

The twilight of customary land systems? Effects of the new wave land formalisation programmes on rural livelihoods in Tanzania

by

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Dedication

This dissertation is dedicated to my wife, Doris Ngowi Mumburi, without whose love, support, humour, optimism, faith in my abilities, and care for our children, I could never have finished.

Abstract

The Twilight of Customary Land Systems? Effects of The New Wave Land Formalisation Programmes on Rural Livelihoods in Tanzania

By Ulrick Peter Mumburi

Forms of customary land ownership in sub-Saharan Africa are a key element of African social organisation and have sustained and continue to sustain millions of subsistence and smallholder farmers by maintaining livelihoods in spite of significant economic and political change. More recently, attempts to increase productivity in rural areas, thereby enhancing development efforts, have taken the form of land formalisation programmes aimed at the privatisation of customary lands and the adoption of agricultural policies that emphasize growth rather than development. Yet these have often resulted in the failure to protect the livelihoods of rural populations and facilitating land grabbing. In light of these failures, they have since been reformulated into a 'new wave' of land formalisation whose objective is to incorporate elements of customary systems. The thesis asks therefore whether the new wave programmes have been successful in improving the quality of life and economic well-being of rural populations?

We argue that even these new wave programmes will not protect rural livelihoods in the communal areas because they emphasise instead market fundamentalism which sees rural organisation and agricultural policy as driven by competition, profit motive, privatisation, and commodification of land. We undertook a qualitative case study of the implementation of 'new wave' land formalisation programme in three villages in Tanzania, which are Mbagwi, Mzeri, and Sindeni, all located in Handeni district, Tanga region. The study sought to find out how rural social organisation has been altered since the implementation of the formalisation programmes, and also information on agricultural production in order to demonstrate how smallholder farmers' tenure security, sources of income and food security are being affected.

The study found that the implementation of the new wave formalisation programmes is eroding key elements of customary ownership systems. Custom and norms of cooperation and reciprocity are dwindling, as evidenced by participants reporting the disappearance of such things as labour and food sharing practices, as well as norms that exhort eschewing selfishness in favour of actions that benefit all the members of the village. Further, strict land use plans eliminate flexibility in the use of land, and enhanced functioning of land markets undermines the permanency of land availability to poorer members of the society. Furthermore, the thesis concludes that agricultural models associated with the formalisation programmes have resulted in policies and economic strategies that are focused primarily on how to increase production, disregarding the implications on environment and on the livelihoods of rural dwellers.

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Abbreviations

ASDP:	Agriculture Sector Development Programme
CCRO:	Certificate of Customary Right of Occupancy
CRO:	Certificate of Right of Occupancy
CVL:	Certificate of Village Land
DANIDA:	Danish International Development Agency
DAO:	District Agricultural Officer
DfID:	United Kingdom's Department for International Development
DLO:	District Land Officer
FAO:	Food and Agriculture Organization
GIS:	Geographic Information Systems
HakiArdhi:	Land Rights Research & Resources Institute
ILD:	Institute for Liberty and Democracy
IMF:	International Monetary Fund
LUP:	Land Use Plan
LGA:	Local Government Authority
MKURABITA:	Swahili acronym for Business and Property Formalization Office
NARCO:	National Ranching Company Limited
NBS:	National Bureau Statistics
NGO:	Non-governmental organization
NPA:	Norwegian People's Aid
PRSPs:	Poverty Reduction Strategy Papers
SAGCOT:	Southern Agricultural Growth Corridor of Tanzania
SAP:	Structural Adjustment Programmes
SIDA:	Swedish International Development Cooperation Agency
SPILL:	Strategic Plan for the Implementation of the Land Laws
TAPHGO:	The Tanzania Pastoralists, Hunters and Gatherers Organization
URT:	United Republic of Tanzania
USAID:	United States Agency for International Development
VEO:	Village Executive Officer
VLA:	Village Land Act of 1999.

1. INTRODUCTION

In the last two decades a new wave of land formalisation has been implemented in Tanzania as well as in many other sub-Saharan African countries as part of a mechanism articulated within the framework of agricultural development. Land formalisation is the practice by which government officials document, register, title, and assign property rights in land now held in an allegedly tenuous and insecure state. In sub-Saharan Africa, this implies converting customary ownership systems that are dominant to a formalised universal land administration system. This is done by overhauling land policies and laws with the aims of bringing ‘greater clarity of tenure’ and facilitating markets in land, in the hope that this will attract more investment and improve agriculture productivity. The programmes are, therefore, being claimed, by the World Bank and other development partners, to be a means to boost agriculture production or productivity and improve the life and economic well-being of the rural population (World Bank, 2007; USAID, 2011).

However, the critics of the programmes argue that the programmes destroy customary social organisation, which is central to how rural people construct their livelihoods using land and a range of land-based resources. It is argued that land in rural sub-Saharan Africa is more than a factor of production, it is the bases for organising social, cultural, political and economic life for the well-being of individual members and the community at large¹.

Further, the critics have said that the agricultural models associated with the formalisation programmes favour large-scale mechanised systems and market production,

¹ The centrality of land is well substantiated in the Guidelines for Land Policy formulation in Africa: “Land is regarded not simply as an economic or environmental asset, but as a social, cultural and ontological resource. Land remains an important factor in the construction of social identity, the organisation of religious life and the production and reproduction of culture” (African Union, 2010: 8).

which lead to the adoption of agricultural policies that emphasize growth rather than development. This includes policies which encourage land to change hands from less to more efficient producers, and which favour production of cash crops at the expense of food production for local consumption. The implications could include fuelling land-grabbing and creating landless people and/or pushing small-scale farmers to the marginal lands. Other implications could also include escalating land and land-related conflicts, rampant hunger and creation of agricultural proletariat.

Recent estimates indicate that between 2000 and 2010 about 71 million hectares of transnational land acquisitions² were recorded (triangulated and cross-referenced) globally, within Africa accounting for almost half of this—that is, 34 million hectares (Anseeuw et al., 2012). In the same period, deals reported as approved or under negotiation were much higher, amounting to a total of 203 million hectares for worldwide and 134 million hectares for sub-Saharan Africa. Similarly, the World Bank figures indicate that in 2009 alone, acquisition of 45 million hectares was under negotiations, and 70 percent of that was in Africa (World Bank, 2010). Although these data confirm the unprecedented scale of the land rush over the past decade, still many other deals are presumed to go unreported.

