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LAND POLICIES

QUESTIONING DISCREPANCIES BETWEEN DISCOURSE AND PRACTICES IN TANZANIA

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Introduction

This working paper analyzes practices of consultation associated to two specific recent land policies in Tanzania. It aims at understanding why there are important discrepancies between official policies and practices associated to their implementation. It argues that the role played by international institutions and actors in shaping African politics - neoliberal development policies and discourses - should not be overstated. Instead, I contend that the international influence explains only partly the practices associated to the implementation of Tanzania land's policies: its hegemonic impact is mostly superficial.

Understanding practices associated to land policies requires considering the lasting impact of Tanzania's culturally and historically embedded normative structure of governance and relations of power. Despite its adoption of more liberal policies since the early 1990s, Tanzania displays some enduring ideational features associated to her socialist past such as the conceptualization of the role played by the state in development and the prevalence of top-down governance practices.

Thus, practices associated to the participative dimension of development are resulting from actors' navigation between an international neoliberal normative structure, and Tanzania's own normative structure that is shaped by institutional and ideational legacies. First, I show how the official state rhetoric is convergent with neoliberal ideas associated to agricultural development. Then, I explore the discrepancies between official policies and discourses, arguing that practices resulting from these policies are the result of actors' navigating divergent normative systems. I exemplify my argument with two examples. First, I focus on the consultations associated to the review of the New Land Policy. Second, I analyze village mapping practices in selected rural areas of Tanzania.

CONVERGENCE OF INTERNATIONAL AND NATIONAL RHETORIC ON LAND INVESTMENTS AND DEVELOPMENT

In Tanzania, most recent agricultural policies - Kilimo Kwanza (2009), South Agricultural Growth Corridor (SACGOT, 2010), New Alliance for Food Security and nutrition initiative (New Alliance, 2012), Big Results Now (BRN, 2012), and the

National Agriculture Policy (NAP, 2013) - are rooted within a national framework: the Tanzania's National Strategy for Growth and Reduction of Poverty I and II or MKUKUTA I and II. Both MKUKUTA I and II are in fact agreements over strategic funding of policies resulting from a dialogue undertaken between major donors, international institutions such as the International Monetary Fund (IMF), the World Bank (WB) and the Tanzanian government.¹

MKUKUTA II provides guidelines for the development of the agricultural sector which are based on several assumptions highly influenced by neoliberal principles. It insists on the fact that surveying and securing land rights for both Tanzanians and investors are crucial to reduce land conflicts. It aims at giving smallholders access to credit to promote investment of their assets through an expected increased productivity, and it wishes to provide a conducive business environment which will foster much needed agricultural foreign-direct investments (FDI).²

Nationally, the dominant discourse on agricultural development and reform of land policy is aligned with the key principles highlighted in MKUKUTA II. The Ministry for Lands, Housing and Human Settlement Development (Ministry of land) often explains the government's commitment to ensure agricultural and economic development and reduce land conflicts through its ambitious land titling and land use-map program. According to the official rhetoric, planning, surveying and mapping land in Tanzania is both promoting security of land tenure for citizens, and fostering land investments.

REVIEW OF THE NATIONAL LAND POLICY

The process of reviewing the 1995 Land Policy started in August 2015, but the rationale for the timing of this change remains unclear. The document states that it was triggered by "a changing national and global context, which have induced

¹ Aili Mari Tripp, "Donor Assistance and Political Reform in Tanzania, UNU-WIDER (World Institute for Development Economics Research), Working Paper no.2012/37, April 2012, pp. 16.

² IMF, "Tanzania: Poverty Reduction Strategy Paper" (IMF Country Report No. 11/17, 2011).

changes in the requirements for the land sector”.³ Although it mentions population growth as a factor contributing to change in land dynamics, it does not explain further any other changing dynamic.

Officially, this new Land Policy aims at “providing a framework for articulating the central role of land in socio-economic development” by implementing an “effective land tenure system” which ensures “equitable allocation and access to land for all citizens” for an optimal use of land resources. After conducting “wide-ranging public consultations with stakeholders”, the Ministry of land released an official first draft, which was adopted by stakeholders in November 2016⁴. Even though the document states that the policy was endorsed by the Cabinet, and is currently being implemented by the Ministry of land, there is still much uncertainty about the process. Because of lack of transparency, it is not clear yet if and when the policy will be effectively replacing the previous one.

