

**Changing understandings of land? Negotiating land grabbing
in two regions of Tanzania.**

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I declare that this thesis is a presentation of original work and I am the sole author. This work has not previously been presented for an award at this, or any other, University. All sources are acknowledged as References

Abstract

Land grabbing refers to the acquisition of large-scale tracks of land in opaque circumstances, usually in developing countries and by (trans)national capital with the purpose of food or agrofuel production and speculation. The phenomenon increased dramatically after the Global Food Crisis in 2007-2008. This investigation analyses the phenomenon in the regions of Morogoro and Pwani in Tanzania and the impact that it has on land dispossession for rural villagers and their land rights. The overall aim is to assess what processes of dispossession are in place in these regions, the conflicts they trigger, and which groups are more excluded and marginalised in decisions about land. The research explored four villages in two districts of the two regions in the East of Tanzania during a period of four and a half months of fieldwork. 74 interviews were conducted with villagers, and 132 were carried out with leaders, practitioners and investors. A total of five focus groups were also carried out during the fieldwork. A number of different debates have been explored, including different understandings of land, dispossession, processes of negotiation and the role of different stakeholders in regard to their influence and power. In this respect this research provides three main contributions: firstly, the imperative to include small-scale land deals in the debate over land dispossession by land grabbing. Secondly, this imperative helps with a wider analysis of the role of different stakeholders and their negotiation positions, with a particular focus on the different local land owners and users. Finally, the research contributes to the debate on transitions of land uses and the formalisation of land by stating that the implementation of land use management is an important topic in the context of the different understandings of land that exist nowadays. This thesis concludes that there is a significant scramble and reshuffling of land control globally that needs to be appropriately addressed by a paradigm that understands land and nature in terms of its complex and holistic function.

Table of contents

Abstract	2
List of figures	7
List of tables	7
List of illustrations.....	8
List of abbreviations	8
Acknowledgements	9
Declaration	10
Chapter 1 Introduction.....	12
1.1. Introduction	12
1.2. International drivers for the new interest in agriculture after the Global Food Crisis 14	
1.1.1.1. Rise in food prices	14
1.1.1.2. The role of agrifuels	16
1.1.1.3. Speculative investments in food and land markets.....	17
1.3. Rational for the project.....	18
1.1.1.1. Land grabbing.....	18
1.3.2 Actors	22
1.4. Research questions	30
1.5. Thesis outline	31
Chapter 2. Land rights in an international development context.....	33
2.1 Meanings of land rights	33
1.1.1.1. Western-legal meanings of land rights	33
1.1.1.2. Anthropological meanings of land rights	34
2.2 Land tenure security and land tenure reforms	37
2.2.1. Land tenure security and land rights	37
2.2.2. Land tenure reforms in Africa.....	38

2.2.3.	Community-led reforms: the role of decentralization in tenure security ..	42
Chapter 3.	New understandings of land and negotiation processes over land control.	
	49	
3.1	Understandings of land.....	49
3.1.1.1.	Land affordances	49
3.1.1.2.	Material dimension of land.....	49
3.1.1.3.	Exclusion and legitimacy	52
3.2.	Negotiating in land grabbing	54
3.2.1.1.	Participation.....	54
3.2.2.	Negotiation beyond participation: a power and interest framework.....	55
Chapter 4.	Methodology and case study.....	61
4.1.	Methodology	61
4.1.1.1.	Research design	61
4.1.1.2.	Fieldwork research exercises.....	63
4.1.1.3.	Access, validity, quality and ethical considerations.....	67
4.2.	Justification of case study.....	71
4.2.1.1.	Tanzania as a land grabbing scenario.....	72
4.2.1.2.	Fieldwork sites	77
4.2.1.5.	Participants	82
4.2.1.8.	The agricultural context: SAGCOT and Kilimo Kwanza	85
4.2.1.9.	The law and policy context	89
Chapter 5.	Land grabbing processes in the Morogoro and Pwani regions of Tanzania	
	98	
5.1	Introduction	98
5.2	A failed large-scale biofuel farm in P2.....	99
5.3	A proposed large-scale sesame project in M1 and M2	103
5.4	Four illegal small-scale cases in P1.....	110
5.5	‘Development’ investors in all villages.....	113

5.6	Double selling and grabbing land of neighbour	114
5.7	Demarcation or boundary problems	115
5.7.1	South African and Tanzanian large-scale ‘unused’ farm.....	116
5.8	Land scarcity, farmers and pastoralists	117
5.9	Summary	118
Chapter 6. Institutional aspects of land grabbing in the Morogoro and Pwani regions of Tanzania 122		
6.1	Introduction	122
6.2	Land access and tenure security	122
6.2.1	Access to land	123
6.2.2	Perceptions of tenure (in)security	125
6.2.3	Gendered access and security.....	128
6.2.4	The role of the local government	134
6.3	Formalisation of tenure	137
6.3.1	The issue of land certificates.....	138
6.3.2	The Land Use Plans	148
6.4	The impact of formalisation	150
6.4.1	Formalisation and villagers’ land rights.....	150
6.4.2	Formalisation and village land.....	151
Chapter 7. Negotiating land grabbing in Tanzania		
7.1	Introduction	154
7.2	Stakeholders with power who may or may not have high interest on the land 156	
7.2.1	The national elite.....	156
7.2.2	International foreign investors	157
7.2.3	The role of the government.....	158
7.3	Stakeholders with lesser power but high levels of interest on the land.....	158
7.3.1	Local villagers and land owners.....	158

7.3.2	The role of NGOs and CSOs interventions.....	168
Chapter 8.	Discussion and conclusion	177
8.1	Small and large-scale land grabbing	177
8.1.1	Introduction	177
8.1.1.1	Macro understandings of land	177
8.1.2	Land grabbing literature and scale	179
8.1.3	Large-scale farms discussions in the land grabbing literature	183
8.1.4	Sub-Conclusion	188
8.2	Negotiating land grabs.....	190
8.2.1	Stakeholders interests.....	190
8.3	Formalisation of land and assembling of a resource	192
8.5	Concluding remarks	195
8.6	Summary of research findings.....	196
8.7	Recommendations for future research.....	198
9.	References	199
10.	Annexes.....	216

List of figures

Figure 1: Example of template and code hierarchy	71
Figure 2: Administrative division in Tanzania	77
Figure 3: Tanzanian Population (1950-2017)	81
Figure 4: SAGCOT within Tanzania's developmental and agricultural strategic framework	86
Figure 5: Procedure to acquire village land	113

List of tables

Table 1: PRAI vs CFS principles	28
Table 2 Three different land tenure reforms and their implications and proposed solutions derived from Boone (2007)	42
Table 3: The four ongoing process for globalisation according to Santos (2002) applied to the context of globalisation	¡Error! Marcador no definido.
Table 4: Fieldwork exercises	66
Table 5: Initial themplate for coding	70
Table 6: Investment Opportunities	80
Table 7: Participants' responses regarding their cash income	83
Table 8: Matrix of community actors in land struggles ..	¡Error! Marcador no definido.
Table 9: Interviewees' economic activities	¡Error! Marcador no definido.
Table 10: continuous and strategic interventions and cooperation between NGOs	¡Error! Marcador no definido.
Table 11: Main ongoing conflicts during fieldwork observation	99
Table 12: Summary of land deals found by actor features and size	120
Table 13: Participants' access to land'	123
Table 14: Participants' perceptions of tenure security by village	126
Table 15: Participants' reasons for tenure insecurity	127
Table 16: Participants' perceptions of tenure security by gender	128
Table 17: Participants' feelings of protection from tenure insecurity	134
Table 18: Participants' responses in regard to wanting to have a CCRO (<i>hati miliki</i>) ..	138
Table 19: Land dispossession by scale	¡Error! Marcador no definido.
Table 20: TIC information by region	¡Error! Marcador no definido.
Table 21: TIC information by year	¡Error! Marcador no definido.
Table 22: TIC information by country of investor	¡Error! Marcador no definido.

List of Illustrations

Illustration 1: Tanzania regions, capital cities and case study locations.....	79
Illustration 2: Land Rights Trainings	85
Illustration 3: SAGCOT Area	88
Illustration 4: Track road from P1 to P2	100
Illustration 5: Track road from M2 to M1.....	104
Illustration 6: Villagers crossing the river to access village centre or other hamlets....	105
Illustration 7: Beacon delimitating investor's land.....	107
Illustration 8: M1 LUP	107
Illustration 9: Four cases presented to court by P1's Chairman	111
Illustration 10: South African-Tanzanian farm fence	116
Illustration 11: South African-Tanzanian farm main entrance	117
Illustration 12: M2 office archives	144
Illustration 13: People that had been allocated village land and the waiting list in M1	146

List of abbreviations

CCRO	Costumary Certificate of Occupancy
CO	Certificate of Occupancy
FAO	Food and Agriculture Organisation
LUP	Land Use Plan
MKURABITA	Swahili for Property and Business Formalization Program
NGO	Non-governmental organisation
RUBADA	Rufiji Basin Development Authority
SAGCOT	Southern Agricultural Growth Corridor of Tanzania
UNCTAD	United Nations Conference on Trade and Developmen
WB	World Bank

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Declaration

This is to certify that this thesis is entirely my own work and that none of the materials has previously been presented for a higher degree at any university.

Signed..... Date.....

Chapter 1 Introduction

1.1. Introduction

Researchers and policy makers alike have raised concerned about the massive scale of land deals since the global financial crisis of 2007-2008 (Scoones 2018). And Africa has become the land grabbing ‘hot point’ (Crina and Petrescu-Mag 2017). According to The Oakland Institute, 56 million hectares of land were sold during that period, an area bigger than Spain; 70% of these deals took place in Africa (The Oakland Institute 2011a). Oxfam has expanded on this figure, stating that “227 million hectares have been sold or leased” (Edelman 2013). In 2011, the World Bank released a report entitled *Rising Global Interest in Farmland* (Deininger *et al.* 2011). The report targeted available land for agricultural development in several developing countries, mainly Africa. The report considers that there are between “445 million and 1.7 billion hectares worldwide of potentially ‘suitable’ lands” for agriculture (Peters 2013, 558).

This renewed and ongoing interest in farmland investment hampers rural citizens’ land rights and has caused dispossession and exclusion from the land in favour of large-scale agriculture, usually promoted by foreign capital (Cotula 2012, Hall *et al.* 2015). Researchers, scholars and activists¹ suggest that land grabbing has contributed to the eviction and denial of rights of many rural people in African countries. In some of these countries the land belongs to the state and the community. Local people “own” land on the legitimate basis of decades of utilization. Unsurprisingly, in this context land grabbing has intensified social conflict and tensions between communities, the state and investors at both the domestic and local levels (Rahmato 2011, Grajales 2015, Dell’Angelo *et al.* 2017).

This situation has raised increasing global concerns about: the politics of agriculture, the environment and access to land; fostering political, academic and practitioner dialogues,² debates and disagreements about the implications of land grabbing for food security (HLPE 2011); human rights, such as the right to adequate food and housing (UN Special Rapporteur on the right to food 2009, FIAN 2010); tenure security (Magigi and Drescher

¹ These include the World Bank, FAO, Human Rights Watch, Oxfam, The Oakland Institute, The Forum for Social Science Ethiopia, International Land Coalition, Farm Africa, FIAN, and GRAIN, among others.

² Ife has claimed that discourses of difference, often exacerbated by the social science literature, “emphasise the things that divide us and ignore the things that unite us” (Ife 2010, 130). Following on from this, the scholar also argues that Western modernity is underpinned by debate instead of dialogue: engaged “with [...] deliberative participation and building of a community of rights and responsibilities, dialogue is essential” (Ife 2010, 137).

2010, O'Brien 2011, Locher *et al.* 2012); and the environment (Benjaminsen and Bryceson 2012, GRAIN 2012, Neville and Dauvergne 2012).

The figures regarding the amount of land included in land grabbing deals have also been contested and the validity of some data has been criticized (Edelman 2013, Oya 2013). However, it seems clear and there is an overall consensus that land grabbing is a widespread phenomenon across the globe (Holmes 2014, Li 2014a, Grajales 2015, Mamonova 2015, Scoones 2018). As Edelman (2013) stated: “[a]n accelerated process of dispossession is clearly in motion” (Edelman 2013, 488).

De Maria (2019) points out the relevance and magnitude of the phenomenon succinctly:

In the last decade, international investors unexpectedly expressed an interest in land, with its demand brusquely rising at an unprecedented pace, especially after the 2008 commodity bubble. According to Deininger [7, in De Maria 2019], in 2009 alone, the demand for land targeting Sub-Saharan Africa, which was fed by a strong large scale acquisitions-component, *equaled 20 times its historical average*. To get a sense of the global magnitude of this phenomenon, the Land Matrix [8, in De Maria 2019], which is widely recognized as the most comprehensive and up-to-date database on large-scale land transactions, collects information on over 2800 deals since the beginning of the new millennium, corresponding in aggregate to just above 100 million hectares (ha) of land (De Maria 2019, 2 emphasis added)

Based on this phenomenon, this research aims to investigate the impact of land grabbing on rural villagers in Tanzania. Land grabbing has fostered a debate about land tenure systems (Smalley and Corbera 2012, Lawry *et al.* 2017). On the one hand, the property rights school has long been claiming that formalisation of land titles increases tenure security, and therefore promotes foreign investment and economic growth. On the other hand, competing narratives argue that land reforms and individualisation of land rights in developing countries trigger damage to communities' rights and increase tensions between the state and its population, especially in those societies where land access is a highly valuable asset for livelihoods. For instance, in 2000, small farmers occupied large-scale farms in Zimbabwe, and, in just two months, “a third of the country’s large-scale commercial farms had been seized” (The New York Times, in Berry 2002).

This grievance regarding their rights has led communities to mobilise to contest the current wave of land grabbing using a different array of strategies (Vom Hau and Wilde 2010, Sikor 2012, Borrás Jr. and Franco 2013, Mamonova 2015, Kandel 2016). Such mobilisations have informed advocacy groups and NGOs, which in its turn have informed local struggles. This work aims to bring into focus the visions and influence of those more

marginalized and excluded in the evolution of development projects, institutions, and laws.

1.2. International drivers for the new interest in agriculture after the Global Food Crisis

The global land grab, land rush or land grabbing is a concept that scholars understand as “large-scale acquisitions of land or land-related rights and resources by corporate (business, non-profit or public) entities” (White *et al.* 2012, 619), mainly in developing countries. This phenomenon or concept is not new³ (e.g. Berry 2002); however, it has been fuelled by the global context and its challenges. As Cotula (2012) states: “private sector expectations of higher agricultural commodity prices and government concerns about longer-term food and energy security underpin much recent land acquisition for agricultural investments” (p. 649).

It is considered that three main drivers have fuelled the interest in farmland: how to feed an increasingly wealthier and more populated world (Thurow 2010, *Planeta en venta* 2010, Agarwal 2014); carbon fuel depletion and its substitution by agrifuels and global warming (Eeden and Koppen 2016, Thurlow *et al.* 2016); and financial speculation regarding agricultural and land markets (McMichael 2012, 2013, McDonald and Freitas 2018).

1.1.1.1. Rise in food prices

The consequences of these drivers include increased international food prices during the Global Food Crisis in 2007-2008, while dry countries such as areas in the Horn of Africa and the Sahel suffered rain shortfall during the planting season between the years 2005-2006, which led to food shortages (UNDP 2012). Increasing global warming in arid zones of the globe puts pressure on the available fertile land. This has triggered a renovated Malthusian concern informed by demographic pressures, climate change and biodiversity erosion (FAO 2011, 2012). There is an increasing worry about food availability to feed an increasingly wealthier and growing world population (Thurow 2010, Agarwal 2014).

The world’s population growth and the improved mean income of Asian countries have also been boosting global food demand and, as a consequence, food prices have increased. This expansion of food needs and shifting dietary patterns –e.g. consuming more meat as developing countries’ incomes rise- has also increased pressure on farmland around the

³ For instance, in her analysis of land accumulation in the Sub-Saharan continent, Berry states that: “officials and politicians are complicit in land grabbing by the rich and influential” (Berry, 2002:662).

globe. As Thurow (2010, 102–3) states: “With the world’s population is expected to expand to more than nine billion by 2050 and much of that growth occurring in China, India, and other countries where living standards are rising fast, global food production will need to increase by 70-100 percent in order to keep pace and feed the already chronically hungry”.

One of the consequences of the dramatic increase in food prices during 2007 was the stirring up of protests about food prices in many countries, especially in those where food is highly subsidised by the state, such as many North African and Middle East countries. The increase in prices and the incapacity of the governments to cope with it was one of the issues that led to the so-called Arab Spring, together with the suicide of two young men (Moreno 2011).

After the Global Food Crisis many Gulf countries started to increase their foreign investment in Agriculture in ‘fraternal countries’. Saudi Arabia, which has tried to achieve self-sufficiency in food through irrigating the desert, started to realise that its underground water reserves had started to deplete, and launched a process to farm in neighbouring countries such as Ethiopia, where, in 2008, it chaired a summit about agriculture investment (*Planeta en venta* 2010). On the other hand, Asian countries such as India have reached self-sufficiency in food production due to the Green Revolution. Other Asian countries have suffered from shortages due to climate conditions and a decrease in their production (Oakland Institute, 2011, Al Jazeera, 2011).

In 2008, the UN established the United Nations High-Level Task Force on the Global Food Security Crisis (HLPE 2011, FAO 2014). The HLTF developed the Comprehensive Framework for Action (CFA), the aim of which was to: “address the current threats and opportunities resulting from food price rises; create policy changes to avoid future food crises, and contribute to country, regional and global food and nutritional security” (UNCTAD 2009, xxxi).

Thus, the increase in food prices led to the Global Food Crisis, and to an increasing concern about food security. Some scholars and practitioners, however, have pointed out that such a phenomenon has been exacerbated by two other drivers that have pushed FDI in agriculture: the increasing depletion of fossil oil reserves and investment revenues in food stock markets. (The Oakland Institute 2011a, Cotula 2012, McMichael 2012).

1.1.1.2. The role of agrifuels

The international community's commitment to cut down CO₂ emissions has also had an impact on food prices, especially for crops that are agrifuel inputs (The Oakland Institute 2011a) such as jatropha and sugarcane.

As a consequence of fossil fuel depletion, and to avoid dependence on oil prices and producers, the international community has increased its commitment to renewable energies. For instance, the EU has set the target that 20% of its energy consumption should come from renewable sources by 2020, and that for each of its state members this figure should be 10% at least; this will be fulfilled, in part, by biofuel production (The Oakland Institute 2011b). Land is paramount for the production of this kind of energy (Awudu and Zhang 2012, 1366).

It has also been argued that agrifuels are an opportunity for economic development in impoverished areas that are mainly rural, but in many cases the urgent need for land for this industry has resulted in an opaque process of land acquisition and economic development policies that exclude those more affected by poverty. This has direct implications for the right to adequate food and housing and the development of such people, thereby affecting civil and political rights as well.

Mwakaje (2012) has conducted research on Tanzania's agrifuel development plans and highlights that despite the fact that the country could become one of the main producers of this type of energy, the development plans rely on vertical integration industries agreed between the government and international agribusiness companies. Deals between these two parties avoid the inclusion of the decision making capacity of the locals about their future and their land and exclude them from agriculture. Vertical integration does not support local farmers or the creation of a value-added industry for agrifuel production in African countries, but intends to apply industrial agricultural techniques such as large-scale mechanised farms, chemical fertilisers and genetically modified seeds. The process of vertical integration involves exporting the raw material to be processed in foreign countries, which might result in a null or negative impact for rural areas (Mwakaje 2012). Similarly, scholars have argued that large-scale development plans create pressures on land and smallholders, as mentioned previously.

The relevance of agriculture production as a growing sector due to food security and energy security has led to a rising interest in land acquisition by investment funds (Deininger *et.al.* 2011, in Cotula 2012). Historically, investment in global agribusiness

was concentrated in the more profitable upstream and downstream agricultural sectors, rather than in the acquisition of land, relying on out-grower schemes and avoiding the risks of primary production (Amanor 2012a, Cotula 2012, 661). However, Amanor states that the evolution of agribusiness has triggered an interest in land and agriculture through “financialisation and hedge fund portfolio investments” (Amanor 2012a, 732).

1.1.1.3. Speculative investments in food and land markets

Food and land prices are increasing and will continue to increase in the medium and long term due to “the growing potential of domestic food and energy markets as a key consideration in land-based investments” (Cotula 2012, 664). This phenomenon has attracted the attention of financial investors who are seeking increasing returns from land and agricultural markets (McDonald and Freitas 2018). Holt-Gimenez (2007, in McMichael 2012) states that “venture capital investment in biofuels increase[d] by 800 percent between 2004-2007” (p.689).

But the Global Food Crisis is not the only cause of the rising interest in farmland in Africa. Increasing stability due to the end of the violent conflicts post-independence has also played a major role in such ventures on the continent (Olukoshi 2005, UNDP 2012). The fact that the December 2011 edition of *The Economist* was called Africa Rising (The Economist 2011) and the GDP growth figures since 2004 in many African countries, such as Ethiopia, Tanzania, Senegal or Ghana among others, are clear examples of the changing perception of the continent as being safer for investment than in the past, mainly in the primary sector and tourism, including farming, and therefore land (UNDP 2012). Furthermore, the land law reforms initiated at the end of the 1990s across the continent adapted the legislation to international standards with the aim to promote investment in Sub-Saharan Africa (Alden Wily 2003a, Pedersen 2012, 2016).

Finally, it is important to consider that African land is the cheapest in the world (*Planeta en venta* 2010, AlJazeera 2011, Rahmato 2011, Thurlow *et al.* 2016). In some cases, African governments’ need for investment and development can even make it free (Li 2011, Peters 2013). For instance, the price paid in Ethiopia in 2011 for a hectare of land varied from 0.70\$ - 7.00\$ (Rahmato 2011). This attracted increasing capital to the region, despite the institutional risks (Cotula 2012, 667). Global land grabbing is a complex phenomenon “that reflect[s] fundamental shifts in economic and geopolitical relations” (Cotula 2012, 649), which makes this research project relevant. As Peters puts it: “perhaps

more than at any other time since the first colonial occupation of Africa, struggles to control land are central to social, political and economic processes” (Peters 2013, 561).

1.3. Rational for the project

1.1.1.1. Land grabbing

“The transfer of effective control over land is the core problem of land grabbing, where control is understood as control over the nature, pace, extent, and direction of surplus production, distribution, and disposition (Borras, 2007; Borras and Franco, 2012). Therefore, it imposes the necessity to put forward transparent, coherent, and national protective solutions” (Crina and Petrescu-Mag 2017, 183).

As mentioned previously, in 2011 the World Bank released its report *Rising Global Interest in Farmland* (Deininger *et al.* 2011). The report targeted available land for agricultural development in several developing countries, mainly Africa, and stated the positive outcomes that this would have for poor communities in such countries (Li 2011); it considered land underutilised, idle or vacant. This consideration led to critiques from scholars, local and global peasants’ associations and communities, and other resistance movements against global agribusiness,⁴ who understood the phenomenon as a new wave of land accumulation by dispossession (e.g. La Via Campesina 2011, The Oakland Institute 2011b, Amanor 2012a, Borras Jr. and Franco 2012, GRAIN 2012, Berry 2013).

Reports by Human Rights Watch (2012) and The Oakland Institute (2011c, 2011a, 2011b) and scholars such as Cotula (2011), Hall *et al.* (2015) and Pedersen (2016) provide empirical evidence of the phenomenon and its consequences for local people. Cotula (2011) assessed twelve of the contracts of land deals in Ethiopia, Ghana, Liberia, Madagascar, Mali, Mozambique and Sudan. The case of Madagascar, for instance, involved the South Korean company Daewoo Ltd. and the Malagasy government who signed a deal in 2009. The parties agreed to the leasing of 1.3 million hectares of arable land in the island-country, which equates to about half of its fertile land (Christoff 2011). The magnitude of this deal led to massive demonstrations and the rejection of the contract by citizens, who were able to overturn the government for this reason.

In Ethiopia, on the other hand, one of the poorest and hungriest countries in the world, Indian and Saudi Arabian countries, among others, have agreed on large-scale agricultural developments with the government, (The Oakland Institute 2011a, Human Rights Watch

⁴ Agribusiness refers to “global agri-food chains” that technically develop “large-scale estates to gain increasing foothold through technically advanced production [high levels of mechanization, chemical fertilizers and GMO seeds] and the organization of logistical chains [vertical or horizontal integration] and economies of scale” (Amanor 2012a)

2012). 45% of the land in Ethiopia is arable land, and the government states that only 12% of it is being harvested. Despite the fact that it is a weak country and unable to produce enough food, Indian companies such as Karuturi Global see Ethiopian land as very fertile and suitable for profits (*Planeta en venta* 2010). This company has its biggest farm in Ethiopia, accounting for 300,000 ha, which produces rice and palm oil (Rahmato 2011). “Since 2008 Ethiopia has leased out at least 3.6 million hectares of land nationally to foreign and domestic investors, an area the size of the Netherlands. An additional 2.1 million hectares of land is available through the federal government’s land bank for agricultural investment” (Human Rights Watch 2012).

Land grabbing has also triggered violence against staff of the new agribusiness companies. For instance, in Senegal a “young man attacked a plantation worker with a sword; a local council meeting descended into violence, buildings were burned and two people died as villagers fought each other with sticks and machetes” (Wild 2011). In Ethiopia, at least ten people were killed in an attack on a new agribusiness farm (Ethiopiamedia 2012), a fact that was announced by those who had been evicted from their land (*Planeta en venta* 2010). Others have taken formal action, such as entering court pleas or sending letters to their local governments (Rahmato 2011).

One of the features of the wave of land concentration has been the opacity of the land deals (Cotula 2011). This has led to misunderstandings in regard to the figures related to land dealings that were -and still are being transacted, and has even led to some scholars criticising the lack of rigour when assessing the phenomenon (e.g.: Edelman, 2013; Oya, 2013). Public databases such as farmland.org by GRAIN or the Land Matrix of the International Land Coalition have provided information about land transactions that in some cases has not been real (Oya 2013). For this reason, it is necessary to be cautious about the phenomenon and the related figures, although the phenomenon has been widely accepted (Peluso and Lund 2011, Eeden and Koppen 2016, Dell’Angelo *et al.* 2017, McDonald and Freitas 2018).

As Peters (2013) points out, the new land deals are considered by some as an “agriculture investment” and by others as a “land grab”. The first group consider these new investments in agriculture as an opportunity for growth and development in Africa (World Bank 2008, UNDP 2012). Others are less positive about the consequences of such a phenomenon. For advocates of land accumulation into big farms the positive outcome is the development and modernisation of agriculture, the integration of the locals in a more profitable activity, through jobs or out-grower schemes, the development of

infrastructure, and the provision of social services such as education and healthcare. The above-mentioned WB report states that through large-scale farming poverty can be overcome “through three main mechanisms: the generation of employment for waged workers, new opportunities for contract farmers, and payments for the lease or purchase of land” (Li 2011, 581).

Conversely, it has also been argued that poverty alleviation is not evidenced with large-scale farming, although it is one of the rationales for land grabbing by foreign actors (Bernstein 2010, Li 2011, Amanor 2012a, Hall *et al.* 2015). What is more, promises about job creation and service provision are not fulfilled according to the contracts (Peters 2013). And furthermore, the high level of mechanisation and production for export does not seem to be able to sustain a high level of job creation in rural economies (Mwakaje 2012).

One of the consequences of land grabbing is dispossession and the eviction of impoverished peoples from their land. As Peters states: “holders of land under customary tenure face increasing threat”, which “has direct consequences for competition over authority at all levels of society, and for competing definitions of property, ownership and citizenship” (2013, 544).

Dispossession and the accumulation of land also lead to inequalities in the distribution of resources, subject formation and changes in identity and politics. (Salemink and Rasmussen 2016). Due to the centrality of land in sub-Saharan countries, which is a valuable resource in itself, land grabbing “will inevitably stir up land related grievances” (Ho and Spoor 2006, 585). What is more, in Africa the “land question” has shaped and reshaped power structures, is central to politics (Berry 2002), and increases social, political and economic tensions (Olukoshi 2005, Vergara-Camus 2012, Peters 2013).

Through institutions such as the WB or the WTO, policymakers, amongst other things,⁵ advocate the promotion of transnational agribusiness and the transformation of customary property regimes to more secure ones that enable the well-functioning of the market (Ho and Spoor 2006). In the next section these three drivers are pinpointed.

However, many debates have arisen around land and agriculture development in Africa. One of the main debates relates to titling and ‘formal’ tenure rights, and their role in attempts to ensure foreign investment and development. In several countries, processes

⁵ Since the 1990s there has been a shift towards small-scale farming and the support of communities (Daley and Hobley 2005)

of formalisation and registration of land in cadastres - either local or central - have been established (Ho and Spoor 2006, Parsa *et al.* 2011, Boone 2017).

For example, in Ghana, the World Bank worked on a project that included titling and large-scale oil palm farming. The project was sold to a company owned by the state and private investors. Despite the increase in yields, the consequence for rural people was displacement, land scarcity, conflict between owners and non-owners, and the emergence of a marginalised sub-class. Many young people abandoned the land after the titling because the 'traditional' acquisition institutions were eroded. Usually, after such processes the technical interventions required and the actual prices for them mean that they end up being controlled by economic and powerful interests (Amanor 2005, 2012b).

From a point of view such as that explained in regard to Ghana above, private property, market-based acquisitions and large-scale farming promote investment and bring development to Africa (De Soto, in Wiggins 2005); others argue that private property and formal titling hamper African development; and what is more, they argue that changing the 'traditional' organisation of land tenure brings inequality and social and political conflict (Olukoshi 2005, Wiggins 2005, Nyamu-Musembi 2006, Amanor 2012b). The 'land question' (*a la* Berry) in Africa has implications for politics, the economy, culture and society, and today's land grabbing is "intensifying struggles among actors within and from outside Africa" (Peters 2013, 544).

When large-scale land deals are associated with the concept of "land grabbing" there is a sense of controversy surrounding the discussion. This is due to the implications of land grabbing, which include the eviction and displacement of people living on the land and high political contestation (Boamah 2013, Borras Jr. and Franco 2013). On the other hand, when the phenomenon has been considered an "agricultural investment" this is related to an opportunity for host states and their populations (Li 2011, Boamah 2013). Considering these two views as extreme poles in an amalgam of possible realities, this work considers the land deals today as "landgrabbing" due to the power that the concept has to "raise public awareness and to engage in critical debate" (Borras Jr. and Franco 2013, 1724).

One possible definition of the concept of landgrabbing is: "the explosion of (trans)national commercial land transactions (and land speculation) that has been occurring in recent years around the large-scale production, sale and export of food and biofuels" (Borras Jr. and Franco 2010, 2). This definition links the current wave of land deals with international agribusiness capital. Rahmato (2011) uses the concept of the

“global land grab”, meaning “the rush for commercial land in Africa and elsewhere by private and sovereign investors for the production and export of food crops as well as biofuels, in which the land deals involved stand to benefit the investors at the expense of host countries and their populations” (2011, 2). Yet, in Amanor’s (2012) view, this definition locates the phenomenon as an exogenous development. This scholar, on the other hand, focuses his analysis on the land grabbing question as a form of historical evolution of agribusiness, looking for new frontiers of expansion (Amanor 2012a, 732).

Rahmato (2011) has argued that landgrabbing benefits “the investors at the expense of host countries and their populations” (2011, 2). In his view, the phenomenon has consequences for social polarisation and differentiation. He highlights that with the current phenomenon of land deals “what is being transferred are rights belonging to individuals and communities” (2011, 4), which are being grabbed by private investors.

So far, the features of this process have been pinpointed; the following section aims to tackle the role of different actors in the land rush issue that “links sovereign states, global finance, and agribusiness through to local groups” (Cotula 2012, 649–50).

1.3.2 Actors

This section highlights the nature of the actors involved in, and motivations for land grabbing or land accumulation nowadays. Actors are relevant here because this research will focus on their perceptions and interests as a way of explaining negotiation, contestation and/or compliance to the new land transitions (Teklemariam et al. 2015, Crina and Petrescu-Mag 2017, Indrajit 2019). Actors can be identified as being in the top or at the bottom. . Crina and Petrescu-Mag set their research in the bottom-up negotiation.

Three main actors have been highlighted as having a role in the land grabbing scenario: the host state, investors (foreigners or nationals) and the population, which here is conceptualized as local communities: they are spatially situated where land grabbing is taking place and are farmers, herders, land owners and users, and “membership to this community is determined by the identities and subject positions that are constituted through relationships on and with the land (Crina and Petrescu-Mag 2017, 181). The local community is an heterogeneous group with different interests and objectives (Li 1996, Borras Jr. and Franco 2013, Sud 2014a).

However, it is useful also to assess what land grabbing literature has portrayed as actors in the land grabbing phenomenon. Investors are foreigners they have been considered “emergent” or “traditional”. “Emergent” investors refer to recently developed countries such as the Gulf countries, China, India and South Africa. “Traditional” investors refer to countries with a long tradition of agricultural development in Africa, that is to say Western or donor countries. Investors can also be grouped in terms of region: intra-region (South Africa being the most relevant) or inter-region (with Western countries leading the biofuel sector) (Planeta en venta 2010, Cotula 2012).

Furthermore, two other actors are also relevant, as they influence the context for struggles over land grabbing: international institutions (e.g.: WB, FAO) and activistsnational advocacy against land grabbing (e.g.: La Via Campesina, GRAIN, FIAN). This taxonomy is relevant for the purpose of this work, as it aims to use a “from below” theoretical framework.

The host state

National states in Africa have a major role in the allocation of land and in enhancing land deals. What is more, African states act as one of the parties in land deals and as a guarantor of the deal in front of any local upheaval against agribusiness companies (*Planeta en venta* 2010).

Much of the land in Africa is currently owned by the state, with a few exceptions. In Ethiopia the constitution states that the land belongs to the state. This is also the case in Mozambique, Mali, Senegal and Tanzania, among others. Traditional rights over land are protected by law, although such protection “is weakened by productive use requirements...; by wide state powers of eminent domain...; by weak compensation requirements...; and by absent or inadequate local consultation requirements” (Cotula 2012, 670).

On the other hand, in countries such as Ghana, the land belongs to the community chiefs (Cotula *et al.* 2009, 78). However, in many cases “African states claim ultimate ownership of land, even though in most countries rural land has continued to be managed under various forms of customary tenure” (Peters 2013, 559).

The state plans are based on the rationale of “development and public interests” (Peters 2013, 557). They create the proper institutional environment to facilitate agricultural investment through “revising investment legislation to increase incentives for foreign investment...; reforming land legislation to facilitate foreign investors’ access to land;

and more generally, macro-economic measures to remove policy distortions penalising agriculture” (Cotula 2012, 669). In countries such as Tanzania, Mozambique and Ethiopia the state has even reserved land for allocation to agribusiness (Cotula 2012, 669).

Investors

There are two kinds of investors: those interested in agribusiness and its increasing profits due to food and energy security; and those interested in acquiring land and waiting for its price to rise in the future. But it is also possible to make a distinction based on investors’ nationality.

The land rush is a global phenomenon. It does not involve particular countries. Its main features are the expansion of agribusiness in developing countries, and the accumulation of land and its implications for customary or traditional forms of tenure. The focus, however, has been put on the international profile of investors, especially those from the Gulf countries, Asia and traditional donor countries (Western or OECD countries). Conversely, scholars have pointed out the relevance of national elites and governments in the accumulation of national land (Cotula 2012, Peters 2013). As Peters states: “national agents, whether governments, political authorities or private actors, are as central as foreigners in current land deals” (Peters 2013, 544). In Ethiopia, 60% of the deals have been carried out by national agents; the figure reaches 97% in Nigeria, 78% Sudan, 53% Mozambique and 61% in Senegal. These figures are up to 95% in the case of Benin, Burkina Faso and Niger, countries that have attracted less media attention (different sources, in Cotula 2012, 656). However, deals with national investors often involve smaller plots of land than those with foreigners (Rahmato 2011, Cotula 2012).

In terms of foreign investment, two categories are at stake, as pointed out at the beginning of this section. “Emergent” countries such as the BRICS or the Gulf countries have attracted much attention, especially China and the Gulf Countries. However, it has been argued that China’s interest in Africa has more to do with fossil fuels and mining than agriculture. Also, China is more active in land grabbing within neighbouring countries (e.g. Lao PDR and Cambodia) (Cotula 2012).

The relevance of South Africa as a key player in land grabbing in Africa has also been pointed out, which highlights the relevance of intra-regional foreign investments in agriculture (Cotula 2012): “AgriSA, a body representing commercial South African farmers, is reported to have acquired 200,000ha of land in the Republic of Congo, and to be negotiating with several other African governments” (Cotula 2012, 657).

Inter-regional investments by Gulf countries are very relevant in Sudan, and also in Ethiopia, where India is also a major player. The motivation of Gulf country investors tends to be food security, rather than biofuel production. When it comes to biofuel production, Western or “traditional” investors in Africa are key. The EU, alongside the US, have a commitment to replace this fuel energy and in the case of the EU this replacement should reach the 20% margin by 2015 (The Oakland Institute 2011b). For instance, the US company Agrisol has a project involving 325,000ha of land in Tanzania, and Norway Green Sources accounts for another 100,000ha (Cotula *et al.* 2009). The same Norwegian company has another two projects in Mozambique involving 135,900ha and 125,000ha of land. Also in Mozambique, the Malonda Foundation from Sweden has acquired 285,591ha for biofuel production (The Oakland Institute 2011c). Western hedge funds also have the most salient role investing in farmland due to the evolution of land prices (OCDE, 2010, in Cotula 2012)

The scale of foreign investment is always bigger than national investment, as previously stated. However, the boundaries between national and foreign investors are often blurred. There is a high level of mergers and acquisitions in Africa today, and a “*record level of cross-border M&As*”⁶ (UNCTAD 2009, 42, emphasis added): “the acquiring companies may be headquartered in a country, but the capital is mainly sourced from other countries” (Cotula 2012, 659). Overall, the location of investors and their interests are “distributed unevenly” and the same logic of the globalisation of the economy and capital expansion makes it difficult to establish clear boundaries in regard to the nationalities of investors and their interests. As Amanor states, “[l]iberalisation policies have facilitated the globalisation of agribusiness” (2012a, 732).

Finally, it is also relevant to note that despite the consideration of investors’ nationalities, investment in agriculture nowadays is mostly done by private companies; yet, the “home country governments of investors can play a supportive role in private sector-led initiatives, providing diplomatic, financial and other support to private deals” (Cotula 2012, 660).

The quintessential case of governments supporting the private sector is China and its ‘going global’ policy. In many cases the Chinese government owns the companies, whereas in others it facilitates the path for corporations: there is “significant state influence over strategic private firms...[which] benefit from access to special credit lines,

⁶ Mergers and acquisitions

tax breaks, and possibly favourable interpretation of regulations and priority in allocation of key contracts” (Cotula 2012, 661).

As highlighted in this section, the nationalities of investors oscillate between nationals, emerging foreigners and Western or traditional foreigners in Africa; but nationalities are also difficult to identify due the logic of economic globalisation. The interests of investors also oscillate between the drivers pinpointed in the previous section: emergent investors have a major role in food security enterprises, whereas Western foreigners are more relevant to biofuel projects. At any rate, large-scale agribusiness seems to be more common among foreigners than nationals; yet, nationals also have a very important role in the accumulation of land. As illustrated, the land grabbing phenomenon or the “rising interest in farmland” is threatening the livelihoods of already vulnerable and impoverished people (Amanor 2012a, Cotula 2012, Peters 2013). As Amanor (2012a, 731) points out that land concentration “creates pressures on smallholders that ultimately result in dispossession”.

Rural Villagers

In a few cases deals have been established between communities and private investors, but this is a rarity. For instance, in Madagascar in 2005 and 2006, some modifications to the law led to the abolition of the presumption that all uncertified land belonged to the state. This preceded the signing of a contract between private investors and community leaders (Cotula 2011). On the contrary, in Ethiopia, the land belongs to the state and the deals are displacing people from their original land, a phenomenon fostered by the state due to “development” plans (The Oakland Institute 2011a, Human Rights Watch 2012)

In cases where communities have more decision capacity and are able to negotiate the deal, research demonstrates that the agreements are more balanced and include more compensation for the land (Cotula 2011). However, the level of community involvement and decision making capacity is actually very low. In many instances, consultation processes are a formal requisite rather than actually involving the community in the definition of their needs and ownership of the projects’ conditions. In many other cases, the commitments made by companies, such as compensation or job promises, are rarely fulfilled (Peters 2004, Cotula 2011, The Oakland Institute 2011a, Amanor 2012a).

Nevertheless, the most relevant role of communities in the land grabbing scenario is its role in contesting land deals. As Smalley and Corbera (2012) point out, communities are able to reject projects that do not suit them. Access to land is highly relevant in agrarian

societies (Berry 2002, Peters 2004, 2013). It is a highly valued asset for livelihoods and resilience in difficult environments that are economically and environmentally constrained (World Resources Institute (WRI) in collaboration with UNEP, UNDP and World Bank, 2008). Despite the increasing tendency towards urban migration (UNDP 2012, 58), Sub-Saharan Africa remains a region of the world with a large population that are active in agriculture: 66% in 2011; achieving levels of 92% in countries such as Burkina Faso, and 89% in Burundi and Rwanda (UNDP 2012, 66). Within the continent, East Africa is at the top, with 76.5% of its population being active in agriculture; whereas in developed countries the level was 4% in 2007 (UNCTAD 2009, 101). In the lower reaches of agricultural activity, there is South Africa accounting for 6%, and Nigeria, accounting for 24%.

As stated in regard to the rationale for this project, communities are contesting land grabs in formal and informal ways. Their aim is to protect their access to land through different strategies. Dahl points out that citizens “use their potential political resources to the full...by using normally unused reserves of political power and influence- whenever their vital interests are directly threatened” (Dahl, in Hirschman 1970, 32).

It has been argued that the bargaining power of communities in cases of land grabbing is weak (De Schutter 2011, Amanor 2012a). Conversely, in this work, much attention will be paid to the formal and informal strategies that communities develop, on their own or with others, to protect their rights.

Global institutions

Struggles over resources have become globalised (Newell and Wheeler 2006). For the purpose of this work, international organisations such as the World Bank and the FAO, and their institutions in the form of “codes of conduct” or “voluntary guidelines” are relevant. These institutions are actors “from above” in the global agenda. They support “[c]orporations, markets, investors and elites” (Brecher *et al.* 2000, 1) accelerating their power, and promoting policies that will benefit them (mainly through the so-called Washington Consensus) (Brecher *et al.* 2000).

Linked with land grabs and their impacts, the World Bank and the FAO have launched the *Principles of Responsible Agriculture Investment* (PRAI), widely known as the *RAI Principles* by the World Bank, in co-operation with other UN agencies (FAO *et al.* 2010); the FAO has also developed the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests*, known as the Voluntary Guidelines (FAO 2012);

and the less-cited *Large-scale land acquisitions and leases: A set of minimum principles and measures to address the human rights challenge* (Minimum Principles), by the UN Special Rapporteur on the right to food (2009).

The PRAI principles were first disclosed in 2010 at a summit in Seoul at which the G20 presented a multi-year plan for development. The G20 encouraged the implementation of the Principles for Agricultural Investment developed by the UNCTAD, FAO, IFAD and World Bank. The principles encountered strong opposition by representatives of the civil society. Despite this, the G20 ratified those principles at the following summits in 2011 and 2012 (UNCTAD 2012).

The PRAI were regarded by the former UN Human Rights Rapporteur on the right to food Olivier de Schutter as responsible for “‘destroying the world’s peasantry’ (UNHRC 2010), and [starting] a civil society-led attempt to construct more democratic Voluntary Guidelines through the FAO and its Committee on Food Security” (McMichael 2012, 687). The Committee on World Food Security started a four year process to approve the principles in a session that was attended by delegates from 111 Members of the Committee, 10 non-Member States of the Committee and representatives from: 10 United Nations agencies and bodies (e.g. HLPE on the global food crisis, International Atomic Agency, ILO, OHCHR, WFP, WHO among others); 2 International agricultural research organisations (Biodiversity International and Transnational Institute); 1 International financial institution (WB); 81 Civil society organisations (e.g. Action Aid International, Action Against Hunger, Concern Worldwide, FIAN, International Save the Children, Medecins Sans Frontieres, Oxfam International, Soroptimist International, Via Campesina among others); 73 private sector associations and private philanthropic foundations (e.g. Rotary International); and 42 observers (e.g. International Red Cross and EESC, among others). The process was concluded in 2014 (FAO 2014) and the principles were as shown in Table 1 below.

Table 1: PRAI vs CFS principles

PRAI Principles (UNCTAD 2012)	CFS Principles (CFS 2014)
Principle 1: Existing rights to land and associated natural resources are recognised and respected.	Principle 1: Contribute to food security and nutrition
Principle 2: Investments do not jeopardise food security but rather strengthen it.	Principle 2: Contribute to sustainable and inclusive economic development and the eradication of poverty

<p>Principle 3: Processes relating to investment in agriculture are transparent, monitored, and ensure accountability by all stakeholders, within a proper business, legal, and regulatory environment.</p> <p>Principle 4: All those materially affected are consulted, and agreements from consultations are recorded and enforced.</p> <p>Principle 5: Investors ensure that projects respect the rule of law, reflect industry best practice, are viable economically, and result in durable shared value.</p> <p>Principle 6: Investments generate desirable social and distributional impacts and do not increase vulnerability.</p> <p>Principle 7: Environmental impacts of a project are quantified and measures taken to encourage sustainable resource use, while minimising the risk/magnitude of negative impacts and mitigating them.</p>	<p>Principle 3: Foster gender equality and women's empowerment</p> <p>Principle 4: Engage and empower youth</p> <p>Principle 5: Respect tenure of land, fisheries, and forests, and access to water</p> <p>Principle 6: Conserve and sustainably manage natural resources, increase resilience, and reduce disaster risks</p> <p>Principle 7: Respect cultural heritage and traditional knowledge, and support diversity and innovation</p> <p>Principle 8: Promote safe and healthy agriculture and food systems</p> <p>Principle 9: Incorporate inclusive and transparent governance structures, processes, and grievance mechanisms</p> <p>Principle 10: Assess and address impacts and promote accountability</p>
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NGOs

Resistant and mobilising actions have arisen in opposition to the global land grabbing phenomenon, as can be concluded from the contestation to the PRAI principles. Many of these actions have been pursued for communities as political actors at the local level, but many non-state actors have also acted at the local and global level as a 'resistant force'. These actors are "people at the grassroots around the world [that] link up to impose their own needs and interest" (Brecher *et al.* 2000, 1). Those actors are also known as transnational networks (Goodale 2007), or counter-hegemonic movements (Santos and Rodríguez-Gravito 2005). It is difficult to situate them in a specific location, but they influence local and global spaces.

Relevant actors in the struggles over land grabs are: The Oakland Institute, which has supported mobilisations, held meetings between community representatives and raised

awareness with different reports and protests; FIAN, which created a report for contesting land grabs through international human rights legislation; Intermon Oxfam, which has performed different global campaigns to increase awareness of this issue and also published several reports; GRAIN, which has also published several reports about land grabbing and has contributed to the creation of a database containing information on land deals and a website that collects media, academic and NGO reports on the subject;⁷ and La Via Campesina, a peasants' organisation, which is the leading force in the food sovereignty propositions, and has also been working as one of the principal actors in the contestation of landgrabbing.