The escalating land rush is concerning because in rural sub-Saharan Africa, most households have relied and continue to rely on traditional customary ownership of land as a mechanism by which to construct a livelihood (Okoth-Ogendo, 2002). It is estimated that nearly 90 percent of all arable land in most countries in the region is under customary

² Transnational land acquisitions is the practice that involves the purchase or lease of large tracts of land by foreign nations, companies or individuals for agricultural production.

systems, while the remaining 10 percent is held under statutory (state registered rights) system, mostly as large farms (Byamugisha, 2013: 55; Wily, 2011b: 735; Deininger, 2003: 62). Further, it is estimated that as high as 70 percent of rural population in many countries in the region depends on indigenous customary systems to access land resources (FAO, 2014:2). Customary lands are not only important as a means of production, but also their ownership systems are an indispensable means of social organisation for rural dwellers. Further, in the absence of dependable social security systems in the developing economies, customary land has acted as indispensable social safety net for the most of non-agricultural population, which rely on land resource for many reasons, such as supplementing urban wages, life after retirement, and as fall-back position when things fail in town.

Transnational land acquisition is often considered harmful for local populations, particularly smallholder farmers to whom land is a basic livelihood asset, the principal form of natural capital by which people produce food and earn a living (Cotula et al., 2009; Hall, 2011), and a means of social organisation (Peters, 2009). Thus, land acquisition that overrides smallholder farmers' customary land rights and denies them access to land-based natural resources result in decreased food security and ultimately the replacement of smallholders by poorly paid labourers and unemployed landless poor. Secure access to land, water, and other natural resources is central to the ability of women and men to construct their livelihoods in rural sub-Saharan Africa.

While alleviating poverty through enhanced agricultural productivity is a compelling reason put forward by the proponents of formalization, the very real challenges are involved in efforts to protect local peoples' land rights and their social

organisation systems while also seeking to encourage agricultural investments to stimulate local economies. However, the belief that formalisation will induce newly titled “owners” to alter their behaviour and begin to act like shrewd landlords rather than mere temporary residents, leads to decreasing government support to small-scale farmers. When left alone these farmers are forced to bear large asymmetrically distributed transaction costs as they come into contact with sellers of inputs or buyers of products. A purposeful government intervention is necessary, not only to ensure fairness but also to support small-scale farmers in their interactions with big corporations who supply agriculture inputs or buy their products. But this diverges from neoliberal policies that have required rolling back the state, resulting in shrinking agricultural spending and declining productivity especially of the small-scale farmers (Bernstein, 2010)

At the same time, formalisation erodes and displaces existing social networks and arrangements that do offer security (Chimhowu & Woodhouse, 2006). Customary land regimes are notable for their multiplicity of interests and tenures on the same parcel of land. That is, various members of the family (and the village) will often have socially recognized overlapping claims on different attributes of (and products from) the same land parcel—one individual may cultivate and harvest the crops on that parcel, another individual may gather fuel wood on that parcel, and yet another individual may obtain dry-season forage or fodder from that parcel. In this customary property system, the poor are protected against exclusion from their social networks and means of livelihood through well established norms, customs and taboos on land use and management (Cousins, 2008).

The offer of formal titles to the customary landowners compel them to exchange their current embeddedness in one familiar form of community for an embeddedness in another uncertain form of community. The new form of community (which relies on market forces) has proved to offer less protection to small players (small-scale farmers). Left unchecked, market forces exert unfair competition that could hurt or wipe out the small operators. Large agro-processing and agricultural inputs producers have been found to exploit small scale farmers. As a result, more and more people are exposed to risks of falling deeper into poverty (Nyambu-Musembi, 2006).

The earlier forms of formalisation programmes

Calls for property formalisation are not new in sub-Saharan Africa. Colonial authorities were at irregular intervals concerned with formalising rural institutions, variously choosing to superimpose the law of the coloniser or formalising (and in many instances inventing) customary institutions, for instance through reestablishment of tribal authorities. During colonial period fragmented holdings, collective use, and transhumance were seen as messy obstacles to modernisation, and rules of various kinds were devised and enforced in order to simplify and make these practices more legible for state institutions (Scott, 1998). Hence, formalisation was not merely an aid to solve particular problems, but an essential part of the transition towards structured governance, order, and ultimately civilisation in the context of the colonial authorities. Consequently, the colonial authorities were able confiscate native land, force locals to grow certain crops, and collect taxes among others (Benschop, 2002). The imposition of the new land systems was therefore, not meant to boost the lives of local peasants, but rather to

simplify colonial administration and facilitate exploitation and plundering of African wealth.

After independence, the colonial legacy would hinder the nation-building endeavours of post-colonial states such as the establishment of independent political systems and the design of policies and development strategies including land reforms and land policy making. Many colonial structures and policies that were formulated to facilitate colonial exploitation continued to exist long after independence in many sub-Saharan African countries. For example, a major land tenure legislation passed by British in 1923, called the Land Ordinance Cap. 113, was inherited unmodified by the independent government of Tanzania for 40 years (Okoth-Ogendo, 1999).

The law introduced a land tenure system called the Right of Occupancy which was either *granted* or *deemed* right. The granted right of occupancy was statutory while deemed right was customary which is a title of a native or a native community lawfully using or occupying land in accordance with native law and custom. However, the deemed rights have never enjoyed the same security as the granted rights under the statute. In practice the customary rights were governed by administrative policy, while the granted rights were subject to legal stipulations. The basic principle of customary land tenure is that land is held for use, and as long as it is used, the occupier maintains control over it (Shivji, 1998).

