

Village land use planning and commercialization of land in Tanzania

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Key points

- Some organizations have suggested that local level land use planning could lead to win-win outcomes from large-scale land acquisition in Tanzania
- Fieldwork in Arusha District suggests that District authorities and/or external facilitating organizations play important roles in village land use planning, meaning that it is not a completely decentralized process
- The District authorities emphasize the issuance of forms of individual land title to a greater degree than they monitor or support follow up of land use zoning or other elements
- Village land use planning (VLUP) is not systematically connected with higher-level government planning or other activities
- The ability of land use planning to ensure win-win outcomes from large-scale land acquisition is questionable in Tanzania
- Reform of policies and practices is needed if VLUP is to 'empower' local people
- In some cases (e.g. rangeland areas) 'group' rights to land should be considered, not just individual rights

Introduction

Local-level land use planning is (LUP) is often promoted as a means of addressing several objectives simultaneously, such as improved land tenure security, and increased agricultural productivity, including through identification of areas for commercial agricultural investment. There is currently renewed focus on local LUP due to a variety of factors including increased foreign direct investment in land (the 'global land grab'), the impacts of climate change, food security shortfalls in some areas, and the potentials (and, arguably, risks) posed by the REDD+ process. Land use planning is included as a key component within the Land Governance Assessment Framework (LGAF).

From the mid-2000s onwards, Tanzania has encouraged foreign land acquisition within a broadly neoliberal governance framework. The LUP process has been put forward as a way to facilitate investment, while reducing negative impacts of large-scale land acquisition, for example in the Southern Agricultural Growth Corridor of Tanzania (SAGCOT). Analysts argue that LUP can assist villagers to know the dimensions of village land and identify plots to be leased to investors. Lack of LUP is blamed for allocation of much larger amounts of land to investors than was agreed by villagers. By 2014, the Ministry of Land had trained some 25 district participatory land use plan Management Teams in SAGCOT districts, and completed 391 Village Land Use Plans in SAGCOT districts. In villages in the SAGCOT which have completed VLUPs, an average of 15% of village land was set aside for potential external investment, prompting a forum of CSOs to wonder, 'whether the aim of identifying land for investments risks taking over the planning process' (TNRF/iied, 2014).

However, published case studies of particular LUPs are rare. This study provides examples from Arusha and Kilimanjaro regions, which have long been effected by disputes over large-scale land acquisition, including between villagers and large-scale commercial farmers, farmers and pastoralists, and villagers and conservation agencies. Arusha and Kilimanjaro



regions are the main exporting areas for the Tanzanian horticultural industry.

