impact of the land use planning on the village was that land set aside for future generations was excluded from the village. Since then, pressure on village land has increased due to immigration and population increase and there have been cases of severe land conflicts (Wallin Fernqvist 2021). Finally, this case resembles the Ulanga case since people lost not only large tracts of land but also access to important water sources.

This section showed that the third type of land use planning process we have studied – the district land use planning – proved to be a particularly important planning process entangled with the creation of a Land Bank. In sum, the messy processes and outcomes associated with rural land formalisation and land acquisition by investors outlined above have been performed as discrete although entangled exercises. We believe, however, that a rural land dispossession pattern should have become obvious at an aggregate level, which reveals quite different results than the positive outcomes expected by donors, governments and investors.

#### 4. Discussion

In this paper, we explored how processes of land formalisation and land acquisition for large-scale agro-investments unfold on the ground and their combined effects. Overall, we analysed how the combined implementation of four key land legislative acts and investment policies led to village land dispossession. We show that what in theory looks like discrete, legible administrative processes for the purposes of, for instance, allocating land to investors, identifying village borders and providing villages with zoned land use plans, are in practice muddled to the extent that it is sometimes becomes precarious to know which process is linked to what objectives, which actors are designated as responsible and which regulations and criteria for village participation are to be complied with. For instance, we have shown that in order to set up a Land Bank, processes of district land use planning or village border identification for a Village Land Certificate and a Village Land Use Plan were intrinsically intertwined. Moreover, in Rufiji, it remains unclear if villages with Village Land Use Plans have obtained their Land Certificates or not, even though it is required by law that such are in place before Land Use Plans are issued. In Kigoma, the certificate and land use planning processes were intertwined and muddled in their

<sup>38</sup> Interviews with officers at Kigoma Regional Office 14 March 2013 and Uvinza District Land Surveyors 10 February 2014.

<sup>39</sup> Villagers' opinions differed as to why this process was initiated; either by the district in order to identify land for investment, or by the village chairman in order to reduce internal conflict over land and safeguard the land from external appropriation.

implementation. Moreover, predatory practices such as concealing village resistance, the lack of fulfilling legal requirements for village participation or reporting changes in Land Use Plans to authorities such as NLUPC, are often “hidden” behind a formally recognized Land Use Plan or certificate which makes the muddled and often predatory process appear discrete and legitimate. Indeed, the deeper we dug into the empirical specificities of each process, the more we found an undecipherable messiness. In sum, the only pattern that emerged was that of village land dispossession, and that the processes associated with Village Land Use Planning and Village Land Certificate proved to be the most important to explain this dispossession pattern.<sup>40</sup> Curiously, while we found no case where local communities were successful in resisting contested certificates or land use plans, there are other documented Tanzanian cases where villagers have managed to successfully hinder inclusion of village land into the Land Bank (i.e. [Biddulph, 2018](#)). We believe the factors behind these different outcomes need more exploration. However, our findings show that when land acquisition and land formalisation are *combined*, in time and space, their outcomes have been detrimental to villages’ land rights.