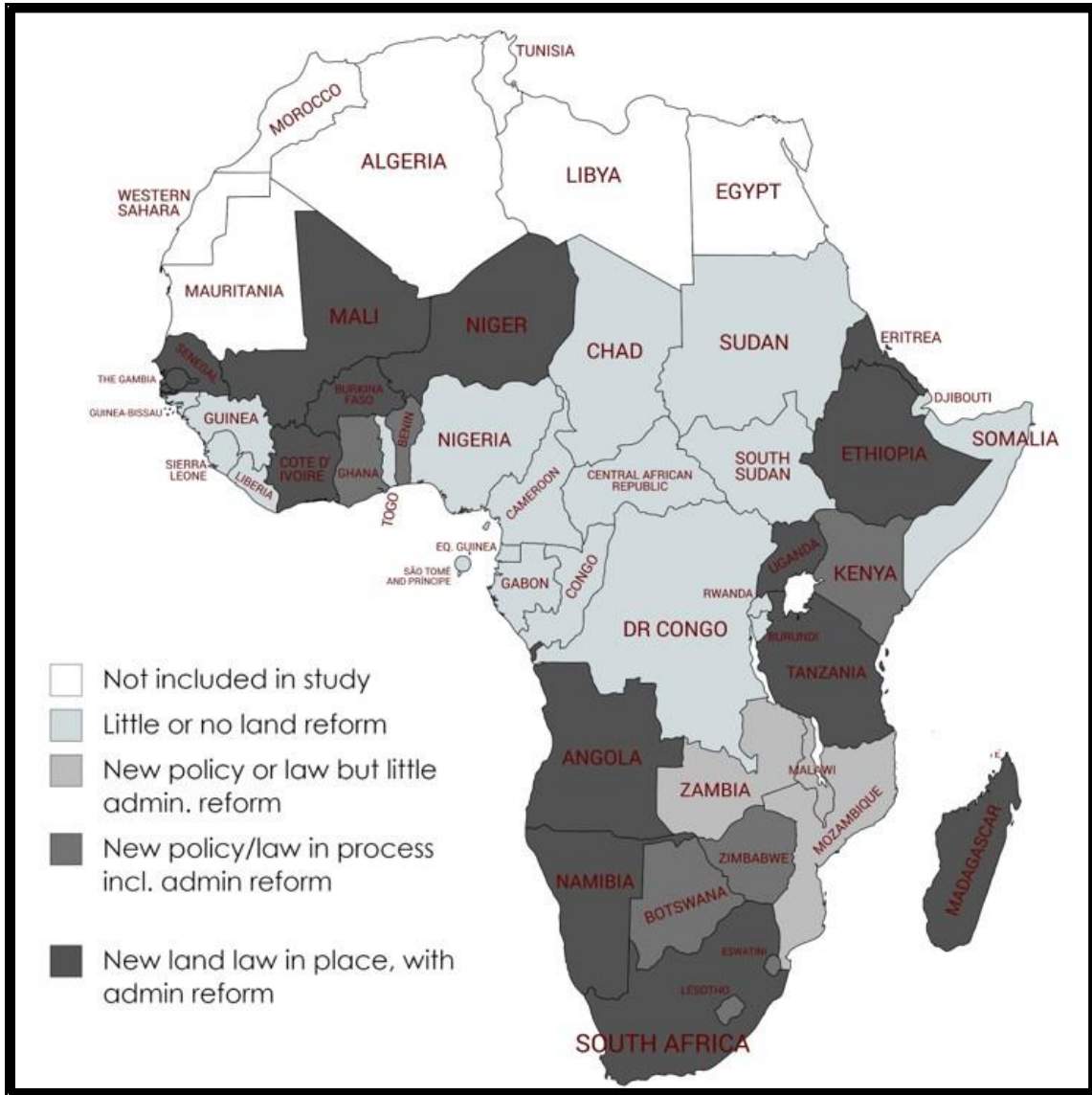
Land issues in the post-independence era in sub-Saharan Africa demonstrates a clear colonial legacy. Land policies promoted in the region from the late 1960s to the early 1980s were all based on the premise that customary systems did not provide the necessary security of tenure to ensure agricultural investment and productive use of land

(Peters, 2009). It was thought that tenure insecurity was caused by the absence of clearly defined and enforceable private property rights, and thus the appropriate policy direction was for the state to create such rights. In this context, security of tenure was used to refer to strong, government-backed protection of one's exclusive rights to use and benefit from the asset in question. However, most of these programmes failed to reach their expectations for many reasons, including ignoring the customary land systems that were widely known and used in the rural areas, and because they were being centrally coordinated, cumbersome and costly (Peters, 2009).

The new wave of formalisation programmes

The new-wave of formalisation programmes are trying to address the shortcomings of the earlier programmes, but they are also conceived within a broader framework of poverty alleviation of the so-called "Washington Consensus", which identified property rights reform as one of the major areas of reform for the developing world (Williamson, 2004). The World Bank is supporting and financing programs for the formalisation of property rights and the creation of titling programmes in the Global South. For the sub-Saharan Africa, see *Map 1* below.

Map 1: Land Reforms in Sub-Saharan Africa, 1990 to 2016



Source: Created by author using information from Wily, 2003; African Union, 2012; Deininger et. al 2017. Source of spatial data: ESRI

The Bank argues that, “economic reforms will require formalising the often highly informal property rights held by the poor; improving the security of tenure, and thus the functioning of land rental and possibly also of sales markets; addressing the legacy of reforms that were only partially successful” (World Bank, 2003: 4). While some of the research emanating from the World Bank in recent years has advocated a more nuanced approach to its policies relating to property rights and development (Deininger, 2011, Byamugisha, 2013), other documents have seemed to support its claim that the formalisation of property rights is virtually always desirable, arguing that “Securing rights benefits both individual landholders, through investment incentives and credit access, and the community at large, through its impact on growth and poverty reduction” (World Bank, 2004: 82).

Further, the World Bank has doubled down on its land strategies as witnessed in the agricultural development policies recommended in the World Bank’s (2007) landmark *World Development Report 2008: Agriculture for Development*. The report, which has become a benchmark in agricultural and land policies formulation in developing countries, argues for market-oriented strategies for development, saying “Land markets, particularly rental markets, can raise productivity, help households diversify their incomes, and facilitate exit from agriculture” (World Bank, 2007: 9). Proponents of these policies seem to be fixated at economic growth with less regard to what happens to the massive population who depend on land for their livelihood, they assert that “well-functioning land markets are needed to transfer land to the most productive users and to facilitate participation in the rural nonfarm sector and migration out of agriculture” (ibid, 2007).

