



Responsible Land Governance: Towards an Evidence Based Approach

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DISPOSSESSION THROUGH FORMALIZATION: THE PLIGHT OF PASTORALISTS IN TANZANIA

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Abstract

Advocates of formalization promote it as a means of ensuring tenure security for smallholders and reducing conflict. Yet in Tanzania conflicts are on the rise, especially in areas earmarked for the SAGCOT (Southern Agricultural Growth Corridor of Tanzania) agricultural investment program. Here, formalization is occurring alongside large-scale evictions of pastoralists and, to a lesser degree, of small-scale farmers. In this paper we explore the antecedents and rationales for formalization in Tanzania, and the effects on those who are the intended beneficiaries. We identify the main drivers underlying the up-scaling in formalization efforts since 2009. We furthermore disentangle a series of simultaneous developments to assess their relative weight in the rising levels of conflict: (1) SAGCOT investment activities; (2) the G8-led Land Tenure Support Program formalization initiative; (3) the longstanding Tanzanian government objective to end traditional modes of livestock keeping; and (4) the recent full waiver issued by the World Bank releasing Tanzania from its obligation to adhere to the safeguard policy for indigenous peoples. Rather than enhancing tenure security as is so often touted, formalization, we posit, seems instead to be facilitating the wide-scale dispossession of especially pastoralist lands to support foreign investment and conservation agendas.

Key Words:

Dispossession, formalization, pastoralism, SAGCOT, Tanzania

INTRODUCTION¹²

One of the most dramatic developments in Tanzania in recent years is the movement to formalize property rights in rural land.³ In Tanzania land falls into three categories: (1) general land (e.g., urban plots and land held by investors); (2) reserve land (e.g., national parks, conservation areas, forest reserves, etc.); and (3) village land (rural land managed by Tanzania's 12,000+ villages). Radical title over all land in Tanzania, whether urban or rural, is held by the President as trustee on behalf of the citizenry (Land Act No. 4 of 1999) thus formalization entails issuing rights of *occupancy*. 'Certificates of Occupancy' (COs) grant rights to land for terms of 33, 66 or 99 years and in colonial times were issued to settlers; nowadays they are typically issued for general land holdings (e.g., urban residences) and to investors. In 2004, 'Certificates of Customary Rights of Occupancy' (CCROs) were introduced that recognize individual rights to village land (in perpetuity), but subject to certain conditions (Village Land Act No. 5 of 1999).⁴ While general and reserve land is managed and administered by the central government, village land is managed and administered by democratically elected village governments.

The process of issuing CCROs started in 2002-2005 in Mbozi district, Mbeya region, with European Union funding and has since spread across the country. Land boundaries were demarcated using aerial photos and GPS locations. By 2006, the boundaries of all 175 Villages in Mbozi district had been surveyed, of which 158 had been issued with Certificates of Village Land (CVL), and 1,117 CCROs have been issued (Hayuma & Connig, 2006, p. 7). The program was extended to another 128 villages spanning ten districts wherein another 1,088 CCROs had been issued. At a cost of US\$3.6 million for the total 2,205 CCROs, that means a cost of \$1,632.65 per CCRO. Around the same time, a number of NGOs started pursuing "spot titling" projects in which they selected a limited number of households in a village to title due to inadequate human and financial resources.

Then, beginning in 2009, a surge in formalization efforts in the country occurred led by the World Bank. It sought to pilot the use of satellite imagery for demarcation and titling of individual parcels for entire villages ("systematic titling")—a departure from the spot titling approach. Under the Private Sector Competitiveness Project (PSCP), it set up a pilot system in Babati district (Manyara region) and Bariadi district (Simiyu region) using very high resolution and extremely costly satellite imagery (US\$9 million

¹ This is a modified version of a paper published by the authors plus Howard Stein entitled "Dispossession through Formalization: Tanzania and the G8 Land Agenda in Africa," in the *Asian Journal of African Studies*, vol. 40 (August 2016).

² Funding from the National Science Foundation, the University of Michigan, and the Royal Danish Embassy in Tanzania to support the research on which this paper is based is gratefully acknowledged.

³ For the purposes of this paper, we restrict our discussion to Tanzania mainland and exclude consideration of Zanzibar, which has its own land legislation and different rules and practices governing property rights.

⁴ Village holdings are limited to 50 acres and can only be allocated to people recognized as villagers by the village assembly (all voting adults).

out of the total project cost of US\$35 million) to demarcate boundaries, which were then entered into a GIS system. In Babati, the program covered 24 villages and surveyed 22,715 individual plots, but due to various complications only issued a total of 13,925 CCROs.⁵ Assuming the \$15 million dedicated to the subcomponent of the project was split equally between the two pilot districts, the cost per CCRO in Babati district works out to \$538. Furthermore, this system was not integrated with the existing system from Mbozi but was something new that did not overlap with the Mbozi model or early surveyor methods. In fact, at the same time, the Ministry of Lands used a technique similar to the Mbozi district model in Namtumbu in Ruvuma region and Manyoni in Singida region to compare to the PSCP model.

The World Bank-led initiative was found to be very costly and outputs fell short of stated goals. In an effort to find a more cost-effective approach, the G8 and other donors recently launched a new formalization initiative in February 2016 called the Land Tenure Support Program (LTSP) with funding from DFID (£4.74M), SIDA (£3.0M) and DANIDA (£1.125M). This initiative is currently underway in two districts—Kilombero and Ulanga, both within Morogoro region. This upscaling of formalization is in consonance with the promotion of foreign investment in land in Africa as a path towards modernizing agriculture while simultaneously stemming conflict and protecting rural Africans from land grabbing. It employs satellite imagery model, despite the high costs (US\$1 million for the two districts).

In 2010 at the World Economic Forum for Africa hosted by Tanzania, and again at the 2011 World Economic Forum in Davos, Switzerland, a partnership involving donors, large multinational agro-processing companies and the Tanzanian government announced the launch of the Southern Agricultural Growth Corridor of Tanzania (SAGCOT).

The SAGCOT programme is a public-private partnership (PPP) aiming to mobilize US\$2.1 billion in private sector investment over the next 20 years to achieve rapid and sustainable growth in Tanzania's Southern Corridor, a very large area stretching west from Dar es Salaam through Morogoro, Iringa and Mbeya to Sumbawanga. The initiative aims to facilitate the development of profitable agricultural businesses in 'clusters' along this corridor to achieve economies of scale, synergies and increased efficiency. The partnership is the centrepiece of Tanzania's high-level *Kilimo Kwanza* ["Agriculture First"] strategy for enhancing food security, poverty reduction and reducing vulnerability to climate change. (URT 2012, 1)

⁵ A substantially high number of errors appeared on the CCROs, leading villagers to reject them. Official project documents claim 100,000 CCROs were provided between Babati and Bariadi but our fieldwork found a much lower number of titles issued. Additionally, no money was set aside to renew the license for the ArcGIS software used to issue CCROs. The software expired in June 2015. Interviews with villagers in multiple villages and with district employees, September 2016.