The foreword of the new Land Policy gives the impression that the review process was consultative, democratic and national in the sense that views from different actors were collected and considered. Yet, the extent to which such objectives have been achieved remains unclear.

Official figures released by the Ministry state that two-days public consultations were conducted in eight different zones⁵. While the first day was spent to consult various stakeholders, the second was reserved for consulting villagers. In total, the Ministry of land is claiming having visited twenty villages by zone. This seems high, given the time spent by zone. Moreover, the process of consultation with villagers is not explained, meaning that it is difficult to evaluate the authenticity of consultative processes at village level and to which degree freedom of speech was allowed. In the Tanzanian context, where only one party has been ruling the country since Independence, one wonders to what extent people have been able to express themselves freely, especially in front of state officials. In the words of one of my informants: “if villagers were consulted with government officials and leaders in the same room, of course, they will not speak up [they will be scared]”⁶.

Regarding consultations with Civil Society Organizations (CSOs), it appears that several were not informed in advance of the consultations giving them a very short window of time to prepare their comments on the New Land Policy. Sometimes, they were notified very late, which made it practically impossible for them to assist to the meeting.

Also, CSOs felt powerless during the process. Although the consultations trigger collaboration and a fruitful dialogue between CSOs—several CSOs worked together on a joint position paper, their interactions with the officials of the Ministry of land were unidirectional. Most of them were under the impression that their inputs will not be considered seriously. In the words of one representative of a CSO: “Consultations came as a surprise for us. We were not prepared. Moreover, the process was fake. If you look at how it is presented, it looks like they undertook the whole process seriously, but few people were consulted and are not representative of the country [...] When we participated in the consultations in Morogoro, it was made very clear to us that it was the end of it. They will not be considering our suggestions”.⁷

In addition, several CSOs’ requests were left unanswered or ignored. For example, the Ministry of land refused to disclose key documents related to the New Land Policy, such as the strategic implementation plan of the strategy.⁸

The Ministry of land also remained silent on the next steps, leaving ambiguity about what will happen next. As stated by one of my informants: “They are [Ministry of land and the government] speeding up the whole process. We have no luxury of time. We cannot stop or exert any control over the process. And we have not seen the strategic plan of implementation. In the end, we don’t really know what will be in the policy.”⁹

MAPPING VILLAGES

In coherence with MKUKUTA’s strategy, titling and mapping land in Tanzania are depicted as crucial to ensure a productive use of land assets by increasing tenure security for citizens and investors. The Ministry of Land’s Program for planning, surveying and land titling in Tanzania (PPSL) is expected to reduce unplanned settlements, decrease land conflicts, increase the use of land as a collateral for loans among smallholders, and facilitate land administration (registration and revenue collection).¹⁰

Regarding village land, PPSL envisages a sequence that starts with providing villages with land-use maps, before issuing titles in the form of certificate of customary rights of occupancy (CCROs) to villagers. Land-use maps are conceived as tools for planning and guiding land development, and they usually have a ten-years period of validity¹¹. The program explicitly states that processes of planning, surveying and titling rural land will be undertaken in partnership with local communities, thereby “increasing public awareness on land related policies, laws and guidelines”, and contribute to local “capacity building and

³ Ministry of Lands, Housing and Human settlements development, “The National Land Policy (Official Draft)”, Government of Tanzania, 2016, pp. 6-7.

⁴ *Ibid.*

⁵ The zones are not further specified in the official draft of new Land Policy.

⁶ Interview 81: Tanzanian CSO 1, February 2017.

⁷ Interview 86: Tanzanian CSO 2, February 2017.

⁸ Interview 81: Tanzanian CSO 1, February 2017.

⁹ Interview 81: Tanzanian CSO 1, February 2017.

¹⁰ Ministry of Lands, Housing and Human settlements development, “Concept Note: Programme for Planning, Surveying and Land Titling in Tanzania”, Government of Tanzania, November 2015, pp. 4.

¹¹ Interview 81: Tanzanian CSO 1, February 2017.

training” on land management¹².

The mapping process itself consists in determining the village GPS coordinates through a cadastral process, and in identifying and delimiting village sections for current and future land usage. Generally, village sections comprise: areas reserved for residential, agricultural, and social services, and areas for pasture. In addition, in some districts, land sections have been specifically reserved for current or future land investors.

Villagers are usually involved to some extent in drafting the land-use map, as the process requires each village to name two representatives to collaborate with the district planner and surveying experts from the District and the Ministry of land. The local reception to the mapping process is generally positive as it is perceived by villagers as a way to formalize their use of village land¹³, and to help in solving conflict issues over boundaries with other villages.