The new-wave land formalisation programmes attempt to convert customary ownership systems that are dominant in the region to some form of a hybrid property system. That is, attempting to develop a formalised universal land administration system while including elements of the existing informal land tenure regimes, such as group titling. However, the pick and choose from the elements of customary land ownership system may result in a faulty land system, which is not supportive of the livelihoods of rural population. This is because the customary land ownership system works as a whole, and a disruption of any element of the system sets off a domino effect of other important elements being crippled and hence the entire system failing to work. For example, imposition of new land management system—supplanting customary leaders/elders’ roles—leads into the demise of local conflicts resolution mechanisms, failure to enforce protection of common resource, poor spatiotemporal cohesion, and so forth.

The new-wave formalisation programs have been conceived within the market fundamentalist ideals of neoliberalism, which are driven by competition, profit motive, privatisation, and commoditisation of land, undermining the very nature of customary ownership systems in the region. The customary land systems in sub-Saharan Africa are based on a complex interconnectedness of people and their physical environment and emphasises the “relations between people and groups in terms of their mutual rights and obligations with regard to land” (Middleton 1988: ix). The undermined elements of customary ownership systems include land rights flexibility and their permanent availability across generations; and land acting as a social safety net. It may also weaken the use of social capital, which includes custom and norms of cooperation and reciprocity. The supplanting of the customary land systems with the hybrid land system

facilitates spread of capitalistic property rights system and agricultural models that may not be in favor of promoting the welfare of smallholder farmers.

The African Union in its Framework and Guideline on Land Policy in Africa calls for the “need to blend tradition and modernity in land rights regimes”, but the details on how the blending should be carried out was left to individual countries (African Union, 2010: 14). Since ‘the devil is in the detail’, through examination of individual country’s formulation and implementation of land and agricultural policies, it would highlight how indigenous’ livelihoods are been affected by the programmes.

Hitherto, forms of customary ownership systems have provided varieties of local foods, an important dimension in food sovereignty; have acted as social “safety net” in the absence of social insurance services, especially in rural areas Chimhowu & Woodhouse, 2006: 348); have provided livelihoods through land rights flexibility and their permanent availability across generations (past, present, and future); and created peace and security out of various land sharing systems and local conflict resolution mechanisms (Cousins, 2008; Knight, 2010). Further, a unique social organisation, which is embedded in the customary land ownership systems, has been essential in the rural people’s ability to use land, land-based resources in constructing their livelihoods. For example, households can cooperate and exchange labour during production—a crucial diversity in agriculture input or help each other during disaster through various forms of reciprocity (Peter, 2009; Toulmin & Quan 2000).

Formalisation offers little assurance that beneficial outcomes are inevitable. However, it serves the purpose of making land, its uses, its claimants, and its transactions controllable by state authorities. How state authorities exercise this control is critical

since practices, institutions, and laws that expunge local rights and claims to land and replace them with state rights are fundamental to the creation of frontiers of capitalist expansion. In the genesis of agrarian capitalism, changes in social relations emerging out of a reconfiguration of access to and control over productive assets gave rise to changes in the structure of economic processes, leading to rural transformation. Eventually non-capitalist property relations and labour processes are subordinated and integrated into capitalism. Consequently, profit becomes the main motive of production—hence efforts to increase production and productivity by any means. With the objective of securing livelihoods, especially in rural areas at the centre of land tenure reforms, there is need for a deeper examination of how and who benefits and who loses from instances of land rights interventions.

The research question and thesis objective

This thesis addresses a question of whether the ‘new wave’ of land formalisation programmes that claim to uphold customary land rights can provide some protection against the negative outcomes of land rights interventions. That is, are the new wave programmes been successful in improving the quality of life and economic well-being of rural populations? Because of differences in the historical evolution and actual patterns of land use and ownership, the nature of land rights and institutions varies significantly across countries and even regions within the same country. Consequently, the design and manner of implementation of the formalisation programmes varies accordingly. Thus, deeper understanding of the effects of the formalisation of land rights requires analysis of individual case study in a particular country.

I posit that the new-wave land formalisation programmes, as currently formulated and implemented, are unlikely to improve rural life, and may in fact worsen their situation because the attempt to develop a universal land administration system destroys social organisation that is embedded in the customary land ownership systems. Further, the agricultural models associated with the formalisation programmes favours large-scale mechanised systems and market production. This leads to adoption of agricultural policies that emphasize growth rather than development.

The study sought to find out how rural social organisation and social capital have been altered since the implementation of the formalisation programmes. Further, the thesis seeks to find out changes in agricultural production, in order to demonstrate how both small scale farmers' sources of income and rural population's food security is affected. To this end, the thesis undertook a qualitative case study of the implementation of 'new wave' land formalisation programme in three villages in Tanzania: Mbagwi, Mzeri, and Sindeni, all located in Handeni district, Tanga region.

The objective of this thesis is to gain an understanding of how a neoliberal programme to transform customary land ownership patterns to some hybrid form of market-based ownership pattern could maintain the well-being of people living on those lands and even enhance production/productivity that improves their quality of life and economic well-being. The conclusions are expected to offer policy makers and other stakeholders, insights into the specific contexts and factors that allow for the likely success of land rights interventions that will benefit the rural population. Helping governments to make such informed policies is more pertinent now for reasons that include the persistence of rural poverty after years of neoliberal restructuring

interventions and increasing scarcity of land due to population growth and increasing global interest to invest in land.

2. LITERATURE REVIEW

The literature review has two main sections that are considered pertinent in developing a framework for answering our research question. First section is land, agriculture and development, which is imperative given that land is the main productive asset, and agriculture is the main source of income and employment for smallholder farmers in almost all of the sub-Saharan Africa. The section covers an overview of literature on the role of land and agriculture in development, essentially aiming to determine what agricultural model best suits the needs of the rural population in sub-Saharan Africa. In this section, I begin with the early development theories—growth and modernisation. Growth theorists saw land as original and inexhaustible gift of nature and their concern was uncovering the causes of poverty and underdevelopment or economic stagnation. The modernisation theorists problematized the agrarian transition in terms of a national project of capitalist development as their concern was the need to change social, cultural and economic structures of the backward societies so that they become more like the Western societies.