Our empirical data strongly support earlier observations that district officials play a pivotal role in land formalisation and acquisition processes ([Bélair, 2018](#)): in all cases above where Land Bank, Village Land Certificates and district and village land use planning processes have resulted in dispossession, district authorities have played an important role. They occupy a key political position as they are the authorities both implementing land formalisation *and* identifying land for investors. For instance, district officials used their position to allocate village land for local Tanzanian investors around Kagera Sugar, Kilombero Sugar Cane Ltd. and Kilombero Plantation Ltd. We argue that the reasons behind these actions differ and are multifold. One reason is that most investors are interested in acquiring fertile land located near water sources, in direct competition with villagers’ needs. Since district officials occupy key administrative positions to influence land allocation and use, they have opportunities to benefit from these positions to foster their own material, social and political interests if they favor investors’ interests vis-à-vis the villagers’ ([Bélair, 2018](#)). We have also shown that the possibility for district officials to shape land use plans in line with investor interests is further exacerbated by the ambiguity regarding what “public interest” is, and how “unused” land is defined in the Village Land Act versus the Land Act. Both these leeways can, as proven, be used at the detriment of villages but offer opportunities for government officials to seek and gain land control and other personal benefits from their authority. This aspect is consistently overlooked and depoliticized in both land legislative frameworks, development policy and programmes and implementation processes associated with land formalisation and land investments. Thus, the issue of the dual role played by land authorities being at once “regulators and rent-seekers” noted by [Peluso and Lund \(2011, p. 670\)](#) is at the heart of dispossession processes. Importantly, we also present cases where village leaders played an important role to pave the way for land acquisition and investment, in collaboration with the investor (Kilombero), or with the district (Kilombero and Ulanga). Thus, the paper confirms an important argument forwarded in the debate on land dispossession; improved institutions and land governance are crucial but *insufficient* in order to safeguard villagers’ customary land rights ([German et al., 2013](#)). Rather, they argue, human agency and the motivations of key actors also play a crucial role in land acquisition processes, an argument which is supported by our findings.

Furthermore, in most of our thirteen cases, villagers’ claims to land were overruled and instead resulted in state land consolidation (the land status was formalised as general land). However, in nine such cases

villagers did not lose their *access* to land; they could continue to use the land but under new conditions. This is linked to the fact that nine investments stalled or were canceled and the land was never prepared nor planted by the investor. Thus, only four out of the thirteen investments managed to start production – two investments operate at promised scale while the other two operate on part of the designated land only.<sup>41</sup> Therefore, in nine of the cases, people can stay on the land or keep using the land in different ways. For instance, in the Kigoma case, the investor is both lending (for free), and leasing (for a fee) land at a seasonal basis to smallholder farmers in the area. In the Bagamoyo case, the people who did not already decide to leave during the five years of waiting in uncertainty for the resettlement planned by the first investor, and who have not been involuntarily resettled by the new, second investor,<sup>42</sup> can still access their land. The critical point here is that today, these people access the land under more precarious conditions than they did before. The land formalisation and investment processes have (re-)confirmed land as general land, erasing all pre-existing claims to that land, which means villagers can be more vulnerable in future land formalisation and/or acquisition attempts. Thus, we argue that while not *directly* losing access to land, it might only be a matter of time. This development of slow, less dramatic and “under the radar” development where conditions gradually become more difficult to sustain a livelihood from the land, echoes a debate in the land-grab scholarship on what is called “dispossession by stealth”. It draws on the work of [Li \(2014, p. 9\)](#) and her idea that capitalist relations emerge through stealth, and offers a way to conceptualise uneventful, nearly invisible dispossession of land from smallholder farmers ([Saetre Jakobsen, 2019](#), [Weldemichel 2021](#)). This is a development that has received less attention in contrast to the clearly visible, rapid eviction of people in relation to land deals.

## 5. Conclusions

To conclude, we found a profound discrepancy between the purported development benefits and the actual outcomes of the development orientations of land formalisation and land acquisition for investment in Tanzania. Importantly, our aggregate analysis confirms findings from previous smaller scale case studies and shows with clarity that rural smallholders are not only randomly but *systematically* dispossessed from their land. The argument that land formalisation is an important prerequisite, and plays out to the detriment of villages, when promoting large-scale agro-investment has been advanced before ([Mura, 2015](#); [ElHadary and Obeng-Odoom, 2012](#); [Maganga et al., 2016](#); [Stein and Cunningham 2017](#); [Walwa, 2017](#)). Yet, we furthered this argument by first showing that the increased pace and frequency of land formalisation programmes in the past decade is not coincidental, but rather linked to the promotion of large-scale agro-investment since the early 2000’s. In practice, such large-scale agro-investments and land formalisation agendas are often implemented as a “package”. It is therefore not surprising that commercial initiatives such as SAGCOT constitutes a major source of such dispossession – six out of our thirteen cases are located within the SAGCOT corridor. Second, while our analysis confirms previous findings that foreign investors and development bodies play important roles in designing and funding these two development agendas ([Stein and Cunningham 2017](#)), our data indicates that they might play different roles: In our cases, development bodies were more often involved in the design and funding of *individual land titling programmes*, and foreign investors’ main influence was in the funding and implementation of *Village Land Certificates* and *Village Land Use Plans*, a finding that deserves more exploration.

