



Land Grabbing and Political Transformation in Tanzania

By: Fred Nelson, Emmanuel Sulle and Edward Lekaita

Paper presented at the International Conference on

Global Land

Grabbing II

October 17-19, 2012

Organized by the Land Deals Politics Initiative (LDPI) and hosted by the Department of Development Sociology at Cornell University, Ithaca, NY.

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Abstract

Like many of its neighbors, Tanzania is experiencing a well-documented surge of land grabbing related to investments in industries such as agriculture, biofuels, tourism, hunting, and forestry. Land grabbing in Tanzania is best understood and analyzed as both a symptom of and contributor towards wider political economic processes of change occurring in Tanzania. These changes involve the collapse of single-party hegemony of the ruling party and affiliated elites, the increasing influence of civil society and media organs, and a more open and participatory public political and policy discourse. This paper attempts to contextualize land grabbing within these contemporary macro-political transformations, and to examine how these shifts are shaping land grabs at a variety of local and regional scales with their diverse causes and drivers. The case studies demonstrate the way that new pluralist dynamics in Tanzania are creating new opportunities for local mobilization and resistance and greater agency for influencing the outcome of land disputes.

Introduction

As throughout much of sub-Saharan Africa, land grabbing has risen to the forefront of social and political discourse in Tanzania in recent years. Although Tanzania is considered to be one of the countries in Africa that has instituted among the more progressive land tenure reforms during the past two decades (in Tanzania, this comprises the 1999 Land Act and 1999 Village Land Act) by providing legal recognition of customary rights and collective group land rights (Alden Wily 2011), there is nevertheless a growing sense of pervasive land grabs encroaching on local rights, marginalizing rural farmers and pastoralists who depend on land, water and other natural resources, and further concentrating wealth and assets in the hands of political and economic elites. Land grabbing is a focus of Tanzania's increasingly vibrant social discourse and pluralist political arena, including in an ongoing constitutional review process.

In this paper, we provide an overview of some of the main themes and characteristics of land grabbing in contemporary Tanzania, drawing on a number of case studies that we have first-hand involvement with as researchers or as community-level facilitators or activists. We also draw more extensively on other published reports on land grabbing, media reports and commentary, and political discourse such as parliamentary debates.

Our aim is to examine the diverse forms and drivers of land grabbing in Tanzania today in a political economic sense, by highlighting the very different dynamics involved in different types of land acquisitions and investments. In all cases, we seek to relate these dynamics to the wider political economic context of the contemporary Tanzanian state, and to situate debates over land grabbing with

wider questions about representation, accountability, and governmental legitimacy. The issue of land grabbing is at once a part and parcel of these wider social and political struggles over citizenship, governance, and economic policy, and discourse around land grabbing is a prominent issue being used in public debates to challenge existing political and power relations in Tanzanian society. Land grabbing is, in other words, both shaped by the existing political-economic order and being used to challenge and ultimately overhaul that order.

Prior to presenting our local case studies, we provide an overview of land tenure policies, reforms, and land grabbing dynamics during the entire post-independence period in Tanzania. This brief historic overview is useful for understanding the nature of the current shifts in Tanzania's political landscape and how land tenure concerns have interacted with the country's broader political-economic patterns over a longer period of time.

Land Grabbing in Tanzania from Past to Present

In understanding the internal dynamics and political economy of land grabbing in Tanzania today, it is helpful to situate the current debates over land rights and acquisition within a longer post-independence history of these issues, albeit a cursory one. It may be particularly useful to point out that land grabbing has, if anything, been more extensive and uncontrolled in the recent past than it is today, with those past dynamics shaping recent reforms and the present status of local community rights in critical ways. Communities' and civil society organizations' past experiences with land grabbing also shape their responses to conditions today, by building up a store of knowledge and experience that can be deployed in the face of contemporary challenges. Many land-grabbing cases today take place against this much longer record of expropriation and resistance.

From Socialism to Liberalization

During Tanzania's formative post-independence socialist period under Julius Nyerere, running approximately from the 1967 Arusha Declaration to Nyerere's ceding of power in 1984, which coincided with the negotiation and eventual agreement of structural adjustment reforms with the IMF, national policies discouraged foreign investment and private accumulation. The government's leadership code prohibited the involvement in private enterprise on the part of government officials and senior party leaders, and even if this code was often unenforceable it nevertheless did serve some function in segregating the public and private sectors (Coulson 1982).

Whatever land grabbing took place was more a product of 'grabs' by the state of private property i.e. nationalization of sisal plantations and other settler or other capitalist assets in an effort to bring agricultural production and economic controls more in line with prevailing socialist ideologies. Many properties were allocated to parastatal organs such as the National Agriculture and Food Corporation (NAFCO)

or National Ranching Corporation (NARCO), among many others established for particular crops or products (e.g. coffee, cotton, sisal, cashews etc).

In addition to concentrating extensive valuable agricultural lands and other real estate in the hands of state, the socialist period was characterized by a general centralization of authority including over land. In addition to nationalization of certain agricultural properties, the government upgraded the status of numerous national parks and game reserves, effectively expanding direct state control over a vastly larger conservation estate than what existed at the time of independence, on a vastly larger scale than the 'green grabs' taking place in Tanzania today (cf. Benjaminsen and Bryceson 2012).

Shivji (1998) also highlights how the collectivist villagization of the mid 1970s, which involved the voluntary or forced relocation of up to five million rural citizens, was carried out without reference to existing customary rights to lands as recognized by existing statute. As a result, considerable confusion was sown as people's locations and territories were reconfigured, without accompanying re-allocation of rights over lands.