This is followed by a review of a new set of approaches to development—agriculture in the eyes of structuralists, dependency and world system theorists—that emerged with a common vision of going beyond the role of the market and capital investment to solve development problems. Then, I analyse the rise of neo-liberalism and structural adjustment ideas, which become a staple of the development strategies in the in the period 1980 to 2000. I, then move on to the basic needs approach, which gave priority to meeting the basic needs of all the people, with emphasis on agriculture and especially on food production. Finally, I review Sustainable Rural Livelihoods Approach which

strives to build an integrated framework to development initiatives, aiming to promote development that is sustainable not just ecologically, but also institutionally, socially and economically and to produce genuinely positive livelihood outcomes.

The objective of the foregoing section is to develop an argument for what a certain agricultural and development policy should look like if it were to support rural livelihoods. In other words, what agricultural policy best improves quality of life and economic well-being of the rural population in Tanzania and the sub-Saharan Africa in general.

Second section is land tenure systems and rural livelihoods, which is essential given that a customary land is not only a means of production, but it also has a unique social organisation of those living on it that is fundamental to how they construct their livelihoods. The section reviews theoretical analyses of the customary land ownership systems—the dominant landholding systems in sub-Saharan Africa—detailing its suitability and strength in how the rural population construct their livelihoods. So, the section reviews the origin and uniqueness of the customary ownership systems, and most importantly their centrality in the livelihoods of the rural people. This is followed by analysis of land tenure reforms in the region, specifically the theoretical debates about the pros and cons of private property rights vis-à-vis customary land rights.

The second section aims to reveal the significance of the customary land ownership systems in sub-Saharan Africa, which are based on a complex interconnectedness of people and their physical environment and emphasises the relations between people and group in terms of their mutual rights and obligations with regard to land. The systems are an indispensable mechanism that guides a complex web of

activities and interactions that emphasises the diversity of ways rural people construct their livelihoods. It highlights the multidimensional aspect of customary lands, which is a fact that in sub-Saharan Africa land is more than a factor of production.

Land and development

“Land is the main productive asset, and major source of income, for poorer groups in almost all the developing world” (Lipton, 2009: 2). Land, in economics, is the resource that encompasses the natural resources used in the production of food for both people and animals, fibre, cash crops, traditional medicines and building materials. In classical economics the factors of production are land, labour, capital, and entrepreneurship. Land was considered to be the “original and inexhaustible gift of nature” (Fisher, 1987: 614). In modern economics, it is broadly defined to include all that nature provides, including, forests, minerals deposits, and water and land resources. However, while many of these are renewable resources, they are not ‘inexhaustible’ and greater attention is needed in order to assure their sustainability (Ibid, 1987).

For agricultural production the basic input is land. Satisfactory agricultural production and distribution brings peace, prosperity, harmony, health and wealth to individuals of a nation by driving away distrust, discord and anarchy. Agriculture is an important part of the livelihoods of many poor people, and it is frequently argued that agricultural growth is a fundamental pre-requisite for widespread poverty reduction (Szirmai, 2005; World Bank, 2008; Borras, 2009; Bernstein, 2010). Agriculture provides abundant food driving out famine and bringing in friendship that eliminates fights. It helps to elevate the community consisting of different groups to a better social, cultural,

economic, and political life (Dorward, *et al*, 2003). This implies that land, when properly used and managed, can bring development, that is can improve people's quality of life and their economic well-being. However, the bigger issue is who controls the use of land? Is the desired increase in agricultural production or productivity coming from the small-scale farmers?

In rural sub-Saharan Africa, land is more than a factor of production—it is a means of community organisation; thus, a meaningful analysis of land rights interventions calls for a comprehensive approach. Indeed, a study on customary land administration in Zambia revealed that “land is inherently intertwined with social organisation, cultural imaginaries, succession rights, and norms of reciprocity” (Tamara, 2014: 29). Anseeuw and Alden (2010) argue that land in Africa is a multifunctional and multidimensional physical resource at the heart of complex processes that define territories and regions. With the rise in population placing ever-increasing pressures on scarce land, governments of developing countries ought to have a long-term vision with respect to rational land use, improved land management, and avoidance of degradation. Further, the role of land and agriculture in development need to be re-examined considering the harrowing forces of globalisation, which swiftly are transforming land into a commodity.

Use and management of land, of its soils, water, forests, pastures, and wildlife, has been and continues to be central to rural population, especially in sub-Saharan Africa. Consequently, changes in land tenure systems and as a result agriculture's role in society has great consequence on development, that is how people organise their lives, their

relationships to food, sources of income, employment, peace and security, and the general social organisations of the whole society.

Agriculture's role in development

Since agriculture constitutes a large share of national output and often employs a large share of the labour force in the sub-Saharan Africa, the sector is integral to any thinking about development. However, the way in which agriculture contributes to development has changed in the last half-century. Early classical theorists, including Julius Herman Boeke and William Arthur Lewis observed that most developing countries are comprised of 'dual' economies, hence developing a theory of dualism. The basic idea was the existence of a dichotomy in developing economies and societies between traditional and modern sectors, between stagnation and dynamic change (Boeke, 1953; Lewis, 1954). A dominant view was that activities in the traditional sector, including small-scale peasant farming were mere remnants of a past that, sooner or later, modernisation will transform them and surplus labour in the traditional sector would be gradually absorbed by the expanding modern sector.

Instead, even industrialised countries are increasingly experiencing massive phenomena of social exclusion, as a result of slow and fairly jobless growth combined with the inability to translate increases in labour-productivity into an equitable process of reduction of working time that would ensure full employment. In consequence, dualism, initially considered as a symptom of underdevelopment, is being reinterpreted as an unavoidable phenomenon, re-christened as a "two-gear society" (Sachs, 2004:1808),

while others go as far as to view the traditional sector as an “engine of growth” for African economies (Blunch & Verner, 1999).