In any case, paraphrasing Crina and Petrescu-Mag (2017), land grabbing usually brings along clashes between different actors' interests, farmers and buyers, "generated by the loss of rights or access to land and to its associated services (e.g., environmental services and physical access to places) (...) It is necessary to understand the interests and the powerful interest of a wider range of stakeholders (e.g., farmers, land owners, academia, and public authorities)" (Crina and Petrescu-Mag 2017, 183)

1.4. Research questions

Land grabbing has had an impact on the rights of rural villagers. It has also been part of a wider process of "re-shuffling" land and other resources through accumulation and dispossession by different actors (Peluso and Lund 2011, Baglioni and Gibbon 2013). Marxist concepts such as "primitive accumulation" or "common enclosures" are commonplace in the literature (Salemink and Rasmussen 2016). Scholars have also called for increased attention and research on land grabs to increase our understanding of the phenomenon (Borras Jr. and Franco 2012) and its meaning for how different uses of land are managed and negotiated (e.g. De Maria 2019).

Despite research efforts on the subject, less attention has been paid to the role of communities and their responses to land grabbing, while the focus has been placed on the issues explored in this introduction, such as international drivers and international foreign investors. Some exceptions to this can be found such as the work of Baglioni and Gibbon (2013), Borras and Franco (2013) or Kandel (2015). Those authors focus their attention at the local level and on the different dynamics between large-scale investments, communities and the role of national elites.

⁷ See farmlandgrab.org

This research aims to answer the question: *How are understandings of land changing in the context of land grabbing in Tanzania?* At the same time, it will aim to answer the sub-questions:

- What are the various processes through which land grabbing occurs?
- Are land grabbing processes always large-scale accumulation processes?
- What are the ways in which people negotiate the acts of land grabbing?
- What are processes of formalisation of land that accompany the land grabbing processes?
- What are the changing understandings and new dimensions of land?

The link between the concepts “global” and “local” aims to highlight the interdependence between micro and macro processes, which has traditionally been the discipline of international relationship scholars. The concept of “global” differs from “international” in the sense that international adheres to the relationship between states and governments, while global encompasses a more extended set of actors that interact between borders, including states and their governments, transnational corporations, civil society organisations, religious groups and individuals. The concept of “global” highlights complex spatial relationships between governance and outcomes. This complexity makes it difficult to observe the relationships that the global and the local have. In the context of landgrabbing, this research has identified some spaces at the local, regional and international levels that have had an impact on understandings of land rights and their governance.

1.5. Thesis outline

The thesis consists of three parts: a general introduction, including a review of the relevant literature and methodology; three empirical chapters; and a concluding part, including a discussion chapter.

Chapter 2 provides a systematic analysis of land rights and land reforms in the context of international development, with a particular focus on African development. In addition, it examines the relevance of land rights after the wave of land grabs in the view of the HPLE. Chapter 3 focuses on the concept of land grabbing as portrayed by the literature that emerged after the Global Financial Crisis in 2007-2008, and the reaction of grassroots actors. Chapter 4 introduces the data collection methods and analysis, describes the fieldwork sites and justifies the selection of Tanzania as a land grabbing scenario. Chapter 5 is the first of the empirical chapters and focuses on the dynamics of the actors involved

in the context of land grabbing in the sites explored during the fieldwork, with a focus on the denial of rights that rural villagers experienced. Chapter 6 presents the findings in regard to land grabbing conflicts and phenomena found during the fieldwork in the four villages studied. Chapter 7 documents the results regarding the formalisation of land rights as experienced by rural villagers. Finally, Chapter 8 discusses the relevance of the findings in the light of ongoing debates about the concept of land grabbing, the role of NGOs in the land rights scenario and the effects of formalisation. Chapter 8 also presents the general conclusion of the thesis and considers further research concerns.

Chapter 2. **Land rights in an international development context**

Pressures over land due to land grabbing for agriculture production and urban expansion have caused the re-birth of historical debates on development (Toulmin 2008, Peters 2009). This review pays attention to the consequences of large-scale agricultural land deals for land rights and land tenure reforms discourses in the development literature and for agriculture modernisation debates.

One of the main consequences of the pressure over land and land grabbing is that it interferes with the tenure security of the local population (Toulmin 2008, HLPE 2011). In order to address this situation different understandings of land rights and land reforms have been proposed by practitioners and scholars. The two first sections of this review deal with these vindications whereas the third pinpoints debates over agriculture development. This review highlights the resistance role and influence that those more marginalised and affected by land reforms have in order to improve their tenure security and their governance of the land. Finally, the review concludes in the fourth section.

2.1 Meanings of land rights

The phenomenon of landgrabbing has led to increased discussions about land rights in Africa. These discussions have traditionally revolved around what Daley and Hobley (2005) have summarised as two contrasting narratives. The first, the “Western-legal view”, understands land rights as isolated from political and social relationships and refers to individual rights over land as an economic mechanism to enable market efficiency and development. The second, the “anthropological view”, stresses “the links between land rights, social processes and structures, and political and economic organisation” (Daley and Hobley 2005, 3). In the “anthropological view”, land rights are embedded in social and political relations, and when modifying such rights power structures change, triggering conflict (e.g.: Alden Wily 1988, Berry 2002, Peters 2009).

1.1.1.1. Western-legal meanings of land rights

Meanings of land rights as Western-legal understandings draw on Locke’s ideas of property (1772), and also on the property rights school (see Gordon 1954, Coase 1960). Locke (1772) considered that despite nature and its resources being given to mankind in common, “there must be of necessity a *means to appropriate* them some way or another”

(Locke 1772, 195, emphasis in the original). Locke also considered that the state is the enforcement agent in the surveillance of property (Joireman 2011, 4).

Similarly, the property rights school claims that individual property rights are the most efficient⁸ mechanism to minimise the cost of resource allocation and its exploitation. However, such rights require enforcement by state coercion and law (Gordon 1954, Coase 1960). The school argues that communal rights⁹ over resources (land) lead to individual competition for these resources. This gives way to over-exploitation and resource depletion and damages economic performance (Gordon 1954). These impacts can only be addressed through making unregulated common property private property or “public (government) property, in either case subject to a unified directing power” (Gordon 1954, 135).

In this understanding, land rights are “rights to territorial parcels of land, precisely measurable and definable, with property rights in general (of which land rights are a subset) regarded as being primarily about the possession (or ownership) of physical things” (Bohannon 1963:101-3, in Daley and Hoblely 2005, 8) . However, as the next section aims to explain, property rights over land in different contexts have implications for cultural, social and political relations (Daley and Hoblely 2005, Cotula 2009, Peters 2009).

1.1.1.2. Anthropological meanings of land rights

Anthropological meanings of land rights express the “relations between people and groups...in terms of their mutual rights and obligations with regard to land” (Middleton, 1988, p.ix, in Daley and Hoblely 2005, 8). They are embedded in social, cultural, economic and political relations around land rights (Peters 2009). Anthropological meanings are based on the contestation of the understanding that individual ownership of land and its legal registration and state enforcement (Western meanings of statutory rights) is a superior system compared to customary land rights¹⁰ (Peters 2009).

Despite the fact that communal rights over land relate to customary land rights, customary land rights can be either individual or communal (Alden Wily 1988, Knight 2010). These

⁸ The property rights school advocates have a neoliberal political economic understanding of land rights and property. They base their theories on economic maximisation and efficiency. Efficiency refers to the minimisation of economic costs given a set of different resource allocation possibilities.

⁹ Communal land rights “means that there exists a corporate entity (the tribe, the village, the lineage, the extended family) acting as a joint ownership unit” (Platteau 1995, 2). This concept and its origins will be explored further in the Anthropological view of land rights (section 1.1.2.)

¹⁰ “informal local” land rights (Daley and Hoblely 2005)

meanings of customary rights over land proceed from the clash of two different understandings of land rights in Africa during the colonialist period: that of the coloniser (that of Western-legal views) and that of the Africans (Alden Wily 1988, Berry 2002, Peters 2009). The colonial powers identified that African land rights were not based on the individual property rights tradition of their culture. As Knight (2010, 21) states, “[c]olonizers argued that ... Africans had no notion of “private property””. Consequently, African customary land rights were understood as communal (Alden Wily 1988).

Another colonial interpretation of African customary land rights was that they were considered as inalienable and outside family relations such as inheritance, a view brought about from the colonial understanding of customs in Africa (Platteau 1995, Knight 2010, 21): land was “inalienable from the lineage, could not be bought or sold, but belonged to the community as a whole” (Knight 2010, 21 footnote 7).

Customary land rights are understood, therefore, as non-statutory informal land rights that in some cases are communal and not transferrable. Informal land rights stand for “*socially shared rules, usually unwritten, that are created, communicated, and enforced outside officially sanctioned channels*” (Helmke and Levitsky 2006, 5, emphasis on the original). In the context of this work, such rules are related to the control, allocation, transfer and use of the land.

Land rights in Africa today are governed “by a complicated combination of national statutory law, subsidiary regulations and local by-laws, national policy (which may or may not be consistent with the law), and customary land law (which may or may not be consistent with state policy)” (Alden Wily 1988, 26). This complexity makes it difficult to talk about only two understandings of land rights, customary and statutory, as there are in fact different understandings that can involve communal and statutory rights, or individual and customary rights without one having to exclude the other. For instance, in Tanzania, communal rights are recognised by statutory and formal law. And those rights are transferable by family relations or by the market.

Furthermore, within this complexity, African states are the dominant agents in controlling and allocating land rights, even where customary land rights are supported by the legal system, such as in the case of Ghana (Alden Wily 2003a). In Africa today more than 75% of the land is managed by customary land rights (Toulmin 2008), and in some countries this figure reaches 90% (Knight 2010). Alongside this, in countries such as Ethiopia and

Mali, all of the land belongs to the government constitutionally, and communities¹¹ and individuals can legitimately use the land through customary land rights that very often are also recognised by the law, as in the case of Tanzania, Botswana and Uganda (Alden Wily 2003a). As Knight (2010) highlights, customary and statutory land rights (private or public –governmental) are usually entangled in systems that “have been inherited, observed, transmuted, learned and adopted” (Knight 2010, 4).

Problems arise when these tangled understandings of land rights overlap and show little or no recognition of each other. On the one hand, Western legal views have not rendered economic or social validity to customary land rights (Knight 2010, 5). On the other hand, the dominant state has overseen customary land rights. When land was unregistered, the state considered it to be its property (see Alden Wily 1988, Boone 2007). As Boone states: “[i]n most African countries, the state itself became owner of all land not formally registered as private property” (Boone 2007, 562).

This has triggered social and political struggles and has reshaped understandings of land rights (Berry 2002). The anthropological meaning of land rights is helpful to investigate the changes in a particular context, and the structures and processes of construction that determine the distribution of land rights (Daley and Hobley 2005). Land rights are understood here as a wider range of rights or a “bundle of rights”¹² that “may be formal, informal, customary or religious, and can include leasehold, freehold, use rights and private ownership” (Knight 2010, 19).

Referring to land tenure rights in Africa, Knight (2010) defined this “bundle of rights” as the “freedom to: occupy, use, develop or enjoy one’s land; bequeath land to heirs or sell land; lease or grant land or use rights over that land to others with reasonable guarantees of being able to recover the land; restrict others’ access to that land; and use natural resources located on that land” (Knight 2010, 19). Rahmato (2011) adds to this definition the use and control of the communal land shared by the community and the natural resources within the customary legitimate land of a community.

This communal land has also been dubbed “the commons” and it is an important contested issue in the landgrabbing phenomenon today. As Boone (2007) and Alden Wily (2003a) stress, in some cases the state has “privatised” this land, making it public land controlled

¹¹ The concept of community is understood here as a heterogeneous group of people living in the same village or town. The concept allows for internal social and political differentiation among community members. It avoids the understanding of communities as homogeneous groups of people with “very similar (if not identical) interests, identities and aspirations for the future” (Borras Jr. and Franco 2013, 1724)

¹² Bundle of rights stands

by the government. For instance, in Tanzania, common land that was not considered “village land” by the Land Act of 1999 came under the new category of “general land”. This tends to be forests and woodlands. These lands have usually been managed by customary systems and the lack of markets has caused them to be considered underused or idle by African governments (HLPE 2011). This transformation has implications for the “bundle of rights” over land that communities and individuals hold, damaging their tenure security. Processes of land reforms and tenure security are the topic of the next section.

2.2 Land tenure security and land tenure reforms

2.2.1. Land tenure security and land rights

Tenure insecurity is defined as the feeling of losing land rights in the future; it is “the perception of the likelihood of losing a specific right to cultivate, graze, fallow, transfer or mortgage” land (Barrows and Roth in Sjaastad and Bromley 1997, 553). Knight (2010) defines the concept of land tenure security as “the degree of confidence that land users will not be arbitrarily deprived of the bundle of rights they have over particular lands” (Knight 2010, 19). In Knight’s (2010) view, rights are secure when they are both legally and socially legitimate.

The current situation of increased pressure over land due to the expansion of large-scale agriculture in Africa, together with the plurality of rights over land and the oversight of customary land rights by African governments, makes rural populations’ land rights weak or non-existent (HLPE 2011, 39). This has contributed to a wider consensus among practitioners, scholars and even local peoples,¹³ regarding the need to increase land tenure security (e.g.: Alden Wily, 2003a; Boone, 2007; Cotula, 2009; De Soto, 2000; HLPE, 2011; Smalley & Corbera, 2012; Toulmin, 2008; UN Special Rapporteur on the right to food, 2009): “[s]ecuring rights is of ever-greater urgency, given the rising demand for land” (Toulmin 2008, 10).

On the other hand, it has been argued that secure land rights promote investment, not only by foreign capital but also for rural peasants. When land rights are secure, investors rely on gaining profit as a return on their investment in agriculture (Cotula 2009). It has also been highlighted that strengthening the land rights of local people protects their

¹³ Based on their research on land grabs in Kenya, Smalley and Corbera point out that “interview respondents expressed strong demand for title deed” (Smalley and Corbera 2012, 1065)

livelihoods in the face of elite or foreign investment (Cotula 2009). In order to increase security of tenure, scholarship on land rights in Africa stresses the need for the registration of customary land rights and their recognition by statutory law (e.g.: Alden Wily 2003a, Knight 2010, De Schutter 2011, HLPE 2011).

Processes of registration of customary land rights, however, have resulted not only in many conflicts and tensions but also in the appropriation of the land by local elites. As Amanor (2012a) states: “it allows the dominant political coalitions at the local level to redefine customary tenure in line with their narrow group interests and appropriate the land of the poor and marginalised” (Amanor 2012a, 735). Furthermore, the transformation of customary land rights into formal or statutory rights has been argued to favour expropriation, the expansion of agribusiness and the taking of land (Ho and Spoor 2006, Cotula 2009, Amanor 2012a, Peters 2013). These negative impacts have superseded debates about the reform of land tenure systems in Africa.

2.2.2. Land tenure reforms in Africa

Land tenure is the “nature of and manner in which rights and interest over various categories of land are created or determined, allocated and enjoyed” (African Union Land Policy Guidelines, in HLPE 2011, 26). Similarly, Knight defines land tenure as “the way land is held or owned by individuals or groups” (2010, 19). Land tenure reform debates have revolved around “distinctions between statutory and customary law, formal and informal tenure” (Peters 2009, 1317), but also around processes and structures for managing land rights. Such processes have also opened up discussions about “state-led and community-led reform[s]” (Peters 2009, 1317).

These processes have been dubbed formalisation. This refers not only to the process of the registration of land into formal titles and privatisation, but also, as will be discussed below, the strengthening of the formal institutions that are in charge of cadastres, the management of land and conflict resolution. Efforts to transform African customary and informal land tenure systems have influenced development projects supported by the World Bank and donors,¹⁴ especially since the 1980s (Daley and Holey 2005, Peters 2009). During these years there has been a shift in development policies due to the implementation of the structural adjustment programmes and liberalisation supported by the World Bank and the IMF. These programmes are consistent with the idea that private

¹⁴ The term ‘donors’ refers to the members of the OCDE and its Development Co-operation Directorate (DAC) that contribute to development projects through multilateral or bilateral Official Development Aid (ODA).

property (in a Western-legal view) is necessary to provide tenure security, promote economic growth and investment and enable the market to function well (Daley and Hopley 2005, Ho and Spoor 2006, Peters 2009). As Peters states, the “World Bank’s prescription was to replace customary systems ... as necessary preconditions for modernization and development” (2009, 1318). This was considered to be the hegemonic approach to land tenure reforms that built upon Western-legal understandings of land rights (Daley and Hopley 2005).

This hegemonic, “top-down” or “from above” land reform aimed to implement *titling* schemes in developing countries with customary land tenure systems. Titling schemes involve the registration of individualised land rights in “the belief that only formal legal (and usually freehold) rights are secure enough to build agricultural growth and enable poor people to access credit” (Daley and Hopley 2005, 4). Titling aims to provide people with individual, formal and statutory private property titles (Ho and Spoor 2006, HLPE 2011).

De Soto’s (2000) *The Mystery of Capital* is a case in point of the justification for land tenure reforms promoting titling schemes. His main argument is that customary and informal rights are not just a cause of economic underdevelopment; they also oppress people and relegate them to the insecurity of extra-legality. In De Soto’s view, private property rights are the “key process” that transforms assets into capital and the major reason why developing countries have lagged behind in agricultural development. De Soto’s understanding of land tenure reforms is supported by the property rights school thesis and Western-legal views of land rights. This point of view advocates for a straightforward relationship between the formalisation and individualisation of land rights, tenure security, access to credit and agricultural development (Ho and Spoor 2006).

However, during the 1990s, an increasing number of scholars and organisations, including the World Bank itself, conducted research on such relationships, contesting the performance of hegemonic land tenure reforms in Africa (Daley and Hopley 2005). Drawing on Daley and Hopley (2005, 4) the conclusions of such research, four shortcomings of titling schemes can be highlighted:

- There is little or no evidence that titling schemes provide agricultural development and increased productivity. Several studies have demonstrated that titling has little or no impact on rural investment and income (Ho and Spoor 2006, 581).

- Customary land tenure systems have been considered as flexible and, therefore, insecure. However, research has concluded that such systems are also able to foster agriculture performance and they are not always perceived as insecure for local people (Daley and Hobley 2005). Ho and Spoor (2006) highlight that tenure insecurity could be prevented by informal customary systems and not only through titling. Also, when customary tenure systems rely on communal property, “common property represents private property for the group of co-owners” (Broomley, in Ho and Spoor 2006, 581).
- The cost of registering land as in statutory and centralised land reforms has prevented many people and governments from being able to afford land registration (Cotula 2009, HLPE 2011). It has been argued that customary systems have lower transaction costs and, therefore, are more cost efficient (Ho and Spoor 2006). The cost of certification has also led to the exclusion of certain groups (such as the poor, women and children) and a rise in the number of landless people, as well as inequality (Daley and Hobley 2005).
- Research has concluded that land reforms build on titling schemes to promote the commoditisation of land and its accumulation. They enable the formation of national and international elites and the ‘savvy’ behaviour of chiefs and local land administrators. (Daley and Hobley 2005, Knight 2010). This situation has increased tenure insecurity instead of preventing it. Land registration “might actually exacerbate (historical) land conflicts and can lead to the domination of land resources by the vested elite” (Ho and Spoor 2006, 582). Yet, titling schemes can also increase inequality and social differentiation (Peters 2004, Daley and Hobley 2005, Amanor 2012a).

Still, land reforms and registration processes are considered as tantamount to providing tenure security to the rural population, as pointed out in the section above.¹⁵ The HLPE has claimed that the “[r]egistration of land and natural resource rights is critical to providing security to rural people, and to enable them to negotiate from a better position with both, investors and government” (2011, 28). The HLPE is an important actor in the governance of food security and nutrition. The HLPE is in charge of promoting a reform of the UN Committee on World Food Security that started in 2009. In 2010, due to public

¹⁵ One exception to that claim is the research conducted by Locher, Steimann and Upreti (2012), who have considered that due to the legal pluralism operating in land tenure systems in developing countries affected by landgrabbing, a registration process of any kind needs to be avoided urgently. They advocate for the necessity to block any large-scale land deal due to the negative impact for rural populations.

concern that landgrabbing had increased, the CFS requested that the panel “report on land tenure and international investment in agriculture” (HLPE 2011, 6). They concluded that there was a need for registration, but according to five “key” elements for this purpose¹⁶: (i) “recognition by government of local (customary) rights, irrespective of registration”; (ii) “low-cost systems for recording rights”; (iii) “devolution of land management responsibilities to local government, with accountability mechanisms”; (iv) “local consultation requirements...or free prior and informed consent”; and (v) “joint management or attribution of rights over common resources” (HLPE 2011, 40).

These recommendations are in accordance with a shift towards “governance” in development in general, and in land reforms in particular.¹⁷ The governance paradigm is socio-political; it “is the sum of the many ways individuals and institutions, public and private, manage their common affairs” (Kacowicz 2012). Similarly, the cited CFS reform aims to include a “wider group of stakeholders and increase[e] its ability to promote policies that reduce food insecurity” (FAO 2014, online). In the context of land, the FAO has defined land governance as:

the rules, processes and structures through which decisions are made about the use of and control over land, the manner in which the decisions are implemented and enforced, and the way that competing interests in land are managed. It encompasses statutory, customary and religious institutions. It includes state structures such as land agencies, courts and ministries responsible for land, as well as non-statutory actors such as traditional bodies and informal agents. It covers both the legal and policy framework for land as well as traditional and informal practices that enjoy social legitimacy (FAO 2009, 1)

Furthermore, by the late 1990s, due to the shortcomings highlighted above, the World Bank and several multilateral agencies had adopted a “community-led” approach or “community-driven” development approach (World Bank 2008) to agriculture and land tenure reforms (ie: IFPRI 2002, World Bank 2008). Peters has dubbed this a “pro-poor” or “human centred” approach to development (Peters 2004, 2009). Yet, some scholars have considered this shift ambiguous due to the fact it has the same aim of registration and the support of centralised, state-led programmes. The following sections will discuss

¹⁶ These recommendations draw upon the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, which highlights that securing access to natural resources is tantamount to the realization of the right to food (in HLPE 2011, 39). Also the UN Rapporteur on the Right to Food (2009) states that: “States should assist individuals and local communities in obtaining individual titles or collective registration of the land they use, in order to ensure their rights” (2009, 16). The Rapporteur stresses that registering rights, though, need of information and participation processes and the oversight of human rights, especially preventing evictions from the land (UN Special Rapporteur on the right to food 2009, HLPE 2011).

¹⁷.

decentralisation processes and their implications for tenure security and improving the lives of the poor.

2.2.3. Community-led reforms: the role of decentralization in tenure security

In the previous section, “state-led” reforms have been explained. They support titling schemes and a view of land rights in the context a Western-legal understanding, strengthening central institutions and processes; they are dismissive of local institutions. However, due to the failure of this kind of reform, pinpointed above, the WB¹⁸ and donors have moved towards more locally driven land reforms to enforce tenure security, reducing the relevance of the “state-led” role.

Locally driven processes are either a return to customary tenure authorities and land rights, or community tenure reforms; both have been pinpointed as alternatives to “state-led” reforms. Boone (2007) and Alden Wily (2003a) have summarised three different land tenure reforms, including the “state-led” process: (i) reinforce community rights, devolving land rights to traditional authorities (“re-traditionalisation”), a reform that has been implemented in Ghana; (ii) promote property rights at the national level (“state-led” reforms”), a process followed in Botswana (see Alden Wily, 2003a); and (iii) locally-driven and decentralization processes (“community-led” reforms), which aim to recognize *de facto* user rights through elected local institutions. This process has been followed in Tanzania. “Community-led” reforms are processes that are widely supported by the scholarship on land tenure reforms in Africa today (e.g.: Alden Wily 2003b, 2003a, Boone 2007, Toulmin 2008, Joireman 2011). Drawing on Boone (2007), Table 2 below summarizes the three pinpointed land reform processes discussed so far, highlighting their pros and cons.

Table 2 Three different land tenure reforms and their implications and proposed solutions derived from Boone (2007)

Land Reform	Description and aims	Cons	Pros
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¹⁸ In 2008 the World Development Report “hailed the role of small farmers in leading the way out of hunger and poverty and recognized the importance of state investment in agriculture and of some subsidies” (Thurow 2010, 106).

<p>Reinforce community rights: “re-traditionalisation”/ devolution reforms</p> <p>Focus on large-scale farming</p> <p>“Exploitation or expropriation of community resources by opportunistic insiders or by outsiders has caused illegitimate trampling on the rights of indigenous communities, and the erosion of traditional mechanisms that ensured the downward accountability and effectiveness of community-level authorities” (p.570)</p>	<p>“restoration of a <i>status quo ante</i> in which members of a ‘natural community’ managed their own resources in ways that promoted collective interests” (p.570) 1</p> <p>Land rights depend upon the membership of a community</p> <p>““consolidates local states”. This has as an outcome that “the relationship between the central state and individuals, households, and rural communities is mediated by local elites who have political authority and also (some) economic authority over their subjects” (p.578)</p>	<ul style="list-style-type: none"> · Corruption and co-optation of local leaders that leads to exploitation and expropriation of resources · Who is a member of the community and therefore entitled to rights ownership? · What local authority should be build? · ‘neo-traditionalisation, hampering current rights of non-indigenes · Exclusion of woman and other groups · Customary non-democratic law · Supports the idea that “indigeneity is a political classification that is an integral part of the modern African state” (p.578). Therefore, not being an indigene may mean denial of citizenship. 	<ul style="list-style-type: none"> · If the systems operate in a transparent way and accountable mechanisms for local leaderships are put in place “communities could manage their own resources well...and could also achieve significant increases in agricultural production” (p.570)
<p>Promote private property rights: “state-led” reforms</p> <p>Focus on large-scale farming</p> <p>Implies “transferring control over land from the political sphere to the market” (p.580)</p>	<p>Relies on the Western-legal understanding of land rights, transforming land into private property to enable market efficiency.</p>	<ul style="list-style-type: none"> · Supported by WB and donors, but also by investors “who seek land for commercial purposes” in agriculture or tourism (p.573). This leads to exchanging rights easily at lower prices. · Supported by women’s movements. · Central control in freeholding titles · “moves toward individualization of control and disposition of land are, by definition, changes that erode communal coherence and structure” (p.580) 	<ul style="list-style-type: none"> · There is not a trend in African countries towards this policy in land reform. It is more prone the “re-traditionalisation’ of control over land” (p.574) · The state has to increase the law enforcement of contracts and manage processes placed on local governments to prevent lack of capacity · Avoids problems of patron-client relationships more present in the previous one and supports individual citizenship in spite of family relations.
<p>Institutionalise user rights: “community-led” reforms / decentralisation processes</p> <p>Focus on small-holder farming</p> <p>Still focusing on political modes of allocation instead of market modes, although it encourages formalisation through local institutions</p>	<p>“land registration and titling as a means to stabilize the land access and use rights to the small farmers now cultivating the land” (p.574)</p> <p>It is not completely the opposite to community rights; however it respects the rights of emigrants and other groups excluded in customary law</p>	<ul style="list-style-type: none"> · The same problem arises regarding whose land rights are recognised, and could stir up conflict among current users’ rights and traditional or customary rights 	<ul style="list-style-type: none"> · “is generally considered to be the most flexible, pro-poor, and practical way forward, and also it can be useful as a sort of generic, pro-farmer stand on the land rights question” (p.575) · Protect the poor from arbitrary dispossession · Not confident in local and customary authority · “ratification of the on-the-ground, status quo land distribution, it is a strategy that could circumvent indeterminate debates over historical claims” (p.575)

On the one hand, “re-traditionalisation” as land tenure reform is the devolution of the authority and administration of land rights to traditional authorities and the enforcement

of customary land tenure systems. However, as stated previously, within customary systems it has been claimed that some traditional practices exclude some groups from decision making processes and land ownership (Peters 2004, Joireman 2008, Toulmin 2008). In Peters' (2004) view, in customary systems across Africa there is a process of struggle that leads to a "simultaneous creation of privilege and penury, wealth and poverty, political power and powerlessness" (Peters 2004, 285). Many of these struggles are due to age, gender, pertinence/non-pertinence to the community and marital relations. Drawing on Toulmin (2008) and Boone (2007), such negative implications can be summarised as follows:

- The exclusion of certain groups from ownership: women, foreigners, and others due to marital status. This can lead to an increase in past land claims that can stir up conflict with current users of land, not only with foreigners, but also with users of other regions of the same country.
- The leaders are not democratically chosen: customary "land-management powers [are] non-elected, non-state, non-secular, local-level actors like chiefs and marabouts" (Boone 2007, 564).
- The customary leaders are often co-opted by political and economic elites, and they may seek individual profit; the representation of their community is not straightforward.¹⁹ Patron-client politics in Africa is common practice and has its roots in informal relations, many of them related to kinship. This way of doing politics has its strengths in a cultural and economic context such as the African one, where family relations are predominant and the state does not control all of its territory; but, it has also been considered that it benefits some elites (Chabal and Daloz 1999). What is more, it 'consolidates local states' where the relationship between citizens and the central state is "mediated by local elites who have political and also (some) economic authority over their subjects" (Boone 2007, 578).

On the other hand, in Hyden's (2006) view, "community-led" reforms are less interlinked with customary leaders than processes of devolving the authority and allocation of land to traditional leaders –such as in the case of Ghana, which was discussed previously. It is the medium-level enforcement of local institutions that enables the coordination between customary and statutory law (Boone 2007, Toulmin 2008). Furthermore, it has been

¹⁹ In 2012, 90 representatives of communities attended a conference in Sierra Leone. Some of them complained that they had been betrayed by their traditional leaders who had delivered the land to investors without their permission. <http://www.oaklandinstitute.org/press-release-launching-action-large-scale-land-acquisition-transparency-allat>

considered that the paradigm of “community-led” reforms is a point of convergence for development practitioners and Africanist scholars inside and outside Africa (Hyden 2006).

“Community-led” reforms involve processes of decentralisation. The World Bank (2008) has defined decentralisation as “the transfer of political, administrative, and fiscal authority to lower levels of government” (World Bank 2008, 254); in this case the transfer is in regard to land rights. “Community-led” reforms have also been considered as more democratic and able to protect vulnerable groups from tenure insecurity, providing them with more decision making capacity and ownership of land tenure reforms (Li 1996, Alden Wily 2003b).

However, in Peters’s view, such an optimistic scenario may be “more of a vision of what ideally should happen rather than what is happening in current land policy programmes or what is likely to happen” (Peters 2004, 276). Despite the attempts to make “community-led” reforms inclusive of different actors’ voices - the state, civil society and the private sector (World Bank 2008, 245) - to promote democratisation, it has been argued that this move corresponds more with the shift towards ‘good governance’ approaches to development since the initiation of structural adjustment programmes, which seek to increase the “reliance on legal forms and legal culture similar to those operating in the West, market-oriented economies” (McAlusan 1998 in Pierre and Peters 2000, 275).

Despite claims that processes of decentralisation are more democratic and participative and empower communities (Alden Wily 2003a), and therefore increase the tenure security of the poor, some scholarship has argued that they are in fact a continuity of “top-down” developments (Peters 2009). It has been sustained that an actual participatory²⁰ or democratic process of land reforms or other development projects not only places those who are more vulnerable and marginalised as the main players in the definitions of rights and needs, but also recognises their capacity to influence the transformation and distribution of rights (Mander 2005, Newell and Wheeler 2006, Vergara-Camus 2012, Borrás Jr. and Franco 2013). Moreover, “governance is ‘good’ only to the extent that it benefits the social groups who are impoverished, oppressed and socially vulnerable and excluded” (Mander 2005, 247).

²⁰ “Participation essentially concerns the exercise of popular agency in relation to development” (Hickey and Mohan 2004, 3)

However, participation has also been considered a form of “tyranny” (Cooke and Kothar 2001). These scholars argue that despite the rhetoric of placing people at the centre, participation is more of a technical process than a real emancipatory political process (Hickey and Mohan 2004). In order to avoid the negativities of participation, and make it meaningful and transformative, Hickey and Mohan (2004) reflect on “issues of power and politics” related to development. In order to have actual participative processes, these scholars assert that if participation shall contribute to economic development, it should be “grounded in evidence and [in a] theoretically-informed argument”, instead of in confrontation with dominant discourses (Hickey and Mohan 2004, 3).

In Mander’s (2005) view, the core of sound real participatory processes for development or governance “is the active agency of the repressed in assessing their own needs and finding their own solutions to their own problems” (Mander 2005, 233). Drawing on land rights, Mander (2005) highlights the political content of development projects, instead of considering them neutral. Acknowledging the analytical goal, any authentic reform that aims to improve the conditions of those who are more vulnerable

requires authentic processes by which... groups acquire consciousness of their oppressed situation and the causes of this situation, and by which they themselves both identify and advocate for the enforcement of their rights, and develop strategies to resist, combat and seek to overcome the situations created by the denial of their rights” (Mander 2005, 242).

Furthermore, Hickey and Mohan (2004) state that a participatory approach needs to undertake “an analysis of what makes participation difficult for marginal groups in the first place” (Hickey and Mohan 2004, 11). For instance, smallholder peasants -threatened by global industrial agriculture that uses large-scale farming, fertilizers and mechanization- have united and come up with alternatives which aim is to protect their rights to access “*land*, water, seeds and credit” (La Via Campesina, 2003 in Patel 2006, 82, emphasis added). The movement highlights self-reliance in food production through small-scale family farming, agroecology, and a process of consensus building and decision making based on equality and inclusion.

At least 1.5 billion people are dependent on small-scale farming, and very often they are the poorest and hungriest people in the world (De Schutter 2009, 6). As Amanor (2012a) highlights “[s]mallholders occupy an increasingly perilous position in global agri-food chains, which cannot be addressed by merely ensuring them security of rights to own land” (Amanor 2012a, 744). Furthermore, this scholar states that smallholders have lost their bargaining power with the agri-food industries that dominate agriculture by

monopoly (Amanor 2012a) The result is that small-scale farming is considered “generally non-viable, relegating it, at best, to subsistence agriculture. Unable to compete, relegated to the poorest soils – the hilly, the arid, and the erosion-prone – small farmers have been pushed to the margins” (De Schutter 2009, 2). The consequences of this marginality are as follows:

- Smallholders have started to be integrated into what is known as “out-grower schemes”, incorporating smallholders “into a framework of scale and linkages” and establishing “contractual relations between agribusiness and smallholder farmers” (Amanor 2012a, 735).
- They have abandoned the land and “flown” to urban areas creating massive slums with high health and poverty problems (De Schutter 2009)²¹.
- An emergent class of landless peasants have become cheap agricultural labourers in large-scale farms, often in combination with subsistence agriculture (De Schutter 2009).

The marginal situation of smallholders and the poverty problems that have arisen among them have contributed to a shift in development. This shift aims to focus its attention on smallholders’ farming as a way to reduce poverty and hunger (see IFPRI 2002, World Bank 2008). As the former Special Rapporteur on the right to food, Olivier De Schutter stressed: “agriculture must develop in ways that increase the incomes of smallholders” (UNHRC 2010, 5).

La Via Campesina demands and understanding of land rights are as follow:

...[a] genuine and integral agrarian reform that guarantees peasants full rights to land, defends and recovers the territories of indigenous peoples, ensures fishing communities' access and control over their fishing areas and eco-systems, honours access and control over pastoral lands and migratory routes, assures decent jobs with fair remuneration and labour rights for all, and a future for young people in the countryside;

...where agrarian reform revitalises interdependence between producers and consumers, ensures community survival, social and economic justice and ecological sustainability, and respect for local autonomy and governance with equal rights for women and men;

...where it guarantees the right to territory and self- determination for our peoples

...where peoples' power to make decisions about their material, natural and spiritual heritage is defended

²¹ “More than 1 billion people today – one in six people, and 43 percent of the population in developing countries – already live in slums” (De Schutter 2009, 2)

... where all peoples have the right to defend their territories from the actions of transnational corporations (La Via Campesina 2008, 2–3)

Chapter 3. **New understandings of land and negotiation processes over land control.**

3.1 Understandings of land

3.1.1.1.Land affordances

Large scale land acquisitions and the effects it is having on developing countries is changing the understanding of land and its dimensions. Scholars such as Li (Li 2014a), De Maria (2019), Baglioni (2013) or Lund and Pleuso (2011) have pointed out the need to rethink about land, the reshaping of scales of land and the need for more nuanced understandings of the dimensions of land and nature.

For instance, Li (2014) asks “What is land?” and with that question she implies that our understanding of the resource is changing, and that land is not understood the same way in different places or by different actors. According to her, land is not a resource intrinsically, but in order for land to be a resource it needs to be assembled by the use fences, laws, accumulation and ultimately its exploitation through productive uses (2014a, 589). In her view land has many affordances.

Li (2014) distinguishes three dimensions in which how to analyse and understand land. Though land’s uses and meanings, through land spatiality and location and through the technologies deployed to assemble the resource. Sud (2014b, 44) states that land “is literally globalized and traded internationally, rather than just being oriented to a global economy. Here one is indicating the growing literature on the “foreignization of space””, what she has coined as “macro understanding of land” (Sud 2014b, 53).

3.1.1.2.Material dimension of land

From a material point of view, different actors will give different meanings to land. “Land is material and it is social”. It needs to be assembled to be used, to be socially exchanged and to attribute to it value and productivity. But also, as she points out, “land sustains life” and this gives land a different dimension that its mere productivity, land has a “live giving quality”. This meaning as a common thing, a commonality that we all share as a replicability of our existence” (Li 2014, 589).

Technology and space:

The material dimension of land also talks about its location and the devices used to ensemble land: “land stays in place. It is excludable and can be partitioned, but it cannot be removed” (Li 2014a, 591). The devices used also have an impact on the spatial dimension of land, as it is possible to control land from remote places through new technologies such as satellite images, which are very different than the boundaries that local people use. Those technologies will affect control over land which can now be done from a distance, adding a new dimension to the land grabbing debate.

Understanding land as idle:

There is an understanding of land that deems this resource as “underutilised”: “To classify land as underutilised requires discounting current uses: It also requires a new regime of distinction, in which a diverse array of land types in a great many places is homogenised and aggregated under a new label: their underutilisation” (Li 2014a, 592). This gives land a new dimension and understanding. Li (2014) suggests that this underutilisation is a narrative that has been created in distance and by a different set of experts.

the huge untapped potential of idle lands, awaiting only technology and capital to make them productive. Technology and capital are the magic mix that account for why land is about to become suddenly vastly more valuable than it was just yesterday, or a few years ago. Economy of scale is a crucial notion here, the idea that efficient and productive technologies can only be applied at a large scale, which accounts for why they are not already in use (Li 2014, 598)

Similarly to Li, De Maria (2019) states that land needs to be understood in a holistic and complex way that goes beyond economics and considers changing dimensions of land in the current context of large scale acquisitions. The author attributes four dimensions to land: economic, spatial, environmental and institutional new meaning that needs to be unpacked.

- Economimcs: land was the only production factor before capitalism. In this sense, the value of land depends on its capacity of produce revenues. Similarly with the conclusions of Li (2014), land is aggregated and considered under producing from this point of view and recent land grabbing have created the narrative of considering land “idle”. Further, from a trading point of view, and also such as Li claimed, land is a fix factor not able to move, however, De Maria points out that “ownership of land is becoming increasingly mobile, so that each country’s endowment of land is not constrained anymore to national borders” which gives land a dimension of trading resource (2019, 6). De Maria acknowledges that land is more than a mere production asset and has a

complexity intrinsically linked to its nature: “land is a complex commodity, with both market and non-market features; it supports the livelihood of billions of human beings; it is strategic for feeding the world population; it is a fundamental brick in the architecture of ecosystems and a vital element for building communities resilient to climate change; it is often the ground on which social, cultural, and individual identity are built” (2019, 6).

- Space: “the geographical and spatial features of this phenomenon matter (...) the recent and rapid technological developments in remote sensing, satellite imagery, community-based Geographic Information Systems (GIS), mobile-based and drone-based mapping have just started to be systematically applied to the LSLAs context (...) the global geography of land grabbing, together with the distance (or proximity) of investor and destination countries, constitute [relevant] elements ... the spatial boundaries and features of specific large-scale land deals and concessions, which are also extremely relevant, are often hard to find. There is an [imbalance] between the macro-geography and the micro-geography of LSALs” (De Maria 2019, 6); meaning that deals that are traded globally have no clear boundaries on the ground.
- Environment: there are limits to the substitutability of land. Economics has embraced concepts that belong to other disciplines related with natural sciences “such as pollution, biodiversity, natural resource management, sustainability, and climate change. Among others, the issues related with climate change received particular attention in the last decades, producing a tremendous acceleration in land-use modelling techniques”; thus land management has become a very much relevant subject. There is a need to understand the impacts on the environment that land grabs will pose. Assessment of the effects in biodiversity, climate change, and land use have not been addressed properly (De Maria 2019, 8).
- Institutions: De Maria (2019) talks about an “institutional superstructure”: Land is not just a good defined by its economic rent, its position in the space and its natural features, but it is also a political, social, spiritual, and cultural asset. Land is so deeply embodied in the collective imagination of many societies, that it contributes, among other functions, to define the social identity both at the individual and at the collective level. This “institutional superstructure” is “the way in which social customs and official legal systems allocate property rights and regulate access and use of land, it is not static and evolves within time and

space. The historical evidence suggests that the actual path that this evolution takes can deeply affect the evolution of societies themselves (De Maria 2019, 8–9).

Relational understandings of land:

Ranjan Datta (2015) understands land in its relational perspective. In this perspective land is not an object but an actor and as such relates to other actors in meaningful ways, the important thing for this author are land relationships: “Land becomes relationships, culture, and spirituality where humans and non-humans connect in their everyday interactions” (2015,109). This understanding of land corresponds with an indigenous meaning of land where land is seen in multiple ways. Dudgeon and Berkes (2003) have a similar understand of the land but more embedded in the concept of indigenous technological knowledge. While Datta’s understanding is more holistic and original as considers land as an actor which has “material agency” (Datta 2015, 109). In any case, Dudgeon and Berkes (2003) rather highlight the ecology and resource management of indigenous knowledge of the land, which draws from how people interact with their environment as opposed to understandings of the land which may come from development or investment projects (Dudgeon and Berkes 2003, 75).

Also, Crina and Pretescu-Mag (2017, 174) highlight that “land as a natural resource (besides its social and material value) carries a cultural significance into which societies place those components of the nonhuman world that are considered to be valuable”. This dimension of land has an holistic component that has been regarded as necessary in order to handle the complexities of land transitions today and the need to preserve the many dimensions of land and its necessity for sustaining life (e.g. Freyfogle 2003).

3.1.1.3.Exclusion and legitimacy

Another dimension in which to analyse land is its excludability. In order for one person to use land another is excluded from it, and for one use of the land another use is excluded: “The mode of exclusion can be physical and forceful (hedges, fences, guns), regulatory (e.g. through customary or formal property law or land- use zones), or it can operate by means of a market mechanism that excludes people who cannot afford the price. It always includes a persuasive element, an attempt to defend exclusion in terms of its legitimacy (...) the range of human uses to which land can ‘legitimately’ be put is huge: land can be source of food, fuel and fodder; a place to build a house; a home for spirits; a place to protect a forest, harvest water or supply ‘environmental services’; ground to mine for

minerals; or a source of profit through use or speculation. Indeed land supports every aspect of human and non-human life, so complete exclusion from its affordances is not possible” (Li 2014a, 592). Li wonders what makes certain uses of land stick and what does it make that we accept exclusion or that the ensemble of land be done in a certain way?

Hall *et al.* (2011, 7) defined exclusion as “the ways in which people are prevented from benefiting from things”. These scholars have theorized about the concept of exclusion as a process that “is not random ..., nor does it occur on a level playing field. It is structured in power relations” (5). They identify the opposite of exclusion not as inclusion, but as access, in the understanding that access is “the ability to benefit from things” (7). Making access an opposite of exclusion, rather than of inclusion, brings light to the debate on exclusion from land. In their view, there are two sides to exclusion from land: exclusion as a condition and as a process. As a condition implies people lacking access to land and as a process, exclusion are “large-scale and often violent actions in which poor people are evicted from their land by or on behalf of powerful actors” (Hall *et al.* 2011, 4). Both this sides to exclusion are interrelated, as the process of exclusion will inevitably lead to the condition of exclusion, unless it is counteracted.

The work of Hall *et al.* (2011) identifies four sources of exclusion: regulations, force, the market and legitimacy –for instance legitimacy due to inheritance, use, first settler, buyer, and possession of a formal or informal deed. Land is and exclusive resource and therefore, the use of one user excludes other users or uses of the land (Hall *et al.* 2011, 7). Which Li (2014) also refers as to the affordances of the land.

Legitimacy, is therefore, a source of exclusion that may result in other sources of exclusion. For instance, regulation may give new legitimacy that is conducive to exclusion, or the market will give legitimacy to transactions with land that may have never happened (Li 2014b), even the use of force can be seen as legitimate in certain cultures and situations to exclude people or groups of people. Violent land grabbing excludes people from land (Cotula *et al.* 2011, Borras Jr. *et al.* 2013), cultural and social factors exclude women and make them the most impoverished group on earth (Daley and Englert 2010), and pastoralist are excluded in favour of farmers within already excluded groups (Robbins 2000). Power, here is a source of legitimacy; however, it can be that power and force loses legitimacy with the interception of regulation. And here is where regulation has been found important for women to prevent exclusion from security of tenure (Daley and Englert 2010, Boone 2017).

3.2. Negotiating in land grabbing

3.2.1.1. Participation

Participation has been seen as the solution from processes of exclusion in many development literature. Participatory processes have been claimed to provide the solution of the pitfalls of development project implementation. Participation concerns the ability of local people to define local obstacle or problems, conceptualise, initiate design and implement programmes to address these problems. The aim is for local actors to be empowered in order for them to generate and ‘do’ their own ‘development’ (Lundy and McGovern 2008, 109)

Participation, therefore, according to the framework of Hall *et al.* is a process that aims to legitimate certain actions. Participation is more than participating in education, and again the sources of exclusion from access to decision making processes are force, market, legitimacy and regulations. The standpoint is that making people participate in development programs will not help them to access the required decision making places where their voices need to be heard, or will be.

There are different sites for participation: the family, the village, the government, NGO programs and interventions. Power is decisive as a source from exclusion in participation. Losing the power to control certain decisions over land will have the end result of hampering the access to use that land, however, not having the ability to participate in decision making processes will not straightforward have an impact on the use of the land.

Participatory processes aim to put marginalised, impoverished and oppressed peoples are at the centre of the definition of needs, struggles and change. They are considered as the only ones who are entitled to define their claims and the needs they have. Furthermore, Falk (2007) argues that because the major role and power of global capital, electoral politics are no longer effective to “press social democratic leaderships effectively” (2007, 20). Falk argues for the necessity of a real participatory ‘cosmopolitan democracy’ “to gain influence and change”. Similarly, Ife (2010) has stated that the only political process for bottom-up approaches is participatory democracy.