The emphasis is thus on promoting commercial agriculture. Former Minister for Lands, Housing and Human Settlements Development Anna Tibaijuka affirmed this in a November 2012 presentation, saying “SAGCOT’s fundamental goal is to increase smallholder incomes and food security – doing so requires investors who have the capacity to provide the inputs, processing facilities, power and transport needed to link smallholders to domestic and global markets.” (Tibaijuka 2012, 2)

To attract investors, the government has stated its intent to transfer a significant portion of village land to the general land category (Boudreaux 2012, 3), with arguments that plenty of land in Tanzania is freely available and unoccupied. Determining what land can be transferred to the general land category is one stated motivation for mapping and certifying village land areas. Yet the facts that Tanzania’s population has grown fivefold since independence (9 million in 1961 vs. 46 million today), and that at least 40.5% of its land has been set aside as reserve land (Kijazi, n.d.; Benjaminsen and Bryceson 2012), undermine official assertions of abundant unused land. This necessarily raises the spectre of widespread dispossession in the wake of commercial agricultural expansion.

Since 2008, we have undertaken a study to evaluate the impact of the formalization of land rights in Tanzania across five regions.⁶ The areas studied encompass a range of livelihood patterns pursued by rural populations (farming, agro-pastoralism, pastoralism, and hunting/gathering), and a broad range of Tanzania’s 120+ ethnic groups. Based in part on our study and in part on documentary evidence gathered from a variety of sources, we interrogate the G8 claims that formalization provides the win-win situation of (1) raising rural incomes and productivity through expanded commercial agriculture, while (2) legally protecting the land rights of farmers and pastoralists and reducing conflict. Identifying land for re-allocation to commercial agriculture necessarily entails resettling people currently using it.

DONORS, THE G8, AND FORMALIZATION

Following on the announcement of the SAGCOT initiative in 2010 and 2011, President Obama launched the New Alliance for Food Security and Nutrition at the annual G8 meeting at Camp David in May 18-19, 2012.⁷ Attracting private investment in agriculture is a top priority for the New Alliance yet its greatest impediment is the lack of security of land tenure:

Inadequate land tenure law has been a fundamental impediment to development and agricultural investment by small- and large-scale producers in many countries (G8 2012, 29)

⁶ Iringa, Manyara, Mbeya, Dodoma, and Kigoma regions. Two of these, Iringa and Mbeya, fall within the SAGCOT corridor.

⁷ Support reaffirmed by meetings of the G8 in 2013 and the G7 in 2014.

Addressing this by promoting formalization has thus become a central focus of the New Alliance.

G8 programs are supposed to align their efforts with the priorities set out in the African Union's Comprehensive Africa Agriculture Development Program (CAADP). However, this is not what has occurred. The G8's New Alliance has signed six Cooperation Frameworks with Burkina Faso, Côte d'Ivoire, Ethiopia, Ghana, Mozambique and Tanzania. The Frameworks involve roughly 15 different policy measures that each government is supposed to undertake in order to receive G8 support. The overwhelming focal point of these agreements is to increase large-scale private investment in agricultural land and input markets, which significantly is not a core element of the CAADP. Instead, the CAADP rests on four pillars: land and water management; market access; food supply; and hunger and agricultural research.⁸

Each Framework contains a commitment to design policies that make it easier for private companies to identify, negotiate and acquire land in key agricultural areas of the continent. The Frameworks have arisen from consultations between governments and the G8. However, there appears to be a very central role being played by the World Economic Forum with a heavy influence of large agro-processing or agro supply corporations including Monsanto, DuPont, General Mills, Unilever, Yara and Syngenta. The effort is to convert CAADP plans into ones focusing on increasing private investment flows into agriculture (Grain 2013).

For example, under its Cooperation Framework, Côte d'Ivoire promised to reform its land laws and to introduce other policies to facilitate agricultural private investment. In exchange, the country was promised hundreds of millions of dollars in donor assistance and promises from eight foreign companies in association with local partners to invest nearly US\$800 million in the development of large rice farms. One of the investment companies, Groupe Mimran of France, asked for an initial 60,000 ha. and plans to expand to 182,000 ha. In addition, an Algerian company Cevital was reportedly interested in securing 300,000 ha. In 2013, the French grain trader Louis Dreyfus, signed an agreement with the country for access to between 100-200,000 ha. for rice production. A report from the NGO Grain notes:

These three projects alone will displace tens of thousands of peasant rice farmers and destroy the livelihoods of thousands of small traders – the very people that the G8 claims will be the “primary beneficiaries” of the new alliance (Grain 2013).

⁸ Cooksey (2013) comes to similar conclusions: “From 2008 to date, CAADP's Africa-owned policy narrative has been steadily sidelined by the US-led G8 mobilisation of (support for) global agribusiness, with assistance pledged by aid agencies and philanthropies.” (p.28)

Perhaps in response to complaints such as these, the 2013 G8 reaffirmed and expanded the commitment to strengthening property rights as the main mechanism to prevent land grabbing. While the summit focused on general issues involving trade, tax and transparency, at the heart of the transparency issue was the question of land and associated property rights:

Weak land governance and property rights systems can lead to opaque land deals, which facilitate corruption and undercut responsible actors seeking access to land for productive investment.

Weak governance in many developing countries allows unproductive land speculation and undermines agricultural productivity. Increasing security of land rights and transparency of land governance fosters participation of citizens, contributes to government accountability, reduces costs for businesses, and strengthens the climate for responsible investment. (G8 2013, 10)

As part of the effort to strengthen formalization, the G8 launched new partnerships with Burkina Faso (with the US as its primary partner), South Sudan (partnered with the EU), Namibia (partnered with Germany), Nigeria (partnered with the UK), Niger (partnered with the EU), Senegal (partnered with France) and Tanzania (partnered with the UK) aimed at “improving land governance and in particular transparency in land transactions by 2015” (G8 2013, 11). In the following section, we focus on Tanzania’s relationship with the G8 and the SAGCOT initiative.

TANZANIA, THE G8, AND THE DRIVE FOR PROPERTY RIGHTS FORMALIZATION

In a February 2013 meeting with a DFID representative in Tanzania, the underlying logic of the new partnership called the Tanzania-G8 Land Transparency Partnership (TLTP) (a US\$15.2 million three year program launched in 2013) was explained.⁹ The inspiration was said to come from a 2011 World Bank study of Rwanda undertaken by Klaus Deininger and others¹⁰ that pointed to the great success of the Rwanda titling effort. In their view there was clear evidence that people were very happy with their secured property rights and that this led to increased investment in their land. “In Rwanda, villagers stopped seeing themselves as peasants but as farmers and state officials were no longer seen as landlords but as providers of public goods” (Ali et al. 2011). The World Bank team was particularly impressed with the Rwandan electronic registry system.

The DFID representative indicated that the UK was the upcoming chair of the G8 and was putting property right formalization at the center of the G8 agenda as a possible way to protect smaller farmers

⁹ Interview with authors, 26 February 2013, Dar es Salaam.

¹⁰ See Ali, Deininger and Goldstein, 2011. For years, Klaus Deininger has probably been the single most important proponent of property right formalization among economists at the World Bank.

and to stem criticisms of foreign investors as "grabbing land." To address the land grabbing issue, they need transparent registries where information on land is open and accessible. "In Rwanda property was electronically registered which helped reduce fraud."¹¹

TLTP's final report, entitled "Proposed Land Tenure Support Program for Tanzania," was released in February 2014 (Locke et al. 2014). It reveals the objectives of the G8 agenda in Tanzania to be three-fold:

- i. Enhancing transparency and benefits of large-scale land deals
- ii. Clarifying and improving institutional implementation of existing legal and policy frameworks
- iii. Land Tenure Regularisation (LTR) in two pilot districts to develop low-cost and accurate delivery of village and individual land titles (*ibid.*, 2)

These activities would be complemented with promotion of reform in the land sector and awareness raising at national, district, and village levels as well as among investors.