Although growth theorists view traditional agriculture as a low-productive sector that only passively contributed to development by providing food and employment, agricultural growth was still considered necessary for development and for countries’ transformation from traditional to modern economies. They argued that while non-agricultural innovation and technological change can occur independently of the agricultural sector, both labour and savings must be released from agriculture in order to satisfy labour demand and finance capital investment in industry (Fei & Ranis, 1961). This explains “why industrial and agrarian revolutions always go together and why economies in which agriculture is stagnant do not show industrial development” (Lewis 1954: 433). Furthermore, the fact that demand for agricultural goods does not keep pace with per capita income growth (Engel’s Law) implies that agricultural surpluses can be generated as long as agricultural productivity growth exceeds the population growth rate.

Further, critics of the dual economy theory have also argued that shifting labour from agriculture to manufacturing was not always helpful unless labour was sufficiently skilled, and the right kind of manufacturing was able to develop; and some developing economies have achieved a better return from increasing investment in agriculture rather than manufacturing (Matsuyama, 1992; Lipton, 2010). It is, therefore, an oversimplification to say manufacturing has a profit incentive lacking in agriculture. The agricultural sector can also benefit from similar investment and productivity growth and play a role in helping developing economies.

The modernisation theorists problematized the agrarian transition in terms of a national project of capitalist development, arguing for the acceptance of cultural values such as the profit motive, accumulation of goods and wealth, private property, gain the entrepreneurial spirit. The modernisation theory has a notion that by modernising agriculture and increasing output, a country can export food but also cheapen the cost of food, which is needed in periods of urbanisation and industrialisation, thereby making it possible to pay urban workers lower wages. Lewis (1954) argued that because employers could pay them less, they would make more profits and savings which they would reinvest and increase levels of productivity, thus producing growth.

In early formulations of the modernization theory, the low productivity associated with traditional agricultural societies was understood to be the chief ‘obstacle’ to capitalist development. As reflected in Rostow’s theory, *The Stages of Economic Growth* (Rostow, 1960), who, like Lewis, emphasised that the important element in growth and development was to find a way to lift an economy out of low income stagnation and into sustained growth through higher savings rates and investment in the national economy. In his thesis, Rostow posits that developing countries could develop if they followed in the footsteps of North America and Europe, which is he described as a unidirectional 5 Stages of Growth process, comprised of capital formation and investment, entrepreneurial shrewdness and modern sets of values.

Rostow’s theory of the five stages was highly influential at the time but subsequently faced strong criticism, including that it was based on the observable features that would remove obstacles to capital formation and thereby allow for a society to pass from traditional agriculture to mass consumption (ibid, 1960). Rostow’s

modernisation theory has attracted many criticisms, including his lumping together of a great range of societies he called 'traditional societies', a weakness pinned down by Davidson (1974) writing: 'it was to perpetuate the colonial rulers' myth, that Africa, along with other one-time colonies, had no history'. Critics argued that many countries were different, especially those that had been through colonial rule and whose economies had been manipulated to serve the demands of agricultural and mineral resource extractions to service manufacturing sectors in metropolitan countries, would have to follow a very different set of stages. Another criticism is that not only the sequencing can very different but also the model does not apply to the African countries as events in these countries are not justified in any stage of his model.

Two key characteristics of agriculture during the early stages of development justified its place in early development thinking. First, agriculture produces goods that directly satisfy basic human needs. Second, agricultural production combines human effort with natural resources, such as land and agroecological assets. Since natural resources were assumed to be freely available, early development theorists believed that agriculture could grow independently of other economic activities. However, in reality, agriculture's dependence on a fixed supply of land meant that its expansion was constrained. This implied that agricultural output cannot proportionally increase with increased labour supply under a given technology (that is, agriculture suffers from diminishing returns on labour). On the demand side, the need to satisfy basic needs implied that, at the very least, agricultural growth must match population growth in order to avoid the Malthusian trap and stagnant development.

The need for agricultural growth during the early stages of development has also been examined in recent neoclassical literature. For example, Yang and Zhu (2004) use growth theory to capture the intertemporal dynamics of the development process. The authors demonstrate that, without increased agricultural productivity, a traditional economy cannot overcome the fixed supply of natural resources and thus, cannot generate sustained economic growth. Regardless of how fast the non-agricultural sector grows, stagnant agricultural production during the early stages of development prevents the structural transformation from a traditional to a modern economy.

Beyond agriculture providing a ‘reserve army’ of labour, classical economists also highlighted the importance of food supplies in stimulating economic growth. If traditional agriculture remains stagnant, then increased employment in the non-agricultural sector may result in food shortages. Food price increases would raise the cost of living, especially for low-income households with high food consumption shares (that is, large Engel coefficients). The pressure to raise wages would hamper industrial growth, especially during the early stages of development when technologies are typically labour-intensive. Increased labour costs eventually drive the economy into a ‘stationary state’ without further growth. This is the famous ‘Ricardian trap’ (Ricardo, 1817 in Sachs, 2004: 1804), which formed the foundation for subsequent development theorists (Schultz, 1953; Lewis, 1954; Fei and Ranis, 1961 & 1964; and Jorgenson, 1961). According to Hayami (2001: 84), these theorists understood that “successful industrialisation cannot be expected without the parallel effort of increasing food production to avoid the danger of being caught in the Ricardian trap”. While early development economists saw agricultural growth as an essential component and even a precondition for growth in the

rest of economy, the process by which this growth was generated remained beyond the concern of most development economists (Ruttan, 2002).

Agriculture in the eyes of structuralism, dependency and world system theorists

The early structuralist approach was influenced by John Maynard Keynes (1883-1946), a British economist, who argued for the need to address the underlying economic structures of developing countries as the only way of overcoming economic problems, and to do this required major government intervention in the economy. The role of the state in the economy was seen as central, the state was viewed as the main agent of development. Keynes argued that aggregate demand (total spending in the economy) determined the overall level of economic activity, and that inadequate aggregate demand could lead to prolonged periods of high unemployment . Keynes advocated the use of fiscal and monetary policies to mitigate the adverse effects of economic recessions and depressions (Keynes, 2018).