While large-scale private accumulation was generally discouraged during the socialist period, there were some apparent outliers where the state allocated large areas to private individuals or 'investors'. Perhaps the most notorious of these was the so-called 'Steyn Lease' of northern Tanzania's Monduli District (in present-day Monduli and Simanjiro Districts), which in 1979 gave one individual farmer (a foreigner by the name of Steyn) title to 379,000 acres of land along the eastern border of Tarangire National Park (Shivji 1998). This land encompassed the traditional grazing territories of a number of Maasai villages, whose land and water sources had already been enclosed to some degree by Tarangire, and has created enduring challenges for those communities' territorial claims to this day, even after the land was long-since abandoned.

Tanzania's economic collapse in the late 1970s and early 1980s led to the eventual abandonment of socialist economic policies, accompanied by Nyerere's own ceding of political power, and the gradual opening up of the economy and, subsequently, the political environment. In many ways, 30 years down the line, Tanzania is still somewhere within this economic and political transition, although the destination or ultimate vision for reform is no longer clear. If anything, the post-liberalization period has been characterized by the gradual dissipation of any clear social or economic sentiment of unifying policy principles or vision, as the exercise of public authority has increasingly been fused with the private interests of national political elites (Kelsall 2002; Cooksey and Kelsall 2011).

The transition to more liberalized and capitalist-oriented economic policies after 1985 under President Ali Hassan Mwinyi (1985-1995) had profound implications for land tenure and ownership, setting off the first, and to this day probably the most significant, period of land grabbing in the post-independence era. Several changes worked in concert to encourage large-scale alienation of local communities'

and smallholders' lands at this time. Private investment and property rights began to be encouraged, including promotion of foreign investment in line with doctrinaire structural adjustment policies. The leadership code was rescinded, removing constraints, both legal and normative, on public officials' engagement in private business. In addition, during this time the divestiture of state assets, including the land holdings of various insolvent parastatals, began in earnest, although as with many other processes began at this time, this process continues to this day (Chachage and Mbunda 2009). Kelsall (2002) describes the general political economic shifts that took place in this post-liberalization period under the Mwinzi administration, highlighting the way private interests and public office began to be more interconnected in the development of both private elite accumulation and patronage-based politics:

Generally speaking, economic liberalisation increased the desire and ability of members of the political elite to enrich themselves...lucrative areas were to be found in land grabbing, urban real estate, and the exploitation of tax loopholes. Divestiture of parastatals also introduced a spoils character into Tanzanian politics, as politicians positioned themselves to receive kickbacks or to become part-owners of the newly privatised companies.

In addition to elite capture of former state properties, land-grabbing at this time focused on rural areas, particularly those lands with agricultural or other notable economic potential, such as lands in the north valued for wildlife tourism (Shivji 1998). For example, Igoe and Brockington (1999) document the rampant loss of land in predominantly pastoralist Simanjiro District, either through expansion of state or elite land claims in community areas, or through the sale of community lands by village leadership operating without sufficient checks and balances on their authority to sell their community's land. Numerous land tenure conflicts in pastoralist areas of northern Tanzania, where much land was grabbed for either agriculture or tourism in the late 1980s and early 1990s, persist to this day as a legacy of fraudulently acquired titles from that period (e.g. Ngoitiko et al. 2010).

From Crisis to Reform: the 1990s

Similar circumstances in the free-for-all of the immediate post-structural adjustment era across much of the country led to popular outcry and the formation of a Presidential Commission of Enquiry on Land Matters (aka 'Shivji Commission') in 1991-1992. The Shivji Commission compiled an exhaustive documentary report and analysis- to this day it remains the signature reference on land law and history in the country- which in turn provided the key input to the national land policy reform process. Sundet (1997) documents that policy reform process, and the national land campaign that emerged, led by a diverse coalition of civil society organizations and activists, to challenge state interpretations of the land reform process. This campaign, in turn, emerged against the early backdrop of the

liberalization of Tanzania's political environment, most notably reforms enabling non-state media organs (1988), non-governmental organizations and associations, and multiple political parties (1992), as a prelude to the first multi-party election since the 1960s, which took place in 1995.

The National Land Forum was one of the first major civil society efforts at influencing state policy and legislation (namely, the 1995/97 National Land Policy and the 1999 Land Act and Village Land Acts), and was thus historically of considerable significance in terms of the evolution of civil society and popular (re)engagement in government policy-making (Sundet 1997; Shivji 1999). The Land Act and Village Land Act, and particularly the latter with regards to community and customary tenure, while falling short of the Shivji Commission and the National Land Forum's recommendations, did institute a range of critical reforms. In particular, the Acts elevated the oversight role of the Village Assembly in land management decisions made by the Village Council, gave Village Councils clear management rights over a new tenure category of 'Village Lands', and made customary rights legally equivalent to granted rights to land (Alden Wily 2003). While numerous tenure conflicts and challenges have continued, there is little question that the events of the 1990s- including the Shivji Commission's findings, the national civil society mobilization around land policy reform, and the reforms of the Village Land Act- all served to slow the earlier pace of land-grabbing, by making it more difficult for elites to summarily acquire lands and more difficult for corrupt local leaders to allocate them. As has been demonstrated in a number of comparative analyses over the past decade, Tanzania's legal framework for community level land tenure, particularly with respect to common property forests, woodlands and rangelands, is among the more progressive in Africa (Alden Wily 2011). It is also notable that despite the concerns about land-grabbing at present, Tanzania is not amongst the African countries where the largest areas of land have been allocated or acquired in recent years (cf. Deininger et al. 2011; Schoneveld 2011).¹

Land Grabbing Under the Fourth Phase Government

Since around 2005, land grabbing issues have returned to central prominence in Tanzania's social and political discourse. Two distinct phases within this period are discernable. In the first phase, from around 2005 to 2008, interest in establishing large-scale biofuels plantations in Tanzania surged, particularly around the 'miracle crop' of jatropha. Up to four million hectares of land were requested for biofuels, mostly jatropha as well as some large sugarcane schemes in river basins along the coast, although a much smaller area, around 640,000 ha, were actually allocated to investors (Sulle and Nelson 2009). Most of the investment in biofuels was driven by European companies, including some with their own government financing or public ownership, and most production targeted European export markets. Similar

investments were spreading across much of sub-Saharan Africa at this time (Cotula and Vermeulen 2008).