In this \$15.2 million project, over \$8 million has been allocated to finance the third objective: experimental land titling in two districts, with nearly \$1 million to cover the costs of high resolution satellite images. The explanation for this agenda is clearly stated:

Overall, the implementation of adjudication and issuing of CCROs under the VLA [Village Land Act] will proceed at a slow pace, with high costs. This situation will continue to dissuade donors and the private sector from investing in support programs. While exercises to implement the VLA have had some success, there is still a lack of a proven method to roll out implementation in a successful and cost-effective way. It is unclear whether the large program of support to the land sector under the World Bank's PSCP, which aims to validate low-cost methods, will be implemented on the scale envisaged. The proposed titling activities under this program will provide further insight into the needs and potential costs for systematic titling across the country (Locke et al. 2014, 20).

¹¹ Our discussion with the representative was interesting. We raised the issue of the enormous expense of titling and how resources may perhaps be better allocated elsewhere. He admitted that Dfid studies showed an IRR of 140% on rural roads in cost benefit studies, but insisted property rights must come first. We quote: "raising productivity (from road building) will increase the value of the land, encourage land grabbing and therefore farmers could be best protected with a property deed." We pointed out that this was not a very cogent position since if the donors were interested in reducing poverty then they should emphasize spending that will have the biggest impact on productivity.

And as formalisation proponents have argued elsewhere, titling in “a district with high levels of conflict could achieve good progress in reducing disputes” (Locke et al. 2014; also World Bank 2010).

Tanzania is in the midst of a massive campaign to lease large tracts of farm land to foreigners (see below). As reported in *The Guardian* on 15 March 2013, then Minister for Lands Anna Tibaijuka invoked arguments drawn from the above rationales:

The value of land is well reconciled as high and most everyone’s goal is to secure some for themselves and their families. As such it should follow that rural folks, who occupy vast tracks of land are sitting on a lot of wealth but because it is not surveyed and they have no title deeds to prove their ownership renders their land ‘dead capital’. Not for long, for the land planning that started in 2011 is expected to cover all 12,000 villages in Tanzania, at least 5,000 villages every year... Prof Tibaijuka stressed that regulations and proper plans as well as effective land management are the basis to putting in place acceptable procedures that will not only serve as guidelines in land disputes but also to enhance land occupancy procedures. Further, she explained that surveying village boundaries is the initial step towards acceptable land plans and to secure persons right of ownership opening avenues for loans and other financial transaction with the land asset serving for collateral. (*Guardian* 2013a)

Hence, formalization is argued to be the best route to provide wealth for rural farmers, reduce conflict, improve land markets, and allow farmers to access loans. However, she takes the rationale one step further:

“This exercise should also identify villages with extra land in which big plantations can be established, so that there would be a clear list that will be made available to investors...” (*ibid*, emphasis added)

In her speech:

...she challenged the National Commission on Land Planning and Management to cooperate with district councils so that implementation of land policies would be efficiently applied to the letter especially in rural areas. She also said that the regulations should address the question of both internal and external investors in land so that both capital intensive agriculture and other forms of agriculture would be implemented accordingly. The National Commission for Land Planning and Management Director General, Gerald Mango, had but one request to Tanzanians, **urging the nation to desist from the misconception that large land investors were in one way or another**

a threat to the country but to be rest assured that they are sent to specific areas where there was enough land for the purpose” (*Guardian* 2013a) (emphasis added)

Following the G8, according to this government view, the best way to ensure that land is not grabbed is by allocating title deeds to farmers so as to ensure that only free land is made available to investors. It is important to note that the above discussion focuses exclusively on farmers, and to highlight that “free” land, which already has been made available for investors by the Government of Tanzania (GoT) in many cases, has included grazing and bush areas used by agro-pastoralists, pastoralists and hunter-gatherers. A large number of court cases between government authorities on the one side and local pastoralist/agro-pastoralist communities who feel their rights are being violated on the other, bear witness to that, as do the many cases of eviction of pastoralists from areas across Tanzania (PAICODEO 2014, Askew et al. 2013; Walsh 2012; Tenga 1998, 2008 and 2011; PINGOS Forum et al. 2007, Peter 2007; Odgaard and Maganga 2009; Baha and Chachage 2007 just to mention a few). It remains to be seen how various parties in Tanzania are going to define “free” land in the future.

The New Alliance points to its commitment to the World Bank’s Principles of Responsible Agricultural Investment (RAI) as the mechanism to safeguard the interests of local populations in the wake of large-scale foreign investment.¹² However, RAI has come under severe criticism as being a mechanism to legitimize land grabbing:

The push for RAI is not about facilitating investment in agriculture. It is about creating an illusion that by following a set of standards, large-scale land acquisitions can proceed without disastrous consequences to peoples, communities, ecosystems and the climate. This is false and misleading. RAI is an attempt to cover up power imbalances so that the land grabbers and state authorities who make the deals can get what they want. Farmers, pastoralists and fisherfolk, after all, are not asking for their lands to be sold off or leased away! (Farm Land Grab 2011)

New justifications for formalization of property rights are embedded in this process, specifically legal recognition and conflict reduction. The first of the seven RAI principles is “Land and resource rights: Existing rights to land and natural resources are recognised and respected,” and

¹² G8 2013 also reaffirms its support of RAI.

Neglect of such possessory rights is a major source of conflict, and it undermines effective land use and management...as only rights that are formally recorded enjoy legal protection (World Bank et al. 2010, 3)

This argument, however, does not apply to Tanzania where the Village Land Act No. 5 of 1999 confirmed that customary rights to land have the same legal standing as statutory rights (e.g., title deeds). As will be argued below, however, the very act of formalization can have the exact opposite effect. Formalization, which involves the fixing of boundaries, can exacerbate conflict, provoke violence, and produce dispossession, especially for vulnerable populations such as smallholder farmers and pastoralists who are not valued in government modernization agendas. That government focus has shifted to formalization at the same time Tanzania is involved in a large-scale scheme to attract foreign investment in agriculture through the World Economic Forum/G8/New Alliance sponsored effort SAGCOT raises serious questions about underlying motivations.

SAGCOT, THE G8, AND THE WORLD ECONOMIC FORUM

As stated previously, SAGCOT emerged out of the World Economic Forum for Africa in 2010. In January 2011, the blueprint for SAGCOT was released at the WEF in Davos with the backing of funding from USAID and a panoply of corporate partners (see below). Further support came from the Norwegian Government in February 2011 when the Norwegian Minister of Development on a visit to Tanzania declared that SAGCOT could become the model for a green revolution and food production expansion for other countries (Kaarhaus 2011).

Citing concordance with objectives outlined in the Government of Tanzania's (GoT) 'National Strategy for Growth and Reduction of Poverty' (MKUKUTA) and the GoT's Five Year Development Plan, SAGCOT promoters claim as their goals:

- i. Increase in private agribusiness investment
- ii. Increase in number of smallholder farms linked with specific agribusiness value chains
- iii. Increase in employment created in agribusiness value chains (ERM 2013, iv)

SAGCOT's blueprint was drawn up by the same players, Prorustica and AgDevCo, hired for a similar project proposed previously for Mozambique called the Beira Corridor. SAGCOT is co-chaired by the Tanzanian Minister of Agriculture and a VP of Unilever and has an executive committee which includes the large Norwegian fertilizer company Yara, AGRA, USAID, and the Irish embassy. Partners also include the Norwegian embassy along with a host of major global agro processing and food and

beverage companies including Monsanto, Syngenta, Dupont, Diageo, General Mills, and SAB Miller.¹³ Prorustica and AgDevCo continue to be technical advisors (SAGCOT 2011). The blueprint specifies that SAGCOT will spend \$1.3 billion of public and donor money to attract \$2.1 billion from the private sector over 20 years. The aim is to incorporate investors' land into "profitable" agriculture through a mix of commercial farming and small producers integrating into the commercial sector through contract farming and outgrower schemes.