In contrast to the early developmental theorists who were focused on modernisation and growth (industrialisation) as a solution to development problems, a new set of thinkers, such as Emil Durkheim (1858-1917), Max Weber (1864-1920), emerged emphasizing the interdependence of individuals and institutions (structures). These structuralists aimed to go beyond the role of the market and capital investment, advocated by the modernisation theorists, in solving development problems. They were concerned with the capacity of modern industrial societies to maintain social order in the face of a growing division of labour resulting from industrialization. Talcott Parsons (1902-1979) articulated modern structural functionalism, arguing that human societies

have to be understood as systems, much like a human body where all parts of the body work together to ensure the survival of the system. The idea is to present a series of abstract functions in which all governments engage or should engage.

Keynes and structuralist ideas in general have withstood the test of time, especially with advent of the global crises which necessitated major government intervention in the economy. Structuralism development theory focuses on structural aspects which impede the economic growth of developing countries. The unit of analysis is the transformation of a country's economy from, mainly, a subsistence agriculture to a modern, urbanized manufacturing and service economy. This approach calls for the ending of the reliance of the underdeveloped country on exports of primary goods (mainly agricultural products) and pursuing inward-oriented development by shielding the domestic economy from that of the developed economies.

Seen as the founder of structuralism applied to international development, Raul Prebisch and Hans Singer, associated with the Economic Commission for Latin America and the Caribbean (ECLAC), argued that the predominantly agricultural nature of the developing countries was a question of the structural imbalances between the countries, of the centre and the periphery. That is, the periphery of poor and underdeveloped states produce and export low valued commodities while the core of wealthy countries produce and export high valued manufactured goods. The Prebisch-Singer hypothesis of the decline in the terms of trade between the raw material-producing peripheral countries and the industrialised core posed a challenge to the notion that developing countries' role in the globalized economy was that of provider of raw materials for industrialised core nations, spanning the 17th to the 21st centuries (Harvey *et al.*, 2010). They argued that

international specialisation along the lines of 'static' comparative advantage had excluded developing countries from the fruits of technical progress that had so enriched the industrialized world. Prebisch (1950: 15) concluded that, 'since prices do not keep pace with productivity, industrialisation is the only means by which the [developing] countries may fully obtain the advantages of technical progress.' Hence, the essence of coining strategies for endogenous, state-led industrialisation and the import substitution industrialisation (ISI).

Critics argued that the structuralists had an urban bias in their assertion that development was a question of urban industrialisation which did not incorporate a sufficient concept of agricultural development (Lipton, 1977), may be largely explained by powerful oligarchic forces dominating the periphery countryside. As will be discussed in more details below, the 'urban-bias' generated by structuralists attempts at industrialisation revealed that agricultural and non-agricultural growth could not occur independently of each other. Some structural changes proposed in the agrarian sector were intended to ensure adequate demand for industrial products. This included the need to bring about land reform to break down (Latin America's) large, privately held landholdings into smaller plots, putting them in the hands of social groups that would improve the consumption capacity of rural groups.

Cardoso & Faletto (1979) criticised the Economic Commission for Latin America and the Caribbean (ECLAC) ideas arguing that they had failed to sufficiently account for the state interests and class forces surrounding the development process. Their alternative account argued for the need to examine the possibilities of development in peripheral social formations with concrete historical analysis of the tendencies in world market,

imperial forces and their relations with national elite classes and internal markets. Using the dependency theory, in his book, “How Europe Underdeveloped Africa”, Rodney (1972), described an Africa that had been consciously exploited by European imperialists, leading directly to the modern underdevelopment of most of the continent. His lucid and truthful explanation of Africa’s historical role in the international capitalist system exposed a relationship of economic exploitation, the exploiter—European imperialists—becoming developed and the exploited—Africa—becoming underdeveloped.

One of the most developed versions of underdevelopment theory has been put forward by Andre Gunder Frank (1969; 1979). Frank analysed a chain of exploitative relationship running from the centre of the world economy to the rural sector of the developing economies. Frank challenges neoclassical “development” and neopositivist “modernisation” theories which postulate that the developed countries of Europe and North America diffuse capital and social institutions or values down to the underdeveloped regions of Africa, and Latin America, which then use this help and guidance to follow in the road to development. He treats modern history as a single worldwide process driven by the motor force of spatially unequal and temporally uneven capital accumulation, which differentiates the world capitalist system into centre and periphery, that is “developed” and “underdeveloped” regions respectively. In effect he rejected the notion of a dualistic system, demonstrating instead the overall integration of the world economic system and the differential integration into that system of different countries and even regions within a country. Rural regions that others argued were distinct and part of a dual economy, were according to Frank, wholly integrated into the

world system as they were also shaped by capitalist relations of exploitation, linked through trade and labour relations of even the poorest agricultural workers.

Further, developing the dependency school of thought was Immanuel Wallerstein (1974) and his *world-systems theory*. Wallerstein argues that the world was divided into *core*, *semi-periphery* and *periphery*, but all countries were integrated in one world-economy/world-system, in which the core benefitted from “primitive accumulation” in the process of global flow of goods and capital. The expansion of the world-system results into the commodification of things: including labour, natural resources, land, and even human relationships, which are turned into commodities to be traded in a market. Using the world-systems approach Alain Lipietz (1997), of the French regulation school, saw an integration of the structures of production, trade patterns, the method of accumulation and state regulations as forming a global economy in which regimes of accumulation and modes of production are balanced, changing only when the system enters a crisis. The focus of world systems analysts therefore is on contemporary trends, the need to understand business cycles, global systemic change and the associated realignments of economic power and potential. This approach is useful in understanding the dynamics of the agrarian transition in the developing countries, specifically the emergency of land grabbing and new agricultural production systems.

Samir Amin established the dependency approach in the African context. Focusing more on a model of self-reliant economy and less on trade, Amin argue that the problem with developing countries is the extent to which the different economic sectors of the economy are not integrated with each other. Instead they are disarticulated due to the effect of their integration into the world economy and an excessive reliance on

production for export and trade, the principle characteristics of a peripheral economy (Foster, 2011, Kvangraven, 2017). Contributing further to the dependency school Amin argues that rich countries create an international division of labour in which they subordinate and exploit other countries, originally through colonial conquest, and now by creating “monopolies” (Brauch, 2014). The global model is monopolistic, establishing monopolies for the core countries on technology, control of financial flows, military power, ideological and media production, and access to natural resources. The monopoly systems lead to ‘super-profits’, above the level which can be made in competitive markets. This means the beneficiaries of imperialism cannot be out competed in world markets, implying that the global rankings are locked in place, despite ‘free’ market processes preached by WTO (Robinson, 2011).