Most of Tanzania's large-scale biofuel investments have since collapsed due to a number of factors, including the global financial crisis that set in during the course of 2008 and subsequent loss of cheap credit and other forms of financing for many of these projects, as well as the disappointing performance of jatropha in a number of the trial plantations (Sulle and Nelson 2012). In retrospect, the biofuel investment boom of 2005-2008 looks like a highly speculative frenzy of poorly researched investment, with investors in the sector often lacking clear business plans, adequate financing, or agronomic expertise in the East African context. The jatropha boom in Tanzania has for the most part ended before it ever really began (Sulle and Nelson 2012).

While enthusiasm for European biofuel investments has waned, public concern around land grabbing has continued to grow, particularly since 2009. To a large degree, the increased prominence of land grabbing in the public discourse is a function of wider political reconfigurations occurring in Tanzania, mainly in the lead up to and following the 2010 general election. While this election saw the comfortable re-election of President Jakaya Kikwete, the election was a marked departure from the prior monopolization on power of the ruling CCM² party. The opposition, led by the CHADEMA³ party, provided strong competition, increasing its representation in mainland Tanzania from 11 parliamentary seats in 2005 to 48 seats in 2010. This included CHADEMA victories in many of the most populous urban parliamentary constituencies around the country, including Dar es Salaam, Mwanza, Arusha, Moshi, Iringa, Kigoma and Musoma. CHADEMA has campaigned since Kikwete's first term against ruling party corruption and mismanagement, and its positions have particularly resonated with youth in urban areas where, as in many African countries, unemployment and disaffection is widespread.

CHADEMA's rise during the 2010 campaign was also driven to a significant degree by a string of major corruption scandals during President Kikwete's first term, most of which revolve around public officials' misuse of public resources, ranging from corruption in awarding of public contracts to improper uses of public accounts. Cooksey and Kelsall (2011) provide a useful summary of these dynamics:

The undervaluation of public assets during privatization, for example, has come in for widespread comment. For example, in 2005, the Kiwira Coal Mine was sold in a non-transparent manner to TANPOWER Resources, a company owned by former President Benjamin Mkapa, Minister of Energy and Minerals Daniel Yona and their close family members. Similar stories can be told concerning the undervaluation of land for agriculture, livestock or urban development. Senior government officials obtain land free or at

² *Chama cha Mapinduzi*, or 'Party of the Revolution'.

³ *Chama cha Demokrasia*, or 'Party of Democracy'.

below-market prices, and land owned by public agencies is sold for private development in exchange for kickbacks.

While such private capture of state resources by the political and party elites has been a central part of governance and patronage politics in Tanzania since the onset of the liberalization period in the mid-1980s, three things stood out about the corruption scandals during the first term of the fourth phase government. Firstly, the scale of embezzlement and misuse of public resources seemed to be on a much larger scale. This, in turn, was generally felt to be a function of some of President Kikwete's political allies and the rise of a younger generation to power within CCM who felt little constraint in the use of public office and state resources for private gain (Cooksey and Kelsall 2011). The second notable aspect about the corruption scandals is not that they were happening but that they were being publicly exposed. This was a function of the growing influence and independence of Tanzanian media bodies and civil society organizations, as well as links between the media and opposition politicians who were increasingly active in exposing corruption.

A final important dynamic involved was the role of internal divisions within the CCM ruling party, which has been critical to reshaping Tanzania's political environment and public discourse around land and other issues. The internal CCM nomination process in 2005, which led to Kikwete standing for the presidency, and subsequent political (re)alignments led to fissures within the ruling party. These fissures, which often revolve around debates over corruption, use of public resources, and the direction of economic policy, as well as various personalized coalitions and allegiances, have been central to the exposure of large-scale corruption during the Kikwete administration. The most significant of these was the so-called Richmond scandal, involving the leasing of emergency generators during a national power crisis in 2006. A subsequent parliamentary inquiry, chaired and authored by ruling CCM party members, was highly critical of officials including the Minister for Energy and the Prime Minister, Edward Lowassa, who was one of Kikwete's key allies and a highly polarizing figure (Cooksey and Kelsall 2011). The Richmond inquiry, when it was made public in 2008, prompted Lowassa's resignation and the dissolution of Cabinet, leading to a major political reshuffling which is still reverberating through Tanzanian politics to this day.

Tanzania's political arena is therefore in a continued period of reconfiguration and change in ways that have profound implications for political competition and constituent accountability. CCM retains control over the executive, but its monopoly on power is now much reduced following the opposition gains in the 2010 election and real possibility of even more sweeping electoral shifts in 2015. The ruling party itself is undergoing a very public identity crisis and leadership struggle, with much speculation over its possible fragmenting or the decamping of key figures to the opposition. Ultimately, as has occurred in neighboring countries, it seems inevitable that the CCM will lose its monopoly on executive power and parliamentary majority, shifting Tanzania permanently into an era of genuine political pluralist competition. This is not to suggest that such electoral competition will solve Tanzania's many

social and economic problems, or the major challenge of institutionalized corruption, but it does introduce a different dynamic to policy making and the accountability of elected officials than prevailed for decades under CCM's de facto single party state. Among the most notable changes of the past five years is a vastly more open public discourse around the use of resources, corruption, and policy decisions; much stronger challenges from civil society, media, and opposition politicians to state policy decisions and choices; and greater public access to key policy processes, including the ongoing constitutional reform process.