Much of the intellectual basis for the SAGCOT concept arises from a paper written by Keith Palmer, the chairman of both Prorustica and AgDevCo (Palmer, 2010).¹⁴ Palmer accepts the orthodox narrative that the state in Africa has been the greatest impediment to agricultural improvements and hence poverty reduction.¹⁵ However in the past ten years, although the state's negative role in agriculture was neutralized, there was no rise in productivity. Private investment, he argues, was not forthcoming because of high risks; moreover, the returns that would compensate for assuming the risk were too low due to the "Greenfield" (i.e., an area with no previous capital) nature of the investments. From his perspective, the key is to generate sufficient economies of scale that will lower unit costs to make agriculture more profitable. This is to be done through Public-Private Partnerships where donor aid would underwrite infrastructural projects using a "Patient Capital" approach. Services would be leased to commercial enterprises at subsidized rates with the costs returned over the medium to long term. These enterprises would provide the core of a contract farming system either through an outgrower model in which the commercial farm acts as a hub, or through a farm block approach where small farmers and commercial enterprises operate under the control of a leasing company. In both cases, investors provide services, inputs and marketing in return for produce at set net prices.

Initial evidence from SAGCOT-affiliated outgrower schemes in Tanzania, however, is not very positive. In 2010 the US\$35 million Kilombero Plantation Ltd (KPL) was created as a jointly owned company of the Rufiji Basin Development Authority and Agrica, a UK-based agricultural investment company, for commercial rice production. The land provided was a 5818 ha. property that in 1986 was allocated to the Rufiji Basin Development Authority after a North Korean project ended in failure. In the intervening three decades, hundreds of farmers and pastoralists made good use of the land and came to

¹³ For a complete list of SAGCOT founding partners, please consult the *SAGCOT Investment Blueprint* (2011), available at: <http://www.sagcot.com/resources/downloads-resources/>.

¹⁴ Available on the SAGCOT website. Palmer was trained as both a geologist and economist, though worked most of his life in economic positions including a stint at the IMF and World Bank from 1978 to 1984. He has a history of promoting private-public partnerships and was the founder and chairman of The Emerging Africa Infrastructure Fund between 2001 and 2007. He was the founder and chair of Cambridge Economic Policy Associates 2001-13 which has done a good deal of consultancy on the issue. He founded AgDevCo in 2009. See www.keithpalmer.org/bio.php

¹⁵ See Stein 2011 for a critique of the orthodox interpretation.

view it as theirs through adverse possession (legal rights stemming from 12 or more years of continuous, uncontested occupation) and as land falling within village boundaries. They were nonetheless evicted on the argument that, as a former investment parcel, the land constituted general land under direct control of the central government. Most were not compensated with alternate land and forced to become renters. KPL started in 2010 with 215 employees and 1000 casual laborers. Wages were set at the minimal rate of \$2 per day. Farmers in the outgrower schemes complained that the contracted prices they received were quite low at one-third to half the price paid under other conditions. In kind payment for fertilizer and seed was not propitious. For instance farmers reported receiving 12 kg of seed and had to pay back six 100 kg. bags of paddy. One farmer interviewed emphatically stated: “We (farmers) expected that we have a got a liberator to uplift us from poverty but it seems what we have is an exploiter in our midst” (Baha and Sulle 2013).

A second case concerns the US\$500 million EcoEnergy sugarcane project in Bagamoyo. In 2013, Swedish company Agro EcoEnergy was granted a 99 year lease to 24,000 ha. for industrial sugar production in Bagamoyo. The land was formerly a state cattle ranch (RUZABA, 1976-1994) that was allocated in 2006 to Swedish company SEKAB for biofuel sugar production, a short-lived project destroyed by scandal over a doctored Environmental and Social Impact Assessment (ESIA) (Madoffe et al., 2009). To remain viable, major restructuring ensued and the project was reborn with a new name: Bagamoyo EcoEnergy Ltd. (BEE). BEE is promoted as a showcase “land-for-equity” project with 25% ownership stake retained by the government of Tanzania. Neighboring villages were approached to grant additional land to EcoEnergy. Planned as a combination commercial plantation (8,000 ha.) plus outgrower scheme, BEE is promoting the creation of 100 acre block farms where outgrower companies composed of ~50 farmers per block will be contracted to grow sugarcane for set prices. Start-up capital for the farmers is supposed to be acquired through financing provided to the farmers’ newly formed companies: large loans of ~ US\$16,000 per company to be paid back over a seven year period. Profits are anticipated to only accrue to the farmers following repayment of the loan. ActionAid notes that

many of the people to be displaced have not been informed of the details of the outgrower programme, let alone the high risks that may be involved in comparison with the benefits they would receive (e.g., low salaries over a long period of time). This constitutes failure to obtain the free, prior and informed consent of affected communities” (Curtis 2015, 25).

While BEE acknowledges that people who have utilized the land since the RUZABA ranch closure in 1994 will have to be involuntarily resettled, and admits to Barabaig and other pastoralists as being among them, they insist that many of these people are “invaders” because the land remained general land and they thus are not entitled to compensation. Moreover, they state that: “The ‘involuntary’

resettlement process, occurs all over the world and the choice is never ‘*whether they resettle or not,*’ but their active participation in ‘how’ they resettle”; and that “‘Involuntary’ Land Acquisition is a global reality, not pertaining to Africa, Tanzania or the BEE project alone!” (BEE, 2015) Nonetheless, this project is a point of pride for the both the Tanzanian government and SAGCOT officials. In a 2014 report, the government described EcoEnergy as “an innovative collaborative solution to transforming land from disused to productive, ‘land for equity’ and the compassionate compensation scheme are held up by the Ministry of Land as best practice for handing such land and resettlement issues in future” (URT 2014, 32).¹⁶ Though the project throughout 2015 had difficulty raising financial resources, it was reported in January 2016 that they had located a new funding source (Usher 2016).

We should not be surprised by these developments. Contract farming experiences have a mixed history in Africa and elsewhere and should not be seen as a panacea (Oya 2012; Malik 2013; Zhang 2012).¹⁷ Indeed, in the 1980s Odgaard (1986) working in Rungwe district, Tanzania, noted similar contestations arising in a tea outgrower scheme in which family land committed to outgrower production generated negative outcomes for rural families, especially women. Other critics highlight rising food insecurity as cultivation of food crops is abandoned for cash crops. This is already proving true in SAGCOT-driven project areas (Sulle and Hall 2013; Sulle 2014; Sulle et al. 2014).

When President Kikwete officially launched SAGCOT in 2010, he committed 350,000 hectares of Tanzanian land to agro-industrial production but the final amount of land to be transferred is presumed to be substantially larger. By November 2012, 912,000 hectares had already been “freed up” for investors following the completion of nearly 391 village land use plans in the SAGCOT region (Tibaijuka 2012). By 2030, another SAGCOT document claims, 15% of the land in the SAGCOT region will be under commercial farms and outgrowers, a large increase from the 2% currently under the general land category (SAGCOT 2012; Curtis 2015, 23). However the shift could be even larger.