In the development literature, scholars such as Mander (2005) argue that “the process of diagnosing the sources of impoverishment and rights denial, and of needs that legitimately should be addressed would derive authenticity only if these are undertaken centrally (although not necessarily exclusively) by those people and groups who suffer from the denial of rights in the first place” (Mander 2005, 242). It is in this process of defining needs and rights that communities and individuals start to be aware of their entitlements and political options. However, “in governance perspectives telling call for participatory exercises in *institutional imagination*...those doing the imaging are the elite or members of the middle class with the economic and cultural capital to count as ‘stakeholders’”, whereas those more affected are included after, or excluded at worst (Santos and RodríguezGravito 2005, 9).

Only with real participation will real empowerment be achieved: “participation is the means to empowerment” (Lundy and McGovern 2008, 109). Participation means inclusion and is antagonistic with exclusion. However the concept has also been considered a buzzword (Green 2000, Hickey and Mohan 2004). A main contrasting narrative to participation is the of-cited work *Participation: the New Tyranny?* (Cooke and Kothar 2001). The concept has not only been used as a blueprint for unappropriated interventions based in a simplistic process of consultation, but has also been claimed to be co-opted by policymakers, practitioners and powerful actors to push forwards their agendas claiming the legitimacy of participation of communities (e.g.: Peters 2009). One way of transcending this debate can be a focus on negotiation and how it has been deployed in the literature.

3.2.2. Negotiation beyond participation: a power and interest framework.

As pointed out in the previous section, land grabbing has brought up concerns about land changing land uses. Sud (2014) refers to this such as transitions on land use. Transitions in land use “may involve diverse actors, including villagers, scientists, investors, legal experts and government officials” (Li 2014a, 590). Sud (2014b) focusses on the governance of such transitions. For her, governance is “the deployment of the authority of the state through norms, the practices and policies of bureaucratic governmental institutions, and politics” (Sud 2014b, 43).

The concept of politics is defined by Indrajit (2019) as “the variegated ensemble of practices through which people conduct their lives in the context of the disciplinary

mechanisms that seek to institute order in society. Compliance with such practices as well as contesting them both constitute political practices...a practice is considered political so long as it is *intended* to advance a perspective, idea or notion of social life” (28).

One can say that those practices are what Sud (2014) refers as to “codes of conduct” that some actors try to advance in the land deals internationally, such as the *Principles of Responsible Agricultural Investment* detailed in section 1.3 in previous chapter and the contrasting *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests*. But those practices are also operative at the local level with either compliance or contestation to land deals.

Some of the narratives around land deals makes land grabs look fair and remunerative for local people and in accordance to their interests, and thus they may bring up compliance in local villagers as those deals are introduced to them as an opportunity (Peters 2013). As Sud writes: “the idea is not to do away with land deals, but to make them fair, transparent, remunerative, and respectful of local cultures and values” (Sud 2014b, 45). This leaves out, in the view of the author, questions of power and politics which constitute negotiating elements of land grabs among different actors in different scales – understanding scales at an international, national and sub-national level (Sud 2014b).

Sud goes further when she asserts that any attempt to overcome the lack of discussion of power and politics in the land grabbing question –which she rather prefers to call land deals, has been simplified in approaches to titling and formalisation, on the one hand, and approaches to power and politics inspired in the undesirable consequences of “accumulation by dispossession” (e.g. Benjaminsen and Bryceson 2012). Here “The claim is that land is being taken from the poor, for the rich, with the collusion of the state” (Sud 2014b, 45). Similar views have been introduced recently in cases such as the Ugandan case (Kandel 2014). The opposite that has been claimed is the “politics of repossession” (Kloppenborg, 2010 in Sud 2014b, 45). Countries end up with a mix of those practices in their policies.

Sud also talks about a “macro understanding of land” which is the accumulation of land for private investment purposes which has been the focus of most of the literature on land grabbing. Those focus on the supranational and national level actors, while sub-national scale of land deals have been overlook: “understanding of global land deals, and the playing out of these in country contexts, needs to catch up with advances in understanding

of the sub-national scale (...) for tighter integration of the local, regional, national, and global scales in understandings of land deals” (Sud 2014b, 46).

Sud also uses two types of policy and tenure reforms based in Subramanian (2004, in Sud 2014) and Kohli (2006,2012, in Sud 2014). Business oriented reforms or business-friendly are reforms that do not aim to liberalise the land market to achieve economic optimal allocation of land as a resource (market oriented reforms), but they are “based on a narrow state–business alliance. Here, private growth can be pursued in the name of the public good” (Sud 2014, 4).

What has happened is that those reforms have failed to produce the so desired changed and have not brought up more prosperity or rights for local people as was suggested by the property rights school as stated out in Chapter 2. The end result has been the need for the states to look for other actors to organise the land markets and distribution. As Sud puts it: “Failure to change land policy in general, say due to political pressure, has led to States reaching out to chosen private players and interest groups (...) they involve narrow state–business alliances, business-friendly practices, by definition, lack public accountability and transparency” (Sud 2014b, 47). The land grabbing literature, current and past (i.e. Berry 2002) has extensively referred to this kind of opacity and corruption or co-option. Some examples are Kandel (2014) who describes how top-down actors and elites are appropriating land in Uganda. Or Cotula (2011) who explains that even local elites and village leaders are in agreement with land deals without fully inform their fellow villagers. This narrative and group of interests has always been present in the literature on land reforms and its relationship with the state and politics (e.g. Hyden 2006, Amanor 2012b).

Scholars have referred to this as “accumulation by dispossession”(e.g. Benjaminsen and Bryceson 2012)- “the shift in land from the poor to the rich” (Sud 2014a, 593). However, other groups with their own interests that may be not doing the accumulation may benefit from the current accumulation of land. For instance, Sud (2014a) refers to the “man in the middle” as a group that is actually linking global investment with local land by identifying the “vacant” plots of land or taking the investor to the place acting like global actors in local spaces; “middlemen can be understood as go-betweens, mediators and negotiators. They are facilitative (and/or obstructive) parts of a chain linking two end points, or points leading to the two ends. In the land economy, they can represent sellers

or buyers, or act on behalf of government representatives as gatekeepers or fixers, or they can be independent consultants who deal with several parties in a land deal” (Sud 2014a, 594). Those middlemen have a very much relevant role in enabling the consent to land deals at the local level as well, and therefore should not be overlooked by the literature, and even though oftentimes they have been portrayed as negative actors, they can also help pursue or support local people interests as they hold some degree of influence (Sud 2014a, 610). For Sud (2004b) those middlemen are more than simply enablers of land deals, but they are able to create their own rules. Sometimes they operate with violence and coercion, and other times with political aims or rather unscrupulous aims. She identifies land brokers, musclemen or enforcers, consultants, government represent, party representatives as some of these middlemen. They are ever present in the current context of land deals.

A framework of negotiation, power and interests:

Crina and Petrescu-Mag (2017) have analysed the context of land grabbing and land fragmentation in Rumania with a focus on a bottom-up approach – negotiation. They consider negotiation such as “the most adequate means to tackle and to solve them [land grabs] and to generate long-term positive results for all stakeholders” (Crina and Petrescu-Mag 2017, 175). Thus, negotiation is the process “through which the parties, with common and conflicting interests, gradually adjust their offers and demands to reach a mutually accepted agreement” (Crina and Petrescu-Mag 2017, 181). They aimed to know the *perceptions and behaviours* of land owners about land grabbing in order to help with land transitions and the challenges that land reforms were bringing to the country. Also, they considered relevant to research into the *needs and interests* of stakeholders in land deals negotiations in order to ensure win-win outcomes and “integrative solutions” (Crina and Petrescu-Mag 2017, 176 emphasis added). Some of the problems that Crina and Petrescu-Mag identified in their research in Romania was that oftentimes land owners’ collaboration with those in charge of making decisions that will transform territories was not managed properly (176).

In this regard they support inclusiveness in decision making processes, which could be seen as a mean to avoid Li (2014a) and Hall *et al.* (2011)’s powers of exclusion. This idea departs from balanced gains and proper negotiation processes: “agreements between informed partners (hopefully with similar negotiation power), have the potential to both implement concrete measures of land use management and apply principles of new modes

of governance (Haldrup, 2015), directed toward attaining community-based solutions (CBS)” (Crina and Petrescu-Mag 2017, 181).

The participatory character of CBS means that the process encourages people to get involved. Inclusiveness requires that all community members (or their representatives), regardless of their visions and opinions, are included in the decision-making process. The collaborative nature of CBS implies the ability to work together with others, with different viewpoints, with the aim to diffuse conflict and reach agreements on community issues (DeGrosky, 2003). CBS require the understanding of attitudes, needs, and behavior of community members, and in this case, of land owners. Win-win solutions can be achieved only through the progressive adaptation of interested parties to each other’s demands and offers, within an integrative negotiation process (Crina and Petrescu-Mag 2017, 181) .

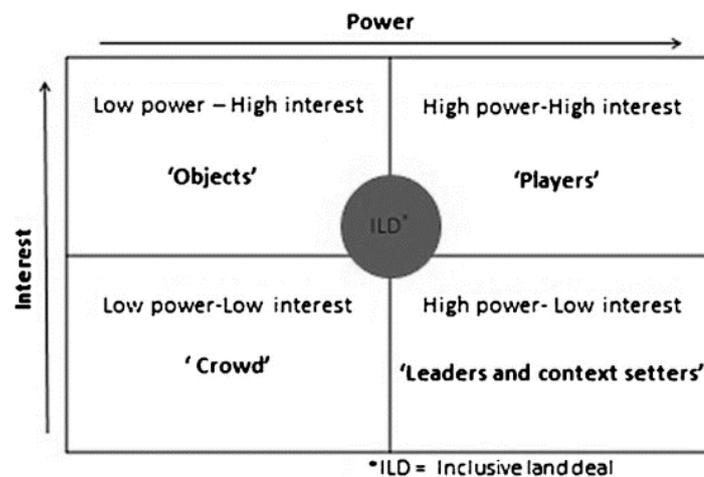
Even when the concept of participation and inclusiveness has been criticised by scholars who have considered it only a buzzword (Green 2000, Cooke and Kothar 2001), it is helpful here due to the description that Crina and Petrescu-Mag (2017) have done of its components which will be helpful in guiding this analysis.

- Community-based solutions drawing from negotiation highlights the needs and interests of the community
- Power and interests are also relevant concept when talking about negotiation.
- Power: capacity of the negotiator or stakeholder to direct the negotiation towards their interests. The sources of that power are: legitimacy (law can give legitimacy as explained above by Li (2014). But Crina and Petrescu-Mag also add: “financial resources, support of influential relationships, information, time, personal characteristics (e.g., charisma and education), or the best alternative to the negotiated agreement. The last one represents the best option a negotiator has if the current negotiation fails” (182).
- Negotiation strategies: “The main negotiation strategies are distributive and integrative negotiations. In a distributive negotiation strategy, at least one party loses; the strategy can take the form of win-lose, lose-win, and lose-lose negotiations. In an integrative strategy, partners make efforts to understand their options with the purpose of enlarging the size of the common outcomes; they try to reach an agreement that fulfills the needs of all parties: win-win” (182).

Teklemariam *et al.* (2015) also explores negotiation that brings about ‘win-win’ outcomes in land acquisitions, which they problematize as ‘control grabbing’. In the view of these scholars it is necessary to look at the stakeholders, their interests and their level of influence –or power: “Understanding the groups of stakeholders and to what extent their

interests and power influence the deal will aid in formulating inclusive and win–win land deals both in de jure and de facto contexts. Lessees who acquire land usually enter into land contracts to address their strategic business interests and deal strategically, whereas actors on the side of the lessor (i.e., local government, local communities, and households) may not have such strategic intent and power. Consequently, the need exist to integrate the “power” and “interest” of the dealers in acquisition of agricultural land” (Teklemariam *et al.* 2015, 782). The authors have created a taxonomy of stakeholders in negotiations based in the interjection of their power and level of interest (see Figure 1)

Figure 1: power and interests matrix in land deals negotiations (Tekemariam et al 2015, 784)



Objects: have low level of influence in the outcome of the land deal, but high level of interest in the land

Players: high power and high interest, including the designers and real actors of deals that use the contexts set by the third group of leaders and context setters.

Leaders and context setters group: consists of stakeholders with low interest in the deals but comparatively high power in influencing the context of the deal.

Crowd: low power and low interest relative to land deals

Chapter 4. **Methodology and case study**

4.1. Methodology

There are different methods in social sciences, and the methods used depend in great measure on the way in which the researcher perceives reality. They depend on what we know about the social world (ontology) and how we can acquire that knowledge (epistemology) (Elbers 2012). This research follows an interpretivist approach to the social world, meaning that it considers that researcher and reality are inseparable and knowledge is influenced by a person's lived experiences, and thus its reality is subjective. Positivist approaches, on the other hand, consider that the social reality is objective and can be objectively known beyond the researcher's interpretation of the world (Bryman 2008).

An approach that is more interpretative of the social world usually, although not necessarily, follows qualitative methods. As this research is based on the perceptions of individuals regarding the changes in their land rights and the issues surrounding their experiences, it leans towards an interpretivist understanding of reality and it follows a qualitative methods' design. Positivist approaches usually rely on quantitative methodology, however, mixed-methods are becoming more common among the two ontological approaches.

This research drew upon qualitative methodologies that understand that "human actions are significantly influenced by the settings in which they occur" and by the "internalized notions of norms, traditions, roles and values"; "one should study that behaviour in real-life [face-to-face] situations" (Marshall and Rossman 1999, 57). Qualitative or configurational designs are "sensitive to how participants interpret their social world" (Bryman 2008, 26).

4.1.1.1. Research design

The research design drew on the use of multiple case studies. "Case stud[ies] offer detailed insights into mechanisms, motives of actors, and constraints they face at particular moments which no other method –statistics, experiment, biographies, or even more systematic comparative analysis –can offer" (Hancké 2009, 61). The research aimed to explore the views of those who are more vulnerable to their reality in the context of land grabbing and the protection of their livelihoods. As Hancké points out "[case studies]

can be quite powerful tools to test and/or unpack an existing theory and come up with new, better arguments” (2009, 61).

This research aimed to explore how the views of local communities’ land rights and identities are informed by local and global struggles over land grabbing. In the wake of this, the research aimed to disentangle which views are included and excluded in the process of constructing land rights identities and demands, the language that communities use to demand their claims, and the strategies that better represent communities’ rights.

In order to answer these questions the thesis used a mixed-methods approach to systematically gather the data. The main methods used were participant observation, structured and semi-structured or open-ended interviews with individuals, and focus groups.

Participant observation is the involvement of the researcher in the day-to-day lives of the community, group or institution (Bryman 2008). This method has been applied traditionally by anthropologists in the study of cultures and recently in the study of the cultures within different organisations, institutions or even summits, forums or conferences (e.g.: Merry, 2006). This research method aims to understand a culture or a society “on its own terms” (Eriksen 1995, 10). Fieldwork is the main tool that is used to gather data in ethnographic methods; it is “the most important source of new knowledge about society and culture” (Eriksen 1995, 14). Fieldwork requires the researcher “to take part in local life as much as possible” (Eriksen 1995, 16); the fieldwork for this research consisted of four months and a half of participant observation in local communities in Tanzania that have experienced a threat of land grabs.

As a researcher conducting fieldwork research I had to reflect on my own experiences during fieldwork and my subjectivity. By doing fieldwork I observed the people in many and different ways, this was a good tool to gain understanding and validity of data. My interactions were often spontaneous and I used local translators with poorer English because they were more embedded in the communities they belonged and less used to external influences. That made me gain a unique and special flare of the needs and demands of local people that were appreciated as some locals told me I was much more flexible than other researchers on the field, being able to adapt to local pace of things, transportation or accommodation.

Eriksen (1995) points out three limitations of fieldwork: language, gender bias, and chief informants’ failure in representing the whole society. To overcome these limitations other

methods were used, as mentioned above. In terms of the language, which was one of the major constraints, a translator was required. To avoid the limitation of representing segmented groups, interviews considered gender, age and civil status to have a broad participation of all groups.

The villages I visited had Swahili as a vehicular language. English is a widespread language in Tanzania, but is rather used by the urban educated people. Villagers cannot speak English, only some youngsters or villagers who have achieved secondary school can speak elementary English. This made necessary for me to use translators. The use of translators has been explored by researchers who have acknowledge the challenges that this may bring (Regmi and Researcher 2010). In my case, I found that sometimes the translators due to cultural values had objections to some of my questions which I dealt by explaining my intentions further. The way I worked with translators was taking notes and asking for real translations of pieces of the interviews on the spot, so I could have an understanding of what was going on and was even able to ask for clarifications on certain questions and lead the conversations to where I wanted them to go. For that I had to negotiate with translators and assistants continuously and be involved in the interviews. I was not only a passive audience of the questions been asked, but I was fully present and involved in conversations. This was a bit more challenging, however, in the case of focus groups, where the dynamics are faster and more difficult to influence due to the same nature of a focus group and its spontaneity. In those cases, the assistant-translator was the main conductor and I would ask for less clarifications until the end

4.1.1.2. Fieldwork research exercises

More specifically, the research data were gathered through informal interviews, participant observation and focus groups carried out over a four and a half month period of fieldwork in four different communities affected by land grabs in Tanzania (see Table 3). In order to assess the context of land grabbing and the strategies of communities, community members were interviewed alongside different groups including researchers, local and national NGOs and other CBOs, church leaders, doctors, teachers and other civil servants. Other sources of data were different land training sessions and workshops with relevant actors as well as the analysis of documents gathered during the fieldwork, such as land rights training, and other project information.

Field notes

Field notes are the tool of participant observation. The notes provide data on casual and spontaneous interviews; such interviews are one of the more valuable sources of knowledge in participant observation. Although spontaneous, subjects were informed of their participation as studied subjects of this research project accordingly. Interviewing, in fact, is one of the most useful tools in ethnography; interviews can allow the conversation to develop in a very flexible way (Madden 2010). The field notes also included relevant facts regarding land rights or land grabbing issues that were observed during the participation. They were very useful during the times when I was not conducting interviews with someone, in occasions I will grab a motorbike with some local villager with some English knowledge and go around villages –which are large, and stop to talk to people or have some spontaneous interview or interactions. I will stop at the river where people will be cleaning or fishing, or when I saw groups of young men chatting. I will also ask questions to women who tend to have many food stands in the main street of the village. Conversations were always guided to see their understandings of what was going on with land deals in their villages, their involvement with this or land decisions and their personal experiences with land. I always explained who I was and seek support for the conversations I was having with them, and I played my credentials as a researcher with a Tanzanian permit to conduct research in that particular village.

Interviews

Other qualitative methods were used alongside the participant observation data. Semi-structured interviews were held, sometimes in a snowball pattern, and often spontaneously when staying in the villages. Interviews with NGO staff and other practitioners were held on an arranged basis and sometimes due to contacts established during the interviews. 74 interviews were undertaken with villagers, and 130 were carried out with leaders. Conversations with groups of people were also held when in the village and while visiting farms or other locations within the village. The interviews were developed with an *interview guide* “so that the more specific issues can be addressed” in order to answer the research questions (Bryman 2008, 472)

Focus groups

A total of five focus groups were carried out during the fieldwork. FG1 was with village leaders, FG2 women, FG3 was with men and women, FG4 was with men and FG5 was with young men and women.

Transect walks

These consisted of visits to farms and around the village with the participants. During the transect walks informal conversations were held and relevant questions could be asked.

Table 3: Field²²work exercises

Village	P1	P2	M1	M2	Districts
Total (interviews+FG participants)	25	27	35	25	3
Interviews with villagers					
men	8	11	10	11	1
women	9	6	9	10	
Interviews with leaders					
men	4	6	4	4	2
women	1	1	1	1	
Unstructured conversations					
men	3	1	2	1	
women	3			1	
Focus Groups (1 of each)					
Village Agriculture Extension Officer (3p)	3				
women (3p)		3			
men (5p)			5		
women+men (6p)			6		
boys+girls (4p)				4	
Village Assembly attendance					1
Boundary conflict resolution attendance	1				
Transect walks	2	2	2	2	
Visit to a large scale farm		1			
Visit to a small scale farm (investor)	1				
Conversations with large scale farm staff		2	1		
NGO land rights training workshops			1	1	
Short interviews after workshops			5	8	
District/Region-Semi-structured intvws		District 1		District 2	
Government Officials		3		3	
NGOs staff		2		2	
Investors		2			
National level-Semi-structured intvws			Dar-es-Salaam		
Gov.Officials			5		
Staff in Official Aid Agencies			2		
NGOs staff			6		
Professors			2		
Investor's Consultants			1		
Total interviews+convers: 132 (10 convers)					
Total Focus groups participants: 21 (5FG)					
Documents:					
HA Land rights training manual					
HA Q&A booklet from villagers during training					
Land Use Plans (3 villages)					
TALA recommendations on land rights					
Task Force meetings records					
Different village meetings minutes on land issues					
Mama Ardhi project baselines					
Mama Ardhi reports from local NGO to intl.NGO					
Letters and legal docs to gov bodies from villages					
TIC figures about agricultural investment					
Visual documents					
Others:					
Workshop attendance on the right to food and agribusiness at Dar-es Salaam					
Common interviews with peasants during the workshop affected by SAGCOT					

4.1.1.3. Access, validity, quality and ethical considerations

Research results must fulfil three criteria to be accepted: be valid, reliable and replicable. One of the major critiques made of qualitative methods is that they are difficult to replicate. This is even more so in the case of ethnographies, where the tool of the researcher is his or her self. As Hancké puts it “in more discursive research settings...the data literally do not exist without [the researcher] interpretation” (2009, 91). Furthermore, when relying on others’ views, secondary data or interviews, there is also the subjective interpretation of the interviewee or the author of the data. However, this is not only a feature of qualitative methods. Quantitative methodologies that build variables, and include or exclude time frames may not lead to the same results, due to a certain amount of interpretation (e.g. Boix and Stokes 2003).

Validity, on the other hand, has to do with the connotation and delimitation of the concepts to be used and how to measure them: it “refers to whether the concepts...are correctly expressed in the measurements [the researcher] use[s]” (Hancké 2009, 87). In order to measure the validity of empirical observations, Hancké (2009, 87-99) suggests measuring one concept in several ways or measure its consequences instead of the concept. In this research I measured the different concepts by grouping the interview questions in four main topics according to the research question and sub-questions and analysed responses accordingly. Also, those topics were always present in the different fieldwork exercises conducted and during participant observation. In this way, different concepts were measured in several ways. In regards of consequences, the different qualitative methods used and the intention of repeat interviews several times and do it for the consequences to different sub-groups within the community will fulfil this criterion.

Finally, reliability deals with ‘how stable’ a measurement is, which is very similar to replicability. As Hancké states, reliability happens when the same question is repeated, or another technique gives the same outcome. In this sense, he proposes two techniques to deliver reliability in the research data: repeat the question and/or ask another person the same questions. For this research the first technique was applied, repeating the same topics in different settings, at different times and with different groupings. The second technique was assessed as looking for the cooperation of assistants, or using techniques such as drafting.

²² The grey area was not included in the frequencies of responses of villagers and corresponds to initial baseline research for the case study.

Some of the limitations of the fieldwork and interviews have been stressed above. However, another constraint of participant observation and ethnographic research is the effect that the researcher has on the context. As Alden Willy (1988) pointed out in her ethnographic research about land rights, when she had finished her research local people were more aware of the threats they had faced than before, and consequently they started to complain more. As result of this research, many people stated their willingness to start processes of applying for village land, especially young people who seemed to know the village procedures to acquire land. Other people also became aware of land conflicts in their village when they were not previously. And also, the Task Force Committee secretary and chairman of a self-management group in P2 became re-engaged and motivated to initiate actions in order to follow up in their demands for taking back the land that was given to a large-scale investor in their village, as will be documented later.

Access

The access to the communities was overt and facilitated by contacts in the country. To get access to the communities contact was made with five organisations: two academic, two local research centres and one international NGO. An application was made for the Tanzania Commission of Science and Technology (COSTECH) research allowance, which was granted and also authorisation in each region was sought in order to conduct the research in the targeted villages. These credentials were very valuable in accessing the villages and gaining the trust of the villagers. Access in qualitative research is highly relevant for the performance of the project. Clear explanations about what the project was about, and the involvement required were given before any data gathering was done. Negotiation is one of the main processes in participant observation and it is an ongoing process. Difficulties arose such as suspicion about my aims and worries about the consequences of the participants' responses. For instance, many villagers thought that I was interested in buying land, or that I was an investor. Others thought that I held some power in making their demands reach the government and shifting their experiences.

Preparation for such events was taken into account as this could have affected the results of the data. Bryman (2008) suggests three things to do: “play up credentials...[such as] understanding of their problems”, “be non-judgemental”, and “have a role...by helping out occasionally with work”, among others (Bryman 2008, 439). During fieldwork I stayed accommodated in villages and participated as much as I could in the daily lives of villagers. I helped with some tasks like carrying water, cleaning clothes in the river, visiting their farms and helped cooking. I also eat and bought in local business. Staying

in accommodation within the villages helped me very much to I tried to understand and be non-judgemental of the cultural and social differences between me and villagers, particularly in gender roles and levels of poverty that at points were difficult to cope with.

I played the credentials of the university and informed participants and villages of my project. I prepared fliers and consent forms for each individual and for the village as a whole. I was also awarded a research permit, and this facilitated very much my tasks at villages as explained above. In one occasion I found a villager who did not want to talk to me during my walks around the farms, however, he agreed days later after gathering information about myself in the local government. In this occasion the use of my research credentials were much relevant.

Validity and reliability of qualitative methods

As Hancké (2009) states: “in more discursive research settings...the data literally do not exist without [the researcher’s] interpretation” (Hancké 2009, 91). This raises concerns about the subjectivity and validity of qualitative –discursive- designs. Furthermore, in ethnographic designs, the researcher’s involvement with the participants and the use of his or her ‘self’ as a research ‘tool’ makes ethnography anxious about its own validity and objectivity as a science (Madden 2010). However, this is partly overcome by considering reflexivity as of ‘methodological value’ (Madden 2010). Reflexivity is “the capacity of language and thought...to turn or bend back upon itself, to become an object and itself, and to refer to itself” (Babcock, 1980 in Madden 2010, 20); it relates to the researcher being aware of the way in which his or her political, social and historical identity influences his or her research (Madden 2010).

The data gathered were organised and codified in order to assess the content and for indexing purposes: “indexing of data involves devising a consistent system ... according to a set of common principles and measures” (Mason 2002, 151). The analysis was supported with NVivo software for qualitative research, and also SPSS for frequencies in responses. The pattern for analysis also followed thematic analysis indexation, this is the use of a “group of techniques for thematically organizing and analysing textual data...the researcher produces a list of codes (‘template’) representing themes identified in their textual data. Some of these will usually be defined a priori, but they will be modified and added to as the researcher reads and interprets the texts” (King 2004, 256). The labels or codes created were used as templates in Nvivo and as variables in SPSS. The templates

evolved from an initial codification. Table 4 below shows the initial codes according to interview guides (see also Annex 1²³):

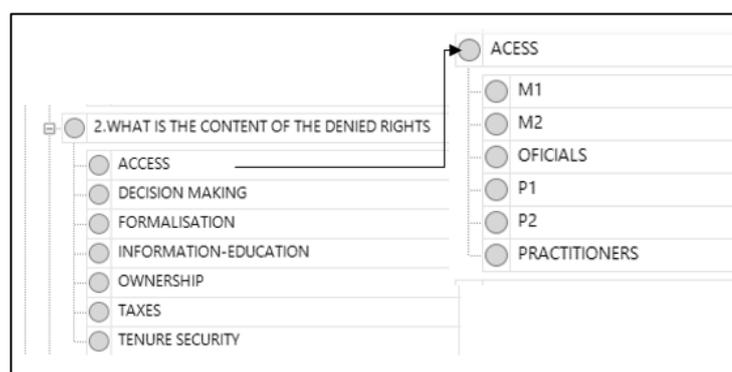
Table 4: Initial template for coding

Theme	Code
what local understandings of land rights are and what necessities villagers have	Access to land (A) Ownership (O) Tenure security (TN) Awareness of LR (AW) Necessities (N) Compensation (C)
to identify the most involved people in the definition of land rights and necessities while identifying at the same time the excluded groups	Land rights struggles (S) Participation/Exclusion (P) Leadership (L)
to identify if any change concerning land rights over time has happened and what can be the causes and indicators	Land transfers (LT) Investors Impact (I) Income (W)
to learn about local and global factors that may interact in the change of those rights, with especial reference to local and international NGOs and/or CSOs	NGOs Impact on LR (NI) Global-Local influences (GL)

According to King (2004, 257) “a code is a label attached to a section of text to index it as relating to a theme or issue in the data which the researcher has identified as important to his or her interpretation”. The codes allowed create themes, but I also created hierarchies by village and actor for each code, allowing me to assess the information specifically or generally (e.g. Figure 2).

²³ Annex 1 displays the interview questions according to the interviewee attribute of villager, leader or practitioner and links them to the research questions, themes and initial codes.

Figure 2: Example of template and code hierarchy



Ethical considerations

The research project raised ethical concerns about privacy and confidentiality, the fulfilment of the potential communities' expectations, integrity and consent. Information was provided to the participants at all times about the project, their involvement and their ability to withdraw at any point during the research. Protecting the rights of the participants was considered and ethical issues were discussed and approved by the Ethics Committee of the University of York.

4.2. Justification of case study

The fieldwork lasted four and a half months, from February to June 2014, and was carried out in four villages in Tanzania, and Dar-es-Salaam. The selection and construct of the site for the fieldwork raises another debate over ethnographic methodologies. Traditionally, the study of the 'other' that is tantamount to ethnography is impregnated by an 'exotic' quality. Concerns about "agency, symbols, and everyday practice" (Marcus 1998, 82) are closely related to the study of other cultures far away from the spatial and mental place of the researcher. However, this tendency has been challenged by ethnography at home, to understand particular processes and/or institutions. This has dissolved the field's geographic boundary, and understanding it more like a "mental construct of the ethnographer, shaped by his or her intellectual interest" (Madden 2010, 44). This different understanding of the field is very relevant for the purposes of this research, as it aims to link global and local spaces of interpretation, but in a sense that it is not a geographic space, but is more conceived as what Marcus (1998) has dubbed a "multi-sited ethnography" design that "examines the circulation of cultural meanings, objects, and identity in diffuse time-space" (Marcus 1998, 79), despite this dissolution it is "indeed 'local' at its very core", and the selection of the place "and sites of investigation emerge inseparably from the highly politicized way that the problem of investigation... is

cognized” (Marcus 1998, 82). The way the researcher links such sites, defines the ethnography.

4.2.1.1. Tanzania as a land grabbing scenario

Tanzania has undergone several land reforms, like many African countries, since colonialism. Land grabbing is not a new phenomenon in the country, or across the whole continent, as pointed out in the introduction to this research. However, the current amalgam of new actors and new instruments of global governance and the international relevance of environmental sustainability for the international community make the momentum for an assessment of land grabbing of special significance. In Tanzania, the land grabbing started with colonialism and continued with the socialist *ujamaa* village campaign after independence, from 1973 to 1976. This phenomenon was known as ‘villagisation’; it “was a massive attempt to permanently settle most of the country’s population in villages, of which the layouts, housing designs, and local economies were planned, partly or wholly, by officials of the central government” (Scott 1998, 223). Villagisation programmes in Tanzania had the aim of increasing the wellbeing of the population, but, conversely, their results were very pervasive. Despite the fact that the implementation of the villagisation programmes was not as violent as in countries such as Ethiopia, and the government’s claims that they were voluntary, they were actually forced and coercive.²⁴ The agriculture and land law reform at that time had the aim of transforming agriculture into large-scale farms owned by the state in a centrally planned economy.

Before socialist collectivisation and during the colonialist domination, the “British in East Africa turned to planning large-scale development projects and mobilizing the required labor” (Scott 1998, 225). Scott (1998) distinguishes between two different periods of British domination: before and after the IIWW. He states that afterwards, large-scale schemes were more ambitious and even ‘gigantic’. The main yields were peanuts, sisal, rice, cotton, tobacco and cattle. Under such schemes “[r]esettlement and mechanization were integral parts” (1998, 225). Metropolis plans before, and Nyerere collectivisation after drawn on a total “scepticism about the actual agricultural practices of Africans” (Scott 1998, 226), and in the belief of modernisation of the society and agriculture. Both schemes failed to end Tanzanian underdevelopment; conversely, they caused major

²⁴ Due to the dramatic effects of villagisation programmes in many countries they are forbidden nowadays by international legislation such as indigenous rights.

damage to economic development and the welfare conditions of the population. The inadequacy of local agricultural practices and land tenure systems was one of the major causes of the failure (Scott 1998). Both ‘top-down’ development schemes had the vision of small-scale peasants as non-efficient and not able to trigger development.

This vision still dominates the top-down development paradigm, which has a negative view of peasants and has “tried to eliminate or transform peasants into something else” (Naranjo 2010). With this assertion in mind, after the end of the Cold War and the inception of the structural adjustment programmes, donor-led development programmes still focused on the transformation to large-scale farming schemes to overcome underdevelopment in Africa (Amanor 2005, Olukoshi 2005, Wiggins 2005).

On the other hand, in 1989, the Land Ministry launched a process of consultation to establish a new land law. The process aimed to be inclusive of the views of citizens.²⁵ It ended in 1999 with the approval in the parliament of The Land Act and the Village Land Act. One of the major consequences of the Land Act is that it created the category of General Lands, which Alden Willy (2003b) has argued should be named Government Land, because its aim is to consider all unused land as owned by the government. In Alden Willy’s view, this ‘General Land’ seems to be targeted at enabling large-scale foreign investment. Furthermore, a report from the IIED, the FAO and the IFAD states that “investors can only lease and use ‘general land’, not ‘village land’” (Cotula *et al.* 2009, 73), a distinction that was born only in 1999. However, the official aim of this new legislation is to formally register all of the land tracks of the country within a community based process (Alden Wily 2003b).

Alongside the national law reform, two other processes related to land distribution and accumulation. First, in 2003 the NEPAD launched the Comprehensive Africa Agriculture Development Program (CAAPD); this program is supported by international governmental organisations such as the AU, FARA, DFID, ISS, UNDP, and FAO, among others.²⁶ The CAADP has two main goals: (i) increase the national agriculture budget to 10%, and (ii) increase agriculture productivity by 6%. Both aims will be fulfilled by 2015. Tanzania has signed the programme and is currently undergoing several programmes under its auspice.²⁷ However, Rahmato (2011) has argued that in order to increase

²⁵ The Commission in charge of its development held “227 meetings with 80,000 persons, hear[d] and read 4,100 complaints, [met] with 150 officials, [and traveled] internationally” (Alden Wily 2003b, 15)

²⁶ For further partners see: <http://www.nepad.org/partner>.

²⁷ See: <http://www.caadp.net/library-country-status-updates.php>

agriculture productivity, African governments rely on foreign investment, which fosters land grabbing and disempowers local peasants.

Second, in 2009, the Tanzanian government launched the *Kilimo Kwanza* (Agriculture First), which aims to transform agriculture in Tanzania; the challenge is to “modernize and commercialize agriculture in Tanzania” (Ministry of Agriculture Food Security and Cooperatives 2012). The programme is led by the Tanzania National Business Council, which is made up of 20 private and 20 public corporations and is chaired by the current president of the Republic of Tanzania, Yakaya Mrisho Kikwete. The Kilimo Kwanza programme will use the Southern Agriculture Growth Corridor of Tanzania (SAGCOT) for its implementation. “SAGCOT provides the framework to connect a critical mass of efficient and effective private sector investment in agricultural value chain development, while also integrating with public sector inputs and investment” (Ministry of Agriculture Food Security and Cooperatives 2012). This implementation framework, alongside the Kilimo Kwanza, establishes that what is different from past top-down implementations is that it is more focused on small-scale farmers’ promotion.

To what extent the Kilimo Kwanza is a different development initiative or a continuing pattern that links with the past, and uses a small-scale discourse only to legitimise this policy, is far from clear. As Peters (2004) has highlighted, claims about community-based approaches (or small-scale farmers in analogy) can be appropriate for elites to still implement ‘top-down’ development policies. For instance, The Oakland Institute points out that under the auspices of Kilimo Kwanza, US investors have negotiated with the Tanzanian government the allocation of 325,000ha; “the AgriSol project is largely focused on the development of large-scale industrial farming, involving the use of genetically modified seeds and high levels of mechanisation. It relies on the relocation of 162,000 people currently farming small plots of land targeted by the project” (The Oakland Institute 2011b, 2). The same institute reckons a project from an UK corporation, CAMS Group, that involves 45,000ha of sugarcane plantations (The Oakland Institute 2011b, 4). On the other hand, the Land Matrix, which is a public database that records the amount of land, the host and guest country and the countries involved in large-scale land deals, reports, alongside the above-mentioned in The Oakland Institute, a deal with a Norwegian company, Green Sources SA, for 100,000ha; and another with a South Korean group, Korea Rural Community Group, for another 100,000ha, among others.²⁸. On the

²⁸ See: <http://landportal.info/landmatrix/get-the-detail/by-target-country/united-republic-of-tanzania?mode=table&limit=20>

other hand, the IIED, FAO and IFAD report stresses that “about 640,000 ha, out of a total of 4 million ha requested by companies has been allocated for biofuel production in Tanzania” (Cotula *et al.* 2009, 73). The same report states that “about 1000 small-scale rice farmers on these lands will need to move, and are not eligible for compensation as the land is ‘general’ not ‘village land’”(2009, 73).

Hancké points out that methodologically, cases “can be defined on the basis of three important characteristics: they are bounded in time and space, the case has to relate to the rest of the world, and case and theory have to be related” (Hancké 2009, 63). With the above introduction to the land and agricultural reforms in Tanzania in mind, and the three characteristics pinpointed by Hancké, Tanzania is taken as a case study in this research in three aspects:

‘time and space’

Globally land grabbing was exacerbated due to the Global Food Crisis in 2007-2008. Since many countries started seeing their food availability as not enough to feed their populations, they sought their food security in other countries. The paradigmatic example of this is the Gulf Countries, which chaired a conference about food security and agriculture investment in Ethiopia with the president of this country as a guest in his own territory (*Planeta en venta* 2010). Despite the fact that the crisis fueled land grabs, the gestation of international and national reforms helped this situation.

For instance, the land law and agriculture reforms that Tanzania underwent at the end of 1990s and that were consolidated at the beginning of the 2000s, creating a favorable climate for the marketization of land. Also, FDI investment in agriculture increased globally since 2004. In the period from 2005 to 2007 the FDI investment in agriculture in developing countries increased by more than three times per year on average. TNC presence increased in the region “opening a variety of exploration projects in new locations and injecting large volumes of capital into green-field projects. They also undertook a record level of cross-border M&As²⁹” (UNCTAD 2009, 42). In the specific case of Tanzania, the figures show that FDI increased from 331 million dollars in 2004 to 744 million in 2008 (UNCTAD 2009). Another relevant tool was the CAADP and its main implementation tool the SAGCOT were launched in 2003.

²⁹ Mergers and acquisitions

The Land Act and the Village Act, despite being released and approved in 1999, were only implemented in 2001. After several regulations were approved to implement the law, by 2003 it only was used in some districts (Alden Wily 2003b); and by the time of fieldwork the law still much unknown, which was one of the main concerns of civil society.

'relate to the world'

This relationship with an empirical reality draws on what has been pointed out when talking about the characteristics of the current wave of land grabs. Borras Jr. *et al.* (2013) have summarised the three main distinctive characteristics of the momentum for this trend: (i) the emergence of 'flex-crops/commodities', (ii) the rise of middle-income countries, and (iii) the role of nation-states in enabling such processes (2013, 162–3). These characteristics are present in the case of Tanzania. However, the main investors are high income countries rather than middle-income ones. This fact does not exclude the country from this phenomenon. Several scholars, such as Cotula (2011) or NGOs such as GRAIN (2012) have sustained that there is not one particular actor; there are traditional (developed) and new middle-income countries, such as China or the Gulf Countries, in the picture.

Furthermore, to make the Tanzanian case suitable for the requirements of 'relevant universe' that relates with a 'wider phenomenon' that in this work are local effects of struggles over land grabbing, it requires contestation. There are several examples of contestation over land grabbing in Tanzania, being the main achievement their lobbying for limiting the quantity of land involved in the contracts. One of the relevant actors in this struggle was the local NGO and research centre Hakiardi, jointly with other representatives of the civil society, which in 2012 were able to bring about a ceiling limitation for land deals of 10,000ha (The Guardian 2012). Moreover, organisations such as ActionAid and La Via Campesina are supporting national mobilisations. For instance, La Via Campesina (2012) informed that the MVIWATA (National Small-Scale Farmers Networks Groups in Tanzania) released a report as a result of a national Symposium that denounced the land grab situation in the country and its consequences for small-scale farmers.

'relationship with theory'

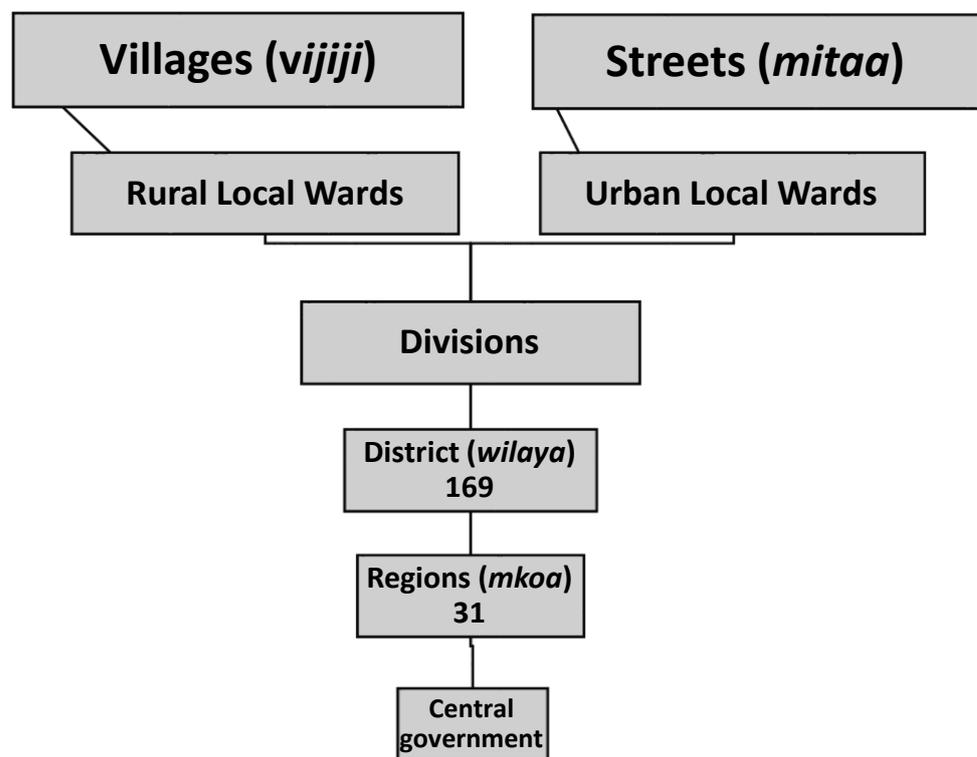
This thesis uses two pieces of literature from the scholarship to create its theoretical framework (see chapter 2). Both are relevant to the current case study. Firstly, as seen in

the introduction to this chapter, Tanzania has been undergoing several land reforms as well as a transition to large-scale farming; this implies a transition from traditional or customary land tenure systems to formal ones. Secondly, the grassroots movements that have been contesting this issues, the ability to limit the ceilings of the land grabs in the country, and the global actors that are involved, enable the theoretical framework of change “from below” and its criticism of top-down development policies in developing countries.

4.2.1.2. Fieldwork sites

The research explored four villages in two districts and two different regions (Pwani and Morogoro) in the East of Tanzania. In District 1, the villages studied belong to different wards, whereas in District 2 the villages belong to the same ward and are neighbouring villages, sharing village boundaries. Despite the administrative organisation (see Figure 3), the most relevant authorities are at the Village, District and Central Government levels. Other levels perform more of an administrative role than a political one.

Figure 3: Administrative division in Tanzania³⁰



Source: author

³⁰ Villages can be further subdivided into hamlets (vitongoji)

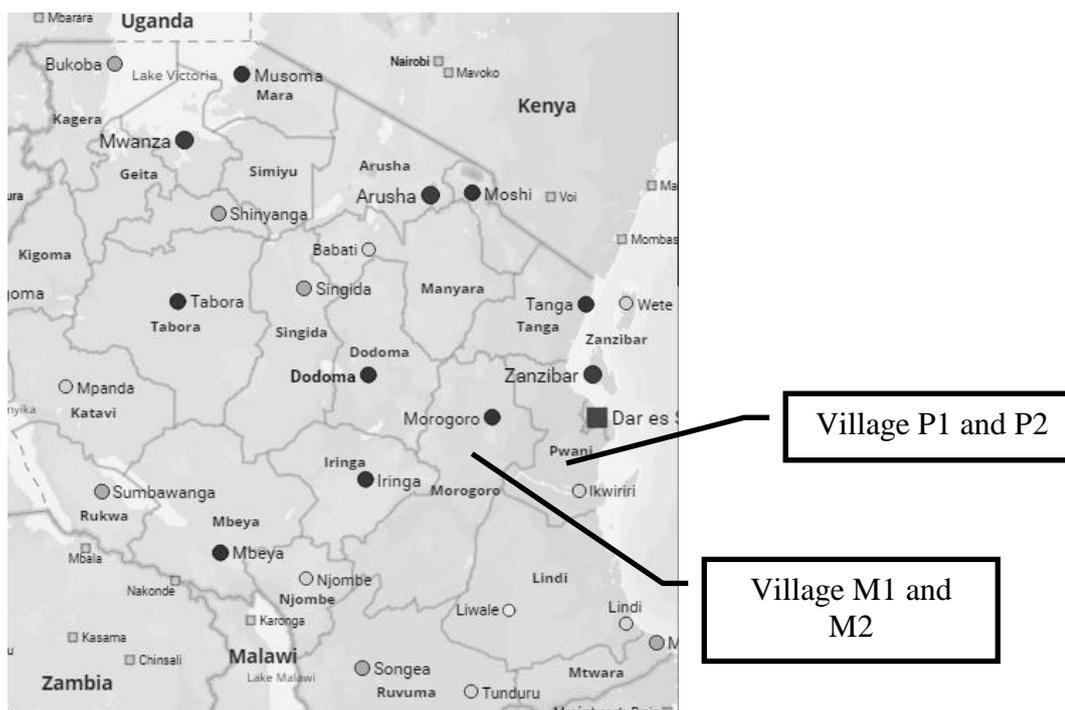
Both regions studied –Pwani or Coastal and Morogoro - belong to the so-called Rufiji basin. The basin contains the largest mangrove forest in the world. The Rufiji River is the largest in the country and the basin is the target of SAGCOT strategies, although some of the commercial farms found did operate within this strategy while others did not. The ones that did were the ones located in the Morogoro Region. During colonial rule, the Coast Region, Dar-es-Salaam and the Morogoro Region were the same administrative unit named Coast Province. Dar-es-Salaam is at the same time a Region and the commercial capital city of Tanzania, while Dodoma is the administrative capital city of the country. Morogoro gives its name not only to the Region, but also to the District and the main urban centre within it (Ndembwike 2008).