It is against this backdrop of political transformation that the current land-grabbing debate in Tanzania now takes place. Land-grabbing, with its links to corruption, preferential appropriation of public assets by state officials, and leading politicians' and ruling party financial interests, has been taken up as a central issue in public debates over governance and transparency. For example, last year MPs from both ruling party and opposition threatened to withhold approval of the Ministry of Land's budget over the issue of land grabbing by public officials (Liganga 2011). The opposition has continued to voice concern within parliamentary debates about the status of various privatized and divested former parastatal properties. Civil society and media organs are increasingly able to inform and influence these debates by providing details on land conflicts and the acquisition of parcels, as well as suggesting policy measures that are taken up by both opposition and ruling party politicians. For example, a particularly influential report has been one carried out under the auspices of the Land Rights Research and Resources Institute (LARRI/Hakiardhi), by Chachage and Mbunda (2009), which examined the status of former parastatal ranches and agricultural lands belonging to NARCO and NAFCO. This report traced the involvement of various local and national political and ruling party elites in the ownership structures of these divested properties, providing considerable evidence to inform parliamentary debates over the status and use of these properties.

Local Case Studies: Variable Political Economies of Land Grabbing

Having described the overarching political-economic setting in Tanzania, including the ongoing changes in this environment, we now turn to several notable case examples involving land acquisition, or land tenure conflict, set in different parts of the country. These cases highlight the diversity in the root causes and drivers of land grabs in Tanzania, and their link to the wider political dynamics in the country.

Large-scale land acquisition for biofuel plantations

As noted earlier, biofuels investments surged in Tanzania during the period of roughly 2005-2008, becoming one of the foremost sources of large-scale land acquisition at that time. Most of these land acquisitions for biofuels were developed by European companies, during a time of booming oil prices, easily available financing for speculative projects, and increasing demand for biofuels in Europe due

to European Union policy requirements on alternative energy supplies (Cotula and Vermeulen 2008).

By 2009, an estimated four million hectares had been requested from the Tanzanian government, through the Tanzania Investment Centre, for biofuels projects, with about 640,000 ha having been formally allocated (Sulle and Nelson 2009). The allocation of these areas for biofuels prompted widespread concern amongst the media and civil society in Tanzania about land grabs resulting from these biofuels investments. Particular concern was expressed with regards to the previously unknown crop, jatropha, which was a focus of most biofuel investments. The concerns revolved around a familiar set of issues shared with biofuels investments across Africa: displacement of food production by biofuel crops used for export markets; alienation from resident people of communal lands which provide the basis for rural livelihoods; loss of forest and other native vegetation, including portions of Tanzania's highly biodiverse coastal forests; and increased water abstraction by large-scale plantations.

The international market and political-economic forces driving biofuels investments in Tanzania and other African countries have been well-elaborated (e.g. Cotula and Vermeulen 2008), as has the scale of biofuel investments in Africa as a proportion of overall land acquisitions over the past decade (Anseeuw et al. 2011). The impacts of biofuel investments at the local scale have also been well-documented through a range of studies carried out since 2008 within Tanzania (Kamanga 2008; Gordon-Maclean et al. 2008; Sulle and Nelson 2009). With respect to the land acquisition process, Sulle and Nelson (2009) highlight the tenure implications of large-scale foreign-owned biofuel investments at the local scale by examining the process of land leases and compensation of local people in detail. Their study makes several basic points about the tenure implications arising from these biofuel investments:

- Rural communities in Tanzania exercise customary rights over their land which is categorized as Village Land and under the management of locally elected Village Councils and constituent Village Assemblies. For a foreign company to acquire land, those customary rights must be extinguished (foreigners cannot own or lease Village Land), which occurs through the transfer of Village Land to 'General Land', for which a derivative right can be issued by the Tanzanian government. The transfer of land from Village to General categories can only be done by Presidential assent, and compensation must legally be agreed to and paid prior to the transfer. Should the investment fail, the land, once transferred to General Land, will not revert to Village Land, because the customary rights that the communities have in Village Land have been formally extinguished. As a result, when foreign companies acquire land for investment purposes, *local communities' rights are permanently lost, even though the land may not be used by the investor as planned*. As such, the local communities have been put in a position by this land acquisition process whereby they bear the bulk of the risks associated with these speculative commercial investments, in that they are the ones

who permanently lose their key livelihood assets (land) without countervailing developmental benefits should the investments fail.

- Most of the land acquired for biofuels comprises local common property resources, which in coastal areas usually comprises forests and woodlands. Compensation has generally been paid only for ‘unexhausted improvements’ to the land such as buildings or introduced plants or produce (e.g. trees planted), not for the opportunity costs born by local communities in terms of lost access to natural resources such as timber and other forest products (honey, wild foods, building materials, fuelwood etc). These products are of great value in both subsistence and commercial terms in these parts of southern coastal Tanzania.

More recently, attention has shifted to the fact that many of the most high-profile European-led biofuel investments have, over the past several years, either collapsed or been sold (Sulle and Nelson 2012). This is the case for the three largest biofuel investments planned or initiated in southern coastal Tanzania as of 2008, as follows:

- Bioshape, a Dutch company which acquired about 34,000 ha of coastal woodland and forest in four villages of Kilwa District for a jatropha plantation. The villages agreed to grant their land to Bioshape for the project, and were initially enthusiastic about the employment and other benefit possibilities of the project, although it subsequently became clear that the communities did not understand the legal implications of transferring their land to the company, namely the implications of permanently extinguishing local customary rights over Village Land when agreeing to transfer the land to the investor. Only a small area was cleared and planted for jatropha, although a larger area of timber on the acquired land was harvested, which appears to have been the main commercial activity that ended up taking place on the property. By 2011, due to a range of factors, Bioshape Tanzania filed for bankruptcy and its assets were advertised for sale. Local staff in Tanzania filed legal claims for unpaid wages, while local communities gradually realized that they had permanently lost their land, which now could be sold to a third-party without their authorization or involvement. The communities are currently exploring ways to challenge the entire land acquisition process, either through legal or explicitly political channels, to recover their land.
- SEKAB, a Swedish company involved in sugarcane production for bioethanol, which had acquired one 22,000 ha property along the coast and was negotiating for a larger area of several hundred thousand hectares with a number of villages in the Rufiji Delta area. SEKAB effectively lost their project financing and the support for the project of the local municipal governments in Sweden which owned part of the company, and also lost financing support from Swedish overseas development authorities (Sulle and Nelson 2012). The project collapsed, although unlike in the case of Bioshape, at least in Rufiji District it appears that the process of transferring land to the company had not been completed by the time of the project’s collapse.

- Sun Biofuels, a British company with a 8,211 ha jatropha project in Kisarawe District, on the central coast near Dar es Salaam, also had collapsed by 2011 and was being sold to unknown third-parties, according to media reports (Carrington 2011).

As far as large-scale biofuels investments in Tanzania are concerned, it is fair to say that the bloom is off the rose at this point in time; the demand for land for jatropha, notably, has essentially evaporated, due to problems with production (attributed variously to water, soil, or disease conditions in coastal East Africa), the loss of cheap financing for highly speculative investments which was available prior to 2008, jatropha's low productivity and at least some policy-level reflection on the negative social and environmental implications of the deals that were being made during the 2005-2008 period.

In terms of contributing to an understanding of the political economy of land deals in Tanzania, several common aspects of these large-scale biofuel investments should be highlighted. First, these deals were generally developed with due accord to Tanzania's legal framework, and there is no evidence that has been brought forward of corruption being involved, or even of 'secret' local Tanzanian business partners playing a key role as is the case in many foreign business dealings. In general, these deals were initially developed during a phase of widespread enthusiasm on the part of European companies for biofuels projects, with a genuine belief in the array of social, economic and environmental (in terms of reducing carbon emissions) benefits that these projects could provide in rural Tanzania.

Tanzanian policy makers, by all accounts, were similarly enamored by the jatropha and biofuels hype and prospects for large-scale inflows of foreign exchange based on new forms of mechanized agriculture into remote rural areas. President Kikwete openly promoted some of the European projects in the coastal zone on this basis, effectively adhering to the prevalent post-liberalization Tanzanian development narrative which emphasizes foreign capital and modernized agricultural production, a narrative which has been particularly strong during the Fourth Phase government. As such, while there have been a wide range of problems with respect to local livelihoods, environmental factors, and community land rights, as detailed in various studies (e.g. Sulle and Nelson 2009; 2012), the interests of leading Tanzanian policy makers and political elites in biofuels have been, it seems, for the most part limited to the 'public' realm and have not involved strong personal stakes in these investments. The costs and benefits, and distribution of risks, inherent to these projects seem to have been poorly understood and evaluated, but this appears to be a failure of technical policy analysis and, to be fair, few observers at the time appreciated how short-lived the biofuels boom in Tanzania would be, or anticipated the global economic collapse that would play a significant role in ending it. Tanzanian policy makers have also responded, fairly slowly but with some measures designed to address concerns raised along the way, including placing a moratorium on new lands allocated for biofuels in 2008, and issuing new guidelines that place a ceiling of 20,000 ha on biofuel developments. The guidelines further limit the

maximum duration of land leased for biofuels development to 25 years, with the extension of such leases based on the performance of the projects permitted.

Village land rights and state interests in wildlife in northern Tanzania

Along with the biofuels investments along the coast, perhaps the most internationally well-publicized land tenure conflict of recent years is one that pits seven local Maasai pastoralist villages in the Loliondo area of northern Tanzania against a foreign recreational hunting company and its allies in government. This company, known as Ortello Business Corporation (OBC), represents a senior official in the military of the United Arab Emirates based in Dubai, who acquired the right to hunt wildlife in Loliondo from the Tanzanian government in 1992, during the administration of Ali Hassan Mwinyi. The land tenure conflict in Loliondo in fact dates to that time- it was dubbed 'Loliondogate' in the Tanzanian media in the early 1990s and the story was picked up by *The New York Times*, among others (Honey 2008). The case has been exhaustively described in both popular and academic media (see e.g. Honey 2008; TNRF and Maliasili Initiatives 2011; Gardner 2012) and has also been one of the most prominent land scandals discussed within Tanzania during the past three years.

The basic facts of the conflict, going back to its origins two decades ago, are framed as follows:

- Large areas of Tanzanian community land (Village Land) adjacent to wildlife protected areas, which often also contain large numbers of animals, are leased out by the Ministry of Natural Resources and Tourism as trophy hunting concessions, and have been since the 1980s when hunting was opened up to private operators after formerly being controlled by a parastatal corporation. Community-level approval is not sought or required for approval of these concessions on community lands.
- While there is often some ambiguity about the borders and extent of Village Lands, in Loliondo all the villages involved in the conflict with OBC obtained title deeds with the assistance of several church-based or pastoralist development NGOs in the early 1990s. The original 'Loliondogate' scandal was thus driven by a number of factors, including that the communities whose land was allocated for hunting already possessed clear land rights but were not consulted; that those same communities had a long history of land loss and resistance, due mainly to their historic displacement from the adjacent Serengeti National Park; and the foreign perceptions and prejudices associated with allocating hunting rights to an 'Arab' operator in Maasailand.
- Despite this initial controversy in the early and mid-1990s, the reality was that OBC was not and never has been allocated *land* by the government, but simply the right to carry out recreational (trophy) hunting in Loliondo. Nevertheless, permanent dwellings and an airstrip have been constructed,

although in the absence of any clear authorization under land law for doing so on the part of the investor.