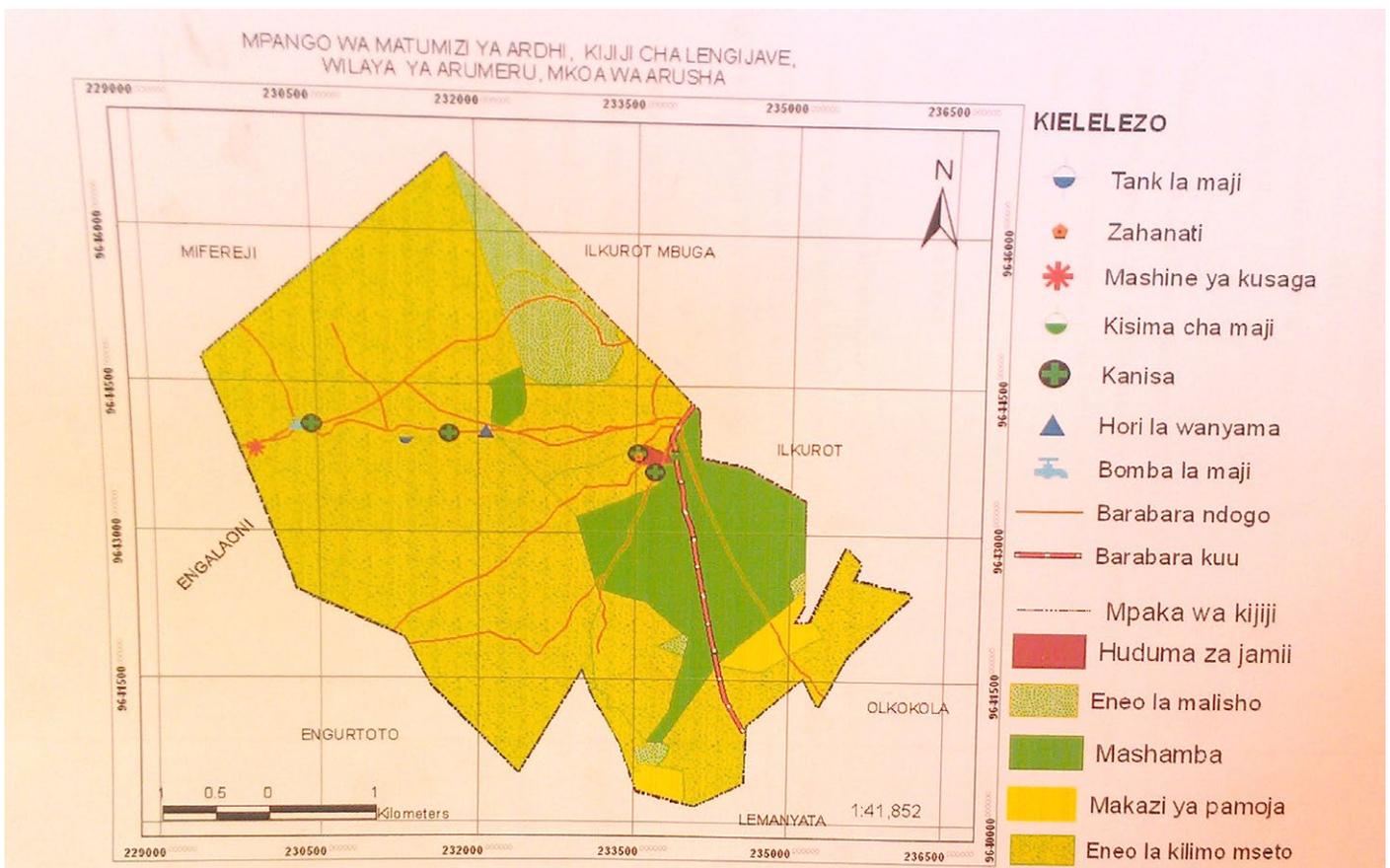
Local-level Land Use Planning in Tanzania

Land use planning varies from country to country; it can be informal, based on customary management norms and institutions; or formalized, documented, and aligned with national and global norms. In countries such as India, local-level land use plans do not have legal status, whereas in Tanzania, VLUPs can be approved by the state and used as formal planning tools. The Village Land Act (1999) and the Land Act (1999) provide for different types of land tenure in Tanzania including village lands, urban lands, public lands, and protected public lands. Village lands include communal areas as well as areas for individual use. As of 2010, there were approximately 11,000 villages in the country, which altogether controlled about 70% of the total land area (Isaksson and Sigte, 2010). The Village Land Act (1999) gives villages the responsibility to conduct participatory land use planning, and draw-up by-laws for approval by District authorities. Village land use planning involves the election of up to fourteen villagers to a Village Land Committee; demarcation of village boundaries, after which time the village receives a village certificate of customary occupancy, and can issue Certificates of Customary Right of Occupation (CCRO), a form of land title, to individual inhabitants. VLUP also necessitates assistance of a multi-sector District team; production of land

use maps; finalization of land use by-laws; submission of these and associated documents to the District Authorities for approval; and printing of a booklet containing all the relevant information.

While some laws support decentralized governance, other laws and policies have re-centralized some aspects of land governance. For example, the Village Land Use Planning Act (2007) specifies procedures that require funding, expertise, and District-level oversight, making VLUP impossible without District authorities. A VLUP process typically costs 35-40 million Tanzanian shillings (Tshs), or \$16-19,000 US.¹ Participatory LUP processes, like the Tanzanian model, are often assumed to address individual differences in social, environmental, and other values (Lestrelaine et al, 2011). However, the assumption that 'participation' is necessarily emancipatory should be treated with caution. The language of planning emphasizes structure, procedure, and systematic approaches, and sometimes tends towards a de-politicising discourse. The reality is often very different. It is messy, and political, often characterized by power imbalances and the need to resolve disputes. LUP may be instrumentalized; for example, to render rural spaces more 'legible' and hence amenable to state intervention and capitalist penetration (Exner et al, 2015).