The Pwani Region population was 1,098,668 in 2012³¹ and the population of the Morogoro Region was 2,218,492 (citypopulation.de 2017). The Pwani Region has a typical tropical climate with a heavy rain season from March to June, when access may be difficult through the truck roads. During the fieldwork the damage to the roads caused P2 Village to be isolated for one week. Organisations' activities and land rights trainings stopped during the rainy season period in the field. The main ethnic group in Pwani are the Zaramos. The Pwani Region is divided into six districts, Bagamoyo, Kibaha, Kisarawe, Mafia (an island in the Indian Ocean), Mkuranga and Rufiji, 26 divisions, 125 wards, 417 villages, 73 streets and 2,039 hamlets (The United Republic of Tanzania's President's Office 2015a).

The Morogoro Region is the second largest in the country after Tabora. It contains the Uluguru Mountains, which give their name to one of the main ethnic groups, the Luguru. It has seven districts: Kilosa, Kilombero, Morogoro Rural –the biggest one, Morogoro Urban, Mvomero, Ulanga and Gairo, 32 divisions, 214 wards, 659 villages, 295 streets and 3,213 hamlets (The United Republic of Tanzania's President's Office 2015b). Although Maasai and Sukuma or Bar'baig are not traditionally ethnic groups in the area, they are widely settled. These two ethnic groups are traditionally livestock keepers who arrived in Morogoro in search of pastures. This is a distinctive difference between the two areas studied in this research and has an impact on the conflicts around land that both regions face. Some incipient pastoralists presence was found in the Pwani Region. However, it is not widely experienced, as pastures in the villages studied in Pwani are scarcer due to the nature of the soil.

³¹ Last official census by Tanzanian National Bureau of Statistics

Illustration 1: Tanzania regions, capital cities and case study locations



Source: Citypopulation, 2017

In 2015 the President’s Office launched *Investment Profiles* for each region of the country. These Profiles target different areas for economic development and available land. In the Pwani Region the Profile estimates that there is an area of “1,933,224 Ha of arable land, which is suitable for agriculture production, of which only 530,328 Ha is utilised, equivalent to 27.4 percent of the total arable land”, and an area of 128,795 hectares, of which only 1,945 Ha (or 1.5 percent) is utilised for irrigation (The United Republic of Tanzania’s President’s Office 2015a, 5). The Profile also targets other investment opportunities in livestock ranches, mining, agriculture industries, and tourism. Similarly, in the Morogoro Region, the available activities are the same, Table 5 describes the main investment opportunities by relevance.

Table 5: Investment Opportunities

1	Commercial Agriculture, Horticulture and Floriculture
2	Agro Processing Industries
3	Manufacturing industries
4	Mineral & Mineral Products
5	Lapidary Industry
6	Tourism
7	Sugar Factories
8	Organic Beef and Mutton (Abattoirs)
9	Cereal Production, Processing & Packaging
10	Oil Seed Production and Processing (Industries)
11	Honey & Bee Wax Value addition
12	Fruits & Vegetables Industries
13	Leather Industries
14	Textile Mills
15	Specialist Hospitals and Health Control
16	Infrastructure Development
17	Power Generation
18	Pharmaceuticals
19	Folk Development Colleges and (Vocation Training Centrer)
20	Aqua culture
21	Tractor Assembly and Farm Implement Manufacturing Plants
22	Bicycle Assembly Plant
23	Production of Animal Vaccine
24	Precious Stones Processing (Lapidary)

Source: Morogoro investment profile, 2015

4.2.1.3. Introduction to the four villages

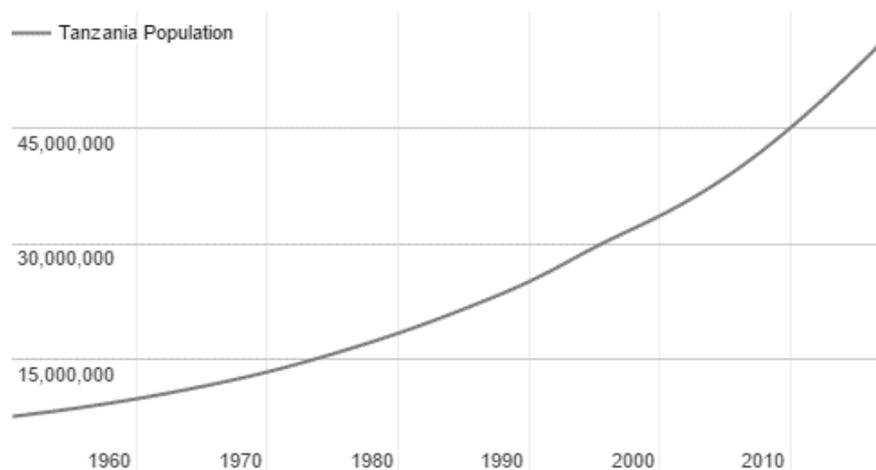
The village government is formed of 25 villagers. They are usually referred to as leaders. Apart from them, there is also the elected Village Chairman and the Village Executive Officer (VEO). The VEO is the liaison between the village and the district, and may have been sent from somewhere else to that village. Without the VEO village meetings and other procedures are not possible. The village also has different committees, and can form different committees to deal with different problems or interests of the villagers. Two of the committees that were relevant for this research were the Village Land Committee and the Planning Committee. Some villagers were members of the Youth Committee. The Village Chairman is the main leader of the village. In the four villages the Chairman and the VEO participated in interviews and were visited several times to gather and

corroborate information and documents. The village leaders were unsure of the population of the village or the size of it. It is mainly at District Level that this information is gathered, and the size of the villages is difficult to obtain unless there is an established LUP.

4.2.1.4. Demographic trends

The Tanzanian population was estimated by the UN in 2017 to be 56,372,726 (Worldometers, 2017).³² The country's population grows at a rate of 2.7% every year and quadrupled in size between 1967 (12.3 million) and 2015 (49 million) (National Bureau of Statistics, 2015). The urban population makes up 32.2% and the main commercial city, Dar-es-Salaam, doubled its population in ten years from 2005 to 2015, from 2.5 million to 5 million people. The median age of the population is 17.4 years (Worldometers.com 2017).

Figure 4: Tanzanian Population (1950-2017)



Source: worldometers.com, 2017

Considered scarcely populated traditionally compared to Asian developing countries, population trends are changing fast in Sub-Saharan countries in general, and in Tanzania in particular, as the figures show. The new investment opportunities and the demographic trends are having a considerable impact on the changing relationship between the people and the environment, their institutions and the land.

The increase in the population has an impact on the need for land, at the same time that the openness to commercial agriculture. Both have an impact on grabs. Li (2014b) refers

³² In the last official census in 2012 it was 44,928,923 (TNBS 2017)

to ‘grabbing’ as a type of ‘bullying’ that enables access to the land to those who are more powerful.

Powerful people—government officials, village heads, army officers, customary chiefs, prominent villagers—grab land and claim ownership. They take advantage of a legal vacuum created by overlapping laws and weak enforcement. Brute force often shapes outcomes, and money can buy land, even when it should not be for sale (Li 2014b, 14–5).

These dynamics have been explored in the context of Tanzania and the four cases studied show this reality. At the same time they shed light on the ‘opportunities’ that some have found in developing small farms or bigger ones, with the acquiescence of villagers who may have found an opportunity for labour. They surpass Li’s (2014) concept of ‘bullying’ in the understanding that they include neighbour to neighbour problems associated with savvy behaviour among the villagers themselves and problems of exclusion depending on the use of the land (pastoralism vs.farming).

4.2.1.5.Participants

4.2.1.6.Socioeconomic background of villagers

The population of the villages is measured by people and household or family. P1 had a population of 2,798 people and 490 families; P2 had 2,003 people and 363 families; M1 had 1,257 people and 362 families; while M2 had a population of around 1,600 people and 400 families.³³ All of the villages were formed of different hamlets: P1 had six hamlets, P2 had four, M1 had three, and M2 had five. In regard to farming, the villagers in District 1 -P1 and P2- harvested mainly maize and cassava, while in District 2 –P1 and P2- they harvested maize and sesame. In both places some people harvested rice but only in District 2 were livestock present. Cassava and sesame were the main cash crops that the villagers harvested. Many women and youths were involved in small businesses; women were mainly involved in cooking and selling food on the main streets. They sold small snacks like cooked cassava or potato samosas. Young people worked as *bodaboda* drivers and some people had shops. Usually, there were two or three shops in the village main settlement that sold drinks, cookies, lighters, batteries, and soap. Young people also tended to have a business where they sold fried potatoes mixed with eggs, a typical food that people eat at night.

The villagers’ farms were usually 1 to 5 acres in area. Some may have had around 10 acres but they were not the majority. They used a sickle as their main tool for working

³³Approximate 2012 data from District 1 and 2 sources.

the land. Most of the interviewees had no cash and they produced for home consumption. Others were able to have cash due to a small business or cash crops (see Table 6). The ones with higher incomes were pastoralists.

Table 6: Participants' responses regarding their cash income³⁴

Cash income in TSh	Frequency	Percent	Cumulative Percent
0-200,000	18	18.4	26.5
200,001-400,000	14	14.3	47.1
400,001-600,000	7	7.1	57.4
600,001-800,000	4	4.1	63.2
800,001-1,000,000	9	9.2	76.5
1,000,001-2,000,000	8	8.2	88.2
2,000,001-4,000,000	6	6.1	97.1
+4,000,000	2	2.0	100.0
Total	68	69.4	

Source: Authors' fieldwork, Feb-June 2014.

4.2.1.7. NGOs description

NGO1

NGO1 was not a land rights based organisation; they had different programmes and projects regarding violations of rights. NGO1 was founded over twenty years ago by a nowadays retired teacher, who was still the Director Executive of the institution. The offices were in the urban area of the district, and were small with limited staff. During the visit and interviews the executive did not stop talking on the phone with paralegals distributed throughout the villages they were attending and he received a visit from a paralegal who needed paper and also participated in this study. Their aim and strategy went beyond land rights issues; they were concerned with a wide range of issues such as gender and HIV issues. From 2009 to 2011 NGO1 was working on funding for a program related primarily with land and funded by an international NGO. They were supporting the communities through training on the laws and training paralegals to stay link to them; the issue of the LUP and cooperation for the emission of CCRO. In doing this, they ensured that all of the appropriate institutions were in place within the village. The village

³⁴ The table does not include leaders and seven participants who did not want to respond to that question

needed to have a Village Plan Committee to decide on the use of the land (through the LUP) and they had to call assemblies and ensure that the plans were well agreed by the village.

NGO2

This organisation was settled in 2003 and had about thirty members. They were retired people who decided that they were able to continue working and wanted to keep active in helping the communities; they used to be members of the military or government officials. Their main purpose in working with land issues was that they “observed that communities may collapse due to land. Because there were many conflicts among people and the community did not know about land law. We decided to train the village government and the communities on that” (Q44-General Secretary NGO2, 15.04.2014).

This CBO was working at the district level and also had its offices in the main urban area around the communities they helped. They were also funded by an anonymised³⁵ national foundation in Tanzania. Their main aim was to train people in the villages and in the local governments on the law and on which infrastructures they needed to deal with the emission of CCRO. The Retirees was a very small organisation and had very few links with others; their main task was training villagers on land rights and the institutions they needed to have in place.

NGO3

NGO3 is primarily an advocacy NGO; however, they also had a service delivery role as they worked on training communities and training land monitors who reported to them regularly. The staff of the organisation were graduates and postgraduates in the field of politics, law or economics from different ethnic groups in Tanzania, including pastoralists. The Executive Director was also an academic. NGO3 has also a role as a think tank and research centre. NGO3 was a strong institution and cooperated regularly with research internationally and was the mentor of national coalition of civil society organisations³⁶. NGO3 was based in Dar-es-Salaam, but many of its staff travelled around the country conducting training on land rights or in the LUP. NGO3 was a coordinator of funding and research, and a co-operator with Advocacy NGOs in the North, working with the central government on commissions and aiming to change the law; in particular they

³⁵ All the participants and organisations in this research are anonymised.

³⁶ The name of the coalition anonymised for the requirements of this research.

believed that in Tanzania the main problem is that all of land is public and is vested on the president as trustee of the people.

They conducted the same type of training as described above for NGO1 and NGO2, and they also trained paralegals and helped communities with legal cases in some instances. Their work was remarkable and their founder had been a leading force in fighting for land rights at the national level in Tanzania. Their main objective was to enhance the knowledge of the public on land matters, to strengthen the capacity of decision-making organs regarding land and to facilitate public participation in decision making processes.

Illustration 2: Land Rights Trainings



Source: author's fieldwork, Feb-June 2014 Others

Other NGOs participated in the research in a less involved way through interviews with their staff. They were national and international NGOs. Also other practitioners such as official donors and scholars were interviewed during the fieldwork in Tanzania. They have been anonymised.

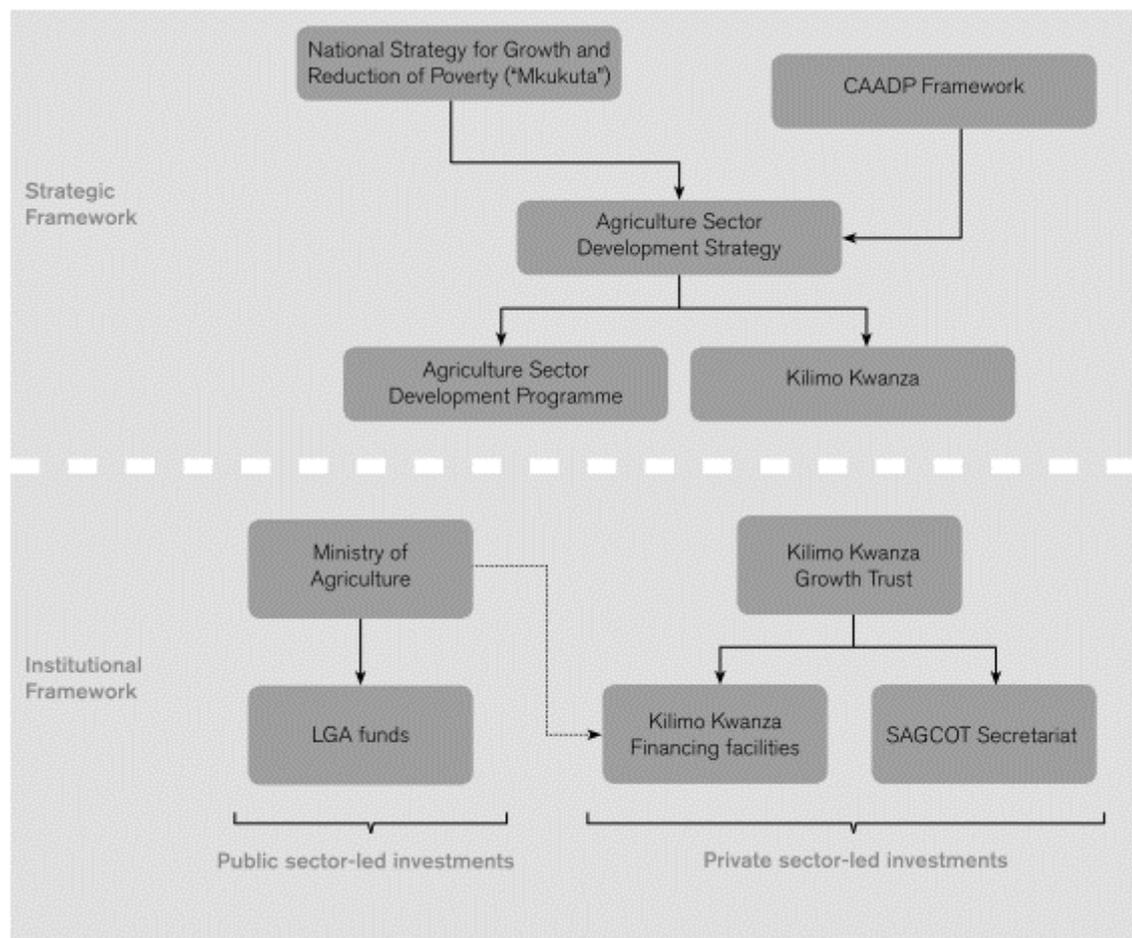
4.2.1.8. The agricultural context: SAGCOT and Kilimo Kwanza

In May 2010, within the auspices of the World Economic Forum on Africa celebrated in Dar-es-Salaam the Southern Agricultural Growth Corridor of Tanzania was launched. The SAGCOT is a strategic framework to improve agriculture competitiveness in Tanzania under the strategic framework of the CAADP. The CAADP is a pan-African development plan supported by the African Union for agriculture, which aims to boost

food security and agricultural growth. Tanzania signed the CAADP in 2010 and in November 2011 finalised the TAFSIP – the Tanzania Agriculture and Food Security Investment Plan. This institutionalised boost for agricultural development put the emphasis on agricultural transformation from subsistence to commercial one (Ministry of Agriculture Food Security and Cooperatives 2012) and created the appropriate climate for large-scale commercial agriculture.

The programme is supported by international donors and UN agencies, such as the FAO and the World Bank and it is also part of the Agricultural Sector Development Program created between the government and the WB, which has been implemented in the country since 2006. The interaction between Kilimo Kwanza, ASDP and SAGCOT is exemplified in the following diagram (Figure 5):

Figure 5: SAGCOT within Tanzania's developmental and agricultural strategic framework



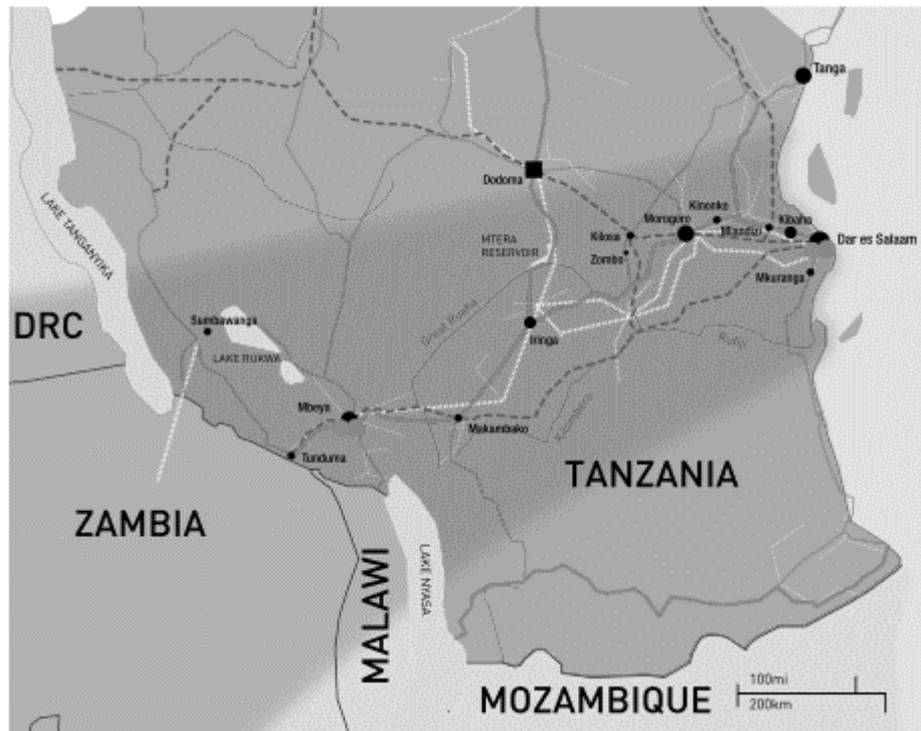
Source: (AgDevCo and Prorustica 2011)

SAGCOT is led by its Executive Committee, co-chaired by the Minister of Agriculture and the Executive Vice President (North and Central Africa) of Unilever. SAGCOT covers one third of mainland Tanzania (Illustration 3). The aim is to place Tanzania as

one of the major agricultural producers in cereals, agriculture, livestock and cash crops to sell surpluses to the rest of the world. The implementation of the plan began in 2011, when the SAGCOT Partnership organisation was created to develop the Blueprint of the program and a second stage where funding will be launched to catalyse funds into early-stage investment opportunities. The programme aims to engage smallholder farmers with commercial agribusiness, including ‘hub and outgrowers’ schemes.

The Corridor is also embedded in the pre-existing institutional framework of the Kilimo Kwanza (*Agriculture First*) strategy of the Tanzanian government, launched in 2009. The partnership members are the Tanzanian government, global businesses, the Tanzanian private sector, farmers, foundations and donor institutions. Some of the members include Unilever, Yara International, Monsanto, Dupont, and Santbic Bank USAID (AgDevCo and Prorustica 2011). Building in Kilimo Kwanza (*Agriculture First* strategy), the SGCOT Investment Blueprint describes how \$2.1 billion of private investment will be catalysed over a twenty-year period, alongside public sector grants and loans of \$1.3 billion. The result will be a tripling of the area’s agricultural output. Approximately 350,000 hectares will be brought into profitable production, much of it farmed by smallholder farmers, and with a significant area under irrigation (AgDevCo and Prorustica 2011).

Illustration 3: SAGCOT Area³⁷



Source: (AgDevCo and Prorustica 2011)

As explained before, SAGCOT is integrated into the Kilimo Kwanza agricultural strategy for the country. The primary source for Tanzanian development and for the domestic economy for families and the government is agriculture. More than 70% of the population is still rural (FAO). The Kilimo Kwanza policy aims to boost this sector to improve GDP growth and development in Tanzania, supporting small producers alongside big investors. The programme distributes seeds and fertilisers to rural populations. Its main goal is to increase the growth of the agricultural sector from 4 to 10%. The programme is considered the “Green Revolution” strategy for agricultural improvement in Tanzania (Mbunda 2011). The Kilimo Kwanza has ten pillars:

1. Political will to transform agriculture through the creation of a national vision on Kilimo Kwanza
2. Financing agriculture
3. Institutional reorganisation and management of agriculture
4. Paradigm shift to strategic agricultural production
5. Land availability for agriculture

³⁷ The corridor area is illustrated by the darker shadow

6. Incentives to stimulate investments in agriculture
7. Industrialisation for agricultural transformation
8. Science, technology and human resources to support agricultural transformation
9. Infrastructure development to support agricultural transformation
10. Mobilisation of Tanzanians to support and participate in the implementation of Kilimo Kwanza.

The SAGCOT projects are explored in relation to the Morogoro Region and they affect the M1 and M2 villages. In District 2 there was an administrative representative for SAGCOT at the District Council.

4.2.1.9. The law and policy context³⁸

4.2.1.10. Land Law of 1999

The Land Law of Tanzania is broken down into two acts; the *Land Act -no.4-* and the *Village Land Act -no.5-*, which were enacted in 1999 and officially settled by 1/05/2001 as the new land laws regulating land transactions and land resources in Tanzania. The law was passed after a process was begun in 1991 by the President of Tanzania. The President settled the Presidential Commission of Inquiry into Land Matters (1991-1992) in order to collect views and opinions from the people of Tanzania regarding land issues. The Commission aimed to disentangle some of the problems that were making the land ownership systems dysfunctional (NGO3-Anonymised 2013). It is significant to point out that the Commission paid special attention to the conflict among pastoralists and farmers.

The Chairman of the Commission was the land rights professor and advocate. The Commission underwent an extensive participatory process at grassroots level. Thousands of assemblies and consultancy groups took place around the country, which included rural villagers. The main recommendations and the underlying principles were:

[Recommendations:] a) The tenurial status of all lands would be declared constitutionally to be either national or village lands; in urban areas the present system of allocation through rights of occupancy would continue;

³⁸ This section is based primarily on the information gathered during the land rights training assisted while in fieldwork in the village M1. The training was carried out by NGO3. I also used the land training manual NGO3 that has been anonymised and that I translated partially from Swahili.

b) national lands would be vested in a National Land Commission independent of the Executive, accountable to the Legislature and overseen by a reconstructed Judiciary; village lands would be vested in Village Assemblies;

c) dispute-settlement machinery would be reorganised by creating Elders Councils at the village level and Circuit Land Courts at a higher level in which elders would participate; community values would be brought to bear on decision-making by magistrates and judges;

d) a limited land market would be created which would guard against anarchic tendencies and socially disruptive effects by providing for overall control by the community through the village assemblies (in the case of village lands) and elected ward and district committees (in the case of national lands);

[Principles:] a) agrarian accumulation “from below” would be encouraged based on a vision of an autonomous national development (albeit capitalist) as opposed to the current practice of incautious opening up of the country to predatory merchant and compradorial capital, both local and domestic;

b) the monopoly of radical titles in the executive arm of the state would be broken up and diversified in a way that would permit control and administration of land “from below” and countervailing forces against abuse by monopolistic state organs would be created; and,

c) procedures that would be legitimate, accessible, open and transparent would be devised (Tanzanian Affairs 1995)

The Commission has a positive impact on land laws and policies, especially when allowing villages to control village land. It also had a relevant impact on the Constitutional debates in 2014 and has made explicit the right for women to own land. However, the main aim of limiting the Presidential power and transferring it to the Parliament was not achieved (recommendation b). This is still a major claim of Advocacy NGOs in Tanzania:

Two land laws were enacted in 1999: the Land Law no.4 and the Village Land Law no 5. Those two laws have given to the President the power to control the land in behalf of the people... (NGO3-Anonymised 2013, 36)

The law differentiates Tanzania’s land into different groups in order to make it easier to control and manage, and to give directives about how to own land and how to receive compensation in case someone should take another person’s land. The law also grants the right to own the land, to use it and to sell it. One of the major changes in the law is the right to own the land and to obtain customary certificates. Although recognising customary ownership, the acts place more relevance on formal ownership.

Land ownership is ruled by the norms and customs of the tribe. Each society or clan has its own ways of accessing, distributing and using land that are followed since the time of their ancestors. After the 1999 Law, this kind of ownership has been considered as weak or valueless

when compared with the process of owning the land with a certificate. (NGO3-Anonymised 2013, 68)

Meaning of land

The Land Act no 4 and the Village Land Act no 5 of 1999 specify that the concept of land includes all of the land and the things on top and below the land surface, including buildings and natural vegetation. However, the concept of land excludes all minerals and petroleum and gas products, according to article 2 (Interpretation) of both laws. Minerals, gas and petrol are excluded from land ownership and the authority concerning such things lies with the Ministry of Energy and Minerals. The management and control of such natural resources come under the Mineral Law no 14 of 2010.

Categories of land

This is one of the more relevant aspects of the law concerning my research and it is relevant for issues concerning land dispossession and land grabbing. According to the Land Law of 1999, section 4.4, all Tanzanian land is subdivided into three different groups: general lands, reserved lands and village lands.

1. General land: Section 2

This is public land that is not reserved or village land. Village Land that is not in use – idle land – can be considered general land. The management and control of this kind of land is in the hands of the Land Commissioner controlled by the central government. This type of land generates more debates, as it is under central government control, and the government can declare any unused Village Land General Land (Alden Wily 2010).

2. Reserved land: Section 2 and 6

This land is set apart for special uses such as forest reserves; dams; trees surrounding the sea shores; islands near the seashores or lakes; lands where waste is dumped; sixty metres inland from the sea or lakes; national parks; water sources and roads. This kind of land comes under the authority of government parastatals such as TANROAD or TANAPA (NGO3-Anonymised 2013).

3. Village Land: Sections 2 and 7

The texts regulating village land are: Village Ownership Law no,27 of 1995, Village Law and Ujemaa Village of 1975, Local Government Law no.7 of 1982, and Village Land Act no.5 of 1999. Village Land is:

- Land inside the boundaries of the village that is registered according to article 22 of the Local Government Law no.7 of 1982
- Land reserved as village land in accordance with Village Law Number 27 of 1965
- Land that had boundaries demarcating village land under any law that was used in the period before the Village Land Act no.5 of 1999 was enacted.
- Land that was not Reserved Land for twelve years before the Land Law of 1999 was enacted and if villagers were not taken into consideration in the approval of general meetings it is also village land.

Land ownership system

There are two types of land ownership in Tanzania, customary land ownership and occupancy ownership:

Customary land ownership

Land ownership is ruled by the norms and customs of each tribe. Each society or clan has its own ways of accessing, distributing and using land that have been followed since the time of their ancestors. After the 1999 Law, this kind of ownership was considered weak or valueless when compared with the process of owning the land with a certificate (NGO3-Anonymised 2013). During the colonial period, this type of land ownership was not recognised by the law and there was a distinction between formal ownership (that of the coloniser) and informal ownership (that of the customs of Tanzania). This distinction allowed one (formal) to be considered superior to the other, and, thus, led to dispossession (Alden Wily 2010, NGO3-Anonymised 2013). Nowadays, customary land ownership is recognised by the law and a customary certificate, both for the village (Village Land Certificate) and for individuals (Customary Certificate of Occupancy), and the certificate can be obtained by following the required procedures described in the NGO3's land rights trainings.

Village Land Certificate:

The village boundaries must be demarcated before the village is formally registered as such. The village certificate will be given then to the mentioned village. This will mean that the village has a recognised government and established boundaries. The boundaries must be according to the law or to any other agreement reached among local governments or the land commissioner.

After the village has been registered it receives the Village Land Certificate according to section 7(2). This certificate stresses that the land will be used for living purposes and used by villagers in their activities according to the law. The certificate:

- Is obtained by order of the President
- Gives to the village government mandate to control the land
- Shows the village boundaries, and replaces any other certificate given to the village before.
- States that the land is for pastures, when the settlers are herders and pastoralists.

If the village boundaries change, the village must send the information to the district council in order to change the certificate. The village is supposed to have a land use plan according to its needs and these needs are agreed by the village general meeting. The Land Use Law no. 6 of 2007 that emanates from the Land Laws of 1999 gives directions on these commitments, and is assessed further in the next section.

After the processes of preparing and accessing the Village Land Certificate and the village land use plan, the villagers (the beneficiaries) can obtain a customary certificate of ownership. The procedures to obtain such certificates are detailed below.

Customary Certificate of Occupancy (CCRO)

This is a certificate provided by the village government according to section 25 of the Village Land Law no5 1999, which states that the requested person owns the land through customary procedures (refers to section 23, 34). Section 25 discusses the certificate that is obtained by form number 2, according to the law. The form:

- Will be signed by the chairperson and the VEO
- Will be signed and thumbbed by the one receiving the certificate
- Will be signed, stamped and registered by the District Land Office where the village belongs
- Can be obtained with no lasting period or with a lasting period (section 27)
- There will be a tax paid (rent) if the person is not Tanzanian (section 28.22(2))

According to section 29, the certificate of ownership will be given with some conditions to the owner. The owner will make sure that:

- (S)he uses the land

- Those using the land do it properly, taking care of it and keeping it in good order.
- If the land is used for farming, (s)he makes sure that farming is appropriate
- Pastoralists use the land in a sustainable way and with modernised ways of keeping animals.
- She pays the taxes and expenses needed
- She lives in that village

The fact that each village has a certificate and provides certificates of ownership to the villagers so that they can own the land legally is seen as a revolutionary concept and a developmental improvement. However, the process of getting such certificates is expensive and takes a long time.

Occupancy of General Land

The origins of occupancy are found in the colonial British land law of 1923, which stated that the land is controlled by the people and nobody has the mandate to use it without the agreement of the state. The new law takes this principle when allocates a certificate to a foreigner, who cannot own the land by custom. This certificate, called a Certificate of Occupancy, applies only to General Land and has a period of duration of 33, 66 or up to 99 years. The owner is not an owner as such, but, rather, is considered a tenant because (s)he cannot own the land forever.

Certificate of Occupancy (CO):

These procedures are explained by the Land Act no. 4 of 1999 in sections 25-29. The person aiming to own the land in this way has to send a request to the Land Commissioner. Also, consent should be sought from regions, districts and villages, and their correspondent land officers. If the land is allocated for the certificate, it needs to be clearly specified how the land will be used. This is an important point of the law, because if the Certificate of Occupancy is issued for a particular use, it can be repealed if the land is not dedicated for the initial purpose for which the certificate was approved. The person requesting the land will cover all of the expenses incurred in issuing the certificate.

Accessing land according to the law

Before the new Land Laws of 1999 were settled, people owned land in different ways. There are five different ways of acquiring land that are widespread in Tanzania:

Inheritance: this is a very old way of accessing and owning land and was used by different clans and kinships. People could obtain the land either by inheriting it from their father or from any other relatives. This procedure can be customary or involve a certificate; both are recognised by law. “It is very important to keep safe all the documents related to the inheritance, so the new owner will not face any problem” (NGO3-Anonymised 2013).

Clearing land from the bush that does not belong to anyone: this way was used by the population traditionally but has become very uncommon and contested in villages, especially over the last twenty years. Somebody could clear a piece of land that had no owner and use it for cultivation. The current law does not allow or this way of acquiring land. However, for those who gained land in this way before the law, they are legally protected and considered the legitimate owner of the land. This does not apply to reserved lands.

Buying: buying and selling land was a common practice even before the new law. However, the land law of 1999 forbids land owners from selling land if they are not developing it. The law gives land a marked value, which is a significant change, as before land had no value. Land can also be sold and used as collateral for loans in financial institutions. There is a concern among villagers and development workers regarding the impact that this market price has for the rural populations who are selling their land to deal with economic constraints such as paying for school or health expenses.

This way of accessing the land is one of the fastest ways, especially for those with higher income. Those who sold the land in order to solve their own economic problems have regretted doing so as the value of the land has increased and they have no land to cultivate. The person who buys the land has all the rights over the land. It is important to note that land transfers need to be agreed and witnessed by the authority concerned, either the village government or the land commissioner. In this way the owner pays the proper taxes (NGO3-Anonymised 2013, 20).

Given by the local government: The Land Law states that an individual, a group of people or any other entity that demands land must send a letter to the authority concerned requesting such land in order to acquire it in a legal way. The authority in that case relies on the village government and the assembly. Then the request goes up to the district and government level. This procedure applies to outsiders to the village, but also to villagers themselves who may want land. In this case the request does not need to go to the district and government. Nowadays, local governments are charging fees for this process to villagers, although sometimes they may decide to give the land for free. Some examples that people participating in the interviews expressed are given below:

The village government announces every farming season [who wants land] and those who want the land, they go and they get land (Focus Group participant, 19.04.2014)

4ac were given to me by a village programme, “Bega kwa Bega”: shoulder to shoulder, in this programme we do not pay for anything. Village leaders decided to divide the land to the people so they can cultivate (Men in P1 Village, 18.03.2014).

Land gained as a reward: land can be gained as a reward from someone (e.g. as compensation for nurses, teachers, work, etc.). In that case the person who gives the land loses any right over it; the new owner has the rights over such land and the old owner cannot claim the land back.

5ac were given to me as compensation for being a nurse volunteer (Women, Kinu Village, 10.05.2014)

In all of these cases, the owner can obtain the customary certificate of occupancy, or the certificate of occupancy, depending on the circumstances of the person requesting the land. However, there are other ways to get access to land without a certificate, such as renting it or borrowing it from others. In that case the land is borrowed or rented from the owner of the land and an agreement is made between the parties. The ownership in that case remains with the owner of the land. The tenant or lender will not get a certificate, even when (s)he has been using the land for a long time.

Experience has shown that those who rent the land disagree about returning it back to the owner. Owners need to be careful in these circumstances. It is better to have a formal agreement (written) when these circumstances happen (NGO3-Anonymised 2013, 34).

4.2.1.11. Land Use Plan Law

The Land Use Plan Law no.6 of 2007 is a consequence of the Land Law of 1999, which highlights the needs for all the groups to benefit from the land. The Land Use Plan (LUP) is also regulated in the Land Policy of 1995 and 2006 and in the People’s Settlement Policy of 2000. According to the Directive of National Land Use Plan of 2010 (page 10), a LUP is a system of evaluation and stresses different uses of land and all of the natural resources needed to develop the life of the villagers and reduce poverty. The directive insists on coordinating the planning and implementation of the LUP jointly with villagers, who, in the end, are the main users of the land. Inclusion is recommended, including farmers, pastoralists, people of different genders and ages, who might have different opinions and views about land use.

Chapter 5. Land grabbing processes in the Morogoro and Pwani regions of Tanzania

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5.1 Introduction

- What are the various processes through which land grabbing occurs?
- Are land grabbing processes always large-scale accumulation processes?

This chapter will answer the questions of what are the various processes through which land grabbing occurs and whether or not land grabbing is always a large – scale accumulation process. With this aim, the chapter documents cases of land-related conflict and dispossession in the four villages studied in the regions of Morogoro and Pwani in Tanzania. The cases can be split into two categories: large-scale dispossession, which usually involves international actors and has been widely considered as land grabbing or the global land rush by the literature that has emerged since 2008 (e.g.: Anseeuw *et al.* 2011, Cotula 2011, Pearce 2012, White *et al.* 2012); and small-scale dispossession, which usually involves national elites (Peters 2013), or even villagers and their neighbours (Kandel 2015). The end result is exclusion from the land: “the ways in which people are prevented from benefiting” (Hall *et al.* 2011, 7) from the land and its resources through dispossession.

Five cases are categorised. They were present to different degrees in each village, although only three of the villages have experienced large-scale land grabbing as described by the literature (see Table 7). The cases are: large-scale deals in three of the villages studied; widespread legal small-scale land transactions that have resulted in land dispossession due to socio-economic stratification; dispossession by demarcation; villagers grabbing each other’s land, which has happened in four of the villages studied and is a trend throughout the whole country; and finally, small-scale illegal acquisitions, which can be violent, and are carried out by some unscrupulous elites. These five cases have also prevented pastoralists from having access to pastures, and thus excluded them from their right to use the land. This situation, in turn, has exacerbated the pre-existent conflict between pastoralists and farmers.

Table 7: Main ongoing conflicts during fieldwork observation

Village	P1
Total cases	Four illegal small investors-taken to court Boundaries among villages and among neighbours People grabbing land from others
Village	P2
Total cases	Large-scale legal investor-failed project Development projects Boundaries among villages and among neighbours People grabbing land from others
Village	M1
Total cases	Large-scale legal investor-incipient project approved Boundaries among villages and among neighbours People grabbing land from others Legal small investors Pastoralists
Village	M2
Total cases	Large-scale legal investor-incipient project declined Boundaries among villages and among neighbours People grabbing land from others Legal small investors Pastoralists

Source: Fieldwork observations, Feb-June 2014

5.2 A failed large-scale biofuel farm in P2

P2 Village is situated at a distance of 82km from Dar-es-Salaam. Although the distance may not seem that great, the 36km that separates P1 from P2 is very difficult to cover, due to the track roads, which are often destroyed by rain and therefore impassable. It takes more than two hours to go from one village to the other in normal conditions by motorbike or car, and there is a bus twice a day, if conditions allow it. The journey from Dar-es-Salaam to P2 may take around six hours, usually more, considering the traffic jams and waiting times if travelling by public transport. Despite this, it is still attractive to urban people, although much less than P1 for evident reasons. The potential of electricity and road developments is attracting many people from urban centres with speculative aims. One villager in P2 explained this: “In the last year³⁹ there has been a lot of increase [in

³⁹ Interview took place 10.04.2014

people selling and buying land]. People from Dar come looking for land, many people know that electricity will come and they want to buy here” (Q40-Young farmer man P2, 10.04.2014).

Illustration 4: Track road from P1 to P2



Source: author's fieldwork, Feb-June 2014

In P2, the research covered a large-scale investment that the recent literature on landgrabbing has defined as dispossession by transnational agribusiness corporations (White *et al.* 2012, Li 2014b). This large-scale investment has been the target of many interventions by NGOs in the area and has attracted international media attention. At the time of this research, the large-scale jatropha farm, which was the project crop, had failed and there was no clarity among the villagers, or local, district or central government officials interviewed regarding what would happen to the 8,210.78ha farm that occupied part of the land of nine neighbouring villages. Several letters had been sent to the company’s CEO, by district officials, warning him that they had the ability to remove the certificate of occupancy that had been issued according to the law for a certain purpose,

as that purpose had not been fulfilled, and the officials were claiming the land back or a new project deal.⁴⁰

The British company that was the occupier of the land had received a Certificate of Occupancy for 99 years⁴¹. The land affected, which was Village Land, after agreement with the village assembly, had become General Land. The company was paying a yearly rent for the land of 20,526,950 TSh. This rent was being paid to the central government and not to the villages. The nine villages had received compensation of 939,343,118 TSh. This compensation was granted, only after the villages, aided by international and national NGOs and CSOs, pursued fair compensation. The compensation had been paid to the villages as a whole and to the 162 people whose farms had been directly affected by the project. These people had received compensation and a new piece of village land.⁴²

The farm was settled in 2008 and the activities finished three years later. The effects of the farm drew international attention, as landgrabbing became a topic on the agenda of international NGOs. Villagers in P2 explained how the investor arrived in the village in 2006 in the company of the MP Representative of their district. They claimed that they had trusted the MP's statement that it was a good decision due to the accompanying promises that the agreement would bring: "The investor ... came with a political leader who talked on his behalf. They convinced us and we agreed; however, at that moment we didn't know about the importance of the land. Everything was dealt with at district level or higher. The village agreed on this because the political leader convinced us. We didn't have any education at that time" (Q1-Chairman P1, 18.03.2014). The Task Force was settled when the conflict started with the investor by NGOs. The chairman of that Task Force explained: "The investor came here in 2006 and started operations in 2008. In 2010 the promises he made to the villagers had not been fulfilled. The promises were infrastructure, buildings, and schools. So the village governments claimed that they will make follow up". Another villager claimed: "The problem was between the investor and the village, because the investor wasn't developing the village as promised with schools, wells, health centres, roads. The problem is that they did not do any of that. The villagers were not happy with the political leader (MP Representative of district). He was the one

⁴⁰ During the fieldwork access to those letters was granted and the farm was visited.

⁴¹ Civil society pressures pushed the government to the development of a new Land Policy in 2016 that does not allow more than 33 years period.

⁴² Information gathered during different meetings with both the District Land Officer in the district where the farm was located and the Ministry of Land and Human Settlements in Dar-es-Salaam.

who had brought the investors and they thought he was responsible for the problem” (Q33-Young farmer man P2, 08.04.2014).

In 2010, an international NGO, which was cooperating with a national CSO, arrived in P2 and established the Task Force Committee (for the case of the anonymised company). That Committee was later trained and legally aided by national staff of an international NGO. They helped them to claim compensation, asked for meetings with the right representatives and wrote formal letters. The committee was formed of members of the eleven villages affected by the large-scale farm.

In 2013, the investor started to pay compensation due to pressure from the Task Force Committee. At the time of this study, the Task Force was aiming to claim for the devolution of the land, a process that they considered very difficult, as they had given away the land and the government was in control of it: “the investor couldn’t take away the land... but we gave him the land... but the government made the contracts, so we do not have power to take back our land” (Q42-Task Force Secretary P2, 11.04.2014).

This is due to the fact that when they agreed to the investment, they agreed to transfer their land from village land to general land: “If you give more than 50ha of village land, it is automatically transformed from village to general land and the community loses the power over that land. Villagers do not know the land law and they realise later” (Open interview NGO3 Executive Director, 03.03.2014). From then on, it will depend on the government’s will to return that land to the villages who initially agreed to the project.

However, even in the case that the government decides to reclaim the land, in some cases the land is made collateral for international bank loans, which makes the dissolution of the Certificate of Occupancy problematic, as explained by the Tanzanian media. One of the participants stated that, the “president was in [neighbouring village] and was asked about this matter. The president said that the land must be returned to the villages. I say they will return 20%, but I am not sure if the land can be given back to the villages” (Q42-Task Force Secretary P2, 11.04.2014)..

In 2014, three years after the jatropha farm collapse, I accessed the farm. It was difficult and slow through the track roads, which are disappearing due to vegetation and rain damage due to the lack of use. The trip took two hours from the centre of P2 village and the road conditions meant that at times there was a need to walk through small ponds and other bad road conditions. The jatropha trees had been abandoned and the two guards informed us that the farm was being used only by a pastoralist worker for his cattle. The

offices were visited and some office staff were there, but the past popularity of the farm due to the NGOs and media interventions made the visit short and uncomfortable.

The rumour among the villagers and other participants was that it was being transformed into a ranch for cattle and a future airport: “they say they are taking some cows there; one hundred every week” (Q42-Task Force Secretary P2, 11.04.2014). “The investor wanted to harvest jatropha, but it didn’t go as he expected, he failed and left. There is another person on that land nowadays. They want to introduce another thing. The new investor arrived in 2013, but he has not done anything until now. The new investor said that he wants to build a new airport and grow a lot of cows, but we do not believe or trust him. At the moment there are 80 cows there” (Q33-Young farmer man P2, 08.04.2014).

During a fieldwork visit to the Ministry of Land and Human Settlements, representatives of the Ministry - the central government- explained that in April 2014 the investor had sent a letter requesting a change to the purpose of the farm and also a change in the name of the company. They explained that the new company was a “sister company” of the previous one and they requested a change from the production of jatropha “to a mix of arable uses and livestock keeping”. This letter arrived after different letters had been sent to the investor by the District Officials advising him that if the land was unused they would cancel the deal. I accessed the letters during the fieldwork.

The District Executive Director of the district to which P2 belongs claimed that the new investor was Canadian and had the cooperation of a South African partner, where the cows were coming from. They planned to have 4,000 to 5,000 livestock. He explained that they needed to be informed of the changes by the investor, because they needed the agreement of the villagers again: “we do not have problems with the cows, but we want explanations about how the villagers are going to benefit from it” (Open interview- District 1 Executive Director, 10.03.2014). The observations during the fieldwork demonstrated that despite the perceived conflict between the governments (local and national), in many instances the District and central governments have asked investors to fulfil their agreements or return the land.

5.3 A proposed large-scale sesame project in M1 and M2

M1 is situated approximately 160km from Dar-es-Salaam and 80km from the main urban centre of the region. Access is fast; 110km are motorway, and then access is through track roads for about 50km. The track road conditions are worse than those in the Pwani region and the bus service only runs once a day from the urban centre. M2 is 10km from M1

Village and trips can be made by motorbike or by walking. Access between the villages is easy, although trips by motorbike can be dangerous because the track roads are sandy. M1 and M2 were one village in the recent past; M2 was a hamlet of M1, but growth in the population led to their division into two, which explains certain issues that have happened within the two villages, such as demarcation conflicts.

Illustration 5: Track road from M2 to M1



Source: author's fieldwork, Feb-June 2014

M1 and M2 had recently been the target of a SAGCOT project involving a sesame and millet farm of 3,000ha, which was supposed to be developed by a Yemeni investor with a tradition of agricultural investment in the area. This had created a difference between M1 and M2. While M1's Village Assembly had approved the project, M2's had rejected it. The project also involved the development of water irrigation systems and water intake for industry (Open interview-District 1 Executive Director, 10.03.2014). The village has a river that separates the different hamlets, which the villagers cross by boat (Illustration 6).

Illustration 6: Villagers crossing the river to access village centre or other hamlets



Source: author's fieldwork, Feb-June 2014

The project was proposed to the villagers by the government agency of RUBADA, which stands for the Rufiji Basin Development Authority. RUBADA has developed LUP for M1 and M2, reserving part of the village land for investment purposes. RUBADA was established by Act of Parliament No.5 of 1975 (RUBADA Information Book, n.a.).