<sup>41</sup> Kagera Sugar is producing on approx 9000 out of 24 000 ha (in 2017) while Felisa Ltd is producing on approx 100 ha out of 4258 (in 2020)

<sup>42</sup> The domestic company Bakhresa Ltd was allocated 10 000 ha of the land in 2016 by the President of Tanzania <https://allafrica.com/stories/201610070108.html>

<sup>40</sup> Not least, formalising land for the National Land Bank relied on these two processes This is probably driven by the fact that there is no regulation of how to create the Land Bank in the Land Acts.

Importantly, in most cases, dispossession entailed a permanent change of the status of the land acquired for investment into general land, and therefore villagers lost their rights to, and authority, over it. Importantly, such a transfer is often permanent regardless of whether the investment materialises or not. Therefore, our aggregate study confirms the studies performed on the effects of stalled and cancelled land deals, that they often have widespread and often negative impacts on rural smallholders and livestock keepers (GRAIN, 2018; Engström, 2020; McCarthy et al., 2012; Gill, 2016; Chung and Gagné, 2021).

In addition, we can also establish that even though land formalisation has taken place in and around all investment cases, in the remaining village land, there is still an overlap between customary and statutory land tenure regimes. For instance, in Rufiji, Ulanga, Kilombero and Missenyi, most villages have been mapped and they have their Village Land Use Plans but many people do not hold their individual titles to land. Instead, village land is still managed by local leaders through a mix of customary and statutory law.

Importantly, there are studies suggesting positive outcomes from land formalisation programmes. For instance, in a literature review of land formalisation cases in Tanzania, Biddulph (2018, p. 48) states that communal approaches such as village land use planning processes could “effectively strengthen both local property relations and state legitimacy at the village level”. Our study provides reason, however, to be cautious about general policy recommendations pushing for land use planning at communal village level, since we demonstrate how rural formalisation processes could pave the way for dispossessing villagers of their land. Worth to note is that while all our cases included land acquisition for investment, the cases reviewed by Biddulph (2018) included cases not related to such acquisition. Whether land formalisation implemented in areas not targeted for investment may affect smallholders’ land access and rights differently, compared to land formalisation in areas targeted for investment, is an issue that deserves more systematic attention.

One key policy implication of our study echoes recommendations forwarded by many other scholars - that any land use planning process must use as its entry point local rules that shape land control and access, which are highly variable and more often based on social relations and where land is exchangeable among groups rather than alienable (German and Braga 2021). Moreover, this study shows with clarity that such processes should always take place separated from investors’ land acquisition processes and interests. Another key policy implication relates to the finding that only two investments out of thirteen operate on full scale, which shows that we can seriously question the purported benefits to create modern, efficient agricultural production and poverty reduction through large-scale agriculture in Tanzania. Depriving smallholders and pastoralists from their key asset, land, replacing their “inefficient” smallholder production with land not under production at all, or with maintained access with great insecurity, rather constitutes the opposite of the goals stated by international development organs and state officials. This finding adds further weight to our questioning of current development orientations and how they, and the sustainability safeguards they rely on, are designed and implemented. Lastly, the fact that land in Tanzania is often permanently alienated from villagers once transferred to investors is highly problematic. Thus, apart from the recommendations listed above, villagers should be able to chose the type of investment on their land (be it corporate, public or their own investment), monitor the (corporate) investment and decide to renew the lease or not, depending on its progress and outcomes. To tackle these issues, we need to ask critical questions such as why this recent wave of land formalisation and investments secures a re-centralisation of land control in Tanzania, rather than secures and sustains land management by villagers including any investment on it? And, why do donors keep supporting development orientations that show such dubious results for smallholder farmers, supposedly major beneficiaries of development cooperation?

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