SAGCOT officials when pressed have insisted that there is plenty of fertile land available. However, in our work in five regions we have yet to see any unallocated land. Land considered idle by many parties is in fact used as seasonal pastures, village forest land on which villagers depend for a wide range of natural resources, and more. As Boudreaux, a consultant who wrote a report for USAID, put it:

¹⁶ For more on the New Alliance and the Tanzanian government’s commitment to public-private partnerships, see URT 2014.

¹⁷ A TGNP report on land given to investors from the village of Mshewe in Mbeya rural indicates the payment of very low wages to workers with male workers forced to give bribes for positions and female workers sexual favors (Yankami, 2013).

It may be factually accurate that land is widely available for investment, but the claim begs a crucial question: from whom will these hectares come? The SAGCOT region includes “untouchable” reserve land and some amount of general land. It seems fair to say that most land in the Corridor is village land. **To state it bluntly, most of the lands that the GOT wishes to see developed in SAGCOT will need to be taken from villagers by government and leased to investors.** At a public meeting during our visit the General Director of the National Commission for Land Use Planning, Mr. Gerald Mango, confirmed that the government’s target is to transfer 17.9% of village land into the general land category, raising the overall percentage of general land to approximately 20% (from the current 2%) to facilitate commercial development in SAGCOT (Boudreaux 2012).

Based on the General Director’s projection this would amount to ~3.95 million hectares. That means more than 3 million more hectares would need to be “freed up” from villages, a huge alienation of land that is unlikely to be released through village land use planning.¹⁸

While Boudreaux feels that formal titling might provide some protection of rights of farmers and pastoralists, our research reveals that formalization, in the face of large-scale land ownership, is in many cases creating, not ameliorating, insecurity and generating high levels of violence. It is the direct cause of dispossession for many Tanzanian citizens, especially pastoralists and other indigenous groups whose land appears unoccupied.¹⁹ Even the G8 and SAGCOT promoters admit this (if obliquely) through the joint Tanzanian government and SAGCOT “Resettlement Policy Framework” (URT 2013).

AN UNHOLY ALLIANCE: FORMALIZATION & STATE EFFORTS TO END PASTORALISM

The Tanzanian government frequently asserts its intent to protect the land rights of citizens and to address the land conflicts raging throughout the country (“Land conflicts haunt independent Tanzania,” *Daily News*, 2 Dec 2011; “Alarm as Tanzania registers 5 land disputes daily,” *The Citizen*, 29 Feb 2012; “Land cases take the lead with 850 filed annually,” *The Guardian*, 16 Aug 2014). However it recently conceded that it is failing on both counts. A five member select parliamentary committee was appointed in November 2013 to investigate the causes of growing land conflicts in the country. Following a

¹⁸ There are roughly 36.8 million hectares in the SAGCOT region. According to SAGCOT 2012, 38% is in reserved lands, 2% general land and 60% under village control. That means that the government intends to shift 3.95 million hectares from village land to general land (36.8 m. ha. x .6 x .179).

¹⁹ The linkage between violent conflict between pastoralists and farmers and formalization is well documented in Tanzania. See for example the studies by Maganga et al. (2007) and Benjaminsen et al. (2009). Others have also documented the impact of FDI in Tanzania. Mousseau and Mittal (2011) found that FDI in agriculture in Tanzania led to an increase in “land grabs”, gave little in the way of compensation, and were conducted with large amounts of secrecy.

yearlong investigation, its report was tabled in Parliament in February 2015 (URT 2015; Domasa 2013, Citizen 2015). It established the following: (a) that the country has no comprehensive mechanism to deal with land problems;²⁰ (b) there is weak implementation and enforcement of the law; (c) there are multiple and contradictory legal regimes (see also Maganga and Odgaard 2014); and (d) ineffective leadership (Citizen 2015).

Although formalization has been promoted as a mechanism for achieving peace and security of tenure, evidence points to it being a driver of conflict and dispossession. Nevertheless, the special report calls for more formalization of village boundaries, criticizing the government for only having surveyed 1,200 villages (out of an estimated 12,000 village in the country). It also criticizes the government for not having a standardized approach to recruiting investors, who are currently accommodated through both the Tanzania Investment Centre (TIC) and the Ministry of Lands. Tellingly, the report identifies the privileging of land for investment over use by villagers as a key source of conflict: “Conflicts pitting villagers against investors largely spring from moves to enable investors to get land” (*ibid.*).

Cases of increased violence abound throughout the SAGCOT project areas since (and even preceding) startup of SAGCOT activities. It is apparent that an unholy alliance has formed between two initiatives that have found common cause: formalization and the government’s stated intent to end pastoralism. In his 2005 inaugural address to Parliament, only a week after being sworn in, President Kikwete stated a zero tolerance position on traditional pastoralism, declaring it incompatible with the goals of a modernizing state:

Mr. Speaker, we must modernize animal husbandry. We will have no alternative. We must abandon nomadic pastoralism which makes the whole country pastureland...The cattle are bony and the pastoralists are sacks of skeletons. We cannot move forward with this type of pastoralism in the twenty first century (ole Ndaskoi 2011, 4).

Also in 2005, the government issued its ‘Strategic Plan for Implementation of the Land Laws’ (SPILL) to direct the implementation of the 1999 land laws (Land Act No. 4 and Village Land Act No. 5). As noted by Odgaard:

It is clearly reflected in SPILL that [Government of Tanzania] is committed to modernise the agricultural sector in Tanzania and make land an important commercial asset in relation to that.

²⁰ This despite the existence of the Ministry of Lands, Housing, and Human Settlements Development; National Land Use Planning Commission; 1997 National Land Policy; 1999 Land Act No. 4; 1999 Village Land Act No. 5; 2002 Land Disputes Court Act No. 2; and Land Division of the High Court.

The traditional practices of farmers and pastoralists have to be changed and they have to learn to practice modern agriculture and/or animal husbandry. The starting point for increased production is seen in SPILL to be increasing acreages (URT 2005, p. 16). In order to promote such a situation the plan contains two essential strategies, namely to sedentarize pastoralists and change their production system into a ranching system, and to introduce a system of minimum acreages for farmers through a resettlement scheme. (Odgaard 2006, 21-22)

The SPILL plan does not sugarcoat the government’s intention to end pastoralism:

- | | | |
|---|---|--|
| 1 | Pastoral production has very low productivity levels | Meaning it only marginally addresses poverty reduction policy |
| 2 | Pastoralism degrades large masses of land | Meaning that it is not environmentally friendly |
| 3 | Pastoralism invades established farms and ranches, forests, wildlife conservation areas and agricultural farms | Meaning that it violates security of tenure |
| 4 | At the moment it is impossible to control livestock diseases, thus making it difficult to export meat, milk and livestock due to international demands on livestock health and products free of infectious agents | Meaning that it gives only marginal support to export-led economic development |
| 5 | Pastoralists have to be given land and told to settle | Meaning that the nomadic tradition must stop (URT 2005, 14) |

Official objectives with the start of the Kikwete presidency have thus been to modernize agriculture by supplanting smallholder cultivation with commercial farms and to bring about an end to traditional pastoralism. Despite the failures of USAID-funded cattle ranches in the 1970s (the “Maasai Range Development and Management Project”; see Ndagala 1982 and 1990; Parkipuny 1979), the Tanzanian government seeks once again to promote modernized cattle ranches with SAGCOT support. Not surprisingly, then, we find growing reports of evictions of both farmers and pastoralists but especially pastoralists in the regions of Morogoro and Bagamoyo, where large SAGCOT projects have begun. Pastoralists are especially vulnerable to eviction since their land use patterns typically entail leaving little mark on the environment. Thus their ownership claims are harder to substantiate (i.e., they cannot point to rows of planted maize or beans, storage sheds, etc.) and any compensation due to pastoralists to would be substantially less than that of farmers since compensation is limited to added improvements to the land

