

**PROPOSED BENEFITS SHARING MODEL IN LARGE SCALE LAND INVESTMENT
(TRIPARTITE BONDING MODEL): A CASE OF KILOMBERO, ULANDA AND
MALINYI DISTRICTS OF TANZANIA**

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MARCH, 2018

**Paper Prepared for Presentation at the
“2018 WORLD BANK CONFERENCE ON LAND AND POVERTY”
The World Bank - Washington DC, March 19-23, 2018**

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Disclaimer

The Tripartite Bonding Model is a result of author's applied research work which is in progress, hence the proposed benefits sharing model is a result of author's own simulations representing basic assumptions, key characteristics and possible operationalization mechanisms of the Tripartite Bonding Model. This paper represents the opinions of the authors, and is the product of applied research. It is not meant to represent the position or opinions of the Ministry of Lands Housing and Human Settlements Development (MLHHSD) or its Management. Any errors or misrepresentation of information in this paper are the fault of the author.

The Tripartite Bonding Model for large scale agriculture investment is expected to meet high level authorization requirements and broader stakeholders' consultations and involvement. Since violation of authorization requirements may amount to insubordinations and losses of institutional reputation the MLHHSD or any other Government Authority in the United Republic of Tanzania will not be responsible for any information contained in this paper until when the proposed model has been accepted and institutionalized.

List of Abbreviations and Acronyms

CBOs	Community Based Organizations
CCRO	Certificate of Customary Rights of Occupancy
CSO	Civil Society Organization
D by D	Decentralization by Devolution
FAO	Food and Agriculture Organization
FCS	Farmers' Cooperative Societies
FYDP II	Five Year Development Plan Phase Two
KSCL	Kilombero Sugar Company Limited
LED	Local Economic Development
LSIL	Large Scale Investments in Land
LSLM	Land Sector Lead Ministries
LTPP	Long Term Perspective Plan
LTSP	Land Tenure Support Programme
NLP	National Land Policy
PVLUP	Participatory Village Land Use Planning
SAGCOT	Southern Agricultural Growth Corridor of Tanzania
TBM	Tripartite Bonding Model
TDV	Tanzania Development Vision
TIC	Tanzania Investment Centre
URT	United Republic of Tanzania
VG	Village Government
VLUP	Village Land Use Plan

1.0 INTRODUCTION

Tanzania as many African countries inspires to attain its developmental goals through investment on land particularly through large scale commercial agriculture and mining while safeguarding land tenure security. The Government through policies and incentives aims to increase agricultural investment. For example through Kilimo Kwanza (“Agriculture First”) initiative, the Tanzanian government seeks to attract large scale investment in land through Southern Agricultural Growth Corridor of Tanzania (SAGCOT). This is part of a larger strategy aimed at increasing the incomes, productivity and food security of Tanzania’s smallholder farmers. The government hopes to achieve this by encouraging investors to utilize investment structures that ensure all parties such as local communities, national and sub-national governments and investors equitably share benefits accruing from large scale agricultural investment.

Tanzania has a long (more than 10 years) experience in designing and implementing Large Scale Investments in Land (LSIL) especially in agriculture sector. However, fewer of those initiatives have proved success due to, among other things, weak agricultural policies, business environment and particularly land issues. On the other hand, there seems to be considerable potential of these initiatives to support local development through providing incomes, infrastructure and community compensations. In general, the policies to attract Large Scale Investments in Land are not yet sufficiently developed, coordinated and implemented. Though, a number of policies, initiatives and instruments have been devised over the past years to foster large agro-investments and to improve their impact on national social and economic development, the benefits of LSIL among the Government, Investors and Villagers are not well defined within the exiting legal framework and institutional setup.

Large scale investment in land mostly done by foreign investment in agri-business that the Government of Tanzania promotes as a strategy to boost agricultural production and productivity has encountered several challenges between the Government, villagers and investors. This is because the large scale investors occupy arable land which could alternatively be used by the local population for their current uses or work it in the future for agricultural production or other uses. Land for investment purposes is currently

perceived differently. While investors find it difficult to access land for investment, some rural communities have a perception that there is not enough land to cater for their subsistence and provide for large scale investments. At present, large parcels of land are being allocated to individuals or private firms including foreign investors regardless of their proven ability to develop them. Large areas remain undeveloped or held for speculative purposes. Besides, there are no arrangements for investors to provide continuous benefit to former occupiers.

Investors' in large scale investments faces difficulties due to long time and bureaucratic procedures to acquire land as it normally follows a consultative process involving institutions at village, district and national levels. Large areas remaining undeveloped are mainly due to poor development control and lack of continuous benefits to former occupiers. This is mainly a result of current practice where former occupiers are paid compensation and completely retain no stake in the land earmarked for investment. As a consequence, former occupiers are dissatisfied and oppose investment established in their areas creating hostility between villagers and investors.

In promoting and managing these investments, the government faces the challenge of structuring large scale investment in land in a way that fairly and justly compensates both women and men that have formal land rights and/or legitimate informal or customary rights to the land, including ownership and usage rights and rights to collectively own land, while also meeting the legitimate interests of investors, communities and the government itself. These challenges called for a robust study on possible benefit sharing models on large scale investment in land. There is growing international attention on large scale agricultural investments and a commitment to principles such as the newly endorsed FAO¹ Principles on Responsible Investments in Agriculture. The model is expected to be replicated in the entire country although it will be pretested in Kilombero, Ulanga and Malinyi Districts.

¹ Tanzania being a member of UN agrees with FAO conventions including the mentioned one which protects poor and marginalized farmers.

2.0 OBJECTIVES OF THE PROPOSED MODEL

Land Tenure Support Programme intends to pilot benefit sharing models² that will ensure women and men with formal and/or informal ownership and use rights receive fair and just compensation due to either loss of some benefits resulting from limited access to their customary land rights which are acquired for large scale investment. Those models should ensure equitable sharing of the benefits by government, investors and women and men community members arising from large scale investments. The specific objectives are to:-

- (i) provide the Government with comparative information on strategies with a view to underscore the importance of equitable benefit sharing between government, investors and women and men community members within the land sector;
- (ii) Review approaches to equitable benefit sharing and compensation for land sought by investors through analysing the existing benefit sharing mechanisms available within the various sectors with a view to capturing lessons and experiences therefrom; and
- (iii) Provide the Government with policy and legal recommendations on equitable benefit sharing models that extend equally to both women and men and can be adopted in Tanzania.

3.0 THE AREA WHERE PROPOSED MODEL WILL BE TESTED

Given the fact that, there is no single benefit sharing model that can best fit all areas with different socio-economic status and geographical variances, the proposed Tripartite Bonding Model will be piloted in the three districts of Kilombero, Ulanga and Malinyi in Morogoro Region, Tanzania which implemented Land Tenure Support Programme. The model will be based on large scale agriculture investments which include crop farming, livestock farming and forestry. Since Tanzania needs to generate economies of scale in the agriculture sector through enhancing production and the development of export markets.

² After reaching consensus on benefit sharing models, the Government will prepare guidelines on the roles of Government, Investors and Communities on large-scale investment in Land. This guideline will clarify interaction of the Government, Investors and farmers while safeguarding legitimate interests of each party.

The proposed benefit sharing model will facilitate identification of land suitable for large scale investment in a way that delivers broad social benefits to the people of Tanzania. Given the nature of the areas to be piloted the model will allow opportunities for large scale investments in agriculture to be carefully weighed against environmental considerations, due to the possibility of severe negative impacts where practices and regulations are poorly adopted.