By the late 1990s, the conflict with OBC had cooled down to an uneasy co-existence, partly due to OBC perhaps gradually realizing that the land it had been allocated by the government for hunting had a large number of local residents and claimants who were, in fact, extremely well mobilized and informed by their history of land conflicts and advocacy (Ngoitiko et al. 2010). OBC was only using the area for a few weeks every year- essentially for short but luxurious hunting holidays in one of the most scenic areas of East Africa, and there was plenty of wildlife, so OBC generally withdrew to merely discouraging the presence of other tourism companies during the time when they were hunting at their camp. Those other tourism companies- engaged in photographic tourism, not hunting- had become a presence in Loliondo during the late 1990s, seeking out more 'wild' areas within the wider Serengeti ecosystem than the increasingly crowded national park itself, and valuing the exclusivity of access that could be secured through direct contractual agreements with Village Council for use of Village Lands (Nelson 2004). These tourism ventures became an important source of revenue for the communities; as Gardner (2012) points out, the issue inherent to land grabbing conflict in Loliondo is not so much related to market capital or commodification of local resources itself, but how those market relationships are governed and structured. In essence, OBC's presence depended on its relationship with the state, and the state's claims over the local communities' lands and resources, which inevitably generated local resistance. The other tourism companies, by contrast, used the area according to the villages' own land claims and direct relationships with those communities; as a result the tourism companies were embraced locally but eventually the state attempted to prohibit or regulate these ventures (Nelson 2004; Ngoitiko et al 2010; Gardner 2012).

In 2009 this long state of uneasy overlapping claims exploded into violence, thrusting the Loliondo conflict back into the national and international media spotlight (e.g. Renton 2010; Hammer 2011). The Tanzanian Field Force unit, a paramilitary internal security unit, carried out a forced relocation of up to 300 households from the Maasai communities, essentially attempting to carve out a wide livestock-free zone around the OBC hunting concession. The relocation was seemingly brought on by increasing numbers of livestock in the Loliondo area along the border with Serengeti National Park; this in turn was partly due to 2009 being one of the worst droughts in recent years in northern Tanzania and Kenya. State officials justified the eviction through a range of explanations, including that the land had been given by the government to a valuable private investment and that local people had 'invaded', or, in the case of the Minister of Natural Resources and Tourism, claiming that those evicted had not been Tanzanians but were in fact Kenyan herders who had no rights to utilize the area. The Loliondo parliamentary representative, among many others, rebutted these claims, which ignored the empirical reality that the communities in Loliondo had clear rights to these lands under the Village Land Act, including past title deeds as well as other documentation.

The eviction caused extensive reported property damage, including the loss of an estimated tens of thousands of livestock, internal displacement of hundreds of individuals, and several reports of assault, including sexual assault, during the forced eviction (FEMACT 2009). Although the reaction was somewhat delayed, Tanzania's media organs, national civil society bodies, and eventually parliamentary representatives took up the case as a major national scandal in a way that had never previously occurred with regards to Maasai communities' land claims.⁴

Ultimately the 2009 evictions in Loliondo, it can fairly be said, turned into a major public relations disaster for both the Tanzanian government and OBC, in part because the eviction was carried out without any clear legal basis, in a context where local communities were well aware of their land rights and means to defend those, including through mass mobilization. Following the evictions the government attempted to consolidate a new land use system for the area by establishing a 'corridor' based on the new 2009 Wildlife Conservation Act, which provided for such areas in key wildlife ranges. This land use plan was however rejected by the villages and by the Ngorongoro District Council, despite strong pressure from higher levels of government seeking to protect OBC's zone of operations. In one notable episode during the communities' resistance to state land use planning proposals, Maasai women in Loliondo marched en masse to the district headquarter to turn in their CCM party membership cards, and indeed the opposition party CHADEMA made significant in-roads in Loliondo, historically a CCM stronghold as with all other Tanzanian Maasai localities, prior to the 2010 election.

To this day, the formal land use and land tenure arrangements that govern the area are the same as prior to the 2009 eviction, with no formal statutory restrictions on community land use or exercise of their traditional rights within their Village Lands. OBC, perhaps observing all of the negative publicity the case has attracted (e.g. Ihucha 2010) as well as the significantly weakened national standing of CCM following the 2010 elections, has shifted over the past two years to an outward effort to reach a peaceful accommodation with the communities in Loliondo- essentially a return to the prevailing status quo prior to 2009.

The central factor in all of these developments, and this now two-decades-long tenure conflict, is the relationship between OBC and the state, or rather the overlapping realms of the state, ruling party, and individual political figures. The state has steadfastly supported OBC's presence in Loliondo, despite years of local

⁴ Maasai and other pastoralist communities have a long history of land tenure conflicts with the state, which have been widely studied and documented, but in the past these issues have tended to get more attention from international scholars and activists than from those within Tanzania. Pastoralists are decidedly outside the political and social mainstream in Tanzania, although their livestock supply the vast majority of the nation's beef and milk and their lands adjoin or contain the main wildlife tourism areas, which generate one of the country's most important sources of income and employment. The reported human rights abuses, and the seemingly unjustified nature of the 2009 evictions in the first place, seem to have generated a previously absent level of public solidarity with the affected Maasai communities and pushed pastoralist land rights issues into the national mainstream.

resistance. Two basic arguments which relate to Tanzania's overall national or public developmental interests have been put forth by the government during this time. Firstly, that OBC is a major investor in the country, in a revenue-generating or developmental sense. Secondly, that the Loliondo area is critical for the Serengeti wildebeest migration and other wildlife, with the exclusion of local communities and their livestock justified on those grounds (this argument was put forth in justification of the 'corridor' most recently).