(structures and crops) and not the land itself. Pastoralists pursue rotational grazing, which entails moving from one area to others to allow for regeneration of the pasture and replenishment of water sources. Mobility is essential to their livelihood strategy and their lifestyle is especially suited to semi-arid areas where agriculture has not been able to thrive. However, mobility is increasingly constrained as commons are appropriated for private use and as even marginal land is coveted for agricultural purposes due to population growth and increased allocations to conservation and foreign investment. Thus pastoralists, especially Maasai, Barabaig, and Sukuma, are prime targets of state-sponsored eviction in the guise of making way for investors (SAGCOT and otherwise) or for conservation. Some 2009-2013 headlines from the Tanzanian press illustrate this clearly:

- “Pastoralists Seek Backing of MPs against Evictions,” *The Citizen*, 6 July 2009
- “Rukwa Pastoralists Defy Eviction Order,” *Daily News*, 29 July 2009
- “Eviction of Herders Was ‘Inhuman’”, *The Citizen*, 8 May 2011
- “Desperate Pastoralists Vow to Resist Eviction,” *The Citizen*, 18 May 2011
- “High Court Summons Meatu DED over Pastoralists’ Evictions,” *The Guardian*, 4 July 2011
- “Govt Orders All Pastoralists Off Kilombero,” *The Citizen*, 25 August 2011
- “Pastoralists of Kilosa Swear: We’ll Never Let Our Cattle Be Confiscated Again,” *MwanaHalisi*, 19-25 October 2011
- “Tread Carefully on Eviction of Pastoralists, Govt Advised,” *The Citizen*, 19 January 2012
- “Kilombero to Expel Pastoralists, Fishermen,” *Daily News*, 3 September 2012
- “Pastoralists Are Ordered to Leave the Kilombero River Valley,” *Uhuru*, 18 September 2012
- “Sh100 Million Set Aside for Evicting in Kilombero,” *The Citizen*, 18 October 2012
- “Some Pastoralists Defiant over Eviction,” *The Citizen*, 5 November 2012
- “Three Sides of Kilombero Evictions Drive: Rare Species, Cattle Burden, and Foreign Investments,” *The Guardian*, 11 November 2012
- “Tension as Tanzania’s Embattled Pastoralists Fight to Survive,” 19 January 2013
- “Maasai Advised to Sell Their Herds to Educate Children,” *The Guardian*, 8 May 2013
- “DC Kipozi Aghast as Pastoralists’ Lands are Sold, River Shut Out,” by Beatrice Philemon, *The Guardian*, 21 July 2013
- “Respect Pastoralists’ Land Entitlement, Urges [Minister of State] Nagu,” *The Guardian*, 15 September 2013

Two cases illustrate the connections between formalization, SAGCOT and dispossession of pastoralist lands. Kilombero, where many of the above documented evictions have been occurring, constitutes one of the two primary SAGCOT “clusters” and encompasses parts of Kilombero and Kilosa Districts in Morogoro Region, as well as part of Kilolo District in Iringa Region. It is also one of two districts selected for the current G8-led Land Tenure Support titling program. The SAGCOT Blueprint envisages a number of agricultural initiatives in this cluster, “including 14,000 hectares of new and upgraded rice plantations, 20,000 hectares of new sugar plantations, five mixed farms totaling 13,250 hectares, and additional investments in banana, citrus, and value chain improvements” (SAGCOT 2013, 2). The projects pursue the above described model of nucleus commercial farm combined with outgrower schemes. The pastoralist Maasai villages of Mabwegere and Kambala lie in this region. Both are longstanding communities, Maasai having been documented as residing in the area at least since the 1880s (Maganga, Odgaard and Sjaastad 2007; ole Ndaskoi 2011, 5). Thus contrary to news reports and popular opinion, they are not recent immigrants to the area. Both villages have officially issued Village Land Certificates and have existed as villages at least since the 1960s. Yet despite the supposed protection of village certificates (which constitutes the first stage of formalization), both villages are undergoing state-directed re-surveying of their boundaries for purposes of cutting off large parcels for farmers and investors (IWGIA 2015; ITV 2015a). This is a case not of formalization but *re*-formalization for the purposes of accommodating agriculture and rendering pastoralism untenable. In Mabwegere, village authorities had to defend their village boundaries all the way to the Court of Appeal and won in September 2011, however, the regional and district authorities have not implemented the court order to respect the village boundaries and instead have repeatedly stated their intent to redraw the village boundaries to reallocate land to the neighboring rice farming village of Mbigiri. On 30 May 2015, the Mabwegere village chairman was arrested and told he would not be released until he publicly announced his support for the redrawing of his village boundaries. He refused to do so and remained in jail for a month. And on 3 June 2015, the Morogoro district land and housing tribunal issued a ruling rescinding Kambala’s village certificate and reducing their village land from 48,650 ha. to 16,104 ha. This equals a loss of 66% of their village land (ITV 2015b). Allotting more land for cultivation to support the SAGCOT cluster thus appears to be one motivation underlying the recent decisions on these two villages.

A second case returns us to the Bagamoyo EcoEnergy (BEE) project, the other primary SAGCOT site at present. Here again the plantation plus outgrower scheme model has rippling effects across neighboring villages as farmers are recruited to convert their farms (often producing food crops) to sugarcane to join the outgrower scheme. The immediately adjacent village of Fukayosi lying on the western edge of BEE has been another site of pastoralist evictions (see Figure 1). Although it too has a Village Land Certificate and a Land Use Plan (step two in formalization) that had allocated a significant

amount of village land to pasture for the pastoralist members of the village, all the land designated as pasture has now been sold outright to BEE. Villages are typically loath to give up village land, knowing they face growing population pressure so this raises questions about what incentives were offered the village government to do this, and raises human rights questions about why only the land set aside for pastoralists was sold. The Bagamoyo District Commissioner publicly criticized this move and asked the villages to return the land, but this has not occurred.

The Bagamoyo District Commissioner has issued a seven-day ultimatum to village leaders at Fukayosi and Kidomole villages, said to be at the center of dubious selling of lands originally designated for cattle grazing... Kikando Ole Abalo, a pastoralist living at Lusako suburb in Fukayosi village added that presently a total of 1600 hectares of land among 3000 that was allocated for pastoralists at Lusako and Kalabaka at Fukayosi village for grazing land and pastoralists' settlement has been sold.... Magosh Joseph, a pastoralists' representative for Kidomole, Fuyakosi and Kiwangwa villages in Bagamoyo District said presently a total of 12,040.85 hectares of land allocated for pastoralists has been sold in those villages (*Guardian*, 2013b).