4.0 METHODOLOGY

This chapter describes the methodology chosen for formulating this benefit sharing model. It investigates the steps taken to determine the socio-economic status of the population where the model will be piloted and their land status. It describes the methods used to collect data which informed formation of the Tripartite Bonding Model for large scale investment in land.

4.1 Qualitative Case Study Approach

Although most empirical evidences in social sciences are drawn from quantitative analysis based on data collected through surveys, in the modern research methodologies the use of qualitative case study approach is given more weight. In the 1960s, researchers became concerned about the restrictions of quantitative methods especially on formulation of structural econometric models. Hence there was a renewed interest in the case study approach using qualitative methods through the development of the concept of a "grounded theory" (Glaser & Strauss, 1967). Yin argues that the case study approach is not myopic and that it is possible to generalise to theory (analytical generalisation; Yin, 2003: 10). Due to this, we thoroughly interviewed Kilombero Sugar Company Limited in Tanzania in order to represent large scale investment in the study area (Kilombero, Ulanga and Malinyi) as consideration of a single case can be acceptable.

4.2 Data collection Methods

4.2.1 Literature Review

The starting point of the study was to examine available literature on equitable benefit sharing and other partnerships existing in the natural resources, agricultural and other sectors. The main outcome was a list issues that are pertinent to Tanzania situation. The literature review considered best practices on benefit sharing models in other countries.

Also, a list of relevant pieces of legislation were reviewed with particular attention to the Land Act No. 4 of 1999 and the Village Land Act No. 5 of 1999; the Land Acquisition Act (1967); and Land Use Planning Act No. 6 of 2007, the Investment Act (1997) and the Valuation and Valuers Registration Act of 2016 to assess whether the existing legal framework can support the proposed model or there are needs for amendment of the existing Acts or enactment of a new Act to operationalize the proposed model.

4.2.2 Survey

4.2.2.1 Sampling Plan

The sampling plan for this survey based on the list of villages from Government Notice (2015) that are found in the Programme area. A total of 127 Primary Sampling Units (PSUs) in this case villages, from the three project districts (Kilombero, Ulanga and Malinyi) in Morogoro region were included in the sample. In each selected sampling unit (also referred to as cluster or village), all households that reside inside the geographical boundaries of each cluster were listed exhaustively and a sample of 20 households were systematically selected for interview from every village. Ultimately, the sample size for the survey was 2,940 households (for the in-depth interview).

As a part of updating the list of households in each cluster ready for selection of households for the data collection exercise, a household listing exercise was carried out. Apart from listing the households and the heads of the households, some other demographic and land related information were collected. This information facilitated household selection exercise to make up a sample for in-depth interview.

After completing the listing exercise in a village, selection of the 20 households using a special spread sheet that were prepared by the sampler was done. The interviewers were guided on elected households for in-depth interview. Replacement of households for in-depth interview was done if the following condition holds; If there is no body found in the house or if no household member is reachable after 3 attempts or household members refuse to participate. Team's supervisor was responsible for assignment of the replacement after confirming that the intended members of the original households cannot be obtained.

The immediate above or bottom households were selected for replacement from the household sampling frame.

4.2.2.2 Data Collection

Data collection took place for two months between October and December, 2017. The data collection exercise was done using CAPI approach with internet connectivity for the timely transmission of data. There were four data collection tools (questionnaires) which are;

- i. Listing Form
- ii. Household Questionnaire
- iii. Community Questionnaire
- iv. Focus Group Discussion guide questionnaire

After completion of the data collection exercise, all the data was exported to SPSS/Stata software ready for processing and analysis.

4.2.2.3 Challenges during data collection

The major challenges faced during data collection include the following:

1. Dispersion of the houses (households) in some of the villages, especially in the livestock keeping households populated villages makes it difficult to cover a good number of households per the given time;
2. Absences of households members (heads of households) for some of the households which demands for call-backs;
3. Poor roads and presence of swamps and rivers in some places posed a great challenge on reached households for interview.

4.2.2.4 Response Rate

In any data collection exercise, incidence of refusal, omission, double counting and other non-sampling errors are bound to occur. However, efforts are usually made to minimize such errors. In this survey, various measures were taken to ensure that refusal, omission and other errors are minimized and avoided at all. Therefore the response rate was 100% as none of the households omitted or refused to be interviewed.

4.2.2.5 Weighting of the data and reporting of the findings

Weighting of the data was done to reflect the population covered in the Programme area of the total sampled households (2,940), after weighting, the number of households becomes

sharing model 65,410 (including both households with land and without land). Since the proposed benefit sharing model focuses on those villagers occupying, the total population households (65,410) were filtered to remain with those households with land in the survey area which were 49,752 households (23,127 in Kilombero, 12,969 in Ulanga and 13,656 in Malinyi) thus the total weighted households for analysis and computation of the sought indicators were 49,752 households.

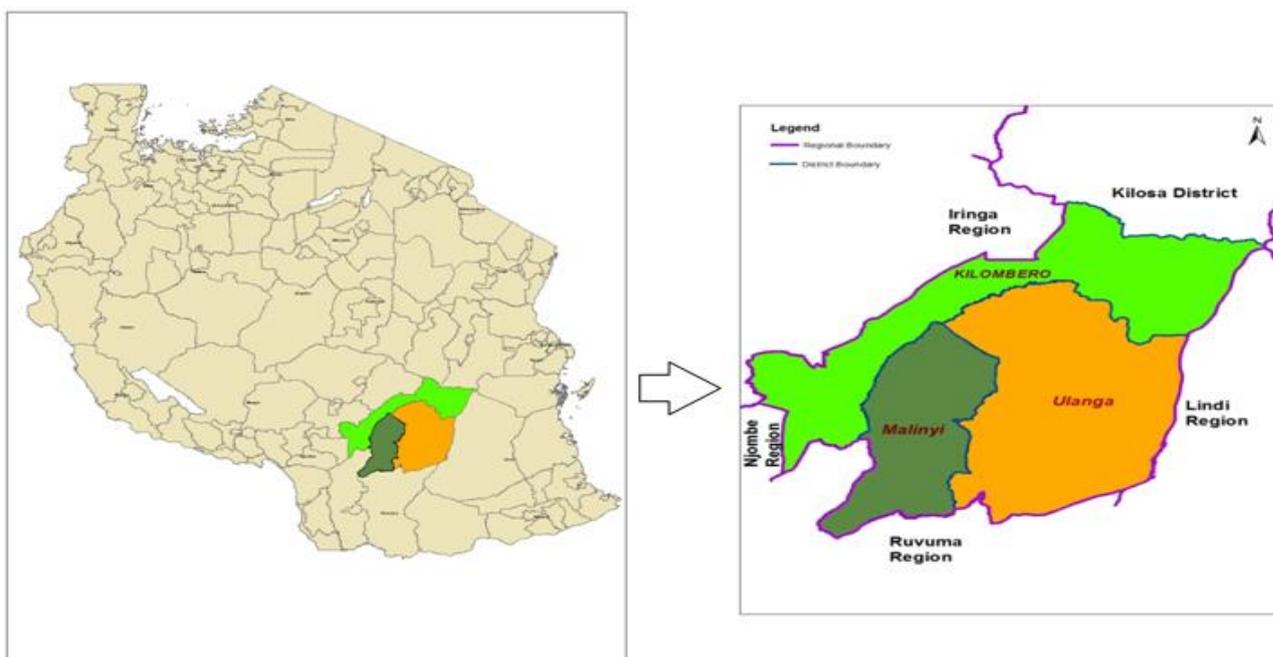
4.3 Stakeholder Consultations

Stakeholder consultations were carried out in the LTSP pilot areas (Kilombero, Ulanga and Malinyi Districts). Consultations was through workshops bringing together, government officials including Ministries responsible for land, Local Government Authorities, agriculture and livestock, natural resources and tourism, forest, water and irrigation and community development; Civil Society Organization; Private Sector; investors; Community Based Organizations (CBOs) in the pilot. The views from the community consultations has been incorporated in the Proposed model, however, since formulation of this model is a Work in Progress there will be further discussions in the stakeholder workshop which will bring together selected stakeholders. Consultations will also be conducted at the national and local level involving key Government agencies, development partners, civil society, academic institutions and the private Sector before the model is piloted in Kilombero, Ulanga and Malinyi.