Neither of those two justifications for the state's support of OBC stands up to scrutiny. As an investor, OBC's own representative has stated that hunting fees paid annually to the government (central and district) amount to about \$819,000; this may sound like a significant investment, except when compared with Loliondo's considerable market potential for non-consumptive tourism, which has been largely precluded from developing at scale in Loliondo because of recurrent conflicts with OBC over the years (see TNRF and Maliasili Initiatives 2011 for details on these comparative land valuations). It should be noted that in 1992, when the concession was first granted to OBC, tourism levels were much lower and the revenue-generating potential of an area such as Loliondo would have been lower than the fees OBC was likely willing to offer. Since then, though, tourism revenues nationally have increased from around \$60 million to over \$1 billion annually, and demand for tourism access in prime areas such as Loliondo, as in neighboring Serengeti National Park, has boomed. Similarly, the fees paid by OBC- voluntarily, it should be noted- to the villages in which it operates have over the years been considerably less than what villages have earned from agreements with tourism companies.

As to the environmental and conservation motivations, Maasai pastoralist land uses in Loliondo, as throughout much of East African Maasailand, have historically had no negative impact on wildlife according to the best available data (see Nelson 2012 for a review). Some studies have even recorded higher numbers of large mammals on the Loliondo side of the boundary with Serengeti National Park than inside the protected area.

It is thus difficult to reconcile the state's strong support for OBC, particularly given the fall-out after the 2009 eviction, with recourse to consideration of formal public policy interests relating to development and conservation. Broader, informal relationships involving political elites are widely rumored and speculated upon, but no formal public or otherwise documented knowledge of these exists (Renton 2010). What is however clear is that OBC is not a normal 'investor'- in fact is not really an investor at all, as it is not engaged in commercial activities but has interests in Tanzania that are primarily recreational in nature- and because of the position of OBC's UAE owners, the relationship with the Tanzanian government includes wider diplomatic and foreign relations elements than would be the case with a more conventional private company. It seems highly likely that a suite of broader personal ties and state interests account for the strong incentives on the part of Tanzania's political leadership to pursue land use arrangements in Loliondo

that conform to OBC's preferences, at considerable cost to the government's own internal political and public interests.

Local elites and land grabbing in the rural hinterland

Kiteto District lies in central Tanzania, in the southernmost part of Manyara Region. The northern part of the district comprises the southern portion of the Maasai Steppe, a vast strip of approximately 35,000 km² running north-south from the Kenyan border into central Tanzania, which as its name suggests is dominated by pastoralist communities and land uses. The southern portion of Kiteto District, including around the district headquarters at Kibaya, is a mixture of various ethnic groups of Bantu origins, who employ primarily agricultural land uses.

Kiteto District thus lies upon a frontier of primarily agriculturally-oriented communities and land uses characteristic of most of the central plateau from Babati south through Dodoma to Iringa and Morogoro; and the predominantly pastoralist land uses of the Maasai communities of northern Tanzania. As Tanzania's human population and demand for land has increased, putting pressure on the fairly densely populated central regions, farmers of varying scale have increasingly targeted the relatively low-density, semi-arid pastoralist landscapes of the Maasai Steppe. As a result, Kiteto District has become a touchstone of tensions over land use and land tenure between different ethnic groups and land users. Outbreaks of violence in this part of the Maasai Steppe over land are not unheard of, often when pastoralists evict farmers who they believe have encroached on their pasture land.

A key dynamic in such confrontations, and the processes of land encroachment that underlie them, is the notion that Maasai are 'nomadic' and that much of the Maasai Steppe is 'unused' land, a notion shared by neighboring agricultural communities and policy makers alike. This perceived vacancy is an illusion, reflective of the seasonal rotation of traditional Maasai land uses between different wet and dry season pastures designed to allow areas to recover or to avoid areas at different times of the year due to considerations relating to livestock disease, wildlife distributions, the presence of minerals (e.g. salt for livestock), terrain, and forage conditions. As a result, pastures may be seasonally vacant but they generally form a part of long-term adaptive rotational grazing systems involving the seasonal movement of people and livestock across the land. Tanzanian land law, including the Village Land Act and 2007 Land Use Planning Act, provides for villages to zone Village Lands for both communal and individual uses, including seasonal livestock pastures, and to prepare land use plans and village by-laws codifying these zoning schemes (UCRT 2010).

Although pastoralist communities may have documented rights over their Village Land areas, including through land use plans approved at village and district level, seasonal grazing areas may be vulnerable to encroachment simply because they are not permanently inhabited or cultivated. It is these communal lands that are thus at the center of land encroachment and land grabs in Kiteto.

During the past five years, encroachment and acquisition of pastoralists' communal grazing lands in northern Kiteto has picked up markedly. Encroachment and grabbing of land has also targeted some lands traditionally used by the small minority community of Akie hunter-gatherers, whose main remaining population is found in Kiteto District. Unlike in Loliondo's pastoralist landscape, where land tenure conflicts pit local communities against the state and external private entities, in Kiteto the dynamics of land grabbing revolve around a chain of relationships running from district to village level. In general, village-level authority is not challenged directly, as in Loliondo, but rather is used by external interests to acquire parcels of land. This may mean bribes paid at village level to acquire land from village leadership, or collusion between village and district officials in land sale and allocation. Some district officials, as well as national elites and officials from Dar es Salaam, have notably been amongst the parties acquiring large areas of land (in this context several hundred hectares is a large parcel) out of Maasai or Akie communal territories.