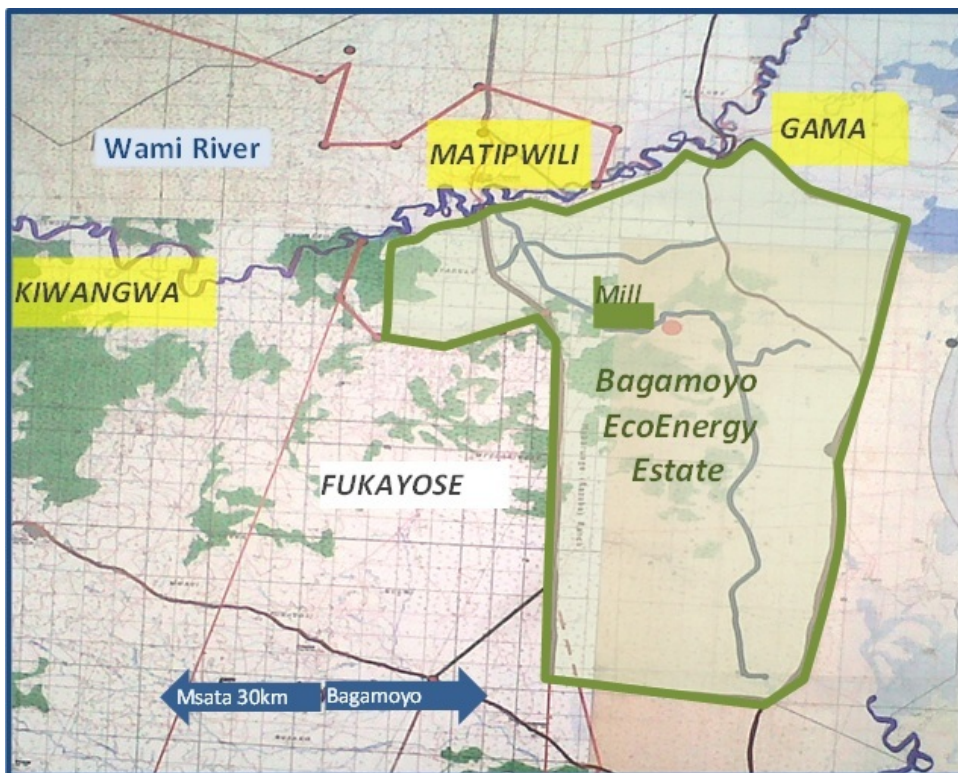


Figure 1. Bagamoyo EcoEnergy Outgrower Map²¹

These two cases illustrate the negative consequences that SAGCOT-driven commercial agriculture is having not only for farmers who commit to terms as outgrowers that do not benefit them as advertised, but for pastoralists who are being dispossessed of their land. Human rights violations against pastoralists have become commonplace and they have been repeatedly denied their rights as citizens entitled to full protection under the law and under the constitution (PAICODEO 2013; IWGIA 2015).²² This demands serious reconsideration of the G8 agenda, which is proudly proclaimed to be in alignment with international protocols governing FDI in agriculture.

FORMALIZATION, DISPOSSESSION AND VIOLENCE: CONTESTING THE G8 VIEW

There is an extensive literature that supports the G8 view by pointing to many positive dimensions of formalizing property rights in land including: providing collateral to access loans; increasing the incentive to invest; securing land rights for women; providing the security to expand rental and sales markets related to land while improving their efficiency through lowered transaction and information costs; helping the poor gain access to wealth by turning their “dead capital” into real capital by obtaining a title deed attracting foreign investment; and reducing land conflicts (Feder et al. 1988; Feder 2002; Deininger 2003; De Soto 2000; Binswanger and Rosenzweig 1986; Jones and Nelson 1999; and Field and Torero 2004).

However there is an equally large literature contesting the view that formalization will reduce conflict, prevent land grabbing, and guarantee land rights to farmers and other land users like pastoralists. Titling and formalization of tenure may in some circumstances have the potential to strengthen property rights against outside threats, but in many cases formalization has “created opportunities for wealthier, better connected and dominant individuals/groups to the detriment of less powerful ones” (Meinzen-Dick and Mwangi 2007). Meinzen-Dick and Pradhan (2002) see this elite land capture as an effect of legal pluralism that allows the educated to go “forum shopping” for the institution that will award them most favorably. The high costs of registration (money, time, and transport) make smallholders particularly vulnerable to elite groups who may seek to assert claims over land that was not theirs under customary law (Askew, Maganga and Odgaard 2013; Toulmin 2009). Therefore, the quality of legal interventions

²¹ Image retrieved at: <http://www.jamiiforums.com/jukwaa-la-siasa/637223-bagamoyo-ecoenergy-estate.html>

²² See also the anonymous website detailing human rights violations against Tanzanian pastoralists at: <http://arcg.is/1bCbIRt>

needs to improve in order to assist rural communities to negotiate better forms of tenure security and access to resources (Fitzpatrick 2005).

However, customary landowners should also be cautious of their governments, as many governments claim land ownership and only recognize customary usufruct rights when land is not sought by more powerful interests, including the state (Toulmin 2009; Parsa et al. 2011). Governments can expropriate land for public purposes; and these land takings only offer payments for land improvements (like buildings), while the loss of land access itself is often not compensated (Cotula 2008; Benjaminsen and Sjaastad 2008; and Walsh 2012). Accordingly, governments have been reluctant to transfer full property rights to their citizens. As discussed above, Tanzania is a case in point since the president holds all rights to land “in the name of the citizens,” to be held in trust for them (URT 1999; Toulmin 2009). Large land-holdings constitute valuable assets that can serve as gifts to political allies and foreign investors (Toulmin 2009). Several governments, including Ghana and Tanzania, have established a “land bank” intended to provide foreign investors with easier access to land (Cotula and Toulmin 2007), though our research indicates that the Tanzanian land bank has been slow to get operationalized.²³

Atwood (1990) argues that titling can create, rather than reduce, uncertainty and conflicts over land in Sub-Saharan Africa. Lanjouw and Levy (2004) understand these conflicts as outcomes of confusion and *increased insecurity* that arises when overlaying a formal state titling program onto a long-standing and well-understood customary property rights system. Residents may not know which system will apply in a given situation. Instability that results from titling programs can cause conflict in the formalization process. Proponents warn that an increase in conflicts is to be expected during the formalization process as boundaries are being permanently set, exposing any latent claims or disputes. Although Place and Migot-Adholla (1998) argue that “disputes are perhaps inevitable under any tenure regime given the high population pressure coupled with few opportunities outside of agriculture” and that registration programs do not have a significant impact on the overall number of disputes, many authors reach the opposite conclusion. Ybarra (2009) and Fitzpatrick (2005) both see a failure of impact evaluations to “substantively address displacement and violence that occurs as a short-term effect of the project and longer-term disparate impacts of the project that may exacerbate existing inequalities” (Ybarra 2009, 44).

Thus our research in Tanzania supports the contention that during formalization “conflict surges between the disenfranchised and those who gain power under the new property regime” (*ibid.*). Mwangi

²³ For literature on similar processes occurring in sites like South Africa, Thailand, Ghana, Uganda, Kenya and Ethiopia, see Du Plessis 2005, Kasanga and Kotey 2001, Hunt 2004, Bedelian 2012, Rahmato 2011, Survival International 2015.

(2005), Trebilcock and Veel (2008) and Ensminger (1997) find conflict to be a hallmark of property rights formalization. So too is dispossession.

DISPOSSESSION THROUGH FORMALIZATION

The idea of dispossession is inherent in the work of Karl Marx in his description of the evolution of capitalist production. In particular, Marx pointed to the privatization of the commons and the separation of peasants from their land as a central component of the primitive accumulation of capital (Marx, 1990). Harvey (2006) has updated the idea as a mechanism to understand capitalism in the era of neoliberalism. Harvey argues that capitalism is in a crisis of over-accumulation with the simultaneous existence of excess capital and excess labor but with impediments to bring them together. Over-accumulation is manifested with an abundance of commodities, money and capacity along with a surplus of labor but a lack of profitable opportunities.