5.0 BIOPHYSICAL ENVIRONMENT OF THE AREA

5.1 Location

The study was carried out in the three LTSP districts of Kilombero (60 villages), Ulanga (36 villages) and Malinyi (31 villages). The three district of Kilombero, Ulanga and Malinyi are among the seven (7) Districts in Morogoro region which is found south-western of Tanzania.



Map of the Studied Area

Kilombero district is situated in a vast floodplain, between the Kilombero River in the south-east and the Udzungwa-Mountains in the north-west. On the other side of the Kilombero River, in the south-east, the floodplain is part of Ulanga District. Ulanga District is bordered to the north and west by the Kilombero, and Malinyi district borders Ulanga to south and Kilombero District to the North West. The Districts area sizes are 11,025km²; 24,460km²; and 9,979.9km² for Kilombero, Ulanga and Malinyi respectively.

According to the 2012 National Population and Housing census, Kilombero district council had a total population of 301,456 whereby 151,654 were males and 149,802 females. Malinyi Council population had 114,202 (56,214 males and 57,988 females) and Ulanga had population of 265,203 (57,988 males and 56,214 females). The Major ethnic groups within the three districts includes Wapogoro, Wandamba, Wabena, and Wambunga but there are other numerous groups including Ngoni, Sukuma, Hiyao, Luguru and Nyamwezi to mention a few. Most of the groups in the region are farmers. There are also pastoralists and agro-pastoralists. These groups have moved in and settled in the districts in search of grazing lands for their cattle. These new settlers have occasionally clashed with existing ethnic groups. The conflicts are always based over the land use and occupancy rights.

5.2 Climate and Soils

Kilombero, Ulanga and Malinyi experiences climate of moderate temperature and rainfall, the average annual temperatures vary between 18⁰C to 30⁰C in the lowlands. The districts experiences moderate temperature of around 25⁰C almost throughout the year. The warm season normally runs from July to September. Generally, the area experiences two major rainfall seasons: with long rains between November and May, and short rains between January and February. The average annual rainfall varies between 600mm and 1800mm. However, the average annual rainfall varies from year to year and between ecological zones. Kilombero, Ulanga and Malinyi Districts are greatly influenced by the Mahenge and Udzungwa mountain ranges which have high altitude and harbour dense forest reserves. The area is generally characterized by alluvial soils which are fertile in nature suitable for crop farming.

5.3 Forestry

The 1974 survey on the extent of forest cover in the Region of Morogoro indicated that the area covered by forests was estimated at 64,000km². However, since that period tremendous changes have taken place in terms of population and economic activities that have significantly contributed to the depletion of this valuable resource. In particular, the forest cover has been under serious pressure from agricultural and livestock activities as well as excessive tree cutting for fuel wood and other domestic uses. Most of the reserves cover mountainous areas under a high rainfall and so are the important catchments. The main mountain ranges include the Udzungwa in Kilombero District and Mahenge in Ulanga District.

Table 1: The number, and size of forest reserves in the LTSP area

District Name	No. Reserved Forests	Total Area (Ha)	Encroached Area (Ha)
Kilombero	13	127,364	2,547
Ulanga and Malinyi	8	7,692	1,430
Total	21	135,056	3,977

Source: Morogoro Regional Commissioners Office, 2006

5.4 Water Resources

Kilombero, Ulannga and Malinyi districts are dominated by the Kilombero River Valley that encompasses 39,990 km² which is about 23% of the total area of Morogoro region, and contributes about 65% of the flow to the Rufiji River. An important feature of the Kilombero basin is the great fertile Kilombero valley below the eastern scarp of the Udzungwa Mountains. Numerous rivers flow on the scarp from the Udzungwa plateau. Some of the important rivers are the Ruhudji, Kihansi, Luhombero, Kigogo-Ruaha and Mpanga. The Ruhudji and the Luhombero form the Kilombero River. After Shughuri rapids on the old basement step, the Kilombero joins the Luwegu flowing from south east to form the Rufiji. The Rufiji basin is large, with differing rainfall and catchment characteristics.

The area north of Poroto and Udzungwa Mountain is under semi-arid conditions with mean annual rainfall of 500mm. Rainfall increases southward and larger falls of 1800mm per year are observed on the slopes at the Udzungwa and Kipengere range. The rainfall pattern is such that there is one rainy season (mid-November to May) and one dry season. This pattern is the same all over the basin with the exception of coastal areas where there is slight tendency to bimodal rain pattern. There is a tendency for the dry season to set earlier in the Great Ruaha basin than the Kilombero basin. The Kilombero floods occur at the end of April or the beginning of May. Runoff pattern is closely related to the rainfall pattern. Rivers start rising in December with a peak in March-April. The unique ecological endowment, crop and livestock systems in each zone are summarized in the table below.

Table 2: Main crops grown in Kilombero, Ulanga and Malinyi

Zone	District Covered	Crops	Livestock raised
Higlands 600	Ulanga	Maize, Vegetables, Fruits, Coffee, Cocoa, Citrus	Poultry, Pigs, Goats, Sheep
Plateau 300 - 600m	Part of the middle of Morogoro South (Part of Malinyi District)	Maize, sorghum, sweet potatoes, cotton, sunflower, simsim, citrus, paddy, cassava and banana	Cattle, sheep, poultry
Lowland and River valleys	Kilombero District and part of Malinyi District	Paddy, maize, sugarcane, bananas, cocoyam, cassava and sweet potatoes.	Cattle and poultry

Source: Morogoro Regional Office, 2006, Modified by LTSP from survey conducted in 2017.

6.0 SOCIO-ECONOMIC STATUS OF THE AREA

6.1 Migration Patterns

Migration pattern is dominated by immigration as compared to emigration as most households moving in the LTSP area resides permanently while the native ones are less likely to move out in other district. Results from survey show that there are significant immigrations in the Programme area whereby 60.6% of immigrated household in the area immigrated in search of farm land. This signifies that, there is high pressure from smallholder farmers immigrating in the LTSP area for farming purposes which in turns reduced land for large scale agriculture investment. High proportion of household in Kilombero district has immigrated in search for farm land (88.5%) as compared to other district. This makes Kilombero district with much lesser land for large scale agricultural investment unless land is acquired for public interest and land occupiers fairly and promptly compensated.