However, few villagers are informed and participate in this mapping process. Moreover, their power over it and its outcomes is very minimal. The planners and surveyors have the final authority, leading to practices of consultation that are more procedural than collaborative because villagers are not allowed to significantly contribute to the process or to contest higher authorities.

For example, in a village in Pwani region, sunshine at a specific time of the day was traditionally used to identify village’s demarcations. The village representatives asked the planning team to wait for the “right timing” for them to identify correctly the boundaries of their village. Their request was refused and therefore, the village’s boundaries were delimited approximately. Unsurprisingly, it led to a problematic land-use map because the identified boundaries were wrong. Despite repetitive demands from the village for correctives to their land-use map and an explanation of the problem with the mapping process, they were unable to proceed any change since the Ministry of land resolved the issue by stating that changes are not allowed.

Moreover, the Ministry of land put forward a cadastral mapping of villages that does not necessarily consider historical and local understandings of demarcations. It favors an idea of what a developed village should look like, privileging straight boundaries over real demarcations, thereby leading to villages’ land dispossession. For instance, in a village of Kagera region, several villages have ended up losing parts of their land. Among

¹² Ministry of Lands, Housing and Human settlements development, “Concept Note: Programme for Planning, Surveying and Land Titling in Tanzania”, Government of Tanzania, November 2015, pp. 5.

¹³ Most villages already have and use village land use maps to manage their village land. However, those are usually drawn by hand locally, and do not display the technical and scientific character of the official land use maps.

¹⁴ Interview 14: Local leaders, Village in Kagera Region, August 2016.

other examples, one of the village received its land-use plan and village land title in 2015. The leaders quickly realized that a whole section of their village was missing from the map. The land-use map draws a straight line rather than the curve which was necessary to include this part of the village. Following a village meeting, the village decided collectively to refuse the maps provided to them. When the leaders raised the issue with the District and explained why they refused to recognize the validity of their land-use map, they were threatened. The District made clear to them that by refusing to agree with this land-use plan, their village may end up losing all its land. Powerless, the leaders were afraid of the consequences of their resistance. They complied and signed the document, preferring losing a part of their village land than risking losing it all¹⁴.

As demonstrated in this last example, even though some villagers may contest the state’s authority in mapping and planning, they generally comply without much resistance. Villagers’ reaction is anchored into the historically constituted relation of governance between the state and citizens. Tanzania is a country which has undergone right after Independence a massive state-led villagisation program which has displaced forcefully about five million rural Tanzanian during the 70s.¹⁵ People perceive government’s authorities as providers but also as the ultimate decision-makers. As one farmer states eloquently about the local perception of the supreme authority of the government: “*Serikali ni serikali*” [government is the government]. If the government tells you that you must go, you should go. [...] Government is like a machete: both sides cut” (by author translation, Interview 49, Farmer, 2017).

Therefore, I argue that current mapping practices undergoing in Tanzania share striking similarities with the way villagisation was conceived and implemented. It demonstrates the lasting impact of institutional legacies. In fact, Scott’s argument is still very relevant to understand the way the state is implementing its land-mapping programme. Scott argues that villagisation in Tanzania was a large-scale engineering project undertaken to render society and territory more legible and administrable, but also privileging a rationality of simplification and standardization-based on a high modernist ideology.¹⁶ Thus, land mapping practices are informed by features of both institutions. The language and the form of practices is coherent with the official neoliberal discourse, while the process itself is influenced by a different conception of the role of the state, which has been historically constituted and enforced.

¹⁵ Goran Hyden. 1980. *Beyond Ujamaa in Tanzania: Underdevelopment and an Uncaptured Peasantry*. London: Heinemann; Christy Cannon Lorgen. “Villagisation in Ethiopia, Mozambique, and Tanzania.” *Social Dynamics* 26, no. 15 2, June 2000, pp. 171 - 98.

¹⁶ James C. Scott, 1998, *Seeing like a State How Certain Schemes to Improve the Human Condition Have Failed*, New Haven, Yale University Press.

Conclusion

To conclude, as demonstrated by these two examples of consultation practices, historical institutional and ideational legacies still shape significantly governance practices in Tanzania, despite the official adoption of neoliberal discourse and policies. The state is still conceptualized the way it was during the socialist era, as the only instance that could provide guidance in development. Therefore, understanding how ‘things are done’ in Tanzania requires acknowledging the agency of actors in navigating these ideational divergent norms.