The crisis of over-accumulation is dealt with via spatio-temporal fixes where capital is constantly relocating geographically. The key is to appropriate new forms of labor and additional resources into the process of accumulation. This is accomplished through what Harvey refers to as “accumulation by dispossession” where private wealth and power are expanded through dispossessing the public of their wealth or land. Neoliberalism has been a key instrument of dispossession through privatization and redistributions by the state.²⁴

Privatization has involved the transfer of public assets to the private sector purportedly in the name of greater efficiency, however it all too often results in the appropriation of public assets for private accumulation purposes. What was formally considered to be the commons or public services of national interest are redirected for private purpose. It has meant privatizing everything from land and water (a particularly low point in Tanzania’s privatization history; see ActionAid, 2004) to infrastructure, social services like education, and even knowledge and information. The state has been the central actor in and victim of dispossession through its allocation of public assets to the private sector, through its assumption of crisis-driven private debt and through curtailment of public expenditures, which has opened up spaces for private accumulation (Harvey 2006; Stein 2013; Ekman 2012).

As stated above, formalization in the context of property rights refers to the process of allocating legally recognized titles of ownership. However, ownership is ultimately a social fact and social idea that is widely accepted. Mere possession is no guarantee of ownership nor is a title (especially in conditions entailing high levels of corruption where title deeds can be forged, falsified, and multiply allocated). Nor is “ownership” a legal constant given differing tenure regimes of freehold versus leasehold title. In the

²⁴ Harvey also identifies financialization and the management of manipulation of crises as other neoliberal strategies for facilitating accumulation by dispossession.

case of mainland Tanzania, the titles issued in rural villages do not bestow ownership rights in a freehold sense, since as mentioned above, all land in Tanzania is constitutionally held in trust by the president. Rather rural land titling confers legally recognized “customary rights of occupancy.”²⁵ Titles whatever form they take are much like currency and must have the full backing and recognition of those issuing the title (Bromley 2009). However, formalization can also be used to undermine socially recognized rights of ownership and with the full power of the state be an instrument of dispossession for purposes of private accumulation. We have seen the spawning of a new effort by the wealthiest states via the G8 to expand new avenues of accumulation for large-scale private agro- and other businesses through what could be one of the largest dispossessions of land in human history. Rather than being a tool to help the poorest members of Tanzanian society including pastoralists and small-scale farmers, formalization legitimizes state-sponsored, donor- and investor-driven land grabbing and provides the appearance of protection and a cover for widespread accumulation by dispossession. Issa Shivji, in his (2009) discussion of “disarticulated accumulation” predicted this with uncanny accuracy:

The development of agro-fuels, supported by the USA and Europe, is witnessing multinational agribusiness in a new scramble for land in Africa... Ironically, the victim of this scramble will be the peasant and the pastoralist as their *minifundia* are turned into *latifundia*, cultivating sugarcane, maize, cassava, palm oil, etc. This is likely to lead to another round of massive primitive accumulation, displacing producers from their lands, destroying forests and ecology, introducing genetically modified crops with far-reaching implication on food chains, and, generally, further integrating the African periphery into ‘the Atlantic agro-industrial complex’... Disarticulation between structures of production and structures of consumption will further deepen, this time around the very basic human need, food. (p.60)

CONCLUSIONS

The paper investigates the G8 agenda on property right formalization in rural Africa and foreign investment in land through close examination of the Tanzanian case. The G8 has greatly legitimized corporate-backed World Economic Forum (WEF) initiatives and is arguably acting as a handmaiden to global corporate strategies to search for a new regional outlet for accumulation. Rationalizations by the G8 and government of Tanzania for property right formalization include reducing conflict, protecting

²⁵ This paper only deals with land matters in mainland Tanzania. Zanzibar, though part of the United Republic of Tanzania, retains sovereignty over its own land and vests control over land in the President of Zanzibar. In contrast to the mainland, in Zanzibar the legal distinction between ‘rights of occupancy’ and ‘customary rights of occupancy’ does not exist. Only ‘rights of occupancy’ exist in Zanzibar, which in rural areas are typically allocated by village headmen known as *shehas*.

local land rights, and improving rural livelihoods by allocating large land holdings to private investors. However, as shown in the paper there is very strong evidence that formalization is causing widespread dispossession and increased conflict on an ever-worsening scale. In addition, there is considerable doubt that investor control of land and the promotion of contract farming is the best route to improve agricultural productivity. For all the rhetoric about increased security and improved rural livelihoods via formalization, we present evidence to the contrary. Despite producing (by government's own admission) 94% of the domestic meat market and contributing 30% or more of the agricultural GDP, Tanzanian pastoralists and agro-pastoralists are being subjected to endless human rights violations and dispossession of their rights to land and water resources. A combination of factors including (i) population growth, (ii) declining soil fertility in many areas of the country, (iii) expansion of and increase in the number of conservation areas, (iv) and new large-scale agriculture investments like the ones explored here have driven farmers, elites and multinational corporations to encroach on pastoralist areas, which were formerly deemed too marginal for agricultural purposes. Evictions and de-stocking campaigns, livestock censuses, excision and outright nullification of pastoralist villages, and more are the plight of Tanzania's pastoralists today.

That the World Bank has issued a full waiver of its safeguard policy for indigenous peoples for the loan issued to Tanzania for SAGCOT is highly troubling.²⁶ Our research reveals that the victims of this are pastoralists, and a high number of cases are occurring in Morogoro and Coast regions (though the phenomenon is by no means limited to these SAGCOT regions only). This includes implementation of draconian livestock censuses (with "livestock" so broadly defined as to include household cats and dogs); the recently introduced government livestock branding campaign (Tanzania Livestock Identification and Traceability System, or TANLITS), which elicited widespread protests and resistance campaigns in Morogoro region in 2016; the May 2016 announcement by the Morogoro Regional Commissioner of an intended forced de-stocking campaign to reduce herds to unsustainable levels²⁷; nullification of the official existence of a longstanding Maasai village (Ngaiti village, Kilosa district, Morogoro region); excision of over half of the land area of another Maasai village (Kambala village, Mvomero district, Morogoro region) from 48,006 ha. to 16,400 ha. representing a loss of 66% awarded to four neighboring farming villages, and the digging of a mammoth trench between Kambala and its neighbors.

In sum, a series of simultaneous developments are contributing to rising levels of conflict, violence, and human rights violations against pastoralists in Tanzania. These are: (1) SAGCOT

²⁶ Helen Tugendhat, "World Bank Turns Its Back on Pastoralist Communities in Africa," Bretton Woods Project, 23 September 2016. Accessed at: <http://www.brettonwoodsproject.org/2016/09/world-bank-turns-back-pastoralist-communities-africa/>

²⁷ "Tamko la Zuo la Uingizaji Holela wa Mifugo Mkoani Morogoro," de-stocking and eviction order issued by Morogoro Regional Commissioner Dr. Kebwe Stephen Kebwe, 20 May 2016.

investment activities and objectives; (2) the LTSP formalization initiative; (3) the longstanding Tanzanian government objective to end traditional modes of livestock keeping; and (4) the recent full waiver issued by the World Bank releasing Tanzania from its obligation to adhere to the safeguard policy for indigenous peoples (Operational Policy 4.10). The combination of these four developments are having a very detrimental effect on communities within the SAGCOT corridor and in particular on pastoralist communities. This should be taken as a warning by those that want to alienate millions of acres to investors in the name of modernization and efficiency and by any and all concerned with protecting human rights.

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