Table 3: %age of Household by Reason of Migration

Reason for Migration	Programme Area		Kilombero District		Ulanga District		Malinyi District	
	Number	%age	Number	%age	Number	%age	Number	%age
Total	26,517	100.0	13,323	100.0	2,181	100.0	3,544	100.0
Farm land	16,082	60.6	11,786	88.5	1,644	75.4	2,652	74.8
Grazing land	292	1.1	193	1.4	35	1.6	64	1.8
Employment	1,941	7.3	1,013	7.6	360	16.5	568	16.0
Business	733	2.8	331	2.5	142	6.5	260	7.3
Ujamaa Villages	998	3.8	376	2.8	360	16.5	262	7.4
Marriage	1,636	6.2	776	5.8	560	25.7	300	8.5
Other	4,835	18.2	2,997	22.5	886	40.6	952	26.9

Source: LTSP Survey 2017

6.2 Land Uses

6.2.1 Existing Land Uses

Land uses by a community may help to understand possible benefit sharing model and terms of benefits between large scale agriculture investor and particular communities in place. The local people in LTSP area are predominantly crop farmers with minimal engagement in livestock farming mainly sedentary livestock keeping. Due to this, a large part of the land is currently used for cultivation, though there are chances of undertaking livestock farming preferably in small ranches than nomadic pastoralism as there are risks of land use conflicts with crop farmers. However, there exist pastoralists who have immigrated in the area in search of pasture; this has exaggerated land use disputes between crop farmers and pastoralist as the natives used not to allocate grazing lands. Since Malinyi district had more unoccupied land as compared to Kilombero and Ulanga most pastoralist have immigrated into Malinyi and establish grazing lands. Results from survey shows that, 66.9% of the land occupied by households is used for crop farming while only 2.4% is used for crop farming.

Results from survey shows that, in terms of crop farming land use, Ulanga seems to have the larger area (72.2 %) than Kilombero and Malinyi district, while Kilombero district seems to have the smallest area (64.5). If one points out about a livestock keeping areas, Malinyi district appears to have the largest area (4.3 %) while Ulanga district having the lowest area which is 1.3 %. Areas kept for forest reserve, Kilombero district shows to have the largest area which is about 5.0 % while Ulanga district is having the smallest area (1.6 %). Indeed, for residential areas Kilombero seems to have the huge area which is about 23.7 % while Malinyi appears with the smallest area (19.6 %).

Table 4: Land Parcels by Type of Land Use

	Total Area (Acre)	Crop farming	Livestock keeping	Forest reserve	Residential	Recreational	Business	Other
Total	107,733	66.9	2.4	3.6	21.9	1.8	2.0	1.4
Kilombero	49,119	64.5	2.0	5.0	23.7	1.1	1.3	2.4
Ulanga	31,619	72.2	1.3	1.6	21.2	1.2	1.7	0.8
Malinyi	26,995	65.0	4.3	3.4	19.6	3.8	3.5	0.5

Source: LTSP Survey 2017

6.2.2 Changes in land use

Changes in land use was assessed in order to simulate possibility of community in LTSP area to accept policy changes in favour of large scale agriculture investment that will lead those community to either lose their land rights of change their current land uses to support large scale agricultural investment. Though general likelihood shows that large number of respondents was not willing to change their current land uses, the possibility of communities to change their current land use were statistically significant.

Table 5: %age of Households with Changes of Land Use

	Total Households	Households Changing Land Use	Households Not Changing Land Use
Total	49,752	29.7	70.3
Kilombero	23,127	21.9	78.1
Ulanga	12,969	33.4	66.6
Malinyi	13,656	39.4	60.6

Source: LTSP Survey 2017

Generally, results show that, about 29.7 % out of the total households in the programme area seem to have changed the land use while 70.3 % seems not to have changed the land use. Thus, it seems that the huge number of households does not change the land use. Malinyi seems to have the highest rate of the households which practice change of land use (39.4 %) while Kilombero having the lowest rate (21.9 %). Particularly, the vice versa is true for households which do not change land use with 78.1 % for Kilombero district and 60.6 % for Malinyi district.

3.4.1 Land Use Capacity

The study intended to understand whether the existing land occupiers in LTSP area have spare land that can be released from the occupiers and relocated to large scale agricultural investment. The results show that there is insignificant portion of land that the current occupiers are not using it. This poses a challenge that, land for large scale investment can be only be smoothly acquired from village allocation and not from current land occupiers.

The results reveal that, out of the total area (102,028 acres) for all three districts, about 97.1 % of the occupied land size is used. At the level of the districts, Ulanga seems to have the largest area which is about 98.7 % of land size used, followed by Kilombero (96.6 %) and lastly, is Malinyi which is about 96.1 %.

Table 5: %age of Land use for the Land size owned by household

	ACRE Land size owned by households	%age of Land Used
Total	102,028	97.1
Kilombero	47,407	96.6
Ulanga	30,278	98.7
Malinyi	24,343	96.1

Source: LTSP Survey 2017

6.3 Land Disputes

In the context of this study, land disputes was defined as a social fact in which at least two parties are involved, the roots of which are different interests over rights to land that include access right; use right; ownership right; right to transact land; right to manage the land; right to generate income from the land; and the right to compensation for it. Large scale agriculture investment can be feasible, among other things, if the invested land is free of disputes.

6.3.1 Households with Land Disputes

The survey conducted shows that, almost half of the household in the LTSP area has some sorts of land disputes over the land they holds. This poses a challenge on any large scale investment model that will rely on large acquisition in order to acquire large tracks of land for sensible agricultural investment. However, the Government through Land Tenure Support Programme has put remarkable interventions that will significantly reduce land disputes through land regularization that include surveying village boundaries which will eliminate village boundary disputes between neighbouring villages; preparation of Village Land Use Plans which will reduce land use disputes; registration of land parcels which will reduce land ownership disputes; strengthening land registries at district and village level which will reduce parcel double allocation disputes; and strengthening land disputes resolution machineries at local level which will reduce the backlog of undecided land cases.

The overall results show that about 23,969 households (48.2 %) out of 49,752 households in the Programme area have land conflicts. However, for each district, Kilombero has 11,319 households with land conflicts which is about 48.9 % while Malinyi appears to match with Kilombero (48.9 %) but with less number of households (6,678) whereas Ulanga appears to have least number of households with land conflicts compared to Kilombero and Malinyi districts.

Table 6: %age of households with Land Disputes by District

	Total households	With land dispute	
		Number	%
Total	49,752	23,969	48.2
Kilombero	23,127	11,319	48.9
Ulanga	12,969	5,972	46.0
Malinyi	13,656	6,678	48.9

Source: LTSP Survey 2017

6.3.2 Types of Land Disputes

The study has paid attention in all possible sources of land disputes which are commonly practiced in Tanzanian societies, which are nothing but, boundary conflict, Selling or Purchasing conflict, inheritance conflict, farmers versus livestock keepers, and indeed, Government itself when acquiring land from the individuals. In this section, we briefly present the results in Table 3.7.2.

Table 7: %age of Households by Type of Land Disputes by District

	Total Households	Boundary conflict	Sale/ purchase conflict	Inheritance	Government land acquisition	Farmers and livestock keepers	Other
Total	23969	19.2	22.5	19.6	18.5	20.1	0.1
Kilombero	11319	20.6	22.8	18.1	19.3	19.2	0.0
Ulanga	5972	15.9	23.5	22	18.2	20.4	0.0
Malinyi	6678	19.6	21.1	20.2	17.5	21.3	0.3

Source: LTSP Survey 2017

The overall results show that, the main type of land conflicts seems to be sales/purchase of land (22.5 %) followed by farmers versus livestock keepers conflict (20.1 %). These were followed by inheritance (19.6 %), boundary (19.2 %) and lastly Government land acquisition conflict (18.5 %). Having a look at each district, one after the other, it suggests that, conflicts during buying and selling of land, Indeed, Ulanga leads the other districts (23.5 %) while the least being Malinyi (21.1 %), for boundary conflicts, Kilombero district appears to lead (20.6 %) while the last being Ulanga district (15.9 %). Conflicts brought by inheritance (20.2 %) for Malinyi district seems to be at the top while Kilombero district (18.1%) appears at the tail. Certainly, Government land acquisition conflicts are 19.3 % which is the highest for Kilombero district while the lowest being Malinyi with only 17.5 %. Farmers versus Livestock keepers land conflicts has been led by Malinyi district (21.3 %) while Kilombero district (19.2 %) appears at the lowest.