Government agencies such as RUBADA and MKURABITA, which is the Tanzanian acronym for The Property and Business Formalization Programme, are involved in the demarcation of land for villagers and also investors. MKURABITA was formed by a government initiative in 2004, with the aim of enabling communities to formalise property and access the business sector. Both agencies were widely regarded by the NGO staff who participated in this study as hampering villagers' rights. The Consultant to the Yemeni investor in M1 and M2 explained this: "the reality is that the land belongs to the villagers. The government may decide to change the use of the land, but the land remains the people's land. This is why the government, through RUBADA, was trying to get the land in advance from the villagers, so the land belongs to RUBADA. So, now it is easier to transform that land from RUBADA to the investor. But it is difficult because RUBADA has no money... you have to compensate villagers for the land. So, RUBADA is waiting for the investor to pay them, and then they will pay the villagers compensation. That is the problem...you see...hahahaha!". Even recently created initiatives, such as SAGCOT, aim to differentiate themselves from such institutions, which are widely considered to be corrupt. SAGCOT's Executive Director, who was interviewed in Dar-es-Salaam during the fieldwork, expressed that they had nothing to do with RUBADA. However, RUBADA's Executive Director, who also participated in the interviews, stated that their projects were embedded within the SAGCOT strategy, which corresponds to the views

of the District Officials in District 2, one of whom was the SACGOT Coordinator at District Level, who explained the project in M1 and M2.

In a conversation with one of the advisors of the company about the investment he explained how the procedures had started two years ago, and are recorded in the village visit book.⁴³ The company is still waiting for the Certificate of Occupancy to start its activities. This situation, he claimed, was negative for both the villagers and the investor. In his view, the villagers saw their promises as unfulfilled and the investors who were willing to develop the local economy had been discouraged: “It is disturbing them [the delay], because once they have agreed on giving you thousands of hectares of land they hope that you will develop their villages and give them employment. Also, sometimes they can learn and apply what you are doing in their small farms. But if you delay the projects, you miss this kind of opportunity and they feel bad. That is why sometimes they raise their voice and say, ‘people are coming from the outside grabbing our land’. If they see that once you have promised something to them nothing is going on, they start crying” (OEI9-Investment Consultant, 29.05.2014).

This view was supported by some of the villagers who claimed that they wanted the investor to go away and come again to renegotiate the deal. This could be due to the awareness that they had had since the beginning of the negotiations.

In any case, the project was still active and was going through the required procedures at the national level. The investor arrived in the village for the first time in 2012 and, in 2014, one month prior to the research fieldwork, the beacons were installed and the land was surveyed by District surveyors using GPS technology (Illustration 7).

⁴³ Every village has a visit book where all of the visitors have to sign in and out, stating their name and company and the purpose of the visit.

Illustration 7: Beacon delimitating investor's land



When the villagers agreed to the investment and gave permission to RUBADA LUP, the land transferred to the investor was no longer village land. The revised LUP documents show the village meetings and assemblies at which the villagers agreed to this (Illustration 8).

Illustration 8: M1 LUP

JAMHURI YA MUUNGANO WA TANZANIA



RUFIJI BASIN DEVELOPMENT AUTHORITY (RUBADA)

UREJEAJI-(REVIEW)

MPANGO WA MATUMIZI BORA YA ARDHI WA KIJLJI CHA KIS. [REDACTED]
STI [REDACTED] TA YA TUN [REDACTED] ARAFA YA [REDACTED] ILAYA YA [REDACTED]
MORO [REDACTED] KOA WA MOROGORO [REDACTED]
2011-2021

UMEW EZESHWA NA:

 <p>NLUPC S.L.P 76550 DSM. SIMU: +255-022-211573 FAX: 2128057 Email: dg@nlupc.co.tz</p>	 <p>HALMASHAURI YA WILAYA YA MOROGORO S.L.P1880 SIMU:023-2613185 FAX:023-2613185</p>
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UMEFADHILIWA NA



MAMLA YA UENDELEZAJI BONDE LA MTO RUFIJI
RUBADA HOUSE NEAR UBUNGO PLAZA
P. O. BOX 9320
DAR ES SALAAM
E-MAIL: info@rubada.com

It was unclear among the villagers and district officials whether the investor was still planning to implement the project, but the land was not on the M1 map drawn for the LUP.

During the fieldwork I planned to participate in a Village Assembly. However, it was cancelled, which is not uncommon in villages due to a lack of participation. The four villages studied have populations ranging from 1200 to 2798, including children. Traditionally, the assembly should have the participation of half of the village population, but this does not happen for obvious reasons. Around 40 people attended the village assembly that I aimed to observe, but the villagers complained that there were not enough people; they had expected at least 100. The village leaders wanted to carry on with the meeting and there was a moment of tension and discussion, but finally they decided to postpone the meeting for one week, when they would celebrate it no matter how many attended. Not everybody is interested in attending the meetings; some complain about the distance they have to travel by foot or by bike, or that they have to pay a *bodaboda* driver, while others need to cross the river. This has an impact on the decisions that villages make about the land that they will give away, which may not be reversible.

The village of M2 had also agreed to a RUBADA LUP for the same Yemeni investor as M1. It is common that large-scale farms affect two or more villages; Case 2 analysed in P2 affected eleven villages in total. In this case, the investment would affect M2 and M1. M2 was a hamlet of M1, but at the time of this research it was an independent village with five hamlets, comprising approximately 400 families and 1,600 inhabitants. The villages split five years previously, when M2 gained the status of village instead of being a hamlet of M1. At the time there was a boundary problem between them over a certain plot of land, which was resolved with the expertise of older villagers in cooperation with district officials.

M2 had a strong position in terms of selling land, and its leaders were doing a lot to convince their fellow villagers not to sell the land. Compared to M1, the price of a plot of land (the fee to be paid to the government for allocation) was ten times more per acre; this price had been set by the village government and ratified in village meetings. In M1 the fee was 2,000Tsh while in M2 it was 20,000 Tsh. Different reasons can be pointed out for this situation: 1) M2 had recently gained the status of village; 2) M2 was smaller than M1; 3) experiences of giving up some small-scale farms (50ac) to investors that were not developing the land or conducting any economic activity after promising to do so; 4) the reactions of some villagers who had spoken up in assemblies after NGO training; and

5) as a consequence the leaders were convinced and were making a strong effort to advise the villagers to not sell their land.

Although they were strongly opposed to investors and giving their land away, they agreed with the first plan of RUBADA and had even held a village meeting to approve it. They explained that they did not know what they had agreed to and, later on, when they knew more due to the explanations of an NGO and a young man in the village, they realised their mistake. A member of an NGO explained: “Well, they agreed to an LUP and now RUBADA is saying this land belongs to them. Some of them now say, “we want RUBADA to go away, and then come back later”. This is because they had started to understand what they were doing and what went wrong during the process. I wish they had undertaken the training to know the good and bad things about the LUP and then they would have understood that if they agreed to give the land it would change automatically from village land to general land. We say, “this is your land and your decision, and if you decide to give it, you must be informed, if the land changes from village to general, you will not recover the land again”” (OEI8: Senior program manager NGO3, 29.05.18).

The training had happened after the LUP and the project were already in place. The NGO realised what was happening in those villages while meeting with the District Officials and asking to conduct their land training programmes. In one of the meetings, the NGO staff member explained how he had seen the documents by chance and decided to ask for permission to visit those villages, which was granted.⁴⁴ The programme for land rights training had started with a “baseline study” of the villages and meetings with village leaders. At a later stage, the village leaders had chosen 25 villagers to participate in the workshops for one day and at other stages public debates had been held in the villages.

The actions of the NGO also included training “Land Monitors”. The land monitors maintained contact and often visited the NGO headquarters in Dar-es-Salaam. At the time of the research fieldwork, the NGO had already conducted the baseline study and the meeting with the village leaders. During those meetings with the NGO they had started to reject the project due to one outspoken man: “in M2, there was this young man who was very active during the discussion... before, the community was hiding information from us, but he stood up and said, “no, this is the people from civil society, they can talk on behalf of us and tell everything to us because they have nothing to hide, unlike people from the government”. He claimed to have no fear and talked to the rest. He went on and

⁴⁴ Research clearance needs to be sought and information must be given to district officials when conducting activities in villages; however, this does not mean that the access to them will be limited or denied by officials.

disclosed that, “they agreed with the RUBADA project, because they have made promises, you were clapping hands”” (OEI8: Senior program manager NGO3, 29.05.18).

The villagers said that they had not agreed to the project, and that they understood one thing the first time the RUBADA came, but a different thing afterwards when they came the second time with the map drawings. There were no visible beacons in M2, however, during the land rights workshops that happened in the village during the fieldwork. The village leaders held informal meetings with the District Official who accompanied the three NGO staff conducting the land rights training. During the informal meetings the District Officials wanted the village chairman and VEO to explain things. They were private meetings and it is difficult to say if after those meetings the leaders maintained their strong opposition to the RUBADA project, as it looked very likely that those meetings could serve pressure to agree with the District plans. It is common that leaders find it difficult to go against higher levels of authority.

5.4 Four illegal small-scale cases in P1

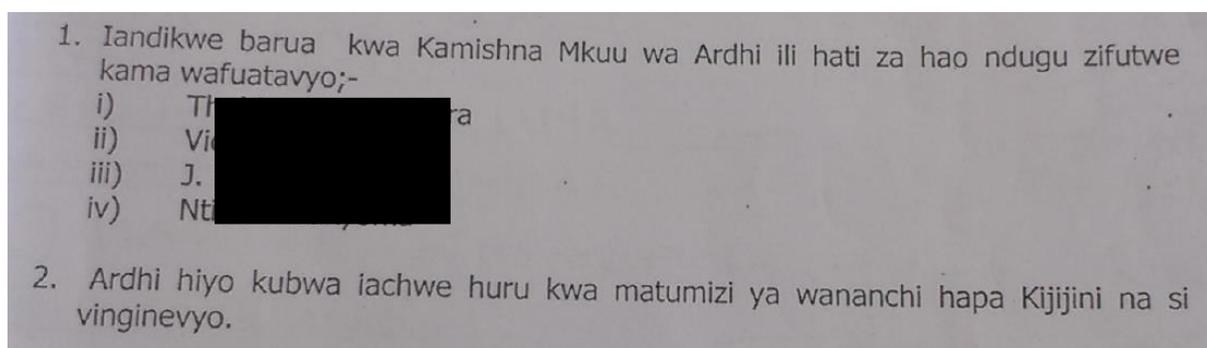
Situated in District 1 in a Coastal Region (*Pwani Mkoa*), P1 is the nearest village to Dar-es-Salaam (44km). The trip, however, takes a few hours, partly by good tarmac roads and a motorway and partly by a rural track, and there is scarce transportation. It is also the easiest village to access of those studied. This makes P1 very sensitive to land transfers by local elites living in the city. Dar-es-Salaam is one of the biggest and fastest-growing urban centres in the country.

Despite its closeness to the urban centre, P1 does not have a Village Certificate or Land Use Plan. However, two of the organisations who participated in this research had undertaken land rights training projects there and the elected Chairman was one of the land monitors trained by NGO3. Within this role, he had continued his contact with the NGO.

P1 Village had no large commercial farm run by foreigners or nationals. However, the villagers faced many land struggles; for instance, the participants complained repeatedly about “rich people”, “rich men” and “investors”, who for them were the same, and they used the terms interchangeably. People in P1 were very aware of, and concerned about land problems in their village. As one villager explained during the interview: “Most people attend the meetings in order to know what is happening, especially with these rich people and investors who take the land without developing it” (Q16-Young farmer man P1, 22.03.2014). He was referring to four conflicts with four different individuals, who

the village chairman had taken to court; he was still seeking a legal solution (see Illustration 9)

Illustration 9: Four cases presented to court by P1's Chairman⁴⁵



Source: Legal documents accessed during fieldwork, Feb-June 2014

The villagers in P1 complained about those who acquired the land by force, illegally. A woman explained during the fieldwork how investors forged documents: “there is one investor, we gave him 100ac, now he has forged documents and has 600ac” (Q11-Leader woman P1, 21.03.2014). Another villager added: “We have four investors who took land illegally. According to our laws, a village can offer to the investor 500ac, not more, and only when all procedures have been followed. The investors did not follow the procedures. It is not clear who forged the documents, leaders or investors” (Q12-Man hamlet leader P1, 21.03.2014).

There were new leaders in this village at the time of this research. The leaders are elected every five years and they are usually associated with political parties. The current chairman was a respected person in the area due to his involvement with land matters. A local leader in a neighbouring village involved in a conflict with a large-scale agrifuel company spoke about him: “local people trust people such as [P1’s] chairman, they help more than others to preserve their land rights” (Fieldwork conversation village chairman, 25.02.2014).

During the interviews, P1’s chairman confirmed how those investors had threatened people by force and used violence, including guns. He also explained how people wanted to occupy the farms that were not being developed by those four individuals and how he had calmed them down and explained how to choose a legal procedure. One of the participants also talked about this: “Because the land hasn’t been cultivated for a long time and the investors didn’t follow procedures, the villagers decided to take the land and

⁴⁵ Translation: “1- The letter to be written to the Commissioner for Land to revoke the title deeds for the following: (...) 2- The large parcel of land should be vacant for the use of the people of this village and not otherwise...”

cultivate it by themselves. They distributed that land. But the village leaders told them not to do that and followed the legal procedures and they calmed down. Also the owners (*investors*) started to threaten them, telling them they will kill them”.

The fact that those four individuals not only took the land in opaque ways, but also were not developing it, was the major complaint of the people in P1. One woman explained: the “investors acquired land for development, but they haven’t done anything on that land. Also the investors didn’t follow the procedures” (Q20-Farmer woman P1, 27.03.2014). A strategy that speculators have developed is to cultivate only the boundaries, in order to avoid the legal consequences of not developing the land, which are included in both customary and statutory law.

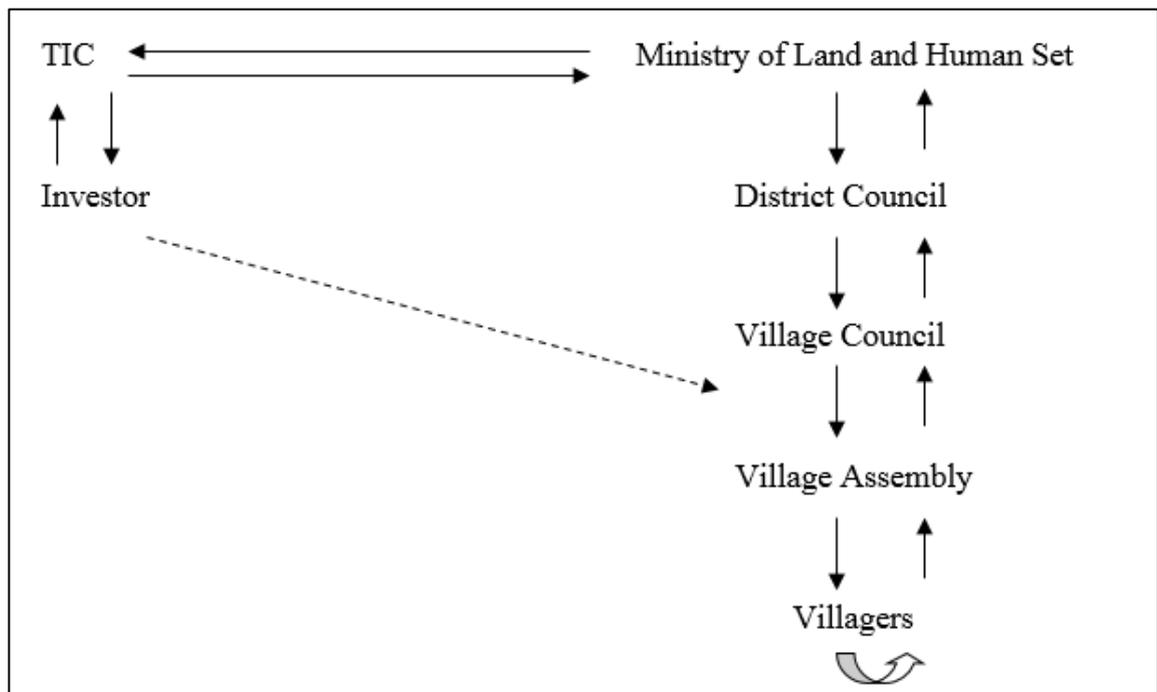
One investor, who had acquired land legally and participated in the interviews, stated that it was very likely that the village would win those four cases, as “the documents are not in place and some of them are falsified” (Q28-Small-scale investor P1, 03.04.2014). At the time of this research those cases were at the central government level for resolution, the highest possible level for villagers to set cases.

There was an overall concern among the practitioners and villagers about the legal procedures that were often overseen. In this case, the villagers, NGOs and the government had agreed on the need to follow the statutory law, which requires the participation of the village assembly in any transaction involving land. However, as the executive director of an NGO expressed: “Nowadays it is easier to acquire or take land in Tanzania. Much of the bureaucracy has been removed. It is easier because today you only need to go and talk to the chairman; it doesn’t matter whether the village assembly agrees or not” (Fieldwork notes, 03.03.2014). Even though this is contrary to the law, different participants complained about the need to enforce the procedures and make the villagers aware of them.

NGO3’s Executive Director explained how the procedures are not followed and how they are supposed to be according to the Laws of 1999 (see Figure 3): “The procedure is that the investor goes to the Tanzanian Investment Centre and they have to wait until a consultation has been had with the village authorities, which in many cases are ordinary and non-educated villagers. They should make the decision and tell the TIC which land is available, and then it escalates again from the villagers to the TIC, who allows the investment. However, what happens usually is that the investor goes straight to the villages and tells them that the government has agreed to give them part of their land. The

communities are shown government letters and agree to give the land” (NGO3 Executive Director, 14.03.04). In addition, most of the time the relevant documents and information are written in English, although almost nobody can speak, read or understand English in the villages.

Figure 6: Procedure to acquire village land



Source: author

The unbroken arrows in Figure 6 above represent the legal procedure according to the above excerpt from NGO3 staff. The broken arrows represent the channel that investors, with the cooperation of some officials such as in the case of P2, usually follow, which are not in accordance with the legal procedure and are less transparent. As suggested by P2’s experience, in this way national elites can pressure and exert some manipulation in the village, the population of which hear about a project for the first time at a Village Assembly and have to vote rapidly without the full and proper information.

5.5 ‘Development’ investors in all villages

During conversations and interviews with villagers and their leaders, they also identified as investors, people from outside the village who proposed development projects, such as health centres or schools. In P2, in particular, villagers referred to two projects, involving a school and a dispensary: “There are not investors anymore, they do not do what they promised and they were chased by villagers; there were two investors. One woman was given 75ac; she promised to build a health centre; she hasn’t come back and we have taken the land back. She is from Dar-es-Salaam. Another person came and said that he

would develop the school and help the village in everything. He failed and has not done anything. The school has a lot of land and now it is being sold to an Indian” (Q40-Young farmer man P2, 10.04.2014).

It was not clear though what would happen to the land allocated for the school, as another woman explained: “The first owner of the academy was Mr T. He came to the village and requested the land and he was given land, like 50acres, and he started the school but after a while he failed to operate the school and he gave it to another investor without informing the village government and the new investor also did not make any agreement with the village government. So we wondered why Mr. T didn’t inform the village government about the transfer of that land” (FG3-Women participant, 04.05.2014).

In the case of the land allocated for the dispensary, it had triggered reactions among young people in particular. They had invaded the land and removed the official demarcation: “The village gave land to a woman and then she did not develop it. The land had beacons [boundary markers], but young people, we wanted to go there and remove the beacons. We wanted the land for ourselves. After four years she had done nothing. The leaders did not inform us and we wanted to distribute the land to young people. I was the one who led the youngsters, although I did not encourage them to take off the beacons” (Q41-Farmer man P2, 11.04.2014).

5.6 Double selling and grabbing land of neighbour

Double selling and grabbing each other’s land was also widely considered to be one of the main violations of land rights in P1 village by farmers and their village leaders. This is a savvy form of behaviour that the villagers themselves execute: “there is a problem with double selling, some people sell land twice and then decide to leave the village” (FG1 participant, 03.04.2014). As another leader expressed: “There has been an increase in land value [which creates conflict]. A person sold his land in the past for a low price; now that land has acquired a high value. He takes this land to sell again and creates conflict” (Q12-Man hamlet chairman P1, 21.03.2014).

In the case of people taking each other’s land, this practice tends to be associated with the fact that the land has not been developed: “some people take other’s land, especially when the lands not developed. This happens a lot in this village” (Q14-Farmer woman P1, 22.03.2014). A leader in P1 expressed a similar concern, stating that, “land is a sensitive issue: we have boundary problems and people selling the land of their neighbours” (Q18-WEO for P1, 25.03.2014).

The proximity of P1 to Dar-es-Salaam has exacerbated those practices. The villagers widely acknowledged the impact of the rapidly increasing value of land. Once free, only a few years ago, “people buy and sell land nowadays more because there is no more land in Dar-es-Salaam, it is full. It is also very expensive there, 1ac in Masaki may cost 1,500,000 Tsh” (Q18-WEO for P1, 25.03.2014). Villagers can be allocated 1ac of land in P1 for a fee of 10,000 Tsh payable to the local government. This fee usually covers the expenses of having to travel to the plot location and some administration fees related to the allocation of the land. As Li (2014b) states in regard to the case of the Lanje people in Indonesia, they have entered the practice of capitalism by themselves, sometimes selling resources that should not have been sold in the first place.

5.7 Demarcation or boundary problems

Boundary or demarcation conflicts can happen between neighbours or between villagers. The literature has pointed out how land certification may trigger those conflicts (Locher *et al.* 2012). The increased interest in, and transactions involving land have triggered boundary conflicts in the villages, even when the land has been acquired through legal procedures.

One of these conflicts was observed during the fieldwork, when a woman in P1 complained about a neighbour who was not living there but owned a small farm and employed people to harvest it. She complained that the neighbour was not taking care of the grasses and that they were overgrown and taking over part of the path that demarcated the two farms’ boundary. She was concerned that cars would start running over her land due to the overgrown grass and destroy her crops. She had decided to plant some small casaba trees between the road and her property. In doing so, however, she had taken over part of the road as hers, and had planted the trees at least 40cm beyond her previous boundary. In that way she had incorporated part of the road into her piece of land, where she had complained that her neighbour’s grass was growing. She complained about the neighbour in the morning to the hamlet leader, and in the early afternoon the neighbour, his employee, the woman and the hamlet leader met at the place where the boundary conflict was taking place. The leader talked with all of the parties and demanded that the neighbour clear the grasses; then he removed the phony boundary that the woman had made, and placed it in its original place. Everything was solved in half an hour and all of the parties were happy with the resolution, as they later explained to me; I was present during the conflict resolution (Fieldwork notes, 13.03.14)

During the interviews, several farmers in P1 expressed how, due to the increased value of land, people are selling the land of their neighbours and trespassing over boundaries. One leader stated that, “there are many boundary problems because someone may sell more land than what is his/hers without considering his/her neighbour” (Q17-Land Committee chairman P1, 24.03.2014).

Problems with boundaries are not only occurring between individuals, but also between villages, which affects the issuing of Village Certificates. Many of those problems arise when villagers sell land. P1 had had a conflict with a neighbouring village: “There was a boundary conflict between P1 and [neighbouring village]. We both sold the same land, we thought it was ours and [the other village] sold the same land believing it was theirs...we solved that conflict by going to the district. They sent land experts who measured the land and said the land belonged to us. The land was sold to different people who came from Dar-es-Salaam” (Q11-Leader woman P1, 21.03.2014). Thus, demarcation conflicts are common, but they are not unsolvable and there tends to be flexibility among villages and local leaders to achieve a resolution, as the two cases above show.

5.7.1 South African and Tanzanian large-scale ‘unused’ farm

Another large-scale farm case in M1 Village that has been contested by the villagers was a 1,100ha farm, owned by South African and Tanzanian investors with Greek origins. The farm was fenced off (see Illustration 10) and the land had been unused for several years.

Illustration 10: South African-Tanzanian farm fence



Illustration 11: South African-Tanzanian farm main entrance



This farm had been in M1 for a long time. It was unused and this was causing the villagers to complain and exacerbating the conflicts between pastoralists and farmers. Maasai and Barbaig pastoralists interviewed in M1 claimed that the land on that farm had to be available to them and they were often trespassing on it: “in this village there are conflicts between farmers and pastoralists because there is not enough land for pastoralists. The big land is taken, but it is for farmers not the pastoralists” (Q61-PM2 Chairman, 03.05.2014).

This farm had also impacted on the way in which the pastoralists were accessing the land. Where they had accessed it for free in the past, now, even though the land was not cultivated, the fences meant that the pastoralists had to pay for access. They had not received compensation for the selling of this land by the government. They had no alternatives to feed their cattle, and they were having to pay to use that land, which was once free to use,: “He owns a big land (*the mentioned farm*) and nobody is allowed to go there with cows... During the dry season we pay to get our cows there” (Q94-Maasai young women M1, 17.05.2014).

During the observations and interviews this farm was always a point of concern for both farmers and pastoralists. This was mainly because the investors were not developing the land or performing any agricultural activity there, so both groups wanted the land back.

5.8 Land scarcity, farmers and pastoralists

The villagers and leaders interviewed during the fieldwork usually referred to the pastoralists as “very criminal” due to the fact that much of the time their cattle eat the harvests of farmers. In the long run, pastoralists have to leave the villages due to conflicts over their growing number of cattle. Sometimes the conflicts get very tense and there may be some assassinations. In one village a Maasai killed the village chairman in a meeting. Nonetheless, pastoralists are allocated land by the village government and they can also buy land. As stated previously, they tend to have higher incomes and are able to pay more money for the land, which grants them access. Also, the only villager who had started the process for the acquisition of a CCRO was a pastoralist.

Pastoralists, however, face some constraints due to their traditions of having as many cows as possible as a sign of wealth. There have been many initiatives or try to change this tradition of the pastoralists with the aim of limiting the number of cows that they can have. The pastoralist stated that the protected areas where they are not allowed anymore are a constraint for their access to the land, as well as some large and fenced farms – although they also confirmed that they can break down the fences of abandoned farms or reach agreements with the owners. With regard to their needs they stated that the government should give them part of the reserved forest.

5.9 Summary

The above sections identified the different land grabs experienced by the villagers. One of the main findings of this research is that the villagers perceived that their land rights were vulnerable due to land grabs in different forms and on different scales, involving different actors on the national, local to international scales.

For each village, this depended on their experiences with investors and people with higher incomes that did not live in the village but acquired the land. The interviews with villagers and their leaders and informal conversations show that in P1, the villagers were concerned about four ‘rich men’ coming from Dar-es-Salaam and acquiring the land in opaque ways, with the acquiescence of previous leaders. These ‘rich men’ were not developing the land but speculating with it: “Investors are people that use the power of money to buy a lot of the poor people’s land. But they do not develop it, especially in our village” (Q12-Hamlet leader P1, 21.03.2014); “We don’t have them (*investors*), but there are people from Dar who come here to request land for farming” (Q5-Farmer man M1, 20.03.2014).

On the other hand, the results show that in P2, the villagers and leaders were mainly concerned about an oft-cited international investor that had taken the land legally. This

was jatropha, a large-scale international project (UK) that had affected 9 villages and failed in 2012. During the interviews the villagers also discussed other small development projects (school buildings) that they also labelled as investments: “There are big ones and small ones (*investors*). Here there is only one big investor. He arrived in 2005. The investor wanted to harvest jatropha, but it didn’t give the results he expected; he failed and left. There is another person on that land nowadays. They want to introduce another thing. The new investor arrived in 2013, but he has not done anything until now.... Small investors have also been given land. They have been given land and many of them have the title of the land, so you cannot get there... There are two good investors who built a school” (Q33-Farmer man P2, 08.04.2014); “There are investors. The ones that built the school, but they do not have farms here. The jatropha farm was also an investor; he provided some jobs and developed the land” (Q34-Farmer man P2, 09.04.2014).

The field data tells us that in M1 there was an incipient sesame large-scale international project (Yemen) that the villagers had accepted. The same project would affect M2, but the villagers there had rejected the project. In M1, the observations also show a large-scale non-developed farm (Tanzania-South Africa) that the villagers had complained about.

The interviews and informal conversations with the villagers and leaders in M2 show that they considered that there were no investors in the village. However, some of the villagers complained interviewed about two large farms (50ac) that belonged to individuals that were not living in the village who were not developing any activity there: “Yes, we have two investors who have fifty acres. I knew about them from the village meeting. We discussed whether or not to give him land and we did. Now they are not cultivating the land and there is only a forest” (Q101-Farmer woman M2, 18.05.2014).

In summary, the research shows, through the observations and interviews, that the villagers referred interchangeably to investors or ‘rich men’ grabbing the land. Usually, they considered them negatively as they were not developing the land, fulfilling their promises or contributing to the village. In cases where they were doing so, usually the villagers had a positive view of them. Another relevant issue was that the villagers considered under the category of ‘investor’ anyone who was not from the village, or who came to the village to live on it and farm like them; this included large-scale investors, small-scale investors, people from the city buying land but not developing it, or people who wanted to develop projects such as schools or health centres in the village, when

those projects were not fulfilled but the land remained for the project. Table 8 below summarises those cases.

Table 8: Summary of land deals found by actor features and size

Type	Size found	Procedures	Villagers' and leaders' feelings about their land rights being disregarded
International investor	Large-scale (above 1,000ac)	Legal procedures and acquiescence of village meetings in first instance	Yes, because they do not develop the land and do not fulfil their promises
National investor	Small-scale (under 50ac)	Legal procedures and developing the land	No, because they followed procedures and developed the land
Illegal speculator	Big-scale ⁴⁶ (above 50ac, max size found 600ac)	Grabs land from villagers and forges documents with the acquiescence of local leaders. Does not develop the land	Yes, speculators threaten villagers, do not develop the land and follow illegal procedures
Legal speculator	Small-scale (under 50ac)	Legal procedures and acquiescence of village meetings in first instance but did not develop the land	Yes, villagers consider that the land should be developed and that if not it damages neighbouring farms.
Developer: CSOs, NGOs,	Small-scale (under 50ac) or big-scale	Legal procedures and acquiescence of	Yes, if they do not fulfil promises.

⁴⁶ In the case of Tanzania, the differences between small-scale or large-scale drawn from the law as explained in Chapter 3. When the amount of land is less than 50ac is only the village who needs to consent on the transactions. When is above 50ac to 500ac is the district, and when is over 500ac is the central government. However, the village has to agree in all cases if affects village land, although the President has the power to decide otherwise.

church or individuals.		village meetings in first instance but may or may not develop the land	Many are not developing the land and villagers consider them illegal.
Individuals that buy land from farmers	Small-scale (1 to 10ac)	People that work and live in cities but like to have a farm in villages.	No, but villagers acknowledge the negative impact of people selling the land for their future

Chapter 6. **Institutional aspects of land grabbing in the Morogoro and Pwani regions of Tanzania**

6.1 Introduction

This chapter aims to answer the question of: What are processes of formalisation of land that accompany the land grabbing processes?, and What are the changing understandings and new dimensions of land? Jointly with other drivers, such as demographic and environmental pressures, land grabbing triggers land scarcity and dispossession, as documented in the previous chapters. The rush for land has raised concerns about the urgent need to secure the land rights of rural impoverished villagers whose right to access land has been threatened (Toulmin 2008, HLPE 2011). Drawing on these circumstances, this chapter will document the ways in which the participants in the fieldwork research accessed the land they owned, their perceptions of not losing such land –their tenure security perceptions, and their views on formalisation. The chapter will discuss these findings in the light of debates over the impacts of formalisation: as a key to create economic wellbeing and protect people’s rights (De Soto 2000, Collier 2014); or as a means to benefit already powerful actors (Nyamu-Musembi 2006).

The sections below document and explore the dynamics of tenure security and formalisation and the impact that these had on the rural villagers in the sites studied. Particular mention is made of gendered access to land and security. Also, different levels of formalisation are considered - formalisation for individuals and for villages – as well as the issue and creation of LUPs, which are in themselves tools of formalisation that are more easily implemented than CCROs. In this regard, LUPs can have an impact on exclusion from the uses of land (Hall *et al.* 2011) and the creation of regimes of exclusion (Li 2014a).

The results also document a trend towards ‘informal formalisation’, where villagers have started their own manual and rudimentary systems of land control and management. This is happening in parallel to the prices of land increasing, along with the fees and taxes attached to its management. All of these instruments may exclude people from accessing land due to income constraints. Furthermore, the results show how formalisation impacts not just on individual villagers, but the village as a whole and the availability of village land for future generations: due to cadastres and registries, even rudimentary ones, traditional practices such as being able to access land that is not being used, which would have gone back to being part of village land available, are prone to disappear.

6.2 Land access and tenure security

This section documents the ways in which the villagers who participated in the interviews accessed their land (Table 9) and their perceptions of tenure security; that is, the likelihood that they will lose their land and the resources attached to it (Knight 2010).

6.2.1 Access to land

Table 9 below shows the ways in which the participants accessed the land.

Table 9: Participants' access to land^{47,48}

		Gender		Total
		Woman	Man	
access	Village	11	20	31
	Inheritance parents	11	12	23
	Inheritance partner	1	0	1
	Bought	5	6	11
	Partner land	7	2	9
	Cleared the bush	1	2	3
	Family land	8	7	15
	Hire	3	1	4
	Compensation as a nurse	1	0	1
Total		34	41	75

Source: Author's fieldwork data, Feb-June 2014

Village refers to a local process where citizens of Tanzania apply to the local government for land and are allocated land from the available communal land in the village. In some cases, the land is given to them free of charge, but local village governments have started to apply a small fee per acre to cover their administrative fees. This fee varies from village to village. It was found that M2 was the most expensive. P1, P2 and M1 charged from 2,000Tsh to 5,000Tsh, whereas M2 charged 20,000Tsh. From the conversations with the villagers, and especially young people in the village, it was found that many of them could not afford this small fee. The fee was a relatively new requirement by local governments; it was introduced approximately two years before this study took place. In some cases, the land was still given free of charge, especially to young graduate members of the village. The size of the fee was decided by the village assembly in each village. To apply for village land one needs to be a Tanzanian and have a letter of recommendation from

⁴⁷ This only includes farmers and pastoralists participating in the structured interviews, and excludes officials, village leaders and participants in the focus groups. The results displayed in the Tables of this chapter only refer to this group.

⁴⁸ The number of responses is higher than the number of respondents because participants usually accessed land in various form, for instance, they may have inherited 1ac and bought 1ac with their partners, or on their own, or it was given to them from village land.

his or her former village. Villages allocate land to all members: men, women, families or single or widowed women, when they apply for it. Usually the process to apply for land takes place once a year.

Inheritance - parents or partners: Through dealings with the villagers and leaders it was found that many villagers, men and women, access land through inheritance from their parents or partners. The survey shows that most brothers and sisters received part of their parents' land, although some cases were found where the whole family had inherited a piece of land from their parents. There was one exception to this: a women pastoralist who had not been allowed to inherit land. In the case of a couple where one spouse dies, the other will inherit the land. In this way, some men inherited land from their wives and vice versa.

Bought: The fieldwork observations documented that there is a land market operating in the villages. This market is informal, in the sense that there is not a cadastre, but many of the villagers interviewed had bought their land from others. In many cases, they did not have documents for these transactions, but that was starting to change. Through the interviews it was found that it is becoming usual for people to demand a hand written document to demonstrate that they have bought the land: "the land belongs to us [me and my husband], we bought it and we have a document that justifies the transaction... I think that if I lose the paper that says that I bought this land someone can claim the land back" (Q31-Teacher's wife P2, 08.04.2014). Also, whenever land is transferred, according to the local law, the village authorities need to be present and the seller must pay a fee to them for administrative purposes (like trip allowances and the keeping of registries); this fee is usually very low. In some cases, the buyer may not have even paid the price of the land, or the price is paid with food. In the past, land was given by one neighbour to another free of charge.

Hire: People hire land from others. Usually land that is hired is low-lying land where people harvest rice. The price of the hire is sometimes paid with a bag or two of rice, if the harvest is good. Sometimes it is not paid if the owner knows that the harvest has not been good: "Me and my husband harvest 2ac that we are hiring from others. Sometimes we do not have to pay for the land. It depends on the harvest we make. If it is good, we pay; if it is not, we do not pay" (Q96-Farmer woman M1, 17.05.2014).

Clearing the bushes: The research in the four villages shows that the traditional and usual practice in the past is currently forbidden due to increasing land scarcity and the increased

population. In the past this was the way in which the villagers accessed the land: “in the past, especially in the villages, people tended to clear the forest and if it was 5ac it became yours automatically, but now the village administration makes sure that land is allocated to people and people know that it belongs to a certain person. You don’t just go to the forest, clear 2ac and say that these 2ac are yours. That has passed, but in the past it was so, especially in the rural areas. You have elderly people who owned a lot of acres if they were clever and cleared them. Then they owned the land and it has passed over to their children, and then others inherit it (Q59-Executive director NGO1, 29.04.2014); or: “In the past we used to take any land and cultivate so some people inherited land that way” (Q7-Farmer P1, 20.03.2014).

Family land: Many young people harvest one piece of land of their parents. They are given one acre of their parents’ land to cultivate by themselves. This also refers to the land that some couples harvest together. They may have bought it or applied to the village government for it and they consider the land family land. In some cases, it was found that the woman harvested one piece and the man another. In cases where there have been problems in the family (e.g., an alcoholic husband) the woman had decided to split the land in that way. Several women explained this case, and how they had decided to harvest one piece of land by themselves and separate another piece of land for their husband, so they could protect their income: “My mother gave me 1ac. My husband has 8ac and he only cultivates 2ac. I only cultivate my 1ac. Before we cultivated together, but then he grabbed all of the crops and spent all of the money drinking” (woman, 70).

Partner land: This refers to couples who harvest the land that one of the partners had previous to the marriage or inherited during the marriage. As the table shows, men can also harvest from their wives’ land, although this practice is not extensive.

6.2.2 Perceptions of tenure (in)security

Security of tenure was defined in Chapter 2 as “the degree of confidence that land users will not be arbitrarily deprived of the bundle of rights they have over particular lands” (Knight 2010, 19). Table 10 shows the perceptions that villagers had of their tenure security during the fieldwork interviews, by village; the following section will show those perceptions by gender. The majority of the respondents did not feel that their security of tenure was threatened. However, the level of positive responses shows that villagers’ ‘degree of confidence’ regarding their security of tenure was low, as almost half of the interviewees felt that their security of tenure was threatened.

Table 10: Participants' perceptions of tenure security by village

Village	Do you feel you can lose your land?		Total
	No	Yes	
P1	9	8	17
P2	10	7	17
M1	8	11	19
M2	13	8	21
Total	40	34	74

Source: Author's fieldwork data, Feb-June 2014

In terms of the villages, P2 and M2 participants felt that their tenure was more secure than the others. Although P1 villagers also felt secure, the differences between P2 and M2 were more significant. As explained in Chapter 4, M2 was the only village that had rejected a large-scale investment, and their land administration prices were higher than in the other villages, which may have contributed to the perception of increased security. Their leaders had strongly recommended that their fellow villagers did not sell the land, and that was often mentioned by the interviewees: “many have stopped selling land here because they will not have where to get land in the future, and we will become strangers in our own land. Also, the Village Chairman, WEO and District commissioner insisted on not selling land” (Q78-Farmer woman, 11.05.2014). Thus, M2 was found to be the village with a stronger sense of preserving the land and rejecting outsiders. This could be related to different factors, as explained in Chapter 4, M2 was a newly settled village; it had been a hamlet of M1, ten years before this research.

On the other hand, the awareness that the P2 villagers had developed after their experience with the large-scale farm may also have made them more aware of their rights and increased their awareness in the face of possible future negotiations. However, their proximity to Dar-es-Salaam had also had an impact on their level of awareness, as the number of people coming from the city and asking for land had increased.

To add depth to the perceptions of tenure insecurity, during the interviews I also asked participants⁴⁹ why they felt they could lose their land in order to understand where their perceptions of tenure insecurity came from. Table 11 summarises the reasons why people felt a low level of security of tenure. As stated in the section above, the majority of the villagers who participated in the interviews did not feel that their land was threatened.

⁴⁹ In the particular case of tenure insecurity it only refers to villagers that were not leaders or officials.

Among those who felt that threat the main reason was that they did not have a title. By a title (*hati miliki*) the participants meant a CCRO.

Table 11 below documents the reasons that villagers gave in cases where they felt that their tenure of the land was insecure. Although it was not the case to a large extent, it was significant that they felt that the land may be threatened by their own government. This coincides with the view of NGO3 and members of a national coalition of civil society organisations, that the president of Tanzania holds too much power over decisions concerning land, as explored in Chapter 5. One of the demands expressed by the participants was summarised by the village chairman of P2: “We need openness and trust in the government on land matters” (Q34-Chairman P2, 09.04.2014).

Table 11: Participants' reasons for tenure insecurity

	Frequency	Percent	Cumulative Percent
People can take it from me	7	9.5	9.5
Government can take it from me	8	10.8	20.3
I do not feel I can lose my land	40	54.1	74.3
Because I have no title	17	23.0	97.3
Because I am hiring it	1	1.4	98.6
We may need to sell due to necessity	1	1.4	100.0
Total	74	100.0	

Source: Author fieldwork data, Feb-June 2014

The second threat perceived by the villagers was the government. By this they meant the central government rather than their local leaders or the local government. However, as shown by Table 11, this was not the main concern of the villagers. From the fieldwork it was documented that the villagers linked their land insecurity first to the lack of title deeds; and secondly to the government or to the fact that other people, apart from the government, could deprive them of their land. On the other hand, the interviews with practitioners in the field of land rights showed that this group were mostly concerned with the insecurity caused by the government.

As documented in Chapter 6, one of the main sources of conflict due to the perceived threat was people grabbing land from others. This may be neighbours, wealthier individuals or investors, as explained by the interviewees. A former chairman leader explained this during an interview: “I feel I could lose my land because a lot of people are coming to take land these days. If you are not strong, people may take it even through

corruption. If you are poor, the rich will corrupt you to get a poor man’s land (Former chairman in Puga Village” QV5, 2014).

Participants in the focus groups and practitioners who were interviewed were also concerned about changes in the size of the population⁵⁰ and poverty: “in the past the population was not so much, especially in the rural areas” (Q59-Executive director NGO1, 29.04.2014). Villagers perceived that their land was under threat mainly from those coming from the towns and buying land and then not developing it. They referred to them as ‘rich people’ and sometimes used the term and concept interchangeably with ‘investors’. These are not necessarily large-scale and foreign investors, but wealthier individuals from Dar-es-Salaam or other urban centres, elites belonging to regional or central governments, or individuals with small development projects like building schools, or health centres. Villagers who had initially agreed to those activities in the end distrusted them when the people who had acquired the land did not develop it, as documented in Chapter 6. Therefore, one of the main findings from the interviews and observations was that the villagers associated land grabs with undeveloped land when it had been acquired by non-inhabitants of the village on either a large or a small-scale. When the land has been acquired legally and it was being developed according to the initial agreement, they did not express any concerns. This is also addressed in Chapter 6. The research found that development and use of the land, or lack of it, is a major issue in the struggles over land in Tanzania.

At the same time the development of land also provides tenure security: “I cannot lose the land because we will develop it over time” (Q96-Farmer woman M1, 17.05.2014); “I cannot lose my land because I am cultivating it. By cultivating all the time, I can protect my land” (Q70-Farmer woman M1, 05.05.2014). Both, customary and statutory laws state that after a period of twelve years, if the land has not been developed it should be returned to the village or the government.

6.2.3 Gendered access and security

Table 12: Participants’ perceptions of tenure security by gender

		Do you feel you can lose your land?		Total
		No	Yes	
Gender	Women	22	12	34

⁵⁰The population in the country increased from 25.48 million in 1990, to 34 million in 2000 and 49.25 million in 2013 (World Bank, online), a widely known pattern that is a common feature of developing countries nowadays.

	Men	18	22	40
Total		40	34	74

Source: Author fieldwork data, Feb-June 2014

By gender, the responses of the interviewees displayed an unanticipated outcome, as most of the women interviewed did not feel that their land tenure was jeopardised. Contrarily, farmer women interviewed during the fieldwork felt more secure than men, which is different *a priori* to the suggestion that women are more excluded from land than men (Daley and Englert 2010, Boone 2017).

Furthermore, as introduced in Chapter 3, women were not found to be particularly excluded from access to land. This was documented in the focus groups with women, and in the interviews and observations during the fieldwork. Women accessed land in the same way as men, as displayed in Table 9 at the beginning of the chapter, and it is difficult to conclude that their access is much more difficult than that of men. When villages distributed land once a year the processes were open to men and women: “Women here have always had the right to own land, even in the village government processes; there are no problems if you are strong and can cultivate it” (FG2 participant, 19.04.2014). Here, the principle that still prevails is using and developing the land, as expressed by this woman during a focus group. Equally unexpected was the response of one woman during an interview when she was asked if women could also access land: “When the land committee advertises to give land to the villagers every person in the village has got an equal right to get land, *not women only*” (Q68-Farmer woman M1, 05.05.2014). A single woman in P1 also explained how she had accessed her land in a different way than being allocated by the village: “I have 5 acres of land, two I bought myself and three I rented from the village government” (Q64-Farmer woman P1, 04.05.2014).

The experiences of these farmer women and pastoralists reflects the fact that women do not seem to have problems in accessing land. However, there are other areas where women face problems and can be excluded due to control over resources. As pointed out in Chapter 3, this was particularly evident for pastoralists: “We have four boys and they will need land. Girls do not count because they will get married and use their husband’s land” (Fieldwork conversation, Barbaig pastoralist M2, 20.05.2014) Thus, it is possible for women to access the resource, and still be deprived of rights.

Most women also expressed concerns about the case of divorce or death of their partner: “Women need to have right to own the land, but there are some traditions that do not allow that. For instance, if her husband dies, she may lose the land and the relatives will

take the land back. Also in the case of divorce, the woman should keep some rights over the land. (Q20-Farmer woman P1, 27.03.2014)⁵¹. These circumstances make women more vulnerable and impoverished as they lose control over the land that they have been using. During the interviews and focus groups, women also explained that their husbands had the power to make decisions and that it was in the hands of their husbands whether to include them in legal documents⁵¹ or not. This is why statutory regulation has been found to be important for women in preventing exclusion from security of tenure (Daley and Englert 2010, Boone 2017).

The executive director of a local NGO explained how regulation was important for women: “Our intention was to sensitise the women to register for land ownership because the inheritance law discriminates against women, but if women register for land as single owners or in a joint ownership its useful to them, because if the husband dies the land will remain with the alive couple. That’s what the law says. So, when we talked to the women we found that some of them told us that they do not find the need to own land; they say, if my husband has land it is enough. But we try to make them understand that the inheritance rules that are unfair to them can be avoided by registering the land individually or collectively” (Q59-Executive director NGO1, 29.04.2014).

Conversely, this interview excerpt also explains why women often feel their tenure is more secure than that of men, as they perceive that it is linked to their husband or family, who will protect the land: “the land is my husband’s land, we will not lose it unless we sell it, but we are not selling it” (Q4-Farmer woman P1, 18.03.2014); “my land has belonged to me for many years, my children will help me to protect my land” (Q30-Farmer woman P2, 08.04.2014). Therefore, the family context can be perceived as a threat to tenure security or as a guarantee of it, and this often depends on “ultimate disparate freedoms” (Sen in Robeyns 2003, 62).

1. Control over land and decision making for women

If access for women was possible, although limited by family relationships, those limitations were stronger when they had to participate in decisions and control over resources (Chant 2006), in this particular case land. This difficulty was documented during the interviews, focus groups and fieldwork observations. To inquire into the decision making processes in the village, participants were asked about their attendance at meetings and whether or not they felt safe to speak up during them.

⁵¹ An example of this can be found in Chapter 3.