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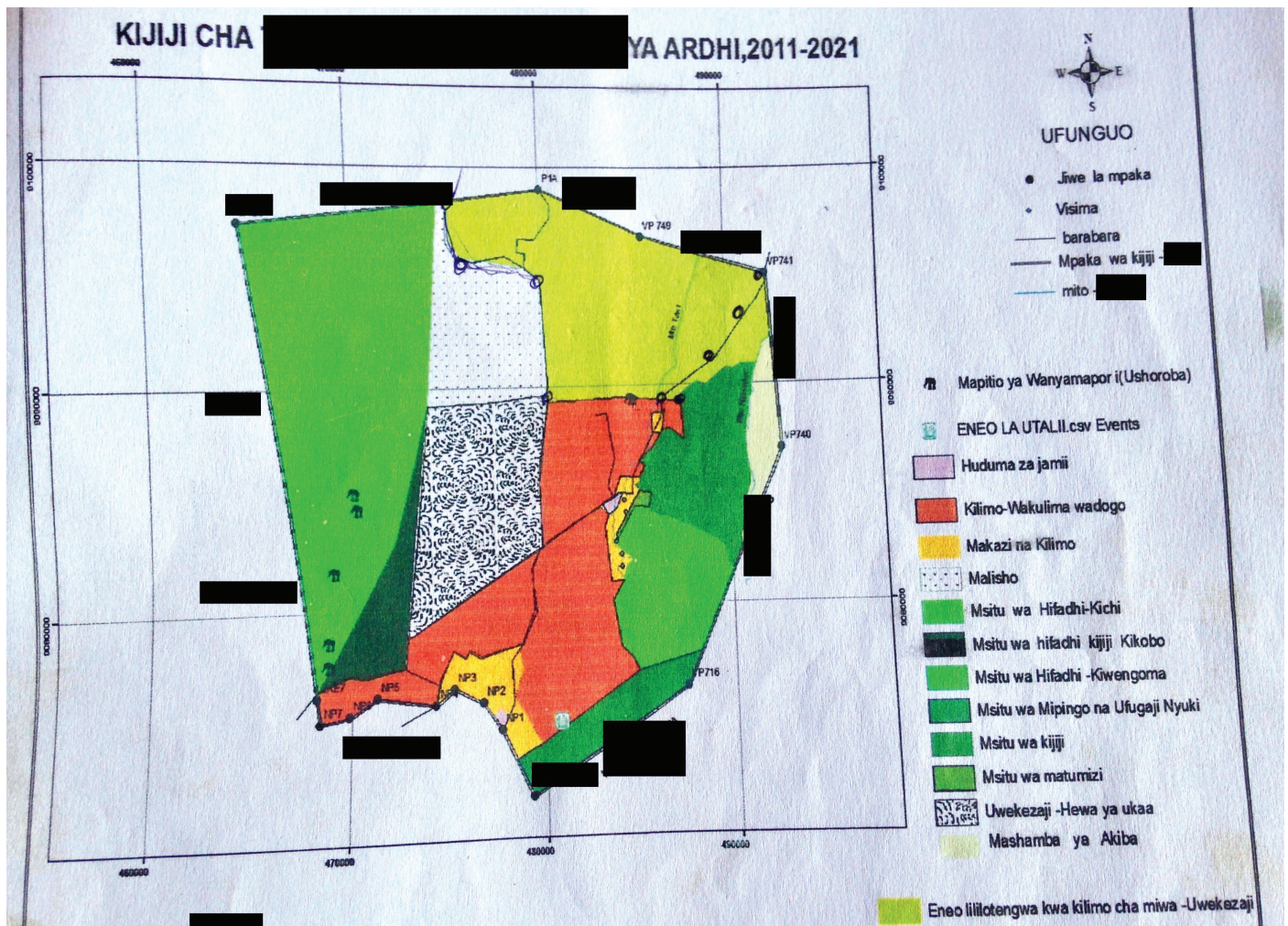
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Joanny Belair is a third-year Ph.D. student at the School of political studies, University of Ottawa. Her dissertation is titled: Land investments in Tanzania: a local perspective on the political economy of agri-food projects. Data presented in this paper was collected during a seven-month field research, conducted mostly in rural areas of Tanzania, in two regions: Pwani and Kagera.



Photography taken by the researcher with the authorization of the Land Executive Officer, Village X, Pwani region.