6.4 Average annual household income

This indicator depicts financial status of households in the LTSP area as it measures the community economic status at a status quo-scenario that can be weighted comparatively with an improved scenario with large scale agricultural investment introduced in the area. Also, it shed lights on the suitable benefit sharing model that can be operationalized in such communities and guarantee substantial benefits to all community including men and women.

Information on the differences in income between women and men will be used to design a benefit sharing model in an affirmative way that treat women more equally and better ensure the equitable distribution of benefits. This data helps large scale investment accommodates the challenges women face in participating in benefit-sharing models having their ownership and land use rights recognized and valued. Findings show that, in the Programme area, average annual household income is TZS 2,277,668 (TZS 189,805 per month). Male headed households have significantly higher income of TZS 2,605,074 (TZS 217,089 per month) while female headed households have TZS 1,251,481 (TSZ 104,290 per month). Malinyi district seem to have higher income in the area (3,302,912 TZS) followed by Kilombero (2,341,438 TZS) and Ulanga 1,084,395 TZS. The higher income in Malinyi is

attributed by large number of households keeping livestock whose products have higher market value as compared to agricultural produces.

Table 8: Average Annual Household Income (TZS)

	Both Sex	Male Headed Households	Female Headed Households
District	2,277,668	2,605,074	1,251,481
Kilombero	2,341,438	2,665,382	1,316,227
Ulanga	1,084,395	1,171,495	795,339
Malinyi	3,302,912	3,904,662	1,541,954

Source: LTSP Survey 2017

6.5 Ownership of Land by Sex

Tanzania has inclusive legislative framework intended to enhance land rights for all. However, there are challenges as most of the village land is falls under customary tenure rights, with on-going village land registration more women are likely to own land. Results from LTSP survey shows that, only 24 % of the women hold land. The proposed benefit sharing model will guarantee that both men and women benefits from large scale agricultural investment.

Table 9: %age of ownership of Land by sex

District	Total	Male	Female	Ownership of Land	
				Male	Female
Total	49,752	37,718	12,034	76%	24%
Kilombero	23,127	17,574	5,553	76%	24%
Ulanga	12,969	9,966	3,003	77%	23%
Malinyi	13,656	10,178	3,478	75%	25%

Source: LTSP Survey, 2017

7.0 QUALITATIVE CASE STUDY

Kilombero Sugar Company Ltd. (KSCL) in Tanzania which is situated in Kilombero District was studied and some villagers interviewed on their perceptions towards the company and the existing benefit sharing arrangements which represents large scale agriculture investment in the LTSP area. The review shows that, KSCL adopted the out grower scheme as a benefit sharing models whereby smallholders farmers benefit from access to market and inputs with certain degree of extension and logistic services. Most of the interviewed farmers (more than 60%) reported that they are comfortable with out-grower scheme, though they claim that there are some cases whereby the company pays the price less than their expectations due to fluctuation in sugar prices, this has ascertained their stream of income which hinder their initiatives to get rid of poverty.

With increasing population in Kilombero, Ulanga and Malinyi the out-grower scheme of KSCL is likely to face challenges of limited supply of sugarcane as the sub-division of smallholder farms for human settlements of distribution of inheritance makes those farms uneconomical to operate and some smallholder farmers quit from the scheme as their small farms does not make a business case for cultivating sugarcane. Thus, benefit sharing by way of out-growers scheme will not ensure KSCL with advantages of conglomeration when smallholders' farmers are pulling out which will then hamper production of sugar.

8.0 THE FRAMEWORK OF TRIPARTITE BONDING MODEL

8.1 Theoretical Framework

Large scale agricultural investment in land that can enhance inclusive development and promote positive outcomes should be structured in such a way that various stakeholders participate with deep engagement and understanding of the operational structures of that particular investment. Whenever, agriculture investment attempts to achieve sustainable and pro-poor development, land rights of smallholders especially those with customary tenure should be guaranteed while the investor's access to and use of land should be ascertained with sizeable tracks of land to support large scale investment without disputes over that invested land.

Despite abundant supply of land resource in Tanzania, investors find it difficult to access land for large scale investment as there are fewer, if any, land allocated to support large scale investment with all necessary conditions for sensible investment. This has necessitated investor to search land in villages and opt to finance land acquisition from villagers and bear the burden of land re-categorization from village land to general land. At the same time, rural communities have a perception that there is no enough land to cater for their subsistence and provide for large scale investments. Among other things, this may be attributed by the fact that, there are no arrangements for investors to provide continuous benefits to former land occupiers.

At present, large parcels of land are being allocated to investors regardless of their proven ability to develop them. As a result, large areas remain undeveloped or held for speculative purposes. The fewer serious investors in large scale investments who categorically intends to invest in land expends significant resources dealing with land disputes. Though the Government is going on with review of the Land acquisition Act of 1967 there are concerns that the Act has challenged investors from acquiring land as processes for negotiation and compensation are cumbersome and most have negative impact of resettlement.

Tripartite Bonding Model (TBM) is developed under the assumptions that all the three parties (Government, villagers and investor) will have definite responsibilities in order to facilitate investment start up and growth and all the three will mutually benefit from that investment. The Government will allocate sizeable tracts of land to support large scale investment through joint land use planning between villages or within villages and set aside land for large scale agricultural investment. The villages will voluntarily assent to allocate their land for investment, however, that land will be returned to the villages after seizure of investment and land rights returned to the original occupiers prior to large scale investment in that particular land. The Government will ensure effective dispute resolution mechanisms are available and make model contracts available after negotiations with an investor. Investor will be responsible to adhere to all terms and conditions stipulated in the contract. All men and women will be equally treated in land deals while affirmative actions may be employed in favour of women when there is significant socio – economic gender disparity.

8.2 Model Intuition and its Structural Framework

8.2.1 Intuition of the Tripartite Bonding Model

The proposed Tripartite Bondage Model has been formulated for providing benefits to local communities by establishing a feasible arrangement that can attract large scale investment in agriculture while assuring reliable benefits to the central Government, local communities and investors. The three parties should be thoroughly involved at all stages of establishing large scale agriculture investment in land. All the three parties will be working together in a participatory and inclusive manner in such a way that consensus are reached with all parties consent at each stage of the processes. Experiences from some of the models which have had been piloted in Tanzania shows that most of the large scale land deals thoroughly involves two parties either communities and investor while the Central Government get involved only when there are policy and legal conditions which requires it to intervene or thoroughly involves investor and central Government while local communities get involved when they are required to give way for land acquisition for public interest, though in such cases they are compensated.

Benefits that are expected to be accrued from large scale agricultural investment are either annuities or advantages associated with the value chain of a large scale investment deliberately designed to benefit adjacent local communities herein referred to as benefits of scale. Annuities will be provided when the villagers have either relinquished their individuals land or community owned land to support large scale agriculture investment. The villagers will be given annuity based on the pre-determined revenue stream of the investment depending on the leaseholds duration of an investment with a maximum duration of 33 years, this arrangement will be more workable for new large scale agriculture investments. Benefits of scale will be deliberately designed unlike arrangements of Cooperate Social Responsibilities; this arrangement will be more workable for both existing and new large scale agriculture investment. Under benefits of scale arrangements, the Central Government, investors and local communities will have clear sets of responsibilities that each part should play and clear sets of benefits that each party will enjoy.