The reason that most women gave for not attending meetings was that they had a lot of work to do, especially during the planting or harvesting seasons. They also stated that the meetings were held far away; villages can be integrated - maybe with one to two hamlets - and it may take a few hours to get to the main hamlet: "I am not participating in the meetings. I never attend any kind of meeting. It is very far to get there; but I feel represented in meetings anyway, because many other villagers want what I do" (Q31-Woman farmer P2, 08.04.2014). In any case, hamlets also held their own meetings, and had hamlet leaders and chairmen. Hamlet chairmen are members of the Village Council and often meet with other hamlet leaders and the village chairman.

Women also stated that they did not attend meetings because they relied on their husbands for that task: "I do not attend because my husband is the one that goes and I get information from him. Also he is involved in committees" (Q31-Woman farmer P2, 08.04.2014). In other cases, such as pastoralist women, they were not allowed to attend meetings due to their traditions: "my husband goes and usually women we are not allowed to attend meetings. I can only discuss things with my husband, I do not think the situation is improving much for women here, if you see the meeting there, most of the people are always men" (Q102-Iraqw woman P2, 18.05.2014).

In other cases, women felt timid or they did not know enough to express their opinions during the meetings, even though they may attend. In such cases many women said that they relied on the opinions of other women that thought like them: "Sometimes I feel a little bit awkward participating because I am shy and find it difficult to talk in front of that many people" (Q27-Farmer woman P1, 03.04.2014); "I attend assemblies, but do not talk because I am shy. Sometimes I ask a friend to speak for me, but even the friend says to me "speak for yourself"" (Q30-Farmer woman P2, 08.04.2014).

The opposite was also true to a lesser extent. Some women were actively involved in the lives of their communities: "I participated in meetings in the ward about the constitutional reform. Each village was consulted for this process. I attended those meetings and expressed my view. I said that women should be given land rights. I was chosen because I and my husband are very charismatic in meetings. We are not afraid to talk and people listen to us; usually people support our views.... I am not afraid, I speak the truth and I am free to speak" (Q20-Farmer woman P1, 27.3.2014). In many cases this depends on the woman herself, but mostly women were found to have limited control over the decisions of their villages or resources. One pastoralist women expressed this view: "For

those who are brave enough, they can control their lives but others do nothing, so it depends on the woman herself” (Q102-Pastoralist woman M2, 18.05.2014).

At other times, despite those gender quota efforts, women may abandon those activities because of their family duties or because they feel too much pressure. Two particular cases were documented around this issue. In P1, alongside the chairman, a woman had been trained as a land monitor by NGO3: “I was trained in 2010 in Dar-es-Salaam, but I could not continue because of family commitments, but I want to go back to that task now” (Informal conversation, 08.03.2014). The second case was in the settlement of the Task Force in P2. One of the secretaries of the Task Force needed to be a woman according to the NGO’s requirements. However, as the current secretary explained, the woman had resigned from that position: “At the beginning I refused to be the secretary because of gender balance issues that they [the NGOs] want to accomplish. But the woman who was supposed to do it was not very confident. She did it for a while, but there was a meeting with officials at the district, and the supervisor of [the large-scale farm] and the girl was given something to read in front of all these people; she read, but in the middle of the reading she started panicking” (Q42-Task Force Secretary P2, 11.04.2014).

This lack of confidence among women was also found to be related to their lack of formal education. Even when compared to men, who also lack formal education, women felt more affected by it than men: “sometimes I may want to contribute something in the meetings, but they [family members] say “keep quiet you didn’t go to school” (Q4-Farmer woman P1, 18.03.14). This was also perceived overall during the development of the interviews. Some of the women felt they had nothing to contribute or knew nothing at all when asked about what needs they had or what things they thought could help their land rights. Other women were outspoken, but many of them had to be reminded that there were no right or wrong answers to the questions, and in a few cases the interviews were cancelled because I could see that the woman was in distress.

This never happened while interviewing men. Only one man expressed that he would not speak at meetings because he felt uneducated: “Because I have no education, I find it difficult to have a voice. But even if I am not scared, there are others who are scared. People are scared because they are not that confident, or do not have enough power or education” (Q8-Farmer man P1, 20.03.2014). However, as his statement shows, issues of power were also key for him in regard to having a voice or being confident. This can be seen when looking at the levels of education among the participants in the interviews and the leaders, most of whom had a basic primary education –standard seven; moreover,

there was not a significant difference between the men's and women's levels of formal education.

Thus, even when access to land was granted to women, their ability to control the resources was clearly more limited and the area where there is more exclusion for them, as decisions about land were taken primarily at meetings: "We have discussions in meetings with villagers to establish if we accept them [investors]" (Q1-Chairman P1, 18.03.2014). Women are more excluded from those decisions, even if they participate, as displayed in the excerpts above. They tend to be quieter, attend meetings less often and struggle to voice their opinions. Still, as has also been proven, some individuals are more capable or stronger than others: "I do not fear asking or saying anything that I think is not working very well. But there are other women who are scared to ask, they do not have exposure, they have not travelled to different places so they lack confidence (Q9-Farmer Woman P1, 21.09.2014).

Boone (2007), Toulmin (2008) and Joireman (2011) have argued how statutory law can empower women and secure their land rights. On the other hand, customary or traditional law also changes, as some scholars such as Robbin (2000) have pointed out: "Women's access to land was more difficult in the past. In the past the land was only owned by the clan and when you got married you went to the clan, so you owned the clan land but only for use. But nowadays women can own land even at the village level. Clans exist in some places, but this is disappearing slowly" (Q59-Executive director NGO1, 29.04.2014). This was corroborated by villagers and leaders, who often referred to the time "in the past" to express how their own traditions and customs had evolved.

Therefore, even if the institutional measures and rules are in place, and custom may evolve and change and it is flexible, "ultimate disparate freedoms" will depend on the willingness of men, or the most powerful: "It is very difficult, because even the government can say that men and women are equal, but the government does not live in the house, and what happens in the house the government does not know or it is different from what the government may say. So, there is nothing to do with this situation (Q102-Pastoralist woman M2, 18.05.2014).

This research documented, through the experiences of the women participating in the interviews, as well as the focus groups and observations, that access to land is not the main problem for them, even if they only harvest family land, or have bought land of their own, or inherited it; access is possible for women. They were more concerned with

inequality of power, for example in regard to decision making during meetings, institutional representation and formalisation of land tenure, where women do not have the freedom to decide or chose what they want due to family or community structures. This is more so for pastoralist women.

6.2.4 The role of the local government

Table 13 below displays the ways in which the farmers and pastoralists who participated in the interviews felt they could protect their land rights. While the participants expressed that primarily they trust their government to protect their land, almost equally important was the need for them to have a title deed or a CCRO. Other aspects of tenure security mentioned during the interviews were family relationships, boundaries and land use. Boundaries were closely related to title deeds, as the villagers perceived that the title would provide them with stronger boundaries for their land.

Thus, local government was seen as one of the main sources of security of tenure among the interviewees: “The village government and the village land committee is the first thing that can help to protect our land” (Q48-Farmer man P2, 17.04.2014). Furthermore, when asked about where they could go if they experienced any problems, they expressed trust in their local leaders and higher levels of government: “In case of problems I will go to the Village Government, if they cannot do anything I will go to the Village Land Committee, then to the Ward, then to the District until the issue is solved” (Q57-Farmer man P2, 19.04.2014). While villagers referred to these three levels for conflict resolution or problems regarding land, they did not refer to regional or central government, which is acquiescent with the views expressed above in relation to the central government and the lack of trust regarding matters concerning land.

Table 13: Participants' feelings of protection from tenure insecurity

	Frequency	Percent	Cumulative Percent
Village government	32	43.2	43.2
Tittle deed	31	41.9	85.1
My family	3	4.1	89.2
Better boundaries	4	5.4	94.6
Cultivate the land	2	2.7	97.3
I don't know	1	1.4	98.6
Higher levels of government	1	1.4	100.0
Total	74	100.0	

Source: Author fieldwork, Feb-June 2014

In any case, the trust that villagers had in their local leaders conflicts with some of the literature on land grabbing that has portrayed local leaders as co-opted by elites and corrupt (Cotula 2011). During the observations the picture that emerged was somehow different, as leaders were chosen from the farmers within their fellow villagers and had the same level of income and education. Some complaints were made during the interviews, but only a few and they were mainly related to party political differences. Leaders were selected every five years and in some cases belonged to political parties, so if the villagers were not happy it was easy for them to change their leaders, and thus some of the issues raised related to political differences.

Thus, most of the rural villagers participating in the interviews valued their leaders positively and felt they were accountable to them: “I think these days, leaders listen to us, compared to the past when leaders were the sole decision makers...since leaders know that people are more aware of land issues, they are doing their work better” (Q2-Farmer man P1, 18.03.2014).

2. Village meetings

The way in which the leaders included their fellow villagers was explained by the village chairman in P2: “Every three months we have a village meeting and we introduce the agenda; anybody can introduce a topic into the agenda; also villagers can talk to any of the leaders in the committees or hamlets and the leader will take it to the Village General Meeting. Also, we have a complaints box in which people can write their opinions... we take all of the opinions to the general meeting for clarification and decisions” (Q34-Chairman P2, 09.04.2014).

As stated above, women can be excluded from attending meetings. Similarly, another group excluded from meetings and leadership positions are pastoralists. They do not usually attend meetings, unless a conflict has occurred, and it is very common for farmers to refer to them as “very criminal”: “we attend [meetings] if we are informed, but much of the time we do not go. We only go if there are livestock conflicts with farmers. But for development issues we do not attend because people will raise claims complaining about us as livestock keepers” (Q69-Pastoralist man M1, 05.05.2014); “Very few attend meetings, especially pastoralists but farmers attend” (Q97-Pastoralist leader M1, 17.05.2014). The reason is that often pastoralist trespass on farmers’ land and let their cattle feed on the harvest. For this, they have to pay fines, usually in cash. Many village assemblies have lists containing the names of pastoralists who are considered “the most

criminal”. Despite this, in M1 a young Maasai was the secretary of the Village Land Committee.

As well as the limitations regarding women and pastoralists participating in meetings, and therefore in decisions that the villages may make about giving away land to investors on a large or small-scale, it was also common for the villagers to complain that their leaders did not call the meetings in a timely manner or did not inform them appropriately. This could cause strong reactions among the villagers. For instance, during the fieldwork, I observed one of the meetings, which only around 60 people attended. There is a requirement that says that if at least half of the villagers are not present, the meeting should be postponed. The leaders wanted to hold the meeting, but the villagers complained about the quorum. They complained that the hamlet leaders had not informed them about the meeting adequately, and the meeting was postponed for one week. The village had a population of over 1,000 villagers. They explained that they had not expected 500 people, but at least something over 100. The villagers shouted and complained strongly to the leaders (fieldwork notes, 01.4.2014). Meetings can be postponed a week, but the same thing could happen again.

Another source of frustration among the participants with regard to the meetings was the lack of required members. A village assembly cannot be celebrated without a VEO. The VEO is an employee of the district. He or she is the representative of the district executive officer in the village and also the secretary of the village council. The VEO is a link between the district and the village and is paid as a district official. M1 had had no VEO for several months and the meetings could not take place. The issue also raised concerns among the villagers: “the law states that we are supposed to have meetings four times per year. But they did not call a meeting regularly; they could only call one a meeting in a year. Then, they decided to give land to investors without the villagers’ agreement” (Q82-Farmer man M1, 11.05.2014). This was not an uncommon issue in the villages and corresponds with the capacity that villages have to develop all of the roles attributed by the law, as will be explored below when documenting issues regarding formalisation. A senior staff member in NGO3 also expressed this concern: “Many times they [rural villagers] say that village assemblies are not held accordingly to the law or meetings are not held. They ask: “If the VEO does not call the meeting, what should we do?” (OEI8-Senior program manager NGO3, 29.05.18).

During village meetings decisions about investment and giving away land are presented to the rest of the villagers and decisions are made by voting. Other issues that influence

the decisions in meetings have to do with the influence and somehow the manipulation that local leaders can experience from officials from higher levels of the government: “Yes, [our leaders protect our land] although sometimes they are misled by the higher level, because even in the investment here [in P2] they were given the wrong information and they were also negatively affected by the project” (Q48: Farmer man P2, 17.04.2014). The chairman of P2 explained how they had experienced certain pressures in two days and how they had been convinced by the promises their received from an MP representing their district to give land for the jatropha project in P2 and the other 11 villages:

They [district officials] came two times, they brought the investor and a member of the parliament promoting the investment at the village meeting. And they already had the power from the central government, and they already knew and had a picture of the land they wanted; because people we are not informed, they told us they wanted that particular land and people would benefit... So people... without knowing whether the investment would result in a profit or loss for them and because they had been told they would provide employment, and build schools, entrepreneurs would be given loans and also you would be involved in the products... when they asked for the general consensus from the people all of the people agreed on it... They used another trick... asking the village secretary to give them a summary of the meeting and they took it. And that summary had the names and signatures of all of the people who had attended the meeting and agreed on the investment. But later on we came to realize that we had lost land without knowing it, and began to regret it but we could not do anything. If land has been taken away by the investor, he has been given the title deed for ninety-nine years and it cannot be cancelled until the president decides to do so” (Q34-Chairman P2, 09.04.2014).

Later on, the leaders tried to make the investors accountable, but the higher levels of government made that task difficult, as one of the villagers in P2 explained when referring to individual land affected by the project. It did not only involve village land, as was initially agreed: “They went to the village land and put a beacon to indicate the investor’s boundary, but later the investor squeezed his boundary with another beacon. When I saw the second beacon I asked the village chairman and we went to that place to see it and we saw that the investor had squeezed the beacon and the chairman promised to call a meeting and he invited the investor to ask him why he had put another beacon to squeeze the boundary. But the investor said that he was not responsible for the beacon because it had been placed there by the professional land officers who did the survey. Our leaders told him the villagers were resisting that beacon, and he agreed to pay compensation for that ... The whole procedure was not good because there was no agreement” (Q49-Farmer man, 17.04.2014).

6.3 Formalisation of tenure

The second source of security of tenure for villagers, as pointed out above, is the title deed. Almost unanimously, the villagers participating in the interviews expressed that they wanted a title deed in the form of a CCRO. Even pastoralists, whose land tenure is communal, demanded formalisation in the form of obtaining a CCRO. Joireman (2011) highlighted that everywhere that she conducted research in Africa, people always expressed positive views about gaining more security for their land through legal deeds. However, it is unclear whether formalisation *per se* will create a virtual cycle of development in rural areas driven by an invisible hand, as indicated by De Soto's thesis (2000). During the workshop attended at Dar-es-Salaam, the practitioners highlighted how the title alone would not protect villagers, as issues of power and inequality were still predominant. In any case, demands for legal titles according to the law were widespread among the rural villagers and one of their main demands (see Table 14).

Table 14: Participants' responses in regard to wanting to have a CCRO (*hati miliki*)

	Frequency	Percent	Cumulative Percent
Yes	71	95.9	100.0
Depends on family	3	4.1	
Total	74	100.0	

Source: author's fieldwork, Feb-June 2014

6.3.1 The issue of land certificates

The previous section documented participants' views on how they could improve their land tenure security, with a focus on the role of the local government and the village meetings. Overall, the villagers legitimated their leaders as a source of security. This could be considered a source of social legitimisation for security of tenure. Knight (2010) states that land tenure is secure when it is legally and socially legitimate.

Thus, it can be inferred from the participants' responses that they legitimise the authority of the village government and their leaders. Also, statutory laws, such as the Land Acts of 1999, recognise the authority of leaders, and further construct a structure of committees with different functions within the village government. In this way, the decentralised state—in this case represented by local government—acts according to Locke's theory (in Joireman 2011) on property rights; attributing to the state authority as supervisor and guarantor of ownership.

On the other hand, law emanates primarily from customs and traditions. This gives legitimacy to statutory law (Knight, 2010). As reviewed in Chapter 2, one of the most fervent attempts in Sub-Saharan Africa has been to translate traditional and customary laws into formal and statutory laws; an effort that resulted in waves of land reforms across the region in the late 1990s (Alden Wily 2003a, Boone 2007, Pedersen 2012). The land reform of 1999 in Tanzania is an example of those efforts. Such a reform, as explored in Chapter 4, mainly highlighted the role of local governments and their committees in a decentralised process. One of the traits of decentralisation is that local governments have the legal administrative capacity to issue title deeds under certain conditions. The main conditions are that the village is required to have a Village Certificate, and the appropriate offices and storage space, which will be discussed below.

The Village Certificate

As described when analysing the new Land Laws of 1999 in Chapter 4, the previous requisite for the village to be able to issue CCROs was that they had to have their own Village Certificates. The Village Certificate should reflect the boundaries with other villages, with general land, and with reserved land. In fact, it is unusual for villages to have them, but they are increasingly being demanded, as demands for CCROs increase.

When the village is surveyed and its boundaries are marked, the authority (Land Commissioner) will issue a certificate according to section 7 (6-12) of the land use law, 1999. This is a very important document, which should be kept and protected by the village government, which has the mandate to control the land.

The village land certificate becomes the ownership right of the village to manage the land and to defend it from others, to mark and place boundaries, to plan different uses for the land, to give ownership to villagers and other institutions, and to continue giving land by customary practices, but keeping records of all the land distribution and giving them to the district.

The land certificate of the village is given by the President of Tanzania, and the village government owns it on his behalf. The certificate allows villagers to live in the village and to access village land following customary laws. The Village Land Certificate is prepared by the District Land Officer using form n16 of the village land law no5. The district has to draw the maps and place boundaries and the certificate has to be signed by the Chairman and the secretary of the village government, after it has been registered at the District.

The certificate then has to be sent to the Commissioner so that (s)he can sign it. One copy of it will remain at the Ministry of Land and two copies will be sent back to the District, one of which will remain in the district, while the other will remain in the village. If there is a change in the village boundaries, the Commissioner must be notified. The commissioner will then annotate all of the changes on the certificate that remains at the Ministry.

The relevance that the title has for rural villagers has evolved significantly, particularly since the beginning of the century. It was found during the fieldwork that all of the villagers were aware of the title and its effectiveness as collateral in financial institutions. They explained how they had heard about it from others, from the radio or from TV, or from their leaders. Without a village certificate, villages cannot issue CCROs.

An explanation of how these certificates were not considered relevant by villages, and the evolution and incorporation of the custom into written law was provided by a village chairman: “We became independent in 1961, and matters relating to law we came to know about in the 2000s, so many years have passed in between, and people have given away their land without knowing and without following the laws, without any written document, there are many things that have happened in the villages... I remember in 1974, the government, after introducing Ujamaa Villages, also introduced the village title deed, which many people did not understand. This meant that every village was registered but that registration did not mean that land belonged to the villagers... villagers, we did not understand the meaning of the title or even the value of it. The government used the village certificate as a way of putting the village land into a title deed but the villagers themselves did not understand what that meant and did not do it” (Q34-Chairman P2, 09.04.2014).

The chairman also talked about the relevance of the title and compared it to the practices of the colonisers: “today people demand education on land rights, land ownership, title deeds, and boundaries... People have realised that without a title deed their land can be taken away. The first people to know the importance of land in the village were the missionaries.. when the missionaries came they started occupying land for churches, even land for burials. Burial land for Christianity is not easy to destroy because they already have the title deed, and even their churches have it. *So people came to realise that if you have land and you have a title deed it is not easy to lose your land.* But getting a title deed is a big problem... they have created difficult procedures to confuse you, because those who are responsible they just lie to us” (Q34-Chairman P2, 09.04.2014). In this interview

excerpt, the chairman of P2 explained what the literature has considered many times in regard to the impact of colonisation on land rights and the division of land with statutory legal ownership and land that was owned customarily by local people (Berry 2002). The second part of his quote will be explored in detail below, when considering the challenges that rural villagers and their leaders face in the institutional processes of obtaining CCROs, or customary title deeds.

The villagers' customary certificate of occupancy

There is a relationship between the perceived relevance of land in Tanzania: “we didn't know about the importance of the land” (Q34-Chairman P2, 09.04.2014), and the demands for obtaining CCROs –*hati miliki* in Swahili. Both, the increased importance of land and the need for CCROs were usually mentioned during the interviews. As shown in Table 14 above, only three participants were not completely sure about wanting a title deed, and in all three cases this was because they were still living with their parents. The three interviewees were women; two of them were less than eighteen years old and the other one was a single women living on her family land. These three women relied on the decisions made by their families, as they did not own the land.

Title deeds are a new and different source of tenure security for villagers, compared with the security that their local leaders provide. Villagers legitimize title deeds by trusting the statutory law.

As stated in the literature review, titling has been a contested topic among development scholars and practitioners for decades. De Soto (2000) claims that the inexistence of title deeds in most parts of agricultural societies impoverishes those already in weak positions; land ownership is a hidden asset that, when statutorily recognised, provides farmers with capital to be able to flourish. However, economic or institutional power is not considered relevant in those theories. The same chairman in P2, among others, explained how income can create a gap between those who can obtain title deeds and those who cannot, creating a new source of exclusion, which is not fully addressed by De Soto (2000): “the government and rich people are the ones that can own the land. People with normal incomes are the ones that can't own the land. Villagers do not own the land because they do not have the title deed” (Q34-Chairman P2, 09.04.2014).

Thus, better off nationals or foreigners have power over impoverished villagers when accessing titles for their land, and this brings winners and losers in these processes, which has been widely acknowledged in the literature (Nyamu-Musembi 2006, e.g.: Boone

2007, Peters 2009). Despite this, De Soto's discourse has permeated rural societies through the media and the discourses of NGOs and CSOs.

Demands among villagers for CCROs are often and notably accompanied by the claim that they will be able to use the CCRO as a collateral for loans in financial institutions: "if I have it [*hati miliki*] I can get a loan" (Q7-Farmer Man P1, 20.03.2014); "People here need ... rights to own land, so they can use it as collateral" (Q1-Chairman P1, 18.03.2014). Participants in the focus groups also used the same terminology: "Here people ask for the customary right of occupancy and ask for it at many Village Assemblies...Most people ask for the CCRO because they can ask for a loan" (Focus group 1 participant, 03.04.2014); "The title is very important because now there is a lot of development, in the coming years all the financial institutions will deny a loan without the title" (Focus group 1 participant, 03.04.2014). I had not expected to hear this in apparently isolated places distant from academic papers or WB reports. However, this concept was also used by NGOs: "First of all, they (*villagers*) need to have land and the certificate of occupancy. The benefit of the certificate is that people can go to financial institutions and get loans" (Q44-General Secretary NGO2, 15.04.2014).

However, when the villagers were asked about the repayment of loans or interest they seemed more confused in their answers and many only stated that they would not ask for much. Thus, they also knew of the possibility of losing their land if they were not able to repay their credit, and expressed surprise and disbelief regarding that fact. The possibility of loans creating more landless people has been discussed by scholars, such as Manji (2006, in Pedersen 2016, 107) or Sud (2014b). Also, peasants' associations have warned about the pervasive effects of debt among peasants, leading to loss of land and even suicide. La Via Campesina (2018) reports that more than 300,000 peasants have committed suicide over the last fifteen years because they could not repay their debts.

Thus, despite claims about surfacing dead capital, the issuing of land certificates can lead to a process of exclusion and has the potential to further increase the gap between rich elites and investors who are better positioned to acquire land that is already cheap and who are able to pay for the issuing of certificates, which on the other hand, will increase the price of the land.

Thus, the gap can be pervasive in a twofold way: lack of access to security of tenure through lack of access to enough resources for formalisation, and lack of access to even more expensive land after the title has been issued. Villagers are very willing to get titles,

but are unable to do so due to their impoverished conditions, particularly young people: “Here some (*young people*) do not have money to pay for the land” (Farmer man QV87, 2014). Many villagers cannot afford the current prices of the land (this price is the administrative fee that villagers have to pay to the village government): “Land is sold for about 5,000 TSh/ac (£1,73/ac) and I have a wife and children so I cannot afford to take care of the family and buy land” (Q82-Farmer man M1, 11.05.2014).

In debates about formalisation, the consequences of such processes have been discussed in regard to who these processes exclude (e.g: Nyamu-Musembi 2006, Peters 2013, Pedersen 2016), or what new disputes they may trigger in regard to land demarcation. Some scholars point out that titles and land surveys can be a solution to long term unsolved conflicts (e.g. Boone 2007, Joireman 2008, 2011, Toulmin 2008), while others state that they can trigger them (e.g. Locher *et al.* 2012). Despite this, the villagers participating in the interviews felt that titles would help them to know their boundaries and solve boundary conflicts. Therefore, their claims for better boundaries and title deeds were a claim for further regulation, despite the sources that highlight how these processes will further exclude them: “It is important because with boundaries you are clear about which is your area, and it also prevents conflicts among neighbours. It prevents people from taking part of your land. Now I have trees and plants as boundaries, but I would prefer beacons” (Q23-Farmer man P1, 27.03.2014); “Boundaries avoid different conflicts between neighbours, like taking the land from other people. For instance, people plant trees, taking more land than what is theirs. I'd like to have beacons as boundaries” (Q20-Farmer woman P1, 27.03.2014); “People are not clear sometimes about their boundaries and they are only expressed by words. It would be better to put up some strong signs” (Q12-Hamlet leader P1, 21.03.2014).

As pointed out above, formalisation also requires a certain amount of resources and infrastructure. The process is done in Tanzania at multiple levels, as we saw before. District I pushed through a process to issue deeds in the district. Many districts aim to do that, and the central government also aims to find funding to issue more titles. This is a difficult process and always requires the cooperation of villages. Ultimately, the law establishes that villages have the capacity to issue their own titles under certain conditions: secure offices with locked cabinets, proper windows, etc. This is often done with the cooperation of districts, and districts can hold copies of the titles. Many villages are building new offices. Well-equipped offices are a pre-requisite for villages to be able to issue titles: “We are not issuing [the title] in that office because it is not good and it

does not have good windows and doors and the titles could be destroyed... The villagers want an office; the offices are not good enough to keep all the documents there. We want a village office especially for taking care of the titles, so if the parents die and the children come for the documents... if they have lost the original ones the children can ask for the document and that will remain in the office” (Participant in Focus Group 1, 03.04.2014).

At the village assemblies, the villagers agreed to build these new offices. In all of the villages visited they were in the process of building them. In P2 they had agreed to build the office with part of the compensation they received from the investor. However, the issuing and conservation of title deeds require the village authorities to have the relevant capacity. They do not fully know the procedures; as stated before they have limited education, at times not even primary level. The state of the village offices’ archives at present is illustrated in Illustration 12; obviously, the training, office equipment and infrastructure required are a constraint to the possibility of issuing titles locally in a very economically deprived environment and the requirements for local governments and even district governments surpass the capabilities of their staff and infrastructure. In many instances, NGOs and CSOs are the ones providing the education to the village and district officials, who are unaware of the law and its procedures.

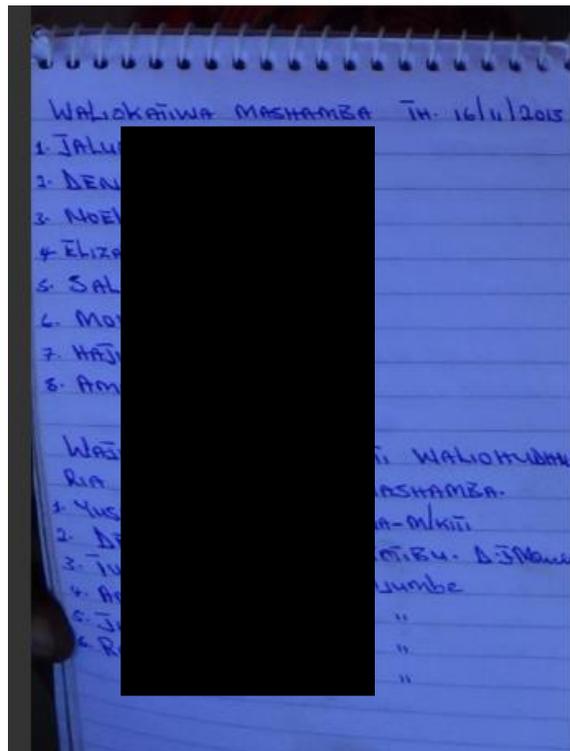
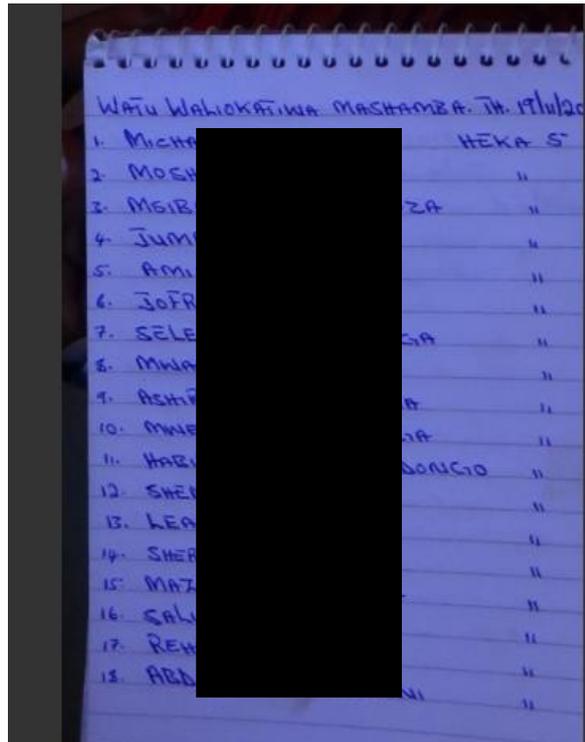
Illustration 12: M2 office archives



This decentralised formalisation process in Tanzania is full of challenges, as described by a staff member of a CSO: “A good example is in Mbeya region in Mbozi district. They are a good example; they are getting the certificates and issuing them to the people. They started three years ago and people are getting loans from financial institutions... We will be glad to do the same here, but we are not getting enough support from the district council... this is something that is new to them and not easy... We are encouraging every village where we have taught this Land Act 5, advising them to push the district by themselves. Our main concern is to make people aware of the law, of act number 5”

It has been claimed that the process of formalisation in Tanzania is one of ‘decentralisation’, due to the fact that the local communities at last have responsibility for issuing titles. However, they need to be supported by the district and other authorities. All of them lack an understanding of the law and they do not have available funds. Many NGOs are working on helping to provide the titles, something that is expensive as it requires the surveying of all of the land. These constraints, together with the villagers’ demands for more security and protection of their land in order to ‘exclude’ others, are leading to what the access rights literature has coined ‘informal formalisation’ (Pedersen 2016). Faced with the inability to access government resources and the required offices, villages have started to develop their own manuals and rudimentary titles and lists of people who have demanded land and those who have been granted land (Illustration 13). Furthermore, many have started to ask for informal documents when they make land transactions: “My work is to provide land and plots to the people as well to issue receipts to the people who are given land or have bought plots from the village” (Secretary of the Village Land Committee in Stendi, KS-97); “The land belongs to us, we bought it and we have a document that justifies the transaction” (Marumbo-31)

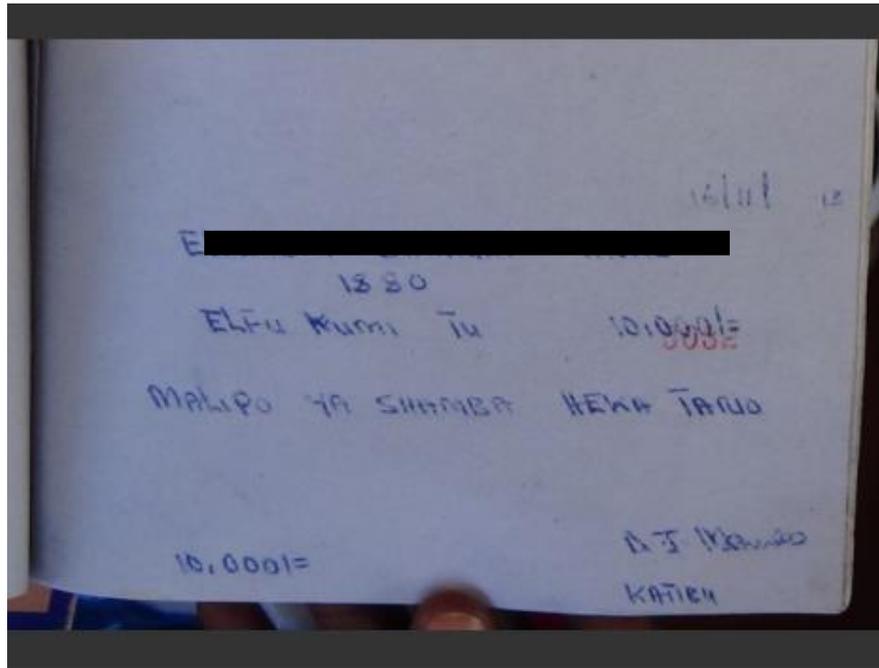
Illustration 13: People that had been allocated village land and the waiting list in M1



Source: Field data, May 2014

Villages have started to develop their own manual systems over the last couple of years. They provide a hand written document when they allocate village land to any individual.

Picture 1: Receipt for village land allocation to a woman



Source: Field data, May 2014

Together with the manual records, as shown in the previous sections, villagers demand the acquisition of the title deed not only as protection for their land, but also to make their land even more valuable:

If you have it [the title deed] you can hold the land forever, protect it and sell it for the price that you want (Q20- Farmer woman, P1, 27.03.14).

Investors' certificates

The certificates that investors obtain are called Certificates of Occupancy. COs can be issued only in General Lands and this is why there is the need to change from Village to General Land when a deal involves land that belongs to villagers. These certificates were given to the foreign large-scale farms documented by the fieldwork. In P2, the *Jatropha* farm was granted a 99 year certificate. More recently, in 2016, due to pressure from NGOs, a new land policy approved declared that CO titles cannot be granted for longer than 33 years.

As explained above, it is easier for investors and foreigners to obtain a CO than it is for communities to obtain their CCROs or the village certificates due to economic constraints. All of the investors that participated in the interviews had those certificates or were in the process of obtaining them. The result was demarcation through beacons of the land and more modern and sophisticated systems of demarcation than those used by villagers.

Measuring land for investors can also bring about problems at the moment of surveying of the land. Staff from NGOs and also District officials who were interviewed explained how the problems often occurred because the leaders were not sure how much land they were giving away. They did not measure the land, they did not have a clear picture of how big it was and this led to problems later: “[V]illagers do not understand the reality or the measurements. If you agreed on three acres, it’s three acres, but the villagers will tell you instead: “from here to that tree”. Then, when the surveyors come, the measures may be even bigger than the 50 acres that they are allowed to sell by law” (OEI8: Senior program manager NGO3, 29.05.18). This is one of the reasons why M2 rejected the initial plans to survey their village by RUBADA, because after the initial verbal agreement, when the district officials came with the maps, they disagreed with them.

6.3.2 The Land Use Plans

In order to issue an LUP, the district council has to form a joint committee for the development of the LUP. The committee will be formed of 6-8 members from different sectors such as agriculture, livestock, natural resources, and community development. The committee prepares a system for implementation of the LUP in the villages of the district.

The development of the LUP needs resources that are given by the district. However, many districts lack funds for their implementation. Districts are advised to implement an LUP in a few villages due to the funding restrictions. Districts can also cooperate with other institutions to conduct such projects.

The second step is the implementation of the LUP in the villages. First of all, the participation and mobilisation of the village is needed to implement the plans. To do so, a team of experts work in cooperation with the villagers, village government and village land committee.

The second stage is to evaluate collectively the aims of the village, the importance of the land in the village, the population, the size of the village, and the animals and social services in the village. Such an evaluation is done by the village government. This information is communicated to all of the villagers and is contained in a report that is accessible to them.

The third stage is to prepare a community action plan. This plan is not part of the LUP, but is a timetable of all of the necessary actions for the conclusion of the LUP. The

community action plan puts together all of the activities and the time they will take to implement as well as who is responsible for them. It also assigns every task to an individual or group of individuals.

The fourth step is to strengthen the capacity building of all of the village institutions. These comprise the village government, the village general assembly and the different committees. The aim is to provide them with the appropriate capability to conduct their responsibilities properly while developing the land use plan at the local level. Section 55 of the local government law established the need to conduct village meetings. Such meetings carry the authority to agree or disagree on the distribution of land according to village land law n5, 1999 section 8.

As explained before, all of the land in Tanzania is divided into three categories: village, general and reserved land. However, according to the wishes of the president, land can change categories at any time.

When the process of the LUP for the village boundaries to be marked with the agreement of the District Committee on LUP. The Land District Office then makes a list of the villages, differentiating by:

- Villages that have been surveyed and boundaries drawn up; a map has been drawn of them and there are no boundary conflicts. They are ready to obtain the Village Land Certificate.
- Villages where the boundaries have been recognized but which have not been surveyed and there are no boundary conflicts. The map can be prepared by using modern technology (GPS) and afterwards the Village Land Certificate can be prepared.
- Villages where the land has been surveyed and boundaries have been drawn but there are boundary conflicts. First the conflicts need to be solved and the boundaries need to be established.
- Villages that have not been surveyed and have land conflicts. First, all of the conflicts need to be solved.

The main duty of the village government is to defend the village land and recognise the village boundaries in order to get the Village Land Certificate. In order to accomplish this, the village government should communicate with other neighbouring villages. If the conflict is over reserved land, they need to communicate with the relevant authority. The parties need to work together and agree on their boundaries.

Different actors are involved in supporting villagers financially and technically in the issuing of LUPs. Somehow, LUPs are more important than CCROs in determining the boundaries of the village, and the different categories of land within the village. It is supposed that when land has been considered for farming or cattle, it should be used only for that purpose. LUPs are thus bylaws. NGOs help in the issuing of LUPs. National and international donor agencies and government agencies are also involved. The LUP influences the amount of land available and its use, and can be one of the most excluding processes. Confrontation on the LUP was observed in M2.

The procedures are not different, I mean the written procedures and the guidelines on how to implement the LUP are all the same... coming from the Commission. But, you are conducting the LUP for whose benefit? With us and MGP, we are not going to benefit from the LUP; we need nothing from the land of the villagers, what we need is the people themselves to benefit from that land. We need to end land conflicts in the area, that's our intention. We will be happy to see that the villagers live their lives and benefit from their land. That is our main objective. When conducting LUP we want to make sure that all the procedures have been followed; including rising awareness of the people. People have to be aware of why to conduct the LUP. After they know and agree they select the Village LUP Committee, which is formed of villagers selected from villagers in the assembly meeting. The assembly appoints the committee and approves them (OEI8: Senior program manager NGO3, 29.05.18).

6.4 The impact of formalisation

6.4.1 Formalisation and villagers' land rights

An example of the negative impact was found in District 1 and was explained by the District Lawyer; documents were also shown to me. When he was asked about the people's demands in the district, the lawyer explained: "The land to be surveyed. This will make people happy" (Open interview-District 1 Lawyer, 25.03.2014). This concurs with the findings of this research regarding formalisation. However, he explained how they had provided CCROs to 1,000 people in the District:

We have two examples of that. We have surveyed and given titles to 4 villagers in Kisarawe (Kitanga, Viseguesa + 2 other), affecting more than 1.000 people. The programme is still operating and it started in 2013. We want to avoid squatters. The project is being implemented by (*Company X*).⁵² This company is a private company whose mission is to survey and provide

⁵² All the information on this work is anonymised

title deeds. As an exchange they keep part of the land surveyed. They are supported by donors.

The agreement they have with (*District 1*) is

- 63% of the land for the land owners
- 37%: for the company and other purposes as follows:
 - 15% services: schools, health centres..
 - 4% infrastructures: roads, water, electricity
 - 12% to District Council profit
 - 8% shareholders of Company X⁵³

The villagers have participated extensively in the project. It will finish in June this year. At the beginning the villagers were a little bit reluctant about it, but now they are very happy with it.

The lawyer talked very openly about this and he showed the document to me. In this transaction the villages had lost control of 37% of their land in exchange for the issuing of CCROs. Part of that land was the land where they already had their schools and medical dispensaries.

6.4.2 Formalisation and village land

Pressures over land are increasing, as has been repeatedly stated in the literature. Peters (2004) refers to pressures such as “pervasive competition and conflict over land in sub-Saharan Africa” (2004, 269), while Toulmin (2008) remarks on “the rising demand for land around urban centres and for large-scale cultivation of biofuels” (2008, 10). The claims that these pressures need to make land rights more secure for villagers through formalisation will have an impact on the flexibility of customary land rights.

As explained above, traditionally the way of acquiring the land was by use. When land was not used, it was available for another person to use. When the processes of formalisation described above and documented by the research, either rudimentary or fully official and according to the law; the picture that emerges is a static one. Through LUPs villages draw a picture of their reserved land, farming land, livestock keeping land and settlement land. As explained, once a year or more, villages allocate land to villagers from the farming land still available to them. If the land they allocate changes from flexibility of use to a CCRO, the picture is clearly static. Furthermore, decisions on how to distribute the land and to whom will still be controversial and the communal land will at some point be fully ‘enclosed’.

In this context of increasing pressures over land, villagers are becoming more aware of how land is becoming scarce and difficult to obtain and, thus, their demand is to have more land as they are increasingly aware of the challenges that land scarcity will impose

⁵³ The contents were explained during the conversation, but the figures were copied from the document that the lawyer showed to me during the interview.

on their livelihoods. Participants in one of the focus groups discussed this topic, as did participants during the interviews: “The communal land in all 3 villages is about to finish. In this ward there is no communal land left. Also in [P1] people are complaining that the land is being given to investors... the case is with the Ministry because they want the land back. This is an example where the land is going to finish... people wouldn’t complain that much if there was plenty of land. In our village you can find a forest, but it belongs to someone now, so there is no empty land here” (Focus Group 1 participant, 03.04.2014).

Interviewees associated the commodification of land with a threat to their livelihoods and that of their neighbours at the same time. They were aware that the increasing population and the growth of urban areas would affect land availability: “Land is finishing so people should stop selling the land. The consequence of selling would be that people would not have land to cultivate (Q92-Farmer young woman M2, 15.05.2014); “I need more land because in the future the population will increase and there will be scarcity of land” (Q89-Pastoralist man M1, 14.05.2014); “Land has become property nowadays and the population is increasing as well as investors because in previous days we used to divide the land among ourselves but now big land is taken away by investors” (Q67-Farmer man M1, 05.05.2014).

The villagers realised this changing perception and that their norms had changed: “before people gave land for free, but after realising the value they do not give it for free any more” (Q35-Farmer man P2, 09.04.2014). Another way it changes, as has been pointed above in the widespread demand for formalization –even basic manual formalization with unofficial titles. Trust is threatened as economic value is added to the land:

One of my priorities is that everyone should have access to their own land. Village land should be distributed to villagers for free. That was the case in the past, but in 2002 we decided not give more land for free because people were selling it instead of cultivating or living on it. We made this decision in a village meeting in 2002 (Q22-Farmer woman P1, 27.03.2014)

Selling the land is a very bad act. Even the communal land is being sold, so we lose our resources (Q10-Farmer woman P1, 21.03.2014).

From 2008 it started to increase, there are no reasons for that, just money reasons. Many people sell the land that they have inherited. Then, where are their children going to live? (Q38-Farmer woman P2, 10.04.2014).

This is happening because those in power have become a broker by allowing people to sell their land even without following the procedures. The law states that the bared and bush land belongs to the government and it is not supposed by individual but unfortunately they bend the laws and it is sold as an individual land (Q43-Task Force chairman P2, 11.04.2014).

We found that people were coming from Dar and bribing the local government and the people to give them land... we told the government that something has to be done to solve that. The Government should explain to the local government and people not to sell the land, because some people sell it and then they have nothing. People sell the land to those who have money, and then they end up without anything; sometimes they have children and they end up without anywhere to go and they need to ask to stay there ... to the people they have sold their land to...in the end they will become slaves in their own land. They have to encourage people and explain to the local government to encourage villagers not to sell their land to people who have money... some of them are corrupt (Q44-Task Force secretary P2, 15.04.2014).

In the face of this, villagers have started to ask for more land and have used the topic that they have learnt from the top-down discourses of ‘future generations’. In M2 they were resisting investors strongly and were more aware of the land scarcity they faced. This could be due to different reasons. M2 was a new village that had split from KS. They had rejected investors’ projects and they sell the land much expensive to villagers than the neighbouring villages. Each acre costs 20,000tsh, which is paid to the village government. Each village has the authority to charge an administrative cost for the hectares and in some cases to allocate land for free.⁵⁴ Demands for more land and for preservation of the existing land, therefore, are one of the consequences of land competition, and villagers frame their demands in these two strands: more land allocated to them, requests to not sell the land, and increasing securitisation of their land through formalisation:

Now the price of 1ha⁵⁵ is 1,000,000tsh in this village, although in some places there is 200,000tsh/ha because still interior.⁵⁶ The value of land in those villages is becoming higher and higher because many people are coming looking for land. (Focus Group 1 participant, 03.04.2014).

⁵⁴ One example of this was the program “Shoulder to Shoulder” implemented in Puga, where the village allocated land to young people with grade degrees.

⁵⁵ 1 hectare is approximately 2.5 acres

⁵⁶ This is due to distance to commercial cities and urban centres.

7.1 Introduction

This chapter answers to the research question of what are the different ways in which people negotiate land grabbing. Negotiation is the process by which stakeholders achieve agreements where not everybody is totally happy, but no party should feel that has lost everything during the negotiation. Some scholars believe in a win-win negotiation (Crina and Petrescu-Mag 2017) .

National elites, international investors and the government are the leading actors in land grabbing. The actions of these powerful actors erode the negotiating or bargaining capability of those at the bottom (Vermeulen and Cotula 2010, De Schutter 2011, Amanor 2012a), and, at the same time, hamper their rights.

As Borras and Franco (2013, 1724) advocate, approaches that bring light into the different interest within the community and their actions consenting or contesting land deals have remained unexplored, even though Chapter 3 of this thesis has displayed literature that with a focus on negotiating and stakeholders and actors in the current transformations of land use and land control (e.g. Sud 2014b, De Maria 2019).

They defend a methodological procedure to systematically build up research that is sound and valid. The goal of this type of approach is to highlight the political reactions of those most affected by land deals. Their inquiry aims to disclose “how those most affected actually perceive and react to these largescale land deals and why” (Borras Jr. and Franco 2013, 1724). However, the political reactions are not always widespread or intelligible enough, as the same scholars have pointed out: “the individual and collective political reactions of people and peoples affected by land deals cannot be taken for granted” (2013, 1724). Some people may consent even when it may not be in their best interest at the end (Li 2014b).

The concept of negotiation with a focus on each stakeholder power and interest as explained by Teklemarian *et al.* (2015).

Integrative perspectives to the actions of stakeholders in land grabbing open up alternatives, and even on a small-scale can bring about contributions to different literature. Despite the sometimes unperceived reactions, the analysis is still relevant in its political perspective. Agrawal (2003) highlights the necessity of going beyond merely the

management of institutions and recognises that “[g]reater attention to the dynamics of resistance and domination is likely to help explicate better the relationship between property and politics” (Agrawal 2003, 257). Without attention to politics, he asserts, it will not be possible to address poverty and underdevelopment, or environment degradation (Agrawal 2003, 258). In this understanding, rights are understood as emerging from struggles between those who want to control and regulate, and those subjected to that control (Agrawal 2003).