Another critical difference between Kiteto and Loliondo which enables the current spate of land grabbing is that the Maasai communities in Kiteto are relatively isolated, remote, and economically poorer than their counterparts in the northern highlands; villages are large and communities have limited awareness of their formal procedural or administrative rights. This creates opportunities for village leadership to collude with external parties to alienate local communal resources; such transactions *were* a noted part of land grabbing in Loliondo and other northern Maasai areas in the late 1980s, but that experience and subsequent land conflicts such as that with OBC have ultimately strengthened community-scale democratic process and oversight of village leadership (Ngoitiko et al. 2010). In Kiteto, the current land grab is in a way the first major exposure of these remote communities to the penetration of land markets and commerce of that sort, and existing community institutions are struggling to negotiate the encounter.

Towards a Political Economy of Land Grabbing in Tanzania

To date, much of the discourse around land grabbing in Africa and other regions has focused on the global political economy, including changing commodity markets, patterns of globalized investment, shifts in regional power relations, and new markets such as biofuels and carbon. Considerable attention has been paid to describing the patterns of investment and networks of actors *driving* land grabs. Some scholars, notably Alden Wily (2011) in the case of sub-Saharan Africa, have highlighted the role that enduring legal weaknesses in land tenure play in facilitating land grabs, while linking those legal dimensions to political-economic interests of state-level actors.

We have aimed to broaden the understanding of land grabs in Tanzania today by focusing on the wider macro-political context of ongoing transformations in the country's political arena and tracing those changes today back to earlier periods of

political-economic change. At a national scale, land grabbing is being driven by both a formal public development policy narrative that emphasizes the role of private investment, including prominently foreign capital inflows, in generating wealth and employment, as well as the more informal private interests of the individual elites who control the organs of the state. This general political-economy of land grabbing, as with Tanzania's economy and society in general, has however been in place for most of the past 30 years or so. What is different today is the way that previously closed political and policy processes have been opened up due to the efforts of civil society, the media, and formal political opposition. As a result, even as market trends drive up land values and therefore economic incentives to acquire local communities' and others' land assets, land grabbing is increasingly subject to public scrutiny and direct engagement. Public officials are now subject to greater informal or formal oversight, while elected officials face increased competition and public pressures to respond to local interests.

Our three local case studies all highlight the role of this changing political environment in the evolution of those local or regional tenure. In the case of the biofuels initiatives in coastal Tanzania, some efforts are being made to reclaim the land communities surrendered in the earlier land deals with foreign companies. Key factors in these efforts are the massive Tanzanian civil society and media attention that has gone into researching and exposing these land deals, and engaging with policy makers on biofuel investments in general. In addition, some of Tanzania's relatively 'new' political actors feature in some of these negotiations over restitution, including the strong opposition party presence along the coast, and Tanzania's Minister for Lands, who is now the highly respected former UN Under-Secretary-General and head of UN Habitat, Prof. Anna Tibaijuka. Although it remains something of a long shot for the communities in coastal areas to reclaim the lands that were acquired for biofuel investments, the fact that there is even a public discussion of this option is promising.

In Loliondo, communities have been much more mobilized and ultimately effective in their advocacy efforts around land use and OBC since the 2009 evictions. While the situation remains fluid and rather precarious, since the 2010 general elections and the intensive community mobilization in 2009-2010 following the evictions, there has been a discernible reluctance on the part of the state to impose its land use preferences on the communities. Local rejection of state land use plans that would have granted OBC the main wildlife 'corridor' were basically accepted, returning the situation to the pre-2009 status quo. It is hard to imagine this outcome without the political reconfigurations that have taken place in northern Tanzania the past several years, including the strong opposition constituency in nearby rural areas such as Mbulu and Karatu Districts, or Arusha Urban Municipality and Arumeru. Given long-term Maasai grievances around land tenure, distribution of revenues from wildlife and tourism, and general perceived marginalization from development processes, the ruling CCM will be keen to keep these rural communities in its fold during the next electoral cycle.

In Kiteto District, there has also been some community mobilization in the face of land grabbing and encroachment, including the successful pursuit of litigation to enforce community rights over common pasture land against encroaching farmers. A major change over the past five years in Kiteto, which also arises from the overall enhanced level of political competition nationally, is the election as Kiteto's MP of Benedict Ole Nangoro, a long-standing and highly respected Maasai scholar and NGO activist, who was recruited to stand for the vacant parliamentary seat in Kiteto on the CCM ticket following the death of the incumbent MP. Nangoro also serves as the Deputy Minister for Livestock in the current government- he is one of the leading authorities on pastoralist development in the country- and is a strong supporter of community land rights and tenure. With political competition rising throughout the country, the ruling party is under increasing pressure to field such candidates with strong credentials among local voters as well as to enhance its wider reputation amongst civil society in the country.

We anticipate that ongoing evolutions in local and national political configurations in Tanzania will continue to shape the outcome of land tenure relations, including land grabbing, in fundamental ways in the immediate future. While much of the focus of the land grabbing debate globally is on interventions on policies (e.g. World Bank or FAO guidelines) and on market actors (i.e. multinational corporations and financial institutions), ultimately many land grabs will play out according to the ability of local communities to mobilize and represent their interests using accountable elected officials and accessible judicial institutions. Such mobilizations are widespread, inevitably, but often thwarted by the *unaccountable* governance structures prevalent in much of Africa, and the *inaccessibility* of judicial remedies. In Tanzania, changes in these basic democratic aspects of governance are reshaping local agency in subtle but unmistakable ways.

Looking forward, many of these changes and movements in Tanzania will, before the next general election, come to a head in the ongoing constitutional review process, which arose out of the last electoral cycle as well as the inspiration of neighboring Kenya's 2010 constitutional reforms. Land tenure is high on the agenda, as are basic structural issues around local and national governmental organs and public accountability which shape the governance of land and other natural resources in fundamental ways. Scholars and activists alike would do well to document these processes more closely in relation to wider global debates and discourse around land grabbing, policy reform, and political-economy.

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