The central Government in collaboration with the Local communities will be responsible to set aside sizeable land for large scale agriculture investment through joint Village Land Use

Plans whereby neighbouring villages will identify and zone a co-joined land suitable for large scale agriculture investment. That land will be under the custodian of Tanzania Investment Centre (TIC) and categorized as general land which is pending to large scale agriculture investment. When that investment seize, the land will be retained under TIC for a specified time period (recommended 5 years) for the Central Government to organize another serious investment, if the central Government fails to get another large scale agriculture investment the land be returned back to villages.

The land use planning authorities in collaboration with relevant sectoral ministries will have to undertake land suitability assessment according to section 27 (1) of the Land Use Planning Act No. 6 of 2007. Investors will find a readymade available land for investment; they will not be responsible for financing acquisition of land or re-categorization of land. The central Government will negotiate all terms of the benefit sharing on behalf of the local communities with local communities representatives involved in those negotiations.

8.2.2 Structural Framework of the Tripartite Bonding Model

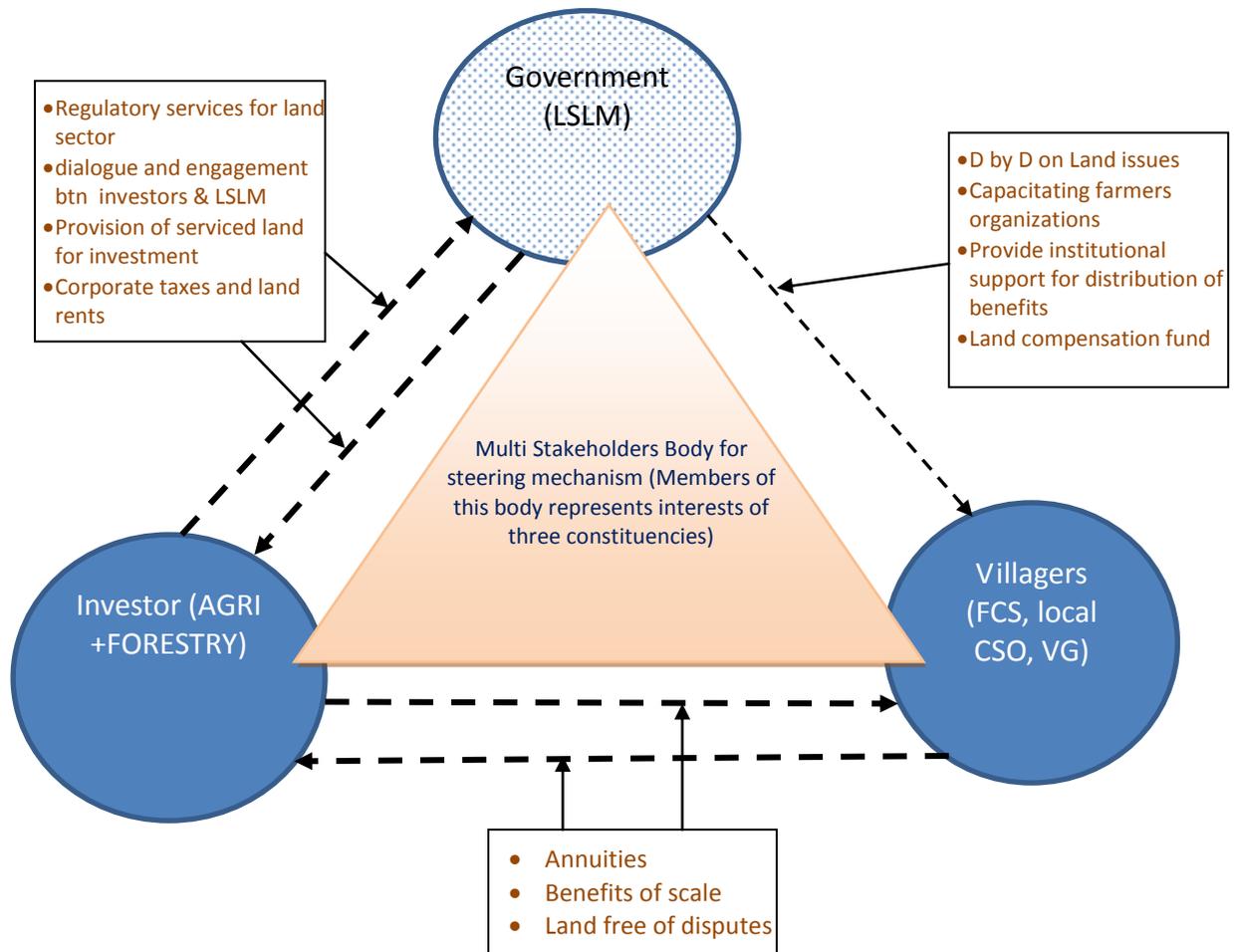
The conceptual framework behind Tripartite Bonding Model is that, the Government, investor and villagers **adjacent join** each other with each part performing certain number of responsibilities and receive some benefits as a result of three parties **working together** closely in a way which is participatory in an **inclusive manner**. Under this model, the central Government will provide legal and regulatory services for land administration and management in favour of large scale investment. All Land Sector Line Ministries will be directly involved in large scale land deals by technically dialoguing with the investor on appropriate benefits sharing arrangement either annuities or benefits of scale depending on the nature of investments and ways in which land was acquired.

First of all, there should be joint planning in a Multi – Stakeholders Body for steering mechanism of Tripartite Bonding Model once there is an interest for large scale agriculture investment. The National Land Use Planning Commission in collaboration with in collaboration with the Local Government Authorities will ensure that during preparation of Village Land Use Plans the villages set aside land for large scale agriculture if there are sufficient land within the villages or villages are sensitized to undertake Joint Village Land Use Planning and zone a joint land resource for large scale investment. The Land

Compensation fund will be used to clear all claims from villagers who have relinquished their land and does not qualify or does not agree with proposed benefits sharing, those it is not the intention of this model too entertain such cases of which are expected to be very few if any. The Ministries responsible for infrastructure and utilities supplies which must be members in the Multi – Stakeholders Body for steering mechanism should service the land with at least basic infrastructures and utilities. The large scale agriculture investor will find a readymade available land for investment without necessarily go through the land acquisition and land re-categorization. The investor will be responsible to pay all corporate taxes and land rent to the Central Government and agreed benefits to the villagers/community.

The villagers' responsibility will be assenting to set aside land for large scale agriculture investment that will be free of disputes. The villagers will not directly enter into contractual agreement with an investor; rather, the central Government will dialogue with an investor with villagers participating inclusively in that dialogue until the land deal is concluded. Within the framework of D by D, the central Government will cascade some of land administration issues into Local Government Authorities without compromising quality of land administration practices as advocated by Local Economic Development (LED) Approach. The Government will ensure farmers' cooperative societies and well-functioning according to the regulations and capacitated to perform their duties.