In their approach “from below”, Borras and Franco (2013) have identified three major terrains of contestation that are relevant to analyse the political struggles in which local people are involved: “poor people versus corporate actors, poor people versus the state, and poor people versus poor people” (Borras Jr. and Franco 2013, 1730).

Different stakeholders have been found to participate in processes of negotiating land grabbing in Tanzania. Those have different interests –or needs, and hold different capacity to influence the negotiation. One group of actors act at the top, however, they may rather have low interest on land, but high degree of power to influence changes in land. ‘Top-down’ actors have traditionally been identified as national officials and better-off elites, the government and investors (Berry 2002, Kandel 2016). Kandel (2016) refers to them as “the accumulating group”, as they “accumulate land from above” (Berry 2002, 651).

Other stakeholders in the land grabbing transformations are activists and farmers and local land owners or users. Those last ones are the most vulnerable group: “the groups most vulnerable to dispossession... the poor, women, the elderly, widows, youth... orphans, and the disabled or ill”. Mander (2005, 237) offers a more inclusive description: “groups whose rights are systematically denied”. There are gaps in both groups, in regard to economic power, control over institutions, and level of formal education. Those gaps create vulnerability, but as Berry (2002, 656) demonstrates, they do not render communities and their allies unable to reshape or transform property and political relationships through their reactions to land accumulation.

The chapter will document the top down actors involved in land grabbing and the different cases that constitute reactions ‘from above’ and ‘from below’ to land grabs in the Morogoro and Pwani regions. Two categories of reactions will be documented: resistance and non-resistance reactions. That is to say, there is not a homogeneous reaction to land grabbing (Hall *et al.* 2015, Kandel 2015); some reactions are more visible than others

(Borras Jr. and Franco 2013), and some are more political than others (Kandel 2015). Some reactions also have more involvement from NGOs than others, which triggers dynamics between actors at the bottom-up level, which provide useful insights into the role of NGOs and the expectations they may evoke among those they try to protect.

7.2 Stakeholders with power who may or may not have high interest on the land

7.2.1 The national elite

This group is mainly comprised of a “politically well-connected elite [that] has been actively acquiring land for commercial and speculative purposes, often through a combination of legal and coercive measures” (Kandel 2016, 295). There can also be elite who can facilitate the proper regulatory practices for land accumulation to take place, but they may not have an interest in the land themselves (Teklemariam *et al.* 2015) Berry also explains how “[s]tate officials, merchants, and their kin and clients used their wealth and influence to “grab” land” (Berry 2002, 651).

In the case of Tanzania, according to a member of staff from a local CSO programme in District 1: “leaders, educated people - public officers, government workers, ministers and politicians are the ones who are struggling (fighting) seriously to acquire big chunks of land disregarding the ordinary people. In fact, grabbing land, seriously, grabbing big chunks of land results in a shortage for the general public. Big people are grabbing land seriously... They are aware of the benefits of having land, because land, haha, without land, there is no economic development” (Member of the executive committee and land monitor, 15.04.14).

Land conflicts and disputes can be non-violent, but they can also have violent consequences (Kandel 2016). Berry (2002) describes the assaults on large-scale farms in Zimbabwe in 2000 that led to the land redistribution reform in the country. Berry explains how “[a]cross the continent, competition over land intensified in the late twentieth century, leading to rising land values, increasingly commercialized patterns of land acquisition, concentration of land holdings, prolonged litigation and, ... sometimes to assault and even murder” (Berry 2002, 638). Her conclusions show how ‘top-down’ dispossession can trigger violent and non-violent conflicts and their relevance for everyday life, politics and socio-economic relationships in Africa.

Processes of accumulation, such as that described in the excerpt from an interview above, have also been considered processes of social differentiation and intra-class formation based on income differences (Peters 2013, Tomkinson 2016). For instance, according to

the Executive Officer of a paralegal organisation in District 2: “people now have realised the importance of land and those who are the rich ones are trying to own big areas of land and the poorer ones can’t access even small pieces of land because they are poor. That is another problem. It is a big problem and you find that in a village, for instance, somebody is owning even 200 ac and there are the poorer ones having half an acre, and they go to plant maize or anything else and they have to hire the land from others. It’s a real problem” (Q59-Executive director NGO1, 29.04.2014).

Kandel (2016) has referred to this national elite group as the ‘accumulating group’, although it is possible to expand this definition to include a wider range of actors such as international investors and the state, which have, *a priori*, been the main actors considered by the land grabbing literature (e.g. McMichael 2012, White *et al.* 2012).

7.2.2 International foreign investors

This group will have high level of interest and high level of power, even though sometimes they may not be able to influence the regulatory framework, national bourocratic elites will be willing to facilitate land commodification for them. The recent literature on land grabbing has attributed less relevance to domestic processes of social differentiation, and has focused primarily on the role of international investors and large-scale land deals (e.g. Cotula *et al.* 2011, Borras Jr. and Franco 2012, Smalley and Corbera 2012, Hall *et al.* 2015).

Investors’ main interest is to have a sound governance context where their investments and contracts will be fulfilled and protected, without much opposition and contest; where they can be assured of their tenure rights and where acquisition processes are fast and flexible. An independent investment consultant in Tanzania explained during an interview how the procedures for acquiring land titles can take up to two years and how this discourages investors, who, on the other side, want to have a good relationship with farmers in most cases, as they know that conflict with farmers is detrimental to their activities: “there are some cases where villagers invade the farm and destroy everything” (OEI10-Ministry of Land Officer, 09.06.2014). During the fieldwork two large-scale international land deals were found in the two districts studied, as well as a third one involving co-ownership of national and foreign capital in the two regions, Morogoro and Pwani.

7.2.3 The role of the government

In the pursuit of economic development, the government is often acquiescent and favours investors. According to the consultant interviewed, “some investors are very rigid [with villagers] because they have the support from the government...big investors show up at the government, if you show up, the government will consider you” (OEI10-Ministry of Land Officer, 09.06.2014). A land official at the Ministry of Lands and Human Settlements declared during an interview that “they [investors] are warmly invited to come to Tanzania” (OEI11-Ministry of Land Officer, 09.06.2014).

In this processes of acquiescence, the state is a grabbing actor that aims to identify unoccupied land for investment purposes, based on the national interest of economic development (Alden Wily 2003b, 10, 2010). This was reinforced after the Land Laws of 1999: “Those two laws have given the President the power to control the land on behalf of the people” (NGO3-Anonymised 2013, 6). According to OI6: “The government is owning land on behalf of all Tanzanians. Even if a certain piece of land is yours, the government may shift you to another piece of land, if your land is ‘influential’, if it is beneficial for the public interest”.

7.3 Stakeholders with lesser power but high levels of interest on the land.

7.3.1 Local villagers and land owners.

In 1996, Li considered the powerful political value of communities as a concept in development practice and academic literature in “promoting policy shifts and new programme directions” (Li 1996, 505). However, she also pointed out the fact that a ‘community’ framework “would leave out many of the world’s poorest rural people, who are distressed migrants, to marginal areas with little or no community cohesion... [and]...[w]omen can also find their specific interests submerged by a community focus” (Li 1996, 505).

At the end of the 2000s, focusing on environmental politics, Agrawal and Sivaramakrishnan (2000) challenged some identity categories such as ‘local communities’, suggesting that such a concept can be considered a ‘mere category’ that can “flatten the complexity of phenomenon that are imagined ... but also limit the possibility of enriching the study of environmental politics with new theoretical insights” (Agrawal and Sivaramakrishnan 2000, 9). However, similarly to Li (1996),

Agrawal and Sivaramakrishnan (2000, 9) have acknowledged that the concept's "utility for drumming up support is evident".

More recently, within the land grabbing literature, the debate over whether the community can be considered a homogeneous group has resurfaced. For instance, Borrás and Franco (2013) contest the concept of local community, stating that a myriad of different dynamics and interests are represented within the "community". They claim that this homogeneous connotation tacitly implies that "the local communities affected (or potentially affected) by...land deals exist in homogeneous spaces, and that at stake for the people who inhabit these spaces are very similar (if not identical) interests, identities and aspirations for the future" (2013, 1724). In order to avoid these assumptions, like Li, they also suggest having a "closer look at *what and who*, exactly, is the community" (Li, 1996, 505, emphasis added).

Mander (2005, 237) proposed a framework based on three dimensions of analysis of rights and their denial that can be used to solve this conundrum. Mander's framework is based on the needs of the poor, or most vulnerable. The focus on the needs and rights of the most vulnerable aims to highlight their "active agency ... in assessing their own needs and finding their own solutions to their own problems" (Mander, 2005, 233). It also considers that by defining needs we automatically enter into a political process. The framework supports solidarity with those who are more disadvantaged and struggles "from below". A framework based on needs helps to analyse different levels of rights' denial, and at the same time is useful to present an heterogeneous approach to the different demands of rural villagers. This framework challenges power and structural injustice, which lead to the denial of rights (Mander 2005, 235).

Mander's (2005, 237) framework is thus defined by identifying:

1) the "groups whose rights are systematically denied" –here my research has focused on different groups within the community but always considering the potential perils of homogenisation and acknowledging differences among individuals. For instance, despite the fact that much of the literature has focused on the denial of land rights for women, during the focus groups and interviews with women in the four villages studied, they claimed that there was no impediment for them to access land through village procedures, on their own, whether buying it or inheriting it;

2) the "content of rights that have been denied, such as the right to livelihood, to dignity, to choose an occupation, to shelter and so on" and

3) the “right to good governance, in relation both to the denied groups and the substantive content of the rights that are sought to be enforced” –this right aims to highlight the pervasive nature of some of the state actions; however, to highlight entitlements, the involvement of the state in struggles is essential. Thus, this RBA, “require[s] both an analysis of what has led to the conditions of people’s deprivation and dispossession, what their rights are and how these have been denied, and of the political processes for them to be able to access and claim these rights” (Mander 2005, 240).

In regard to the most vulnerable groups, Kandel’s (2016) analysis of the struggles in post-conflict Uganda suggests that “the groups most vulnerable to dispossession are – with the potential for overlap – the poor, women, the elderly, widows, youth who have lost fathers, orphans, and the disabled or ill” (Kandel 2016, 275). Based on my research respondents’ socio-economic background and their stories, I found that farmers, pastoralists, women, and youths are the most relevant categories to analyse in regard to land dispossession in the context of land grabbing in Tanzania; without disregarding Kandel’s inclusion of vulnerable groups. Widows, elderly people, orphans and ill people were included within the interviewees. **¡Error! No se encuentra el origen de la referencia.** below uses this analytical structure to show the land rights denial of different groups found during the fieldwork in Tanzania. It represents the rights that are denied and the needs laid out by those most affected by land grabbing.

Table 15: Matrix of community actors in land struggles

Groups	Struggles	Content of the rights denied.	What are their demands?	Are their rights denied systematically?
Farmers	<p>The importance of, and need for, land is increasing due to demographic and economic reasons.</p> <p>Increase in the value of the land: “In 1990 at P1, 1ac was 10,000 TSh, now it is 700,000 TSh” (Q3-VEO P1, 18.03.2014).</p> <p>Impoverishment.</p>	<p>Tenure security.</p> <p>Decision Making.</p> <p>Access.</p> <p>Free and Prior Information.</p> <p>Economic Development.</p>	<p>Title deeds.</p> <p>More land.</p> <p>Education and information.</p> <p>Protection of their land from the government and corruption.</p> <p>Infrastructures: water, electricity, roads and health.</p>	Often.

	<p>Lack of information and awareness.</p> <p>Unclear and unknown land legislation and procedures.</p>		<p>Technology for agriculture: machinery, tools and seeds.</p>	
Pastoralist	<p>The same as farmers.</p> <p>Conflict with farmers for the land.</p> <p>Reserved areas where they could previously feed their cattle</p>	<p>The above, but in particular, they are excluded from decision making institutions and processes in the villages and at other levels of government.</p>	<p>The same as farmers.</p> <p>Land for pastoralism.</p>	<p>Very often.</p>
Women	<p>The same as farmers.</p> <p>Family situations and rules make women's right to land vulnerable.</p>	<p>In particular, women are excluded from tenure security and decision making.</p>	<p>The same as farmers.</p>	<p>Often.</p>
Women pastoralist	<p>The same as farmers and pastoralists</p> <p>Pastoralist women have no right to access or own land or any other economic means like cattle or money by tradition.</p>	<p>The same as farmers, but they cannot inherit or own anything. They cannot attend meetings and have restricted rights to attend school by tradition.</p>	<p>They struggle to claim any right.</p>	<p>Almost always.</p>
Youth	<p>Particular impact of increase in prices, the current young generation is the one most affected</p> <p>Available village land tends to be of least fertility and far away from the village. They have to hire land.</p>	<p>Access.</p>	<p>They want access to land.</p> <p>Land scarcity affects future generations</p>	<p>Often.</p>

Source: author's fieldwork, Feb-June 2014.

However, local people oftentimes consent to land grabbing. And why do people consent? This can be explained by the interest that local people hold in developing their village, region and even nation. In order to gain acquiescence from villagers, assembling land always brings with it promises of development (Pearce 2012) from corporations and more powerful actors. As Li puts it: “villagers are driven into the arms of the corporations as the only source of the infrastructure they so desire. Without roads, villagers argue, they cannot become full national citizens and modern subjects: no road means no schools, no school teachers, no motorbikes, no cell phones, indeed none of the attributes they associate with ‘normal’ village life. Signing over their land is the price they have to pay for the road. Hence the abandonment of remote populations and the end of development planning understood as ‘nation building’ are part of the farmland investment assemblage” (Li 2014a, 600).

Farmers

Farmers were the largest group found in the villages during the fieldwork. They usually combined farming activities with other economic activities, such as selling food or driving motorbikes that are used as taxis –see **¡Error! No se encuentra el origen de la referencia..** On the other hand, it was common for pastoralists to engage in farming for self-consumption but also as cash crops. This was particularly common among the Iraqw, who were agro-pastoralists. In the two villages studied in the Pwani region there were only farmers and no pastoralists. As a focus group participant in district 1 stated: “The main reason why there are no many cows and goats here is due to water problems and because people do not like to do pastoralists’ activities here” (FG1 participant, 03.04.2014). However, pastoralists were found in other areas of the Pwani region, closer to the hills, but they had only recently arrived. In the two villages studied in the Morogoro region, pastoralists had been coexisting with farmers for many years, although not without conflict.

Table 16: Interviewees' economic activities⁵⁷

Economic activity (subsistence and/or cash)	Village				Total
	P1	P2	M1	M2	
Farmer	13	10	10	8	41
Pastoralist	0	0	3	1	4
Pastoralist and farmer	0	0	1	2	3
Farmer and small business	1	2	2	7	12
Small business	0	0	0	1	1
Teacher	0	1	1	0	2
Farmer and moto driver	1	1	2	1	5
Farmer and temporary worker	0	1	0	0	1
Total	17	17	19	22	75

Source: Fieldwork data, Feb-June 2014

The farmers in the Pwani region were mainly from the Zaramo ethnic group and harvested cassava, maize and rice, while in Morogoro the groups were more diverse, with predominantly Luguru people. Their main harvest comprised sesame and maize, while rice and cassava were not so common.

Pastoralists

The main well-known group of pastoralists in Tanzania are the Maasai, they are indigenous from northern parts of the country, primarily the central north and the northeast. Despite the Maasai pastoralist culture, during the fieldwork exercises they were found in the cities, participating in local and national government and working as senior staff in NGOs. The idea that the “Maasai have in most cases rigidly maintained their identity and traditional way of life” and move “constantly in search of water and pasture for their livestock” (Ndembwike 2008, 81), perpetuates the concept of a homogeneous, ahistorical, timeless and static group.

Besides the Maasai, the Barbaig and Iraqw are other pastoralist ethnicities that participated in this study, as they have been affected by land grabs. Within those groups some differences were found. The Maasai and Iraqw are probably more integrated with the farmer communities, bearing in mind that the Iraqw are traditionally agro-pastoralists. However, agriculture is something that the Maasai also engage with. One Maasai women stated: “I like to engage in agriculture and I have planted maize” (Q94-Maasai young

⁵⁷ Interviewees in semi-structured interviews in the villages during fieldwork. Excludes leaders, officials, investors and NGO staff interviewed. Also excludes focus group participants and open-ended conversations carried out during fieldwork observation.

women M1, 17.05.2014). The Maasai also engage in other economic activities. One of the men interviewed was the owner of the only guest house in M1, a business that he ran alongside other activities.

Gaining access to the Barbaig people was more difficult and they seemed to live more independently from the other villagers. However, the Barbaig, Maasai and Iraqw were part of daily life in the villages; they were present in groups with other young men in the local bars, playing darts or watching football on the TV.

One of the concerns of the pastoralists was migrants from other areas of the country. It is very easy that this results in conflicts with farmers for land.

Women

Where there is a difficult context in terms of livelihoods, women have traditionally been found to be one of the most vulnerable groups (Chant 2006). Within the most recent land grabbing literature, there has been a call to incorporate a gender based framework into research and practice when studying land grabs and land scarcity (Daley 2010, Kachingwe 2012, Zetterlund 2013). This is acquiescent with scholars who have highlighted the need to incorporate a gender-based approach in order to advance women's right to access land (e.g. Agarwal 2001, 2003, Whitehead.A and Tsikata.D 2003).

The need for a gender based analysis also became apparent during the fieldwork observation experiences. One such experience occurred during an interview with the chairman's wife in one of the villages. When she arrived at the place where the interview was taking place –the village office, which was under construction –she entered the room in a rush and approached the translator-assistant in a secretive way, talking to him almost in a whisper before taking her seat. Then, she looked at me as if waiting for the translator to speak her words: “she says if we can go to the government and tell them to force the men to put the name of their wives in all the documents” (fieldwork observation, 12.05.2014). This women was highlighting women's particular vulnerability in regard to formalisation and land ownership.

However, out of all of the groups above, women pastoralists were the ones that faced the biggest denial of their rights. An Iraqw women stated: “The law of my tribe does not allow women to own land and my husband will never agree. I would like some land because in my tribe the husband can marry a second wife, because traditionally this is acceptable, and he may abandon you so if you have land you can engage in agriculture

and take care of the kids....I also work as a tailor, but I have to give all the money to my husband, the money is controlled by men” (Q102- Iraqw woman M2, 18.05.2014).

Thus, traditionally, pastoralist women cannot own anything, cows or land, and everything they earn has to be given to their husbands, sons or fathers: “It is not possible for a woman to own a cow. I would like to own one, but it is not allowed. When you give birth, you are given some cows for your children and you can have some control over those cows, but the cows are for the kids. And if the husband dies, the cows go to the children (...) Maasai women are committed [to a husband] even before they are born. They can get divorced, and in that case the woman goes back to her father’s house, but it is not common, although nowadays there are more divorces” (Q94-Maasai young women M1, 17.05.2014). A middle-aged Barbaig pastoralist stated during a conversation at M2 that he would not give any land or cows to any of his daughters, even if they were single (Fieldwork notes, 19.05.14). These excerpts and observations highlight the particular vulnerability of pastoralist women around access to any economic means that will enable them to achieve subsistence and have the ability to make their own decisions about their livelihoods. This is one of the reasons why pastoralist women seem more compliant with to changes in traditions and shifts towards agriculture practices: “When I need land for cultivation I hire it (...) I rather prefer to settle in a place” (Q94-Maasai young women M1, 17.05.2014).

The scholarship has often claimed that women’s rights are more protected within the realm of statutory law. For instance, Boone (2007), Toulmin (2008) and Joireman (2011) have argued that statutory law can empower women and secure their land rights. Institutional and statutory measures have been undertaken in Tanzania to promote these: “traditionally women are not supposed to own land according to Zaramo customary laws. But now, we explain to them that even their daughters can inherit land when they die, according to the law” (Q45-CSO’s program coordinator NGO2, 15.05.18). However, a change in the law will not necessarily result in a change in practice. One Iraqw woman stated: “It is very difficult, because the government can say that men and women are equal, but the government does not live in the house, and what happens in the house the government does not know or it is different to what government may say. So, there is nothing to do with this situation” (Q102-Iraqw woman M2, 18.05.2014).

These women’s experiences show how some gender based rules embedded in their tradition can lead, among other things, to the denial of their land rights, making them a particularly vulnerable group. However, a word of caution is needed as the vulnerability

of women also needs to be disaggregated, in the sense that Chant (2006, 2007) has expressed in her criticism of the feminisation of poverty,⁵⁸ where “women are either presented as a homogeneous mass, or are differentiated solely on grounds of household headship” (Chant 2006, 203). This does not shed light on the most relevant aspects for women’s denial of rights at the grassroots level.⁵⁹ A gendered approach needs to highlight aspects of control over decisions that affect women’s lives beyond the issue of access to resources (Chant 2006, 203).

In this regard, how women do not struggle to access land, but may struggle to make such decisions that will impact their lives is analysed in chapter 7. A focus on the denial of opportunities and choices for a meaningful life (Fukuda-Parr 1999) or capabilities (Robeyns 2003) has proved more efficient in bringing about change, together with moving on from debates over access to resources to debates about “ultimate disparate freedoms” (Sen, 1975 in Robeyns 2003). The examples above may help to provide some insights into those disparities, for instance, intra-household disparities, or disparities in accessing decision making responsibility positions in local, district or central governments.

Youth

There was a general concern about “future generations” among the villagers. And despite changing trends to move to the city: “the younger generation is looking for direct employment and not agriculture, only old people, who had grown up in the land realizes about the high importance of land. But not the younger generations, very few young people work on the land” (Q45-CSO’s program coordinator NGO2, 15.05.18), young people in the villages still are choosing to become farmers as one of the main economic activities for their livelihoods: “Land is very important, everybody even youth wants land for agriculture because it is now becoming a sector for providing employment” (51). “I would like to get land for settlement and expand agricultural activities” (Q92-Young woman M2, 15.05.2014).

As demonstrated in **¡Error! No se encuentra el origen de la referencia.**, younger villagers experienced difficulties as fertile land was scarcer and prices had increased. Very often they had to borrow land that was previously available to them for free: “we have to borrow the land for rice because there is no more of that land available” (Q92-

⁵⁸ The feminisation of poverty refers to “three of its most common tenets [which] are that women represent a disproportionate percentage of the world’s poor, that this trend is deepening, and that women’s increasing share of poverty is linked with a rising incidence of female household headship” (Chant 2006, 202).

⁵⁹ Chant (2006,2007) focuses on the general concept of poverty; here the lack of control over resources is what is more important.

Farmer young woman M2, 15.05.2014); “I cultivate the land of my in-laws, 0.5ac. We are also borrowing 1ac and pay 40,000 TSh per year” (Q91-Farmer young man M2, 15.05.2014). A young couple also explained how they borrowed land, and paid for it with their produce –rice in this particular case - but sometimes they ended up not paying anything if the harvest had not been good: “We cultivate 2ac that we rent. Sometimes we do not have to pay for the land; it depends on the harvest we make. If it is good, we pay, if it is not, we do not pay. We rent the land from friends from my husband... we want to have our own land, not to rent, because we want to cultivate our own land” (Q96-Farmer young woman M1, 17.05.2014).

These experiences of younger villagers highlight the challenges they experience in accessing land that was once free and plentiful, but nowadays is expensive and limited: “Land is sold for about 5,000 TSh and I have a wife and children, so I cannot afford to take care of the family and buy land” (Q82-Young man M1, 11.05.2014). As Kandel (2015) has suggested, this group’s social reproduction can be threatened and transformed to be dependent on “a combination of agricultural wage labour, cultivating informally borrowed land, and other economic activities” (Kandel 2015, 640). For instance, a village leader explained how “[a]griculture has helped many youth here who engaged in cultivating cassava as a business (*cash*) crop to buy a motorbike, which they use as transportation for people⁶⁰ and therefore increase their income” (Q51-WEO in P2, 18.04.2014). A young women also explained: “I would like to be a farmer but I would not like to live in a village. I would like to live in town, especially Dar-es-Salaam, and do business like to be a shopkeeper (Q92-Farmer young woman M2, 15.05.2014).

However, many of the young people interviewed were dependent on their parents’ land, where they had 1 or 2 acres allocated that they could control. All of them wanted land for themselves, but claimed that there were fertility problems –as shown above - and that price was a major impediment: “I want to be independent as a family, not to live with the parents. I would like to own my land without interferences (Q92-Farmer young woman M2, 15.05.2014); “I live in my parents’ house. My father has given me 2ac that I can control by myself, but I would like to have land because I do not have my own land” (Q103-Farmer young man M2, 19.05.2014).

These young villagers’ experiences had caused some reactions in the villages, and they had different programmes to allocate land to young people. For instance, in P1, the village

⁶⁰ The term “boda-boda” is used to describe this motorbike-taxi business, which is illegal and prosecuted in the main city centres, but extensively used in both urban and rural areas.

assembly had a programme in the past called “Shoulder to shoulder” to provide young people with land for free. Nowadays they provide graduates with land for free, but this is after they have completed their university education, which is not very common among young villagers. The concern of villagers for future generations –a concept that they used frequently - was observed when they explained their LUP; when planning for the land use, villagers bear in mind to reserve land for the future –very often they are advised by CSOs and NGOs to develop the LUPs, and this is how they gain the vocabulary and the concern.

Thus, the land scarcity created by land grabbing and competition over land has impacted deeply on younger villagers, as demonstrated by the data gathered during the fieldwork. They were also the main group where visible and active, violent reactions towards land grabs were recorded during re interviews and observations: “The village gave land to a woman and then she did not develop it. The land had beacons, but young people... we wanted to go there and remove the beacons. We wanted the land for ourselves and we did. She wanted to build a school but after four years she had done nothing. The leaders did not inform us and we wanted to distribute the land to young people. I was the one who led the youngsters, although I did not encourage them to take off the beacons” (Q104-Farmer young man M2, 19.05.2014) (104); “If you want to decide on land issues you have to be a member of the land committee. I participated in the development for young people and we demanded changes, such as a tractor because it is very difficult and slow to work with the hand held” (Q40-Farmer man P2, 10.04.2014).

7.3.2 The role of NGOs and CSOs interventions

The role of CSOs and local and national NGOs (NGOs hereafter) in local struggles over land grabbing is of great relevance for the results of this work. As explained in Chapter 3, research conducted by Kanji *et al.* (2002) in land rights in Mozambique shows that there exists a “considerable confidence and trust in NGOs, in particular, as a vehicle of communication between local people and governmental authorities” (Kanji *et al.*, 2002, 18), as one of the main roles attributed to this group. Also, NGOs can have an impact in local conflicts and their resolution by providing information and education to villagers and aligning themselves with those whose rights are more denied. The relationship between investors, the government and rural villagers could not be fully understood without focusing more attention on the role of NGOs.

Some scholars have attributed two basic roles to NGOs: advocacy and service delivery (Deacon *et al.* 1997, Lewis and Sobhan 1999, Lewis 2007). Service delivery addresses “the basic needs of disadvantaged people” (Mander 2005, 233). Deacon *et al.* (1997) highlighted long ago the “work of non-governmental organisations in addressing issues of global redistribution and development”. They claimed the role of NGOs as agents that contribute to a global social policy, and therefore actors focused mainly on service delivery.

Studying NGOs’ management, Lewis (2007) believes that NGOs’ role is challenged by their functions and strategies, which he identifies as: 1) the delivery of services to communities in need; 2) efforts to catalyse social, economic and political change –i.e. advocacy. Samuel understands advocacy as “a set of deliberate actions designed to influence public policies or public attitudes in order to empower the marginalised” (Samuel 2010, 186). Samuel’s definition highlights the political nature of their role. And 3) an attempt to create ‘synergies’ through cooperation with other agencies and the creation of partnerships. This cooperation can be developed as a “relationship between local and international NGOs [that] is often akin to that of local NGOs with donors. Many local NGOs rely on international NGOs for funds” (Kanji *et al.*, 2002, 20). But also local and international NGOs create partnerships, based not only on funds but in the exchange of capacity and ideas (Kanji *et al.* 2002, Pickard 2010, Elbers 2012, Ashman 2015).

All of these roles were found to be active in the NGOs working in the field of land rights in Morogoro and Pwani. Four roles, however, were observed to be the focus of NGOs: Education and information, legal advice and support, advocacy, and the creation of partnership and alliances within their country, both regionally and internationally. Those roles, however, were not clear cut, and could overlap with one another. For instance, it is possible, and was documented by the data, that while training communities, NGOs might find cases of dispossession, such in the cases studied in the Morogoro region, and then they may shift to an advocacy role in the sense of trying to mobilise a mass base (Pickard 2010), or put in place an international media campaign, such as in the case of P2: : “Sometimes these issues [of land dispossession] come up during the training” (OEI8: Senior program manager NGO3, 29.05.18).

Education and information

This section will focus on the issue of educating and distributing information to communities. During fieldwork in Tanzania, I found that this is one of the main activities that national and local NGOs developed within communities. Through their training they

aim to improve villagers’ awareness to give them the choice of informed consent: “We say, “this is your land and your decision, and if you decide to give it, you must be informed” (OEI8: Senior program manager NGO1, 29.05.18). But NGOs also often train government officials at the district or regional level on the land laws and policy. This is one of the main service delivery activities that NGOs provide.

NGOs at the national and local levels perform training in order to fulfil this aim regularly. However, when cases of land grabbing arise that are relevant internationally because large-scale deals have been agreed with international investors, international NGOs tend to be more involved, sometimes in cooperation with local and national NGOs: “In 2012 we got a lot of training from different NGOs for almost a year... Sometimes we were invited to the district office for 3 days. We also went to [different district] where we met different people who were fighting for land rights from Kenya, Botswana, Mozambique, Uganda, Zambia and people from different regions with land problems’ issues. There we got different experience of land matters from different countries, and how they were able to solve them. Sometimes they were coming to our villages...this had some effects because people became very angry after realising that they had lost the land” (Q34-Chairman P2, 09.04.2014). These experiences of the participants in training after training suggest that the training does trigger awareness among villagers who may realise too late that their land has been compromised.

¡Error! No se encuentra el origen de la referencia. below summarizes the activities observed during fieldwork in the villages studied with the focus on the temporality of those activities. There is a continuous flux of cooperation that constitute partnerships and public advocacy, as described by Lewis (2007) or Samuel (2010). There are also more conjectural and strategic activities as in the case of the referred Task Force in P2. The table also shows with an arrow how these activities often initiate at the international level, although they require the feedback of local networks, such as land monitors and paralegals that will be documented later.

Table 17: continuous and strategic interventions and cooperation between NGOs

Continuous thread of cooperation	Temporary strategies
International land rights concerns due to land grabbing in local realities	Land grabs agreed by villagers in local realities bring attention of international actors in the network
Media and NGOs research bring light into the subject	Unfair compensation

International funds from donor bodies such as EU or individual countries	International campaigns: International media such as BBC
Capacity building and partnerships: International NGOs look for partners in developing countries and fund and train them. Also monitor them.	Training and creation of self-management groups: ex: Task Force
Some projects are more supported than others, depending on the international agenda.	Complains to local government, meetings, letter writing, meetings with national authorities and ministry of land
National and local NGOs and CSOs receive training and funding for their local projects in village and train individuals. The most useful tool: paralegal. Paralegals become respected in their village and have relevant roles in the protection of land rights.	Success in compensation, communities gain knowledge on land rights and have strong trained individuals. However, without the support of the international NGOs their position is weaker. Villagers complain the temporality and short live of these interventions.

Source: Fieldwork observations, Feb-June 2014

Research and advocacy

Baseline studies are the first contact that NGOs have with villages: “most of the time before we start a programme we conduct a baseline survey. We go to them, we talk to them and try to find out their needs before we start our programme” (Q59-Executive director NGO1, 29.04.2014). Baseline studies exemplify how research is the first relevant step towards land rights awareness. After conducting such baseline studies, NGOs decide on their strategies and they might change they course of action. One of the staff members performing such studies explained in an interview how what they found in one village concerning an incipient large-scale investment made them decide to pursue training in different villages. Sometimes these studies are called ‘Fact Finding Missions’, especially if the organization has received information about a potentially threatening issue.

Empowerment and awareness through education

“Awareness empowers people”, one of the interviewees, a professor of land rights, stated when explaining the history of one of national NGOs in the country. Its founders were lawyers; one of them was very influential in the development of the new land acts and an overall respected person at the national level for his work with marginalised people. The initial goal of the organisation was to help impoverished people to get access to the court through their services. But they soon realised that the cases were too much and the court processes were too slow and “they changed their strategy and went about creating awareness; awareness is more important than court cases to protect land rights” (OEI1-

Land Rights Professor at Tanzanian higher education, 19.02.204). “Civic education, on the law and on the policy, gives the power to the people” the professor concluded.

A senior programme staff member of the mentioned NGOs stated in an interview: “The most important thing is to raise awareness of the local communities about their land rights. What can they do, what does the law say? Because, you cannot say it for everything but you can say that our land laws are good, compared to other pieces of legislation. Villagers are empowered by the law to decide whether to agree or to not agree with investment decisions. Which is good, because the necessities of the majority should be considered” (OEI8: Senior program manager NGO3, 29.05.18). Thus, he identified awareness and empowerment through education on the land laws.

The concept of empowerment has become controversial among practitioners who believe that it can be easily substituted by a toolkit of techniques less rooted in power struggles (Batliwala 2010). This is closely linked with the role of NGOs in bringing about meaningful change. However, for many villagers the presence of NGOs and their training gives them opportunities to discuss their issues and reconsider their decisions. A staff member working at the grassroots level in seminars stated that villagers demanded education and information: “Actually knowledge, they really demand knowledge. Sometimes, when you train or after you have trained, someone comes to you and tells you “where were you before? Someone came here and did this and that was not ok”. For instance, they may say that someone came and asked for land and they gave but they weren’t sure and “the process wasn’t as you have explained and we cannot revert it now and we want to revert it” “We understand now that it was not the proper way” So, issues of knowledge are very, very demanding” (OEI7-Senior program manager NGO3, 29.05.18).

As stated before, NGO professionals not only educate villagers but also government officials in the laws and policies: “The main problem is first ignorance of the people, they are totally ignorant of the law; they do not know, even leaders at the district level, they do not know, and the law, it’s almost 15 years now” (Q45-CSO’s program coordinator NGO2, 15.05.18). One of the interviewees explained their activities concerning training on land rights: “We train in seminars of 25 people for four days. In our training sometimes we form groups to discuss something. We also conduct cultural activities, such as theatre performing on land rights issues in public spaces, so all of the villagers go there to see what is going on. Those groups doing some performance show how to obtain the certificates. It is a play, like in a theatre! This is very good because people have the

grasp of it. Some actors play the man with the money that approaches the poor villager to bribe them” (Q44-General Secretary NGO2, 15.04.2014). Other organisations also use public debates in open spaces in the villages in which anyone in the village can participate and raise concerns and questions.

Land rights training workshops

The workshops are carried out on different days. First, the NGOs train village leaders, and sometimes they also train District Officials, because very few of them are fully aware of the land laws. Members of NGOs and interviews carried out with some district officials supported that point. After the village leaders have received training workshops are organized for 25 villagers as stated above. The villagers participating in the workshops receive allowances to cover the costs of travelling to the meeting and to compensate them for their working day. The training has four main components:

- Historical background on land in Tanzania with a focus on before-after colonialism
- Policy and Land Law strategy in the village
- Conflict resolution at a village level
- Administration of resources at the village level

Training is conducted by two staff members of the NGO or a partner organization and it lasts for one whole day. The mandate for the villagers after the training is to inform their neighbours about what they have learnt. Leaders also have the mandate to train during upcoming village assemblies. After training in two villages, short interviews with participants in the training were carried out. During these interviews they were asked what they had learnt and what the most important thing was for them after the training. They replied that they had gained knowledge about the title deed and the processes affecting the village land committee:

Now I know more about land management and the procedures to give titles to investors. Even our leaders were distributing land without following procedures simply because they did not know the procedures and laws (Interview after training 7, 04.06.2014).

I have learnt about the LUP and the title deed and how to get loans. Now I can supervise my father's property better. I have also learnt how the Europeans acquired land in Tanganyika (Interview after training 2, 03.06.2014).

Now I know the procedures to get customary land rights...I will now also inform my community (Interview after training 1, 04.06.2014).

Public debates

Public debates are displayed in open areas of the village: “big grounds where most of the villagers can come” (OEI8: Senior program manager NGO3, 29.05.18). To organize these debates organizations cooperate with district council officials who “take the message to the villages, and leaders will inform in village assemblies that we are coming for public debate” (OEI8: Senior program manager NGO3, 29.05.18). During the debates, the villagers participate and raise many questions (Fieldwork observation, 03.06.2014 and 04.06.2014).

Paralegals

Jointly with the land rights training in seminars and the other activities described, the NGOs also train paralegals in the villages as illustrated in **¡Error! No se encuentra el origen de la referencia..** They create with them links to the villages they have been training: “we also train and have our rural paralegals who do the work on the rural⁶¹ instead of us, so they can work together with the village councils ... we train them, because we can't go everywhere, so we have people from the rural in every district and we train them so they can also go and train others in their area and also assist in dealing with conflicts ... they report to us and whenever they have problems we assist them to solve the problem ... we are strengthening them by giving them more education, so they can do their work better for justice for the poor, especially in rural communities” (Q59- Executive director NGO1, 29.04.2014).

Paralegals are selected by the villagers and by the village council. The NGOs usually require a gender balance for the training of paralegals and seminars. Some of these paralegals have become much respected among their communities, although this depends sometimes on the individuals. In the case of P1, the chairman was elected because of his involvement in land rights issues: “As part of being chairman I am a land monitor and Leader and Secretary on land issues. Before being a chairman I became leader on land issues because I was trained by [NGOs1] on land issues in Dar-es-Salaam. In each village there are two land monitors; these land monitors have to report to me every three months and I report to [NGOs1] in case of problems”. Some interviewees in the other villages referred to him spontaneously during the interviews: “Other Europeans and NGOs have

⁶¹ The interviewee here refers to the rural areas and the people living there by the expression “the rural”.

visited us, but they never came back, here local people trust people such as P., they help more than others to preserve our land rights” (Open ended interview-Chairman in District 1).

Training paralegals has been found to be one of the most relevant and successful strategies that NGOs working on land rights are using. The interviewee in NGO2 explained: “I remember a certain village chairperson was thrown away because people complained that he was misusing land, he was not following the procedures. Because we have mobilised people, and they knew the process of land ownership, who should be concerned about land ownership, where they should apply, how much land, etc. So, the village chairperson did not follow the regulations, so they complained and he was advised to resign” (Q59-Executive director NGO1, 29.04.2014).

In some instances, it is possible that education and training in the law is empowering rural villagers to protect their land. However, education does not always lead to awareness; as the experience of villagers with investors increases and they can gather more information, they are able to protect themselves more from undesired consequences. This does not mean that they reject investment projects, but that through those experiences they have increased knowledge that helps them to demand more guarantees: “We do not resist investors, we want them, but they need to follow the procedures. We want them to qualify for the land. When they apply for the land they say that they will cultivate it, but later they do not do anything with it” (Q11-Leader woman P1, 21.03.2014).

The strategy of education and its use aims to raise awareness and empower people, as expressed by the quotes above. Empowerment has been a contested concept in the development literature (Batliwala 2010, Cornwall 2010). Once considered a strong approach to development, the empowerment goal was to strategise to challenge ideologies that reproduced social inequality, in order to address unequal access to economic and natural resources (Batliwala 2010, 115).

As explained, however, the concept of empowerment has been reduced to a series of blueprint solutions that evoke participation and ‘people centred’ development, education being one of the strategies. But, the experiences gathered through the observations and interviews show that training informs people about the “importance of the land” and educates them to “not give away the land”: “We did not know about the importance of the land. Now we know a lot because we have been trained on land rights from different organisations. We gave the land, but we didn’t know the effects of that, and that many

people would start to complain. Now they know about land rights and the importance of land...After the leaders were educated and they started to inform people, the villagers started to complain about the farm. They wanted their land back or enough compensation. After the NGOs came we learnt that we hadn't participated in the whole process, that's why we got angry. We received that support from different NGOs" (Q34-Chairman P2, 09.04.2014).

Advocacy through the LUPs

One of the main concerns of NGO3 was the LUP. They considered that certain agencies of the government had put pressure on the issue of the LUP in order to reserve land for investors. "Some people go to implement the LUP but make requirements for villagers, like asking for one area for investment. There is no regulatory authority to regulate this issue, because everybody is funding the LUP: RUBADA, Mkuravita, the Commission for Land" (OEI8: Senior program manager NGO3, 29.05.18).

Through the documents that were accessed at the district offices during the fieldwork, it could be seen that the LUP funders and implementers were different donors' agencies, international, local and national NGOs and government agencies. This shows that there are a number of different actors with different interests implementing and developing the LUPs. The LUP is also exchangeable; the village can decide to change the previous ones. In M2, RUBADA changed the LUP of 2008 in order to include land for an international investor. NGO3 staff members interviewed during fieldwork asserted that depending in some opaque interests the "LUP did not come from the people, it's a top-down development directed by RUBADA or by investors" (OEI8: Senior program manager NGO3, 29.05.18). Their aim, as the three NGOs assessed here, is to inform the villages so that they can better and independently develop their own LUP, assisting them to do so. LUP are more politically challenging than the formalisation of the land with certificates as LUPs draw the maps of every type of land, and as can be seen in this quote above and the disputes with LUP in M2 that will be documented in the following chapter, different actors try to influence the surveys. LUPs are bylaws that establish the uses of the land.

Chapter 8. **Discussion and conclusion**

8.1 Small and large-scale land grabbing

8.1.1 Introduction

This section will draw on the findings that demonstrate land dispossession and land grabbing in the Morogoro and Pwani regions of Tanzania, which are documented in particular in chapter 5. One of the main findings of this research is the need to re-evaluate scale within the land grabbing dilemmas. The findings highlight some image and understanding of the limitations of the concept of land grabbing as portrayed in the literature that emerged after the Global Food Crisis in 2007-2008 (Vermeulen and Cotula 2010, Anseeuw *et al.* 2012, White *et al.* 2012, Hall *et al.* 2015). As reviewed in the literature, corporate land deals, transnational land-deals, large-scale land deals, the global land rush and the global land grab are some of the concepts that have been used by different scholars to refer to the phenomenon that is widely known as land grabbing.

8.1.1.1 Macro understandings of land

Those scholars are represented partly, although not completely, by the Land Deal Politics Initiative created in 2011 as a “global platform to generate solid evidence on the 'global land grab' phenomenon through detailed, field-based research” (LDPI, online). The LDPI is a network of academics and practitioners, which includes the IDS (UK), the ICAS (Canada), the ISS (Netherlands), PLAAS (South Africa) and the Polson Institute for Global Development (US). As part of this network, White *et al.* (2012, 619) define land

grabbing as “the large-scale acquisition of land or land- related rights and resources by corporate (business, non-profit or public) entities”. These entities are usually foreign to the host country or a conglomerate of entities based in different countries, whose ownership is difficult to trace (Cotula 2012). The land grabbing literature focuses on “foreign governments, sovereign wealth funds, state-owned enterprises from new (BRICS and other powerful middle-income countries) and old players (OECD countries), private actors such as agribusiness and agrifood companies, corporate players interested in developing biofuels, as well as private institutional investors such as banks and a plethora of mutual, pension, hedge and private equity funds” (Baglioni and Gibbon 2013, 1559) as the main actors in the recent acquisitions of land.

Although this study agrees with all of these features, the image portrayed of land grabbing as large-scale and foreign is insufficient to explain the drivers and consequences of land accumulation and dispossession in the regions studied, which can be extended to the cases of Tanzania, Sub-Saharan Africa and most developing countries with rural economies, as recent research has also demonstrated (e.g. Peluso and Lund 2011, Baglioni and Gibbon 2013, Edelman 2013, Kandel 2015, Pedersen 2016). For instance, Peluso and Lund (2011) go beyond the global land rush and talk about the “new frontiers of land control” as a wider agrarian change that affects agrarian environments and also goes beyond the global land rush, as portrayed by the land grabbing literature. In the view of these authors, the landgrabbing literature is able to portray the new features of large-scale investment, but this is only part of a changing context with new actors, processes and powers that only demarcate the beginning of new relationships regarding land control (Peluso and Lund 2011, 669).

This research follows that line of thinking and considers, as a result of the findings, that in order to have a complete explanation of land grabbing, a small-scale perspective on the debate should be included; but a perspective that goes beyond farming and agriculture is also needed in the line of thinking of Peluso and Lund (2011).

The following sections will analyse the results in the light of the dimension of scale and provide some explanations of the drivers of both types of land grabs and why it is necessary to bring both of them together in order to present a full picture of the phenomenon known as land grabbing, as part of an ongoing process of agrarian change.

8.1.2 Land grabbing literature and scale

This dimension –scale - despite being less explored, has not been totally overlooked by the land grabbing scholars who have contributed to the literature that has emerged since 2008. Even when the debate has not focused too much on “cut-off points in terms of size of holdings” (Baglioni and Gibbon 2013, 1560), it has focused on “explor[ing] the rapid growth of large-scale land deals in recent years” (White *et al.* 2012, 619), while stating that “‘large versus small’ in fact may not be the most crucial point in envisaging farming futures”, as they claim that large-scale farming with the features of small-scale farming could be optimal for agrarian environmental justice (White *et al.* 2012, 626).

As described in this thesis, scholars such as Amanor (2012a) and Peters (2013) have advocated the need to include a perspective that assesses the role of domestic actors as drivers of land dispossession on the continent. Competition over land, Amanor (2012a, 731) points out, “results in dispossession of less successful smallholders “from below” by commercial smallholders, and from above by large estates vertically integrated into agribusiness marketing chains”. For Peters (2013), the phenomenon contributes to the “dynamics of social transformation” in which domestic actors are important as these dynamics refer to class formation and inequality.

Fewer studies on land grabbing have considered the issue of the small-scale or local dynamics of social transformations. Baglioni and Gibbon’s (2013) study deals with the issue of scale; however, it focuses much of its attention on the large-scale perspective. For them, the difference between scales relies more on the intensity of capital investment. They redefine small-scale as relevant for the commoditisation of land but less intensive in capital and the employment “of *permanent* wage workers” (Baglioni and Gibbon 2013, 1560 emphasis in original). Kandel (2015), on the other hand, focuses on the differences between large-scale, and mid- or small-scale dispossession in the context of Uganda. His perspective falls into the dynamics of social change and social reproduction in the line of thinking of Peters (2004, 2013). He concludes that mid- and small-scale transactions will have a more significant and long-term impact on stability in Sub-Saharan Africa than what has been considered as large-scale land grabbing because dispossession is mainly carried out by national and local elites.

To tap into the differences, **¡Error! No se encuentra el origen de la referencia.** below summarises the type of land grabs described in Chapter 5 of this thesis, supporting the view that local, small-scale land grabbing should be incorporated into a broader

understanding of what is nowadays a fast-paced level of land dispossession (Edelman 2013). The issue of scale is not as relevant as the size of the land, although size helps to differentiate the different actors involved and the drivers of accumulation. The relevant issue in contemplating scale is that the ongoing changes at the local level are affected by the dynamics of scale and that the discussion cannot be focused on international actors, but must consider that, as in Peter’s line of thinking, “the land question in contemporary Africa has to be linked to the dynamics of social transformation and inequality at multiple levels - global, regional, national, sub-national”. The phenomenon is thus the scale of dispossession, and not so much the scale of the farms. And that dispossession happens both because of ongoing issues of dispossession at the local level and as a result of the global dynamics of land accumulation.