1 Interviews with various District personnel and NGO staff, April – June 2015.



Fieldwork: VLUPs in Arusha District

A list was provided by the Arusha District authorities of all villages (13) which had completed VLUP, of which a random sample of five was taken. They had conducted VLUP activities from 2010-2012, with assistance from the National Land Use Planning Commission and the Ministry of Lands in Dar es Salaam. Interviews were conducted in mid-2015 with Village Chairpersons, Village Executive Officers, members of village land committees, and local inhabitants outside of the Village Council.

Contrary to information provided by the District authorities, two of these five had not actually completed their land use plans. In one case the Village Assembly had refused to endorse the plan, which shows that VLUPs are not simply imposed onto a passive population. In the past, land claimed by villagers had been appropriated, without compensation, by the state for public infrastructure.² Therefore, the village inhabitants were suspicious that the VLUP map was another means to deprive them of land. In another case it appears that the planning team didn't try to finalize a VLUP, perhaps because of time constraints. According to NGO personnel, it is 'very common' for external organizations not to finish the VLUP process.³

Discussion of VLUPs in Arusha District

In all the examples, village certificates of customary occupancy were completed, so villages could start to issue individual CCROs. This suggests that it is important to the authorities that each village is legally able to issue individual CCROs. Many village councils have been 'raising awareness' on CCROs, with an emphasis on the economic benefits (e.g. access to credit). District staff also emphasized the importance of CCROs during interviews. On average 25 completed individual CCROs had been issued per village. Research suggests that:

- The completed VLUPs seem to be an important influence on village governance in two cases (of the three that were completed). In one village, the land committee had been active in raising awareness about enforcement of land-use zones and related by-laws, and the village gives out 'many fines' for by-law violations.⁴ In another village, the land committee had been involved in land dispute resolution.
- External support for land-use related activities, even when it has been discontinued, may make Village Councils more likely to enforce LUP by-laws. The village without any external interventions has done least to enforce the VLUP.
- The examples generally do not suggest that the VLUP

Case study

One of the 5 Villages completed a boundary demarcation and VLUP process. However, the LUP map is kept in the District Council offices, not the village. Awareness of the VLUP amongst village inhabitants seems quite low. A sketch map of village and sub-village boundaries, that had been drawn-up during the VLUP process, was displayed at the village office. This map did not have any land-use categories marked on it except for the areas reserved for public offices. The village does not have any areas reserved for grazing land, and the village passed by-laws during the VLUP process that permit only zero-grazing practices for livestock. Those grazing their cows outside of their own enclosures face fines. The land use map is therefore quite simple, with only a few categories of land – a small village centre area reserved for commercial buildings; areas reserved for social services such as schools (which includes plots of farmland owned by the schools); and privately-owned farmland, which can also be built upon for housing. There are no public signs in the village to demarcate the different areas. One land boundary dispute, with a neighbouring village, arose during the VLUP process, but was resolved when pre-existing boundary markers were identified. Since the boundaries with the neighbouring private forest area were demarcated during the VLUP process, disputes over encroachment by pastoralists have reduced in frequency; and disputes between villagers over land are relatively uncommon. However, it is clear that the zero-grazing policy is not popular, and villagers complain that there is insufficient land to enable them to produce sufficient grass to feed their livestock. The land committee meets every month. About ten citizens have received CCROs in this village. The Village Council had held meetings in early 2015 to encourage citizens to apply for CCROs.

- exercises are used primarily to make plans for new infrastructure or new land use categories. Only in one village was planned new infrastructure (a new school) part of the VLUP. The VLUPs largely reflected existing land use zones.
- The VLUP documents were not available at the District headquarters, and District personnel could not provide examples of how they had been used to guide District planning. Links between VLUPs and broader development planning are weak.
 - Most village inhabitants were fairly positive about the VLUP or boundary demarcation process (including the concept of CCROs, though they were vague about the benefits of them) and the role of the Village Councils, with only a few comments about the need for the Village leaders to be more forthcoming with information.
 - The idea that the District authorities can maintain control over the land sector through technological expertise is

² Interview with village Chairman, Kimnyak village, Arusha, 8th June 2015 and Interview with village inhabitant, September 9, 2015

³ Interview with NGO personnel, Arusha town, June 8, 2015

⁴ Interview with former member 'A' of village land committee, Lengijave village, Arusha District, June 25, 2015



challenged by the fact that District staff evidently do not want to be completely responsible for preparing CCRO applications. In one village, local 'youth' were trained to record GPS coordinates, and have access to a GPS unit.⁵