Figure 1: A conceptual framework of the Tripartite Bonding Model for Large Scale Agriculture Investment



Source: Author's hypothetical own construction

8.2.3 Operationalization of Tripartite Bonding Model

Set up for operationalization of the Tripartite Bonding Model has drawn experiences from other benefit sharing arrangements that have been piloted on various parts of Tanzania and elsewhere in other countries. Hub and Spoke Model; Risk Sharing Agreements/Model; contract farming and contract management; Joint Ventures; Land for Equity Scheme; intermediary arrangements; and upstream and downstream links. Experiences from those various arrangements have been coupled with specific socio – economic context of Kilombero, Ulanga and Malinyi with data collected through case studies, LTSP survey and field routine observations.

8.2.3.1 Estimation of Annuities

The value of set aside land will be estimated according to the Valuation and Valuers Registration Act of 2016 and the value consent by the Central Government, local communities and investor. That value will not be considered as part of capital for investment rather it will be used as cost incurred during investment and deducted from investment gross returns. The discount factor to estimate annuities will be agreed with all parties according to profitability of the investment and duration in which the investment is expected to last. In case the invested land obtained from individual villagers, there should be formation of a cooperative society with all villagers who have relinquished their individual land and the annuity will be transferred to that particular cooperative society for distribution to its members according to the estimated value of an individual land parcels. For this arrangement to work effectively and without disputes all land parcels must be registered and issued with Certificate of Customary Rights of Occupancy (CCRO).

For the case of a communal land which is owned under the Village Council the annuity will be transferred into the Village Council through the village account which should be monitored by the Local Government Authorities in which those villages exist. For this arrangement to apply a village should have a Village Land Use Plan with designated land zoned for large scale investment or villages should have joint land use plans with set aside land for large scale agriculture investment. The amount of annuity transfer into the specific village account will depend on the value of the land allocated in that particular village.

Advantages of annuities is that, the community or villagers currently occupying land are guaranteed of the reliable stream of income for the current needs and their future generations as thus there is less likelihood for the communities to be trapped into poverty due to large scale agricultural investment which may make productivity of land to its best possibility frontier. At the prevailing annual population growth rate of 2.7% per annum (Source: URT Population and Housing Census, 2012), the population of Tanzania will have doubled to approximately 94.7 million people in a quarter of a century. The annuity will making the land sector responsive to the requirements of the current and future population of Tanzania as the country is experiencing rapid population growth.

8.2.3.2 Arrangement of Benefits of Scale

Under Tripartite Bonding Model arrangements for sharing benefits of scale should be framed with commitments and consensus from the Government, Investor and Villagers. All benefits which are expected to be gained from large scale agriculture investment and all responsibilities that the three parties are supposed to perform are structured in such a way that, they become binding. The benefits that are expected to be gained by farmers in this arrangement are reliable market with stable price; high quality inputs; and extension services to bring about the transfer of technical skills.

Under Tripartite Bonding Model, the benefits sharing arrangements should structure in such a way that a partnership should involve the Government, Investor and Villagers with each part responsibilities defined and duration of arrangements predetermined unlike the traditional arrangements whereby the arrangement is between investors and farmers. The Government will provide utilities and access infrastructure for the large scale agriculture investment and extension services to the farmers in collaboration with investor. The Benefits of Scale arrangement should be backed up by law and by an efficient organizational framework. Existing laws will be reviewed to guarantee farmers benefits in which the Government will be responsible to enforce those legislations. The Tripartite Bonding Model advocates affirmative actions during arrangements of benefits of scale with women assured of receiving benefits from large scale agriculture investment.

8.2.3.3 Allocation of Sizeable Land

Since over 70% of the land in Tanzania is under the “control” of village governments, the central Government in collaboration with the Local Government Authorities will initiate establishment of sizeable land to support large scale agriculture investment. As the Tripartite Bonding Model does not advocate land acquisition from village land occupied and used by villagers, it recommends zoning of part of the village land through Village Land Use Planning that allocates land for large scale agriculture investment. The Participatory Village Land Use Planning (PVLUP) process will secure villagers’ land rights in the context of large-scale agriculture investment as occupied and used villagers land parcels will not be acquired.

Also, PVLUP will guarantee security of tenure for those with customary rights of occupancy as the process forecast the villagers' needs for land over a 10 to 20-year horizon.

Under Tripartite Bonding Model, the villagers will be fully participate in planning and choices regarding their land uses through village assembly in which participation rate should be 75% of all work force in the village during seeking consent of the villager to operationalize Tripartite Bonding Model on large scale investment in agriculture. There should be inclusive participation with women and marginalized groups involved in the negotiation processes.

8.2.3.4 Administration of the Allocated Land under the Custody of Tanzania Investment Centre

The Tanzania Investment Centre (TIC) will be the custodian of all lands allocated for large scale agriculture investment within the villages. The TIC will be responsible for administration of that land for the whole time during existence of that investment. Since LTSP has will survey all village boundaries and issued Certificate of Village Land and prepared Village Land Use Plans there will be less if any cases of land disputes in LTSP areas which provided easy environment for TIC to administer that land.

All benefit sharing under Tripartite Bonding Model arrangements will be made between the Central Government, local communities and investor. The agreement in writing will be translated into Kiswahili and presented in the village assembly for the villagers consent and copies should be kept with the TIC as the custodian of the set aside land for large scale agriculture investment, as well as with the relevant district, and village land registry.

9.0 POLICY AND LEGAL FRAMEWORK TO SUPPORT THE MODEL

9.1 Constitution of the United Republic of Tanzania

The constitution of the united republic of Tanzania (1977) as amended from time to time is the fundamental law of the land and by virtue of the principles it carries, it is also one of the laws that was considered when formulating Tripartite Bondage Model in large scale agricultural investment. The constitution provides for the right of an individual to own property, to protection of that property and for a fair and adequate compensation in case any person is deprived of his property. With this constitutional ground the proposed model

guarantees recognition of land rights for various community groups including women and pastoralist and their interest on land should be considered during benefit sharing arrangements.

9.2 Policy Environment

9.2.1 National Land Policy

Currently, Tanzania implements National Land Policy (NLP) of 1995 which had made a lot of fundamental changes on improving land administration and enhancing investment in land for sustainable economic growth and development. However, the NLP of 1995 is under review in order to further accelerate better land administration and improved environment for investment including large scale investment for development of industrial economy. The draft of reviewed National Land Policy which was submitted to the national stakeholder's validation workshop rationalized policy considerations on Catering for large land tracts that are required for large-scale investment purposes, particularly for mining and agriculture in a manner that promotes sustainable investment which is equitable to investors, the country and the local population. This policy stance allows smooth operationalization of the Tripartite Bonding Model on large scale agriculture investment as the Government will have to commit its responsibility on assuring availability of sizeable tracts of land which are free of disputes for large scale investment.

The reviewed National Land Policy institutes a new, more innovative and effective land institutional arrangements that supports high production and productivity and is free of land use conflicts by improving services in physical planning, land administration, valuation and land surveying for better land delivery. This policy position ensures the operationalization of the tripartite bonding model with availability of land and commitments of the Government to support large scale investments.

The institutional arrangement under the draft reviewed National Land Policy is well elaborated in supporting the tripartite bonding model to be operational as the policy conspicuously calls for cognition of Land Sector Lead Ministries (LSLM) and fostering collaboration among the LSLM which constitute the ministries responsible for Lands, Regional Administration and Local Government, Agriculture, Livestock, Forestry, Tourism,

Wildlife, Water, Environment, Fisheries, Industries, Irrigation and Mining. The LSLM shall oversee the implementation of the National Land Policy at various levels of the Government.