Table 18: Land dispossession by scale

Large-scale deals	Mid-scale and small-scale deals
Biofuel farm in P2 Yemeni cash crops farm M1 and M2 Mixed national and international enclosure in M1	National investors acquiring up to 50ac in all villages, either developing or not developing the land. Illegal unscrupulous investors acquiring the land and not developing it in P1, less than 200ac Selling land for development purposes, to the church or NGOs in all villages, less than 50ac Selling land to people from urban areas or because of the need for cash: less than 10ac in all villages Grabbing neighbours’ land through fake demarcation, selling the land or bullying neighbours: less than 1ac in all villages

Traditionally, small-scale farming has been associated with subsistence or near-subsistence family farming, low mechanisation and a high intensity of labour. For these rural families agriculture is usually their primary source of livelihood (Naranjo 2010, 1). This dominant view of farmers has been widely explored in peasant studies (Scott 1998, Patel 2006, Naranjo 2010). Usually, peasant studies support pro-peasant agriculture where the term “usually signifies household farming organized for simple reproduction, notably to supply its own food (“subsistence”). Often added to this basic definition are presumed qualities such as the solidarity, reciprocity and egalitarianism” (Bernstein 2010, 3).

Large-scale farming has traditionally been associated with modernised and mechanised agriculture and less intensive labour, and involves either donors' aid or private investment, or a combination of both, with the aim of bringing economic development to countries with extensive rural sectors that are usually underdeveloped and poor, particularly in Africa. This type of farming has its roots in colonialism (Berry 2002, Peters 2004, Amanor 2012b, Baglioni and Gibbon 2013), and is usually analysed through the lens of the political economy of agrarian change as a contrasting dichotomy to small-scale farming.

Small-scale acquisitions can have advantages. Three such advantages are detailed below:

1. For instance, as the results show, small-scale farming is not only done by families for subsistence agriculture, but also by some local small-scale investors, who use it to sell to local markets in rural or urban centres. The following explanation given by one of the village leaders reveals that complexity: "There is a good investor though, an Arabic investor. He is cultivating the land, has contributed to the activities of the community and has provided some jobs. The village is happy with him. He only owns 5ac of land, though" (Hamlet chairman P1, 08.03.2014). This indicates that the reality of small-scale farming is more complex nowadays and responds to the integration of peasants into the capitalist system: "as a result of class formation there is no single "class" of "peasants" or "family farmers" but rather differentiated classes of small-scale capitalist farmers, relatively successful petty commodity producers and wage labour" (Bernstein 2010, 4).

2. Woodhouse (2012) also considered this new understanding of small-scale, beyond subsistence agriculture, a reality of small-scale producers who can be relatively successful selling to their local markets . Another example was provided by an investor who owned 50ac of land in the same village. The chairman of P1 village referred to these investors during the interview: "there are two investors that we like because they contribute more, they have less land but they helped with the new school. They are a big help to the village" (Open interview-Chairman P1, 23.03.14). These success stories concur with Woodhouse's view that, "farming investment establishes an important capacity for private investment in agriculture, irrespective of any formal 'development' project or programme to promote it" (Woodhouse 2012, 782).

3. And, as the positive examples above show, there is scope for "entrepreneurial small-scale agriculture becoming responsive to market opportunities and investing to achieve significant productivity growth" (Woodhouse 2012, 782). One in which, even small-scale farmers engage, particularly the youngest ones: "We sell the production to rich people

from Dar. It's easy to find someone that wants to buy our production. I want more land so I can produce more to sell" (Q33-Young man farmer in P2, 08.04.14); "[I want] to have a car for the village, because many people need transport for their crops [to sell in Dar]" (Q40-Young man farmer in P2, 10.04.2014).

However, some negative outcomes were also documented in regard to small-scale farms, despite these positive accounts. They are detailed as follows:

1. In many cases it was found that the land had not been used to develop agrarian economic activities. As reported in **¡Error! No se encuentra el origen de la referencia.**, there were some cases of illegal acquisitions or even legal ones where nothing had happened to the land for years, but the 'small-scale' investors had kept the land for future speculation. Such examples were provided in all of the villages, but to illustrate, an example in M2 village was recalled where the villagers had agreed to give land –less than 50ac as permitted by law –in return for jobs and village development but the land had not been developed: "They came to the village and requested the land and promised that they would help us to develop some projects in the village. So we agreed to give them land and after they got that land, they did not develop the land for six years. None of their promises were fulfilled, even when we approached them. But we gave them a summary where it was indicated that if they did not develop the land for three years we would take the land. We have been calling them to discuss that land. If they cannot develop that land we'll take it, but they do not show up and people are afraid to take that land because they say rich people have power and they can sue us. So no measures have been taken so far. Their land is 50 acres each" (Q73-Farmer woman in M2, 10.05.14).

2. Other complaints have been raised where land has not been developed, and not only that, more problems can arise when the land has been accumulated by less transparent means, such as in P1: "they have been scaring and threatening people saying "we're going to kill you". Investors feel they are more powerful. They threaten people when people get into their farms and cultivate the land. They do that because they are not developing the land" (Q22-Farmer woman in P1, 27.03.2014). Sometimes the violence can trigger threats: "they are showing guns" (Fieldwork conversation- Chairman P1, 23.03.2014). And at other times it can trigger racist violence: "Mr.A insulted us and told us that "these people are like gorillas"" (Q27-Farmer woman in P1 affected by a national illegal grabber, 03.04.2014).

This opens up the scope for a different understanding of not small-scale events as promoting agriculture and small capital investments and agrarian change into agrarian labour relationships embedded in capitalism dynamics; but derives the discussion to dispossession and accumulation at mid- and small-scale, as Kandel (2015) suggested, and not for productive reasons but speculative ones.

Kandel (2014, 2015) concludes that small-scale processes of dispossession will have a more significant and long-term impact on stability in Sub-Saharan Africa. In the particular case of his research in the Teso region of Uganda, he sustains that: “Capital investments from local actors currently occur only on a small-scale ... they are substantively important because they are indicative of fundamental political economic change within the region” (Kandel 2014, 152). As discussed in the previous section, small-scale processes are indeed changing economic relationships in the case of Tanzania, not as much as capital investments, but as small-scale accumulation⁶² (Kandel 2014).

8.1.3 Large-scale farms discussions in the land grabbing literature

Despite the dynamics observed due to small-scale dispossessions and accumulation, it is also very important to acknowledge the relevance of the large-scale land dispossession caused by the global land rush (Peluso and Lund 2011, Edelman 2013). This section will address three issues: the impact of large-scale farms in agrarian transformation, the debates that question if they are real and to what extent, and a comparison with small-scale dispossession.

First, large-scale debates have also tapped into the capital investment issue in comparison to small-scale farms. In this case, the issue of size is related to the scale of the capital investment and this should be the measure of scale –the scale of capital. However, this is not totally adequate to explain the consequences for the rural villagers in Tanzania of large-scale land deals or land grabbing. Actually, in many cases, the area of land is so large that investors lack the economic capacity to develop all of the land, and therefore part of it remains unused. A consultant explained this situation during an interview: “If the land acquired is very big, it would be negative...I know a case in Arusha where the investor acquired big land, now he is not developing anything and the villagers are complaining. There is a conflict there. The land is too big and the investor cannot work on all of it. This is becoming a dispute. If you do not develop the land this is what causes

⁶² For a discussion on the differences between the actual relevance of capital investment in regard to scale see Edelman (2013).

disputes. If you use it, no problem, but if you do not use it, communities may use that land” (OEI9-Investment Consultant, 29.05.2014).

The experience explained by the consultant is explained by the literature in the work of Edelman (2013). He points out that, “some portion of the land being grabbed is no doubt held for speculative purposes and will never be developed. But for that part that is acquired for cultivation, the amount of capital required to bring some of the extensions ... into actual production is likely to be beyond the capability of even the largest transnational corporations” (Edelman 2013, 497). Disputes arise in Tanzania when the land is not being used, and the communities have lost their ability to control it: “I have never found any investment that the people are happy with. Because, why do you have to transfer this land from village land to general land?” (OEI8-Senior program manager NGO3, 29.05.18)

Secondly, we need to focus on critiques of the literature on land grabbing that have challenged the relevance of the large-scale deals or even their existence or trajectory (e.g.: Oya 2013, Kandel 2015). For instance, Oya challenges the methods of aggregating the “land rush” presented by different NGOs, the media and academics and claims that databases created on the issue are an instance of “false precision” (Oya 2013, 503). Also, some have claimed that many of the data documented belong to already existing state ranches. This was not found in the three cases studied in Morogoro and Pwani, where the farms were new developments.

However, the observations and information gathered during the fieldwork make large-scale dispossession and large-scale deals not only a relevant issue in the villages studied, but also one that is real and measurable. Thus, the impact of large-scale deals cannot be overlooked by what has been considered figures that representing only “messy hectares” (Edelman 2013) or “false precision” (Oya 2013) in the case of Tanzania. As Edelman has also put it “the increase in land deals in recent years is doubtless real” (Edelman 2013, 497) even if the data is only “indicative”; in the case of Tanzania, the data seems rather illustrative for the period studied.

Thus, despite the criticism of the land grabbing literature figures, three sources of such information were consulted during the fieldwork exercises: the Tanzanian Investment Centre, NGO data, and information gathered from district and village registries (LUPs and my own observations, such as that in Illustration 7 in Chapter 7, demarcating a new GPS boundary that transformed Village Land to General Land, which was made available

to an already known investor in the Morogoro Region; finally, information was also gathered during a workshop-discussion organised by an NGO in Dar-es-Salaam in March 2014.

The new Land Use Plans in M1 and M2 show the new boundary creating a new large-scale farm. LUPs draw the maps of large-scale farms and/or the available land for small-scale farming in the villages, as explained in the previous chapter. The LUPs in M1 and M2 have not yet been developed, but the village has already lost the land. A similar case has happened in the Pwani region, where the farm development has gone even further and the investor has already developed a jatropha farm, which failed after the rise of biofuel investments waned. Despite the failed investment, and the confusion over the new activities of the farm after the jatropha project collapsed, the land has not been returned to the villages affected by this almost 9,000ha deal, but the company has changed its name and the purpose of the investment. An observation that emerged during the fieldwork was that the research could have taken place in many locations around the country as there were many cases to explore. These places were affected by large-scale deals, demonstrating that these are not isolated cases but, rather, are widespread.

The second source of information on agriculture investment was the TIC headquarters. **¡Error! No se encuentra el origen de la referencia., ¡Error! No se encuentra el origen la referencia.** and **¡Error! No se encuentra el origen de la referencia.** below show the information displayed only for the projects that the TIC situates in the SAGCOT region. SAGCOT was described in Chapter 6. Those projects have been registered and approved by the TIC, which means that they have been allocated land. As Oya (2013) and Edelman (2013) have pointed out, there is a need to be cautious about the figures, even when they come from official sources like the ones below.

Table 19: TIC information by region^{63,64,65}

⁶³ This shows information about investors registered with the TIC in the period 2007-2014(March). Registered means that a project proposal has been received and approved by the TIC and land has been allocated for the project.

⁶⁴ Jobs refer to direct out growers and those generated by the investment.

⁶⁵ Investment includes farming, livestock keeping and value added industries.

Investment in the SAGCOT region			
Location	No: Projects	Jobs	Value (US\$ Mil)
Pwani	46	9,287	1,224.01
Dar-es-Salaam	26	3,883	294.81
Iringa	22	12,066	216.71
Mbeya	10	2,587	67.56
Morogoro	37	22,249	558.18
Rukwa	3	222	34.49
Ruvuma	4	466	11.63
Grand Total	148	50,760	2,407.38

Table 20: TIC information by year

Investment in the SAGCOT region			
Year	SN	Jobs	Value (US\$ Mil)
2007	8	5,153	68.62
2008	21	2,012	78.86
2009	11	13,429	89.84
2010	14	3,006	447.22
2011	36	5,913	876.44
2012	35	3,715	464.32
2013	16	17,139	358.18
2014	7	393	23.89
Total	148	50,760	2,407.38

Table 21: TIC information by country of investor

Investment in the SAGCOT region		
Nationality	Jobs	Value (US\$ Mill)
Belgium	1	0.09
China	8,038	82.67
Cyprus	39	1.34
Denmark	137	3.91
Germany	155	3.19
Greece	11	0.64
India	8,863	123.00
Ireland	-	39.16
Israel	50	0.60
Italy	12	0.35
Japan	13	11.40
Kenya	173	27.72
Luxembourg	105	8.14
Mauritius	161	46.09
Netherlands	519	24.66
Nigeria	27	0.52
Norway	1,706	30.55
Pakistan	131	1.65
RSA	2,605	178.93
Seychelles	347	4.39
Slovakia	210	17.30
Sweden	91	4.82
Switzealand	76	0.50
Tanzania	15,210	1,441.11
Thailand	161	5.04
Turkey	45	7.07
UAE	335	31.68
UK	10,478	174.17
USA	917	92.70
Zimbabwe	144	43.98
Total	50,760	2,407.38

Source: TIC, June 2014

The tables above show the already approved and allocated land projects in the SAGCOT region, which were incipient at the time of this research. The data shows the origin of the investment and it is possible to observe that national investors are as relevant as international ones. Also, the data was gathered in June 2014, which is one of the reasons why the projects were fewer that year.

Finally, the information on data about land deals for this research was gathered at a workshop led by an international NGO, where academics, practitioners, farmers' organisations and farmers themselves talked about the rise in agribusiness in the country. Representatives of the government and agribusiness refused to participate in the event. The hectares here can be "messy", as Edelman pointed out (2013), but they demonstrate a case of operational, operating and realised projects and some of them are seeking investors. However, such as in the case of M1 and M2, where the farm is a project with a prospective Arabic investor, the land has been transferred to General land and therefore

the villagers have lost control over that part. In some cases, the government uses land that is already general land, but it is likely that the farms will need to expand beyond general land, such as in all of the cases considered in this research.

Projects can start, fail and change hands, as in the cases studied in P2, M1 and M2. However, it cannot be denied in that case that the land has changed hands already and the villages have lost control of that land: “If the area has already been taken it is difficult sometimes to overturn. For this process the village council has to meet and write to the commission and to the president through the district council, requesting that they revoke the title of an investor, and listing in their request why they think such land should be turned back to them, but this will also depend upon the interest of the president and we have never seen this happening” (OEI8: Senior program manager NGO3, 29.05.18).

Whether projects fail or not, getting land back is only possible by illegal means such as occupying land that is not developed, as in the Zimbabwean case (Berry 2002), for instance. A situation that is already happening in smaller-scale projects, as demonstrated in P2, is that young people are occupying the land of non-developed projects. If, ultimately, the government decides to cancel deals made with investors and return the land to the villagers, which is not completely impossible (Pedersen 2016), this will cause the government of Tanzania to enter into international arbitration procedures, such as the one carried out by a sugar project in the Pwani region in 2017 (EcoEnergy 2017).

Moreover, the failure of projects causes a feeling of being deceived among the villagers (Pearce 2012), who, as demonstrated by the results of this research, avidly participate in projects as waged-workers or outgrowers and benefit from the promised development of roads and electricity and overall economic prosperity. This deception is caused not only by large-scale investments but also by small-scale undeveloped ones. As explained by many women in P2, they were able to build houses when the farm was ongoing, not only because of the wages their families were getting, but also because they were able to sell more from their small businesses such as tailoring, street food and local shops. That disappointment was not compensated for by the return of their access to their land; now the only one benefiting from a speculative business with the land is the one who controls it (Li 2014a).

8.1.4 Sub-Conclusion

In the section above, I have tried to link together the discussions over the small-scale/large-scale debate in the context of land grabbing. It is not possible to isolate one

from the other if we are to assess the impact of land relationships and land control in Tanzania. As Baglioni and Gibbon have pointed out, “the picture that emerges is one of a scramble and reshuffling, of significant but unstable restructuring of land access and control ... [or] an unfinished process of capital restructuring” (2013, 1558). As Peluso and Lund (2011) have highlighted, the land grabbing scholarship is relevant as it is able to pinpoint the traits of the undeniably large-scale land control that is happening nowadays –producing or speculating with nature. Thus, it is not possible to consider only land grabs as an international pervasive investment, as it is not possible to consider that the most pervasive dispossession is that which happens among unscrupulous local grabbers (Kandel 2015).

The picture that emerges and the discussions over the scale of land or capital make the concept of land grabbing an “essentially contested concept”: a term that “combine[s] general agreement on the abstract notion that [it] represents with endless disagreement about what [it] might mean in practice” (Gallie in Cornwall 2010, 2).

The general agreement seems to be that there has been a shift in regard to the drivers of land and capital accumulation at the global and local levels with the long term impact being social differentiation and agrarian change due to illegitimate or legitimate local ‘land grabbers’;

or to the amount of land reserved for large-scale investment or pure speculation, either with national or foreign capital;

All of this will have an unquestionable impact on the supply of land that rural villagers will have available and that is being given away very easily and cheaply, even by themselves, which they may have never done (Li 2014b):

“We say: “this is your land and your decision, and if you decide to give it, you must be informed” if the land changes from general to village, you will not recover the land again” (OEI8-Senior program manager NGO3, 29.05.18).

This willingness to give away land so easily draws from their expectations of economic prosperity, which often end in unfulfilled promises, as the research has shown. However, with a loss of land control it then becomes very difficult, if not impossible - and from the drawing of a map onwards surely illegal - to revert.

Land grabbing has become a buzzword, but also a fuzzword (Cornwall 2010): a vagueness surrounds everything around it and it is thus the object of scientific vagueness

and critique, but who is behind it? How much land or capital? And when is it going to start/end/succeed or fail? What is in the contract? Is it even real? In this fashion, land grabbing is changing the land rights of uninformed rural villagers by the second, as one member of a peasants' association expressed in a workshop in Dar-es-Salaam in March 2014: "this is dispossession by ignorance". Land grabbing may be a fuzzword, but it is not a neutral one.

8.2 Negotiating land grabs

8.2.1 Stakeholders interests

The research has focused in the interests/needs and power of different stakeholders within land grabbing processes. In Chapter 3 the thesis explored literature on the different dimensions of land and also on negotiations on land deals and the role of all stakeholders (Teklemariam *et al.* 2015). Negotiation is intertwined with the different meanings of land as land is been transacted and as Sud (2014a) points out there are new needs to govern the transitions of land and land use.

Different stakeholders were indentified by the research and their needs and interests pointed out. The framework ant taxonomy that Tekemariam *et al.* (2015) have used is of interest here. They identified:

- Objects: have low level of influence in the outcome of the land deal, but high level of interest in the land
 - This are mainly local land owners in the villages studied, land users and people affected by land deals. Pastoralists, women, youth may have lesser amounts of power and influence.
- Players: high power and high interest, including the designers and real actors of deals that use the contexts set by the third group of leaders and context setters.
 - Local elites, bourocrats that exert their influence at Dar-es-Salaam, some can use violence some regulatory processes.
- Leaders and context setters group: consists of stakeholders with low interest in the deals but comparatively high power in influencing the context of the deal.
 - This can be local, but also NGOs, activists, policimakers or academics who can set and be able to influence the outcomes of land deals.

- Crowd: low power and low interest relative to land deals

Kanji *et al.* (2002) assessed the impact of NGOs on the land policy process in Mozambique and Kenya, using the Institute for Development Research framework with five key dimensions: (i) policy, (ii) private sector, (iii) civil society, (iv) democracy, and (v) individual. The IDR framework was used by Kanji *et al.* (2002) together with the work done by Davis and Coates (in Kanji *et al.*, 2002, 23), “which suggests distinguishing between short and longer term indicators of change”. Kanji *et al.* (2002, 24) assess four areas of impact: (1) 'strengthened civil society organizations', (2) 'consultative government procedures and practice', (3) pro-poor changes in policy, regulations and legislation, and (4) direct benefits to and improvements in living conditions of poor groups.

According to Kanji *et al.*, NGOs “strengthen and expand civil society's capacity, organization, accountability & clout (power), expand members’ skills, capacities, knowledge, attitudes & beliefs; and increase overall social capital reciprocity, trust and tolerance” (Kanji *et al.*, 2002:23). On the other hand, their impact on democracy means “increased democratic space, expanded participation & political legitimacy of civil society, as well as the accountability and transparency of public institutions” (Kanji *et al.*, 2002:23).

However, other examples in the literature should support the two indicators used by Kanji *et al.* (2002) to assess the impact of NGOs, as explained in the conceptualisation of this variable:

(1) 'Strengthened civil society organisations': The Oakland Institute is a research centre and an international activist movement that is against land grabbing'. They support the creation of ties and local organisations in order to help communities defend their livelihoods. One example, found in the media reports, is the creation of the local network ALLAT in Sierra Leone. After a conference promoted and financed by The Oakland Institute and other partners, they created the ALLAT coalition: an “initiative that brings together persons affected by large-scale land deals, Civil Society Organizations and experts that monitor large-scale industrial investments in agriculture and its impacts on the rural population”.¹¹

¹¹ <http://www.oaklandinstitute.org/pressreleaselaunchingactionlargescalelandacquisitiontransparencyallat>

(2) 'Consultative government procedures and practice': On the other hand, the examples explained in Kanji *et al.* (2002) in regard to Mozambique and Kenya illustrate how NGO networks have an impact on land policies.

8.3 Formalisation of land and assembling of a resource⁶⁶

Land rights have been approached in a twofold way by the literature, as discussed in the literature review section of this work. On the one hand, “Western-legal views” represent the tradition that draws on Locke’s understanding of property rights and their enforcement by state coercion; this view highlights mainly the economic perspective of land rights. On the other hand, more “anthropological views” understand rights as embedded in a specific socio-cultural context. This perspective focuses its attention on the political and cultural underpinnings of land rights. These two understandings link with the universal vs. cultural relativism debate over rights. Scholars such as Mandani have overcome this dichotomy by approaching rights as emanating from struggles: “rights are defined by struggle, and rights struggles are born of experiences of deprivation and oppression” (in Nyamu-Musembi 2002, 6).

Institutional economists have also tried to overcome the dichotomy of formal vs informal land rights with their approach to informal institutions and its flexibility to manage problems of property in different local settings. This approach, however, is also focused on economic understandings of land rights, representing a partial reality. Agrawal (2003) highlights the necessity of going beyond merely the management of institutions and recognising that “[g]reater attention to the dynamics of resistance and domination is likely to help explicate better the relationship between property and politics” (Agrawal 2003, 257).

This study objects to the dichotomies created by ‘Western’ vs ‘anthropological’ approaches to land rights through the research carried out similarly to actor-oriented approaches or bottom-up approaches. In this regard, the first topic analysed focuses its attention on villagers, the most deprived and oppressed actors in the land grabbing scenario. Their conflicts and struggles lead to an understanding of what it is they feel entitled to and how they frame their demands.

Freehold does not exist in Tanzania; thus, statutory law protects customary land rights and all of the ownership titles are subjected to the use of the land. As explained in Chapter 4, there are two types of titles: CCROs and COs. CCROs are the titles that villagers can

⁶⁶ Heading based in a the title of Li’s paper (2014)

obtain and they can be obtained for a specific period of time or without a timeframe. However, it is necessary that the land is developed and that the person lives in the village. In reality, this principle is not followed, as many conflicts arise when land that has not been developed is claimed by people from the village who are not living in the village – this case was explored in M1. Conflicts with old owners of a plot of land that is not being developed are commonplace in villagers.

Certificates of Occupancy (CO) are the titles that investors can obtain for general land that is not village land. Foreigners can only apply for this certificate and they will only be granted it for a period of time; the law established a timeframe of 33 years in the new Land Policy of 2016, due to the land grabbing debate in the country. The fact that COs can only be granted for village land means that, as studied above, whenever an investor demands land, if it conflicts with village land the land needs to be transferred to general land according to the law. This double classification of the land comes from colonial law, which stated that this land belonged to the people and could only be used with the agreement of the state. The owner of a CO is not an owner as such, but rather is considered a tenant, because (s)he cannot own the land forever (Land Right Manual, NGO3).

National NGOs have considered that not having the land demarcated is detrimental to the land rights of the people and can benefit investors: “Because, if the land is not demarcated and investors need land, they are told to go to the villages, and if an LUP has not been made we do not know the land as it’s been reserved to them the TIC, who is the one to tell them where to go, do not have this information, on where the land is available. Instead of following this procedure, investors have been introduced directly to the villages. In the villages, the land is not demarcated, so even they do not know how much land they have and are giving away. Now the government, instead of exercising that role of developing the LUP, is asking the investor to do the land use plan” (OEI7-Senior program manager NGO3, 29.05.18). They also consider that more relevance is assigned to the legal ownership of the land rather than customary land rights; however, no-one was found among any of the groups who did not want to have a CCRO, either with their name on it or with the name of the whole family.

However, more important than the CCROs are the Land Use Plans, as they are decisions on which uses will be assigned to the land. The use of land excludes one actor from another or one use of the land from another (Hall *et al.* 2011). As Li (2014) pointed out, “inscription devices –the axe, the spade, the plough, the title deed, the tax register, maps, graphs, satellite images, ancestral graves, mango trees – do more than simply record the

presence of land as a resource: they are integral to assembling it as a resource for different actors” (Li 2014a, 589).

8.5 Concluding remarks

This research draws on the land grabbing literature that emerged after the Global Food Crisis in 2007-2008. I have reviewed different understandings of land rights from a Western-statutory perspective as opposed to an anthropological and cultural understanding of those rights. Land reforms that try to impose one system over another are harmful for the land rights of vulnerable people because land reforms have political underpinnings, as has been highlighted by taking an anthropological approach to such reforms. I have also explored the literature on the formalisation of land rights through decentralised or centralised processes. Tanzania follows a decentralised and slow process of formalisation of land rights in title deeds called CCRO. The issue of CCRO is not enough to protect villagers' land rights, as decisions on the use of land expressed in the Land Use Plan can be influenced to a large extent by economic interests.

I have assessed the role of NGOs in regard to their advocacy and service delivery attributes. They are grassroots actors and subaltern voices that navigate international and local scenarios in a flexible way. In the field of land rights, their role of protecting rural villagers' land rights has been proven to be very valuable. The chain of partnership, advocacy and training individual villagers to maintain local ties is an example of this flexibility and the multiple spaces they can access. They have been found to inform land rights by contesting land grabbing with strategies that can be long or short-term.

The struggles over land grabbing found in this research are not only within large-scale land grabs, but also small-scale ones. As Baglioni and Gibbon have pointed out, "the picture that emerges is one of a scramble and reshuffling, of significant but unstable restructuring of land access and control ... [or] an unfinished process of capital restructuring" (2013, 1558). As Peluso and Lund (2011) have highlighted, the land grabbing scholarship is relevant, as it is able to pinpoint the traits of the undeniably large-scale land control that is currently happening—producing or speculating with nature.

8.6 Summary of research findings

1. The land grabbing cases documented exacerbate the denial of rights to an already vulnerable population. Income, gender and age have been found to have an impact on land rights. The most commonly excluded groups among the participants in the interviews are pastoralist women. Women, excluding pastoralists, are more excluded from control over land than from access.
2. Land grabbing and scarcity also stir up conflicts among pastoralists and farmers. Pastoralists –men and women – have been found to be more excluded from decision making places such as village meetings and assemblies, and local governments.
3. The role of NGOs is paramount in advocating rural villagers' land rights. From the different activities they perform, the training of paralegals was found to be one of the more relevant ones to connect global and local understandings of land rights and struggles.
4. Some of the advocacy campaigns that NGOs perform in cases of strategic contestation to land grabbing are valued by villagers; however, they are short term focused.
5. Villagers do not oppose land investment – on a small or large-scale – but they demand more guarantees as their expectations have not been accomplished and most of the investors do not develop the land according to the promises they made to the villages where they settled. They are stakeholders with different needs, interests and bargaining power.
6. The demarcation of farms is increasing the price of land, affecting both farmers and pastoralists that never had to pay for land before.
7. Land management has become very relevant. Title deeds are requested by all of the villagers in the form of the statutory CCRO according to Tanzanian Laws. Despite debates about the formalisation of land rights, the research has found that LUPs are more politically relevant as assembling resources as they dictate the different uses of the land by different actors.
8. Land grabbing has mainly been used to refer to large-scale land deals usually involving foreign capital. This research found that small-scale and national actors are paramount in dispossession. The land grabbing debate has to be framed from a perspective that considers land as part of agrarian and environmental change and the appropriation of natural resources.

9. Changing perceptions of land use and monetary prices have rendered land important for villages in a new way. The land cash value is substituting the traditional land use value.

8.7 Recommendations for future research

1. This study has demonstrated the existence of land dispossession in Tanzania and a changing perception of land as an important asset. This has had an impact on the evolution of the land available in villages. As explained throughout this study, the land in the villages is distributed according to its use, and the villages have a stock of land available to allocate to villagers. The evolution and control of this stock of land constitute a relevant topic for further research. In the four villages, the village government was allocating part of the land to villagers, investors and different organisations, such as the church or NGOs. This stock of land was previously used flexibly because when land was not used it was made available to others. With the issuing of certificates, and even informal and manual registers, this flexibility is in jeopardy.

2. A relevant topic for further research derives from the consideration of land as a “resource for global investment” (Li, 2014). Also, land is part of nature and belongs to agrarian environments (Agrawal and Sivaramakrishnan 2000, Bernstein 2010). A new, ecological approach to land ownership is therefore needed and research can contribute to this approach (Freyfogle 2003). In this line, common ownership has started to be vindicated as more relevant than private ownership as a global reassembling of nature due to a sense of ecological interconnection. In this sense, the legitimacy of “new land uses or intensify existing ones are legitimate only insofar as such rights do not undermine the common good” (Freyfogle 2003, 256).

3. Research on the mechanisms of gender inequalities to control resources needs to continue. This cannot be isolated from the continuous efforts to find solutions to the impoverished and marginalised people who will be more affected by the challenges of the assembling of land and nature.

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10. Annexes

Annex 1: Interview guides by participant attributes

Research question	Research Objective Code	Interview Questions		
		Villager Interview Guide	Leaders Interview Guide	Practitioners Intervw. Guide
<i>What are local understandings of land rights and what rights do local communities demand?</i>	<p>what local understandings of land rights are and what necessities villagers have</p> <p>Category/Indicator of:</p> <p>Access to land (A)</p> <p>Ownership (O)</p> <p>Tenure security (TN)</p> <p>Awareness of LR (AW)</p> <p>Necessities (N)</p> <p>Compensation (C)</p>	<p>1. Do you have land? How much land do you have in total? How did you gain access to your land? (A)</p> <p>16. Do you need access to land? Why? (A)</p> <p>17. Do you think the land you have is yours or belongs to the government? No, why? (TN)</p> <p>18. Overall, what does land mean to you? (AW)</p> <p>19. Do you have a customary right of occupancy deed? Yes/No Why? (O)</p> <p>No: Would you like to have one?</p> <p>20. Do you know the procedures to apply for these titles? Do you know where to get information about them? (O)</p> <p>21. Do you think having boundaries of your land is important? Yes/No (O)</p> <p>22. Do you feel you can lose your land? Why? Who do you think can help you to protect your land? (TN)</p> <p>23. Do you know about land rights? Yes/No (AW)</p> <p>If Yes: What do you know about land rights?</p> <p>If Not: Why not?</p> <p>24. Do you think it is important to know about land rights? Why?</p> <p>25. Do you know about land laws in Tanzania? Yes/No . If Yes, Mention those you know (AW)</p> <p>26. Do you think it is important to know about land laws? Why?</p> <p>27. Do you know about compensation? Yes/No (C)</p>	<p>1. Do you think it is important for villagers to have boundaries in their land? (a) Yes (b) No Why? (O)</p> <p>2. Do you think it is important for villagers to have title deed (a) Yes (b) No. Why? (O)</p> <p>3. What do you think about land ownership? Do people own land or the government? (TN)/(O)</p> <p>4. What do you think about land rights in Tanzania? (AW)</p> <p>5. What do you think about land rights in Western countries? (AW)</p> <p>6. What questions do people ask about land rights? (N)</p> <p>7. What necessities do villages demand in terms of land rights? (N)</p> <p>8. Do you think people are well compensated? (C)</p> <p>Yes, why?</p> <p>No, why?</p> <p>30. What do you think can be done to improve land rights in Tanzania? (N)/(AW)</p>	<p>1. What do you think about land ownership? Do people own land, or the government? (O)</p> <p>2. What do you think about land rights in Tanzania? (AW)</p> <p>3. What do you think about land rights in Western countries? (AW)</p> <p>4. What do you think villagers need regarding land rights? (N)</p> <p>5. What are the more common questions they make? (N)</p> <p>6. Do you think people are well compensated? (C)</p> <p>Yes, why?1</p> <p>No, why?</p> <p>7. What do you think they need? (N)</p> <p>31. What do you think can be done to improve land rights in Tanzania? (N)/(AW)</p>

		<p>If Yes: What do you know about compensation? If Not: Why not? Who has explained you about these concepts?</p> <p>28. Have you ever received compensation? Are you happy with that? Why yes/no? (C)</p> <p>29. What does people in your village demand concerning land? What necessities do people have? Do you agree with them? Do you have a particular necessity or demand? (N)</p> <p>30. What do you think is better for you in order to protect your land? (N)</p> <p>39. What do you think should be done to improve land rights in Tanzania? (N)</p>		
<p><i>Do those engaged in land struggles frame their demands in terms of rights?</i></p> <p><i>Who is defining local priorities? Who is included and excluded in such debates?</i></p>	<p>to identify the most involved people in the definition of land rights and necessities while identifying at the same time the excluded groups</p> <p>Category/Indicator of:</p> <p>Land rights struggles (S) Participation/Exclusion (P) Leadership (L)</p>	<p>17. What problems concerning land issues do you have in the village or yourself? (S)</p> <p>18. Do you think land rights have been violated here? (S) Yes, what happened? No</p> <p>35. Are you doing anything to resist investors? (S)</p> <p>19. Where do you go to get help in case of problems with land? (L)</p> <p>20. Do you participate in defining your priorities, especially those related to land? (P)</p> <p>21. If you have a priority, is it taken into consideration for the local government? Yes/No Who takes into consideration (listen to) your priorities? (L)</p>	<p>9. What kind of problems regarding land rights do you have here? (S)</p> <p>10. Have you heard about land conflicts in your area? Have they grown? (S)</p> <p>11. What do you think are the causes of these conflicts? (S)</p> <p>25. Are you doing anything to resist/promote investors? (S)</p> <p>12. How do you engage villagers in participation of the definition of needs and priorities? (P)</p> <p>13. How do you inform them in case you want to implement land programmes or activities with villagers? (P)</p> <p>14. What do you do for engaging everybody in your activities? (P)</p>	<p>8. How do you engage villagers in participation of the definition of needs and priorities? How do you organize participation? (P)</p> <p>9. Who is more involved in defining priorities, especially those related to land rights? Can you give examples? (P)</p> <p>10. What are these priorities? Can you give examples? How are villagers involved in the establishment of such priorities? (P)/(N)</p> <p>11. Do locals participate in meetings? Who participates? Are meetings open to everyone? How do you advertise such meetings? (P)</p> <p>12. Do you have any program for educating them in their land rights and other civil rights? (P)/(NI)</p>

		<p>22. Do you have meetings with local leaders discussing land issues? (L)</p> <p>23. Do you get enough information about when and where they take place? (P)</p> <p>24. If you don't participate, who does participate? Do you think people in your village attend these meetings? Why? (P)</p> <p>25. Do you think your leaders take responsibility in protecting land rights? If not, who takes responsibilities? (L)</p> <p>26. Are you afraid of expressing land problems you have in the village meetings? Why are you afraid of claiming for your rights? (P)</p>	<p>15. Who is more involved in defining priorities, especially those related to land rights? (P)</p> <p>16. Can you give examples of land priorities that villagers proposes to be worked upon? (P)/(N)</p> <p>17. Do locals participate in meetings? Are meetings open to everyone? How do you advertise such meetings? Give Examples of meetings concerning land rights and conflict resolution. (P)</p> <p>18. Do you have any program for educating them in their land rights and other civil rights? (P)</p>	<p>13. Do you know about land conflicts? Have they grown? (S)</p> <p>14. What do you think are the causes of these conflicts? (S)</p> <p>21. Are you doing anything to resist/promote investors? (S)</p>
<p><i>Have understandings of land rights changed over time, and particularly in the context of land grabs?</i></p>	<p>to identify if any change concerning land rights over time has happened and what can be the causes and indicators</p> <p>Category/Indicator of:</p> <p>Land transfers (LT)</p> <p>Investors Impact (I)</p> <p>Income (W)</p>	<p>27. Are there investors in the village? When did you know for the first time about them? Who told you about them? What happened? What is happening now? (I)</p> <p>28. What do you think about them? (I)</p> <p>Good. Why? Good</p> <p>Bad. Why?</p> <p>29. What have been investors' consequences for you? (I)</p> <p>30. Are investors contributing to the development of your village? How? (I)</p> <p>31. What influences have rich man in land rights and access to land? (W)</p> <p>32. Is people selling and buying land here? What do you think about it? (LT)</p> <p>33. How somebody's income is affecting land ownership and access to land? (W)</p> <p>34. What are the consequences of this? (W)</p>	<p>19. Do you think land transfers have increased? Since when? Why? (LT)</p> <p>20. What do you think about investors? (I)</p> <p>21. How do investors acquire the land? (I)</p> <p>22. Is there any negative effect on land ownership or access caused about investors? (I)</p> <p>Yes, why? What are those effects?</p> <p>No, can you tell anything good done by them.</p> <p>23. How somebody's income is affecting land ownership and access to land? What are the consequences of this? (W)</p> <p>24. Do you think investors are contributing or improving land rights or are damaging them? How do they do that? (I)</p>	<p>15. Do you think land transfers have increased? Since when? Why? (LT)</p> <p>16. What do you think about investors? (I)</p> <p>17. How do investors acquire the land? (I)</p> <p>18. Is there any negative effect on land ownership or access caused about investors? (I)</p> <p>Yes, why? What are those effects?</p> <p>No, can you tell anything good done by them.</p> <p>19. How somebody's income is affecting land ownership and access to land? What are the consequences of this? (W)</p> <p>20. Do you think investors are contributing or improving land rights or are damaging them? How do they do that? (I)</p>
<p><i>How are factors from the local to the global levels influencing local understandings of rights?</i></p>	<p>to learn about local and global factors that may interact in the change of those rights, with especial reference to local and</p>	<p>36. Can you mention any organization or individual that has informed you about your land rights? (GL)</p> <p>37. What did they train you about? Was this helpful? Why? What has changed for you? (NI)</p> <p>38. What are your opinions about NGOs and their role in protecting land rights? Do you have examples of that? (NI)</p>	<p>26. Have you received training on land rights? Where? With which institution? (GL)</p> <p>27. What did you learned? Was this helpful? Why? What has changed for you? (NI)</p> <p>28. Do you think global land movements are relevant for promoting land rights in Tanzania? (GL)</p> <p>Yes, Why?</p>	<p>23. Can you mention any village or district where you promote programmes for improving land rights awareness? What did you do? Was this helpful? Why? (NI)</p> <p>24. Did you learn something from villagers during such programmes? What? Has this changed your perception of land rights? (GL)/(NI)</p>

	<p>international NGOs and/or CSOs</p> <p>Category/Indicator of:</p> <p>NGOs Impact on LR (NI)</p> <p>Global-Local influences (GL)</p>		<p>No, Why?</p> <p>29. What are your opinions about NGOs and their role in protecting land rights? Do you have examples of that? (NI)</p>	<p>25. How has this help you to know more about the importance of land and land rights? Why do you feel that land is important? (NI)</p> <p>26. Do you have links with other organizations? Which? (GL)</p> <p>27. Do you think global land movements are relevant for promoting land rights in Tanzania? (GL)</p> <p>Yes, Why?</p> <p>No, Why?</p> <p>28. Can you mention any of these movements? (GL)</p> <p>29. Any international NGO or CSO working with land rights? What is good/bad about them? (GL)</p> <p>30. Do they have enough impact? Why? (NI)</p> <p>31. Does this help you in your understanding and the understanding of your organization about land rights? How? (NI)/ (GL)</p>
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Annex 2: Information from a NGOs workshop in Dar-es-Salaam

1. Scale and Pace of land acquisition in the Southern Highlands

Known Cases

	Location	Sector	Investor – Actor (primary/secondary)	Area involved	Impact on community	status
1	Rukwa Region, Mpanda District	Agriculture Biofuel jatropha	Prokon B.V	10.000 ha (not owned by investor)	Contract farming with 2000 smallholders	operational
2	Rukwa + Kigoma Region, Mpanda district	Agriculture Biofuels and other crops	AgriSol Energy plc	Target 325.117 ha. (of 3 “former” refugees camps + part of protected forest reserve)	Triggers relocation of 160.000 Tz naturalized former Burundian refugees	Contract for 13.750 ha, not yet operational
3	Mbeya Region, Mbarali District	Agriculture Rice (biofuel intended but forbidden by President)	Kapunga Rice Plantation, Export Trading group	Target 50.000 ha (former state farm)	Smallholders displaced. Tensions with communities	Operational Contract for 7.800 ha.(of which 1700 farmed by tenant farmers)
4	Mbeya Region, Mbarali district	Agriculture Rice	Highland Estates Limited	5842 ha. (former state farm: Mbarali rice Farm)	Tensions with communities: Water, road access.	Operational. 2500ha subleased to coop groups+smallh olders
5	Mbeya Region, Mbarali district	Nature Conservation Ruhaha National Park	Ministry of Natural Resources and Tourism (TANAPA)	15.000 km ² added to Ruhaha National Park	Eviction of 1600 resi- dents. Too low compensation. Loss of farm & grazing land, fishing, fuelwood & medicine opportunities. Increased crop loss due to wild animals	realized

6	Ruvuma Region, Namtumbo District	Mining Uranium Mkuju River Project	Mantra Tanzania Ltd, Mantra Resources, AtomRedMetZoloto (ARMZ), Uranium One	70-198km ² (1)	Health & environmental hazards feared. Operations start Communities uninformed. CSO forbidden to meet with communities.	
7	Ruvuma region, Songea Rural district, Lipokela village	Agriculture Coffee (irrigated)	AVIV Estate, Olam International	5000 acres (pump from Ruvuma river)	10 households displaced; water shortage expected for communities, casual labor provided.	operational
8	Ruvuma region, Songea Rural district, Lutukira village	Agriculture Food & fuel crops	Lutukira Mixed Farm, Montara Land Co Ltd, Montara Continental, Obtala Resources Limited	19.787 ha	Tensions with communities about procedures followed, alleged bribery, agreed size and compensations	operational
9	Ruvuma Region, Mbinga District	Nature Conservation Liparamba Game Reserve	Ministry of Natural Resources and Tourism	570km ² (57.000ha)	-	Gazetted since 2004
10	Ruvuma Region, Mbinga District	Infrastructure Road construction (from gravel to tar)	Tanroads	Mbinga- Mbamba bay (approx. 60 km)	-	planned
11	Njombe + Ruvuma Regions	Infrastructure Powerline construction Makambako- Songea	Ministry of Energy & Minerals	Length: +/- 250 km	-	planned
12	Njombe Region Mnyolo/Tove	Agriculture Crops (barley, millet) + cattle	Kenyan & Tanzanian investor (name unknown)	1400 ha	Water intake contamination	operational

1 <http://safaritalk.net/topic/7037-dr-rolf-d-baldus-selous-game-reserve-tanzania/>

13	Njombe Region, Ludewa district. (Mchuchuma-Liganga area)	Mining (coal, iron, steel)	Tanzania China International Mineral Resources Ltd (TCIMR), National De-velopment Corporation (NDC), Sichuan Hongda.	unknown	Unknown	Company established, survey realized. Extraction planned 2015.
14	Njombe Region, Ludewa district.	Mining Uranium	2007 Kilimanjaro Mining Company Ltd.	282 Km ² under survey	Unknown	unknown
15	Mbeya Region, Chunya district	Mining Gold	Unknown	Unknown	Unknown	unknown
16	Iringa Region	Agriculture Seed Potatoes, crops, cattle	Mtanga Farm Ltd, VoxtraThirty degrees East, Lion's head Global partners, Calvert foundation, Heir holdings, Tony Elumelu Foundation	2600 ha (of neglected farmland?)	Social impact expected for 150.000 smallholder farmers	operational
17	Iringa Region, Kilolo District, Kidabaga, Magome villages	Carbon Trade, Afforestation	New Forest Company,	10.000 ha	Loss of farm + gra-zing operational land, unclear compensation me- chanism. Improved roads. Tensions with community: borders, compensation.	
18	Iringa region, Mafinga and Mufindi Districts. (Idete, Uchindile, Mapanda, Kitete and Masagati).	Carbon Trade, Afforestation	Green Resources, (+Norwegian public funds)	100.000 ha (in various stage)	Loss of farm & grazing land. Resistance to investor, promises unfulfilled, low employment standards	Operational
19	Several regions (see table below of Tanzania Development Vision 2025)	Agriculture Paddy, sugarcane	SAGCOT identified deals + looks for investors	25 commercial farming deals identified	Unknown	Investors sought for

<http://www.wildlife.go.tz/page.php%3Fid=25.html>

1 25 commercial farming deals for paddy and sugar have been identified

Pilot sites

Districts identified for commercial paddy and sugarcane

- Kagera H Mara
- A Mwanza Anusha
- Shinyanga Kilimanjaro
- C Kigoma Manyara
- B Tabora Tanganyika
- D Dodoma I Zanzibar
- Ruvuma Singida F Dar Es Salaam
- Mbeya Iringa Morogoro J Salaam
- D K Lindi Pwani
- E Ruruma G Mitwara

District	Site No	Site	Crop	Land size of nucleus farm	Land size of smallholder
A Karagwe	1	Kiengule	Sugarcane	16 000	2 000
B Kasulu	2	Kasulu	Sugarcane	20 000	2 000
C Kibondo	3	Kumsenga/Kbwia	Sugarcane	20 000	5 000
D Kilombero	4	Kiberege	Sugarcane	20 000	10 000
	5	Kinjira	Paddy	5 200	6 000
	6	Mpanga-Ngalimila	Paddy	5 128	16 203
	7	Ruipa	Sugarcane	13 000	6 500
E Ludewa	8	Kisigese	Paddy	10 000	15 188
	9	Manda	Sugarcane	20 000	5 000
F Morogoro	10	Kusaki	Sugarcane	20 000	10 000
	11	Mwizi	Sugarcane	50 000	25 000
	12	Mvua	Sugarcane	20 000	10 000
Bagamoyo	13	Bagamoyo	Sugarcane	22 000	4 000
G Mtwara	14	Mhurungu	Sugarcane	3 000	2 000
H Musoma	15	Ikongu	Sugarcane	12 000	3 000
I Pangani	16	Pangani	Sugarcane	3 200	1 200
J Rufiji	17	Luhulo	Paddy	6 000	4 000
	18	Mkongu	Sugarcane	22 000	7 000
	19	Muhoro	Sugarcane	20 000	16 000
	20	Rufiji Delta	Paddy	5 000	13 500
K Ulanga	21	Taw/Ukunge	Sugarcane	20 000	5 000
	22	Itete	Paddy	10 000	30 000
	23	Kilosa kwa mpepo	Paddy	5 000	16 000
	24	Misogese	Paddy	5 000	15 000
	25	Ngoheanga	Paddy	6 000	15 000

1 Bagamoyo site is a deal about to close after we finalize signing of agreements