Discussion of Research Findings

The maps and plans produced in VLUP processes are potentially examples of technologies used to create visual representations of land as a zone for intervention. It does not appear that VLUPs are primarily a tool for enhancing the 'visibility', or legibility (Scott, 1998) of particular places to the government of Tanzania. The desire of the state to control VLUP processes rarely extends to digitization, cataloguing, or actual use of the maps and visualizations in development planning.⁶

Nevertheless, the central government is motivated to control data; partly due to donor demands for improved monitoring and evaluation (Death, 2014) but also due to its emphasis on maintaining hierarchies between different levels of government (Green, 2014).

Village land use planning has been deployed to show donors, and local people, that the government is responding to local priorities; while in reality, legislative and policy changes have re-centralised control over the VLUP process, giving District authorities more power. However, realizing that the state doesn't have the capacity to respond to all CCRO applications, District authorities have trained individuals in some villages to

collect GPS coordinates for private CCROs. District staff have at least in some cases decided to sacrifice 'control' for neoliberal economic development.

The maps and other forms of knowledge produced through the VLUP represent potentially useful tools for District- and Regional-level planning. However as noted above, most districts do not have a land use plan, and the government lacks capacity to manage land use planning data, such as a central cadastral system which could link VLUP maps to details of CCROs issued to inhabitants. As a result, VLUPs are not systematically stored, compared, analyzed or disseminated amongst interested parties.

The case studies suggest an emphasis on the capacity of Village Councils to issue individual CCROs, rather than other aspects of VLUP, which signals that the Tanzanian state prioritizes a form of economic development based on leveraging individual capital through individual CCROs.⁷ The Tanzanian state is attempting to create a type of citizen willing to take financial risks in order to become economically active, particularly in the formal sector. It is doing this through 'sensitization' of villagers to the possibilities of financial credit that CCROs present.

Conclusion

The VLUP process, particularly if conducted flexibly in ways that emphasize local ownership of the process rather than

5 Interview with village executive officer, Lengijave village, Arusha District, June 25, 2015.

6 Interview with NGO personnel, Arusha town, June 8, 2015.

7 The Village Land Act allows for CCROs to be issued to legally-registered groups, or customary institutions. Some NGOs have been facilitating group CCROs, particularly for rangeland in pastoralist areas, but only a few have been issued to date.

strict adherence to a rigid series of 'steps', is a useful tool. In some cases, VLUP has catalyzed villages to have functioning village land committees which resolve disputes and encourage particular forms of environmental management. VLUP also has potential to provide village inhabitants and Village Council members with an opportunity to negotiate different plans for the future of the village; however, LUP teams mostly focus on identifying land use zones rather than encouraging visions of particular development tangents or 'projects'. More commonly still, emphasis is less on land use and more on the ability of the inhabitants to apply for individual CCROs. It is not necessarily a completely 'participatory' process, due especially to the technical and financial requirements of the process. Further, once VLUPs have been completed, sustainability of the plan and enforcement of by-laws are questionable, and the VLUP as a basis for decision-making. In words of one government technician, 'if it is not administered carefully, [the VLUP] ends up as a white elephant...'⁸ In Tanzania, then, it does not appear that VLUP necessarily represents a way to provide villagers with sufficient control over decision-making over large-scale land acquisition, or a means to manage land use disputes that might be exacerbated by the land acquisition. Promoting VLUP in such situations risks legitimizing the acquisition process and down-playing the local social and political dynamics of that process.

References and Further Reading

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⁸ Interview with former members of Meru District Participatory Land Use Management (PLUM) team, Usa River, May 7, 2015

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LANDac, the Netherlands Academy on Land Governance, is one of the Academies for International Cooperation sponsored by the Netherlands Ministry of Foreign Affairs that aim at bringing together researchers, policy makers and practitioners. LANDac, hosted by the IDS group at Utrecht University, is a partnership between several Dutch organisations and their Southern partners involved in development-related research, policy and practice. The partners share a concern for increasing land inequality and new land-related conflicts, and how land governance – rules and practices on access to land – can be used to promote equitable and sustainable development in the Global South. LANDac partners are the IDS group at Utrecht University, the SDC group at Wageningen University, Agriterra, KIT, Hivos, the African Studies Centre and the Ministry of Foreign Affairs.

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