9.2.2 Socio - Economic Policy Directions

9.2.2.1 Tanzania Development Vision 2025

What is envisioned in the Tanzania Development Vision (TDV) 2015 is that the Tanzanians that will be living in by 2015 will be a substantially developed one with a high quality livelihood whereby abject poverty will be a thing of the past. In other words, it is envisioned that Tanzanians will have graduated from a least developed country to a middle income country by the year 2025 with a high level of human development. The economy will have been transformed from a low productivity agricultural economy to a semi-industrialized one led by modernized and highly productive agricultural activities which are effectively integrated and bolstered by supportive industrial and service activities in the rural and urban areas. A solid foundation for a competitive and dynamic economy with high productivity will have been laid. Consistent with this vision, Tanzania of 2025 should be a nation imbued with five main attributes. Two of the five main attributes are good governance and a competitive economy capable of producing sustainable growth and shared benefits. The Tripartite Bonding Model intends to buttress central Government good governance of land and increases its commitment in ensuring that large scale agriculture investment benefits the local communities as envisioned by the TDV through transparent, participatory and inclusive large scale land deals.

9.2.2.2 Tanzania Long Term Perspective Plan

The Tanzania Long Term Perspective Plan (LTPP) 2011/2012 – 2015/2016 has laid down issues in the land sector that should be addressed by establishing and operationalizing legal and organizational frameworks. The LTPP acknowledges the issues of accessing and receiving the right to use land for development purposes are critical for an effective implementation of development initiatives. It, emphasizes that, the successful implementation of LTPP will hinge on generating the requisite land distribution and access management framework to ensure timely availability of land for planned socio-economic development programmes and projects.

The Long Term Perspective Plan intends to accelerate access to land by investors without complains about the complications related to the acquisition of rights to use land and without compromising the land rights of smallholders with customary tenure rights. The LTPP intends to increase the %age of planned and titled land for sustainable land utilization. The Tripartite Bonding Model will contribute into achievement of LTPP aspiration by promoting Joint Village Land Use planning which will avail sizeable tracks of land for large scale agriculture investment.

In addition to land issues, the LTPP aims to sustaining growth rates above 8 % on average (in order to reach the lower middle-income status as of the World Bank classification). One of the LTPP strategies to achieve this is through transformation from a mainly agricultural economy to a semi-industrialised one. This transformation, or industrialisation, will happen along various lines: first, the increased productivity in agriculture will increase production and generate an excess labour supply, both fuelling agro-processing, leading to a sharp increase in the manufacturing sector. Second, an improvement of the value-addition chain (from agricultural goods and commodities to a more value-chain approach in the natural resources' sector), will create employment and growth in the industrial sector.

9.2.2.3 Five Year Development Plan

The Five Year Development Plan Phase Two (FYDP II) 2016/2017 - 2010/201 provides a strong entry point of Tripartite Bonding Model for benefit sharing on large scale agriculture investment by strengthening Local Participation through Local Economic Development (LED) Approach which is advocated in FYDP. In order to ensure effects both from economic growth and service delivery permeate to local levels and households, FYDP II supports further decentralization of the Government system in order to respond to local needs in a timely manner. Local government must be increasingly empowered to make planning decisions in line with the priorities of FYDP II. This localization of FYDP II provides avenues to operationalize TBM for benefit sharing in large scale agriculture investment.

Reforms to strengthen LED initiatives under FYDP II involve instituting transformation enhancement through greater decentralization, accountability and transparency at local levels. Along with, efforts are to be directed at ensuring that there is effective coordination

among actors in MDAs, RSs and LGAs in order to provide conducive business environment for private sector to participate, thrive and share investment benefits with the local communities. In regard to LED approach, the FYDP II assign the LGAs with the issues related to provision of land for investment, in performing this responsibility the LGAs will effectively collaborate with the central Government.

One of the FYDP II distinct features is the necessary policy and institutional reforms required for enabling its implementation with the private sector being called forth to lead in investments in industrialization and the Government to play a facilitative role mainly in terms of providing a conducive policy and quality regulatory framework, allocating land, and ensuring that a supportive infrastructure for industrial development is in place. In the land sector the FYDP II by the year 2025/2026 wants to achieve villages with land use plans (30%); land demarcated for commercial use (5%); number of allocated farms 6,000; Land demarcated for industrial use (10%) and 5% of land demarcated for commercial use (source: FYDP 2015).

9.3 Selected Pieces of Legislation

9.3.1 The Land Act

In 1999 the Government of Tanzania enacted Land Act No. 4 miscellaneous amendments from time to time provides and efficient, effective, economical and transparent system of land administration which support just enjoyment of the land resource. It enables all citizens to participate in decision-making on matters connected with their occupation or use of land. The Land Act No. 4 of 1999 and its regulations of 2001 facilitate the operation of a market in land to regulate the operation of a market in land so as to ensure that rural and urban small-holders and pastoralists are not disadvantaged. According to the Act, the right of every adult woman to acquire, hold, use, and deal with land shall to the same extent and subject to the same restrictions is treated as a right of any man. The Land Act allows transfer of general or reserved land to village land, this guaranteed restoration of the relinquished land to the villagers when large scale agriculture investment is seized as intuited in the Tripartite Bonding Model on benefits sharing in large scale investment in land.

9.3.2 Village Land Act

The Village Land Act No.5 of 1999 is a significant entry point for operationalization of benefit sharing model on large scale investment in land. The Village Land Act provides a “customary right of occupancy is in every respect of equal status and effect to a granted right of occupancy. Section 11 of the village land Act provides a possibility of Joint Village Land Use Agreement between villages; this gives an avenue for preparation of Joint Village Land Use Plans that will enable allocation of sizeable tracts of land for large scale agriculture investment. Also, the Act permit transfer of village land to general land that can be used, among various uses, for large scale agriculture investment. However, under Tripartite Bonding Framework such transfer should be assent by at least 75% of villagers. The Village Land Act provides that Village Land may not be transferred “until the type, amount, method and timing of the payment of compensation have been agreed upon.

9.3.3 Land Use Planning Act

The Land Use Planning Act No. 7 of 2006 section 27 (1) requires that, all land use planning authorities shall in respect of each declared planning area or zone, prepare a land suitability assessment. This will make the allocated land ready for investment as the assessment report will provide, among other, things; a technical report on the physical characteristics and resources of the land; the suitability of the land for the proposed land use plan; valuable or sensitive ecosystems, if any, in that area or zone; and an assessment of the likely impact of the proposed plan on the environment of the planning area or zone.

10.0 CONCLUSION

Land Tenure Support Programme in Tanzania intends to build and test benefit sharing models on large scale agriculture investment in land. Those models should be of dual purposes that attract large scale investments by providing favorable investment climate and enhance alleviation of communities out of poverty. The Programme requires that, proposed models should be replicable in other areas of Tanzania and ensure greater awareness and inclusive participation of communities in large scale land deals. Those who either relinquished their land or lost some degree of land rights in a communal land due to large scale investment should be recompensed with maximum possible benefits from those who

use and occupy land sought for investment (for example, boosting productivity of smallholder farmers or providing greater long-term income streams from providing land for investment) while promoting a more responsible attitude among investors.

This paper is one of a series of papers that will be prepared to give rationality on the proposed benefit sharing models on large scale investments in land. The proposed model is still an intuition that will be empirically tested by employing its underlying assumptions during implementation of LTSP. The final model that will be authenticated after a series of piloting in Kilombero, Ulanga and Malinyi districts is expected to be adopted by the Government in which there will be formulation of guidelines on the roles and responsibilities of the Government, investors and villagers on large scale agriculture investment in land. All new large scale agriculture investment in land should be obliged to abide with the set guidelines while the existing large scale investment should be emphasized to comply with those guidelines.

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