In conclusion, dependency and its variants interpreted policies leaning towards externalisation of the economy as leading poor countries to be bound within an unjust multilateral trading system, with deteriorating terms of trade and worsening their balance of payments, and resulting in a loss of national autonomy in defining their development trajectory. The world-system functions through a division of labour among countries. Poor ‘peripheral’ countries are assigned the role of providing low-value inputs into global processes, at below their actual value. The periphery specialises in producing primary goods—such as agricultural crops and mined ores—which are mainly exported to the center. Unlike the center, the periphery is primarily focused outside itself. This implies the need to re-focus periphery economies.

For agriculture the emphasis should include the domestic needs of food security and food sovereignty, and on producing domestically other agricultural products used as

inputs into other economic sectors, as well as on taking care of the environment in the production process. Producing domestically other agricultural products used as inputs into other economic sectors has important positive inter-industry effects, which comprise both consumption and production multipliers (Valdés & Foster, 2010). These backward and forward linkages are necessary for a county's more sustainable and equitable development that can command autonomy from world trading system, save on foreign exchange, lower and stabilize food prices, and create employment (Amin, 1997, 2011).

Neoliberal agenda on land and agriculture

Contemporary policies promoting land formalisation are born out of the neoliberal agenda which generally refers to the new political, economic and social arrangements within society that emphasize market relations, re-tasking the role of the state, and individual responsibility. Therefore, examining formalisation programmes with the neoliberal lenses on, makes the objectives clearer and easier to gauge the possible outcomes.

From the 1980s, based on laissez-faire economic philosophy, and promoted by the World Bank and the IMF, the neoliberalism in the Global South pushes for a reform agenda of trade liberalisation, privatisation, and rolling back the state, (Bernstein, 2010; Akram-Lodhi & Kay, 2012). Trade liberalisation requires lowering and/or eliminating tariff and non-tariff barriers to international trade in food and agricultural products. This goes hand in hand with deregulation, which is removing or reducing state regulations in the operation of domestic agricultural markets, including investment and price regulations. The underlying goal of liberalisation and deregulation is to allow unrestricted

capital flowing in and out of a country in order to boost growth and efficiencies within the home country (Friedman, 2014). As a general rule, one can determine to what degree a country is liberalized economically by how easy it is to invest and do business in the country. A World Bank Annual *Doing Business* project, launched in 2002, provides comparative indices for the level of ‘openness’ (World Bank, 2005b).

On rolling back the state, the reforms are geared at recasting the state’s role in the economy and reconfiguring control over national resources. It involves relaxing state control over many aspects of the economy, such as eliminating the state’s role in business investment (as called for under privatisation) and removal of extension services and subsidies to small-scale farmers (Desmarais, 2007). This restructuring of the state’s role is always accompanied by other policies that seek to prioritise the functioning of ‘markets’ above all else. Such policies include privatisation reforms, which involve transfer of publicly owned enterprises to private ownership and control. This includes plantations, ranches, and parastatals (crop boards, research institutions, agro-industries) that operate in the rural economy.

Further, the neoliberal development strategies promote export-oriented production according to ostensible comparative advantage, which as popularized by David Ricardo, stipulates that countries are better off if they specialize in a certain class of products for export, but import the rest, even if the country holds an absolute advantage in all products (Matsuyama, 1992). In this context, developing countries deemed uncompetitive in agro-processing/light industries ought to concentrate in the production of primary commodities, while importing finished consumer products. The implication is to abandon national development strategies based on industrialisation and production for domestic

market, specifically import substitution industrialisation (ISI) strategies (Bernstein, 2010).

The adoption of the Millennium Development Goals (MDGs) by UN member states at the turn of the millennium shifted the focus in development from fostering economic growth per se to encouraging poverty reduction. Most of the MDGs seemed at first sight unobjectionable. Nevertheless, they were not the result of an initiative from the South itself, but were pushed primarily by the triad (the United States, Europe, and Japan), and were co-sponsored by the World Bank, the International Monetary Fund, and the Organization for Economic Cooperation and Development. All of this has raised the question of whether they are mainly ideological cover (or worse) for neoliberal initiatives (Amin, 2006). Could the triad have seen some of the basic needs elements that are central to creating a situation of the expansion of capitalism?

While both the contribution of each sector to economic growth and the participation of poor people in it remain on the policy agenda, the neoliberal globalisation of the World Bank and IMF dominates the course of agriculture in the developing world. It is, however, acknowledged that the organisations are not ideologically homogeneous throughout. Their strategies increasingly recognise the importance of equity (World Bank, 2005) and domestic policy ownership as illustrated in the replacement of the Bank/IMF's controversial neoliberal structural adjustment programmes (SAPs) with so-called Poverty Reduction Strategy Papers (PRSPs). In general, however, these institutions continue to promote neoliberal laissez-faire approaches to economic policy in developing countries aiming at economic liberalisation and openness to stimulate growth. Analysis of the SAPs and PRSPs has reveals "that little has changed in the substance, form and

process of [the] programmes. “‘Poverty’ is used as window dressing to peddle more or less the same SAPs to low income countries that led them into a state of chronic economic crisis to begin with” (Malaluan, & Guttal, 2003: 1).

Establishment of private property rights system as the panacea to low growth and poverty under the neoliberal agrarian restructuring process has instilled capitalist social relations in the countryside (Purdon, 2014; Peters, 2014). This leads to less access to land by smallholder farmers and the simultaneous concentration of land in fewer hands as a result of appropriation through the operation of land markets regulated by neoliberal policies. Vergara-Camus (2012), studying the case of property rights in Brazil and Mexico, argued that formalisation became a “catalyst that completed the commodification of land, pushed the fully capitalist development of agriculture, and further marginalized peasant producers and rural workers”. With the commodification of land, ‘social reproduction’ of peasants in rural areas gradually becomes dependent on the ‘reproduction of capital’. According to Karl Marx, development of capitalist social relations in agriculture requires subordination of land to capital (Marx 1991:936), a process that unfolds gradually. The market-based tenure reforms facilitate capitalist formation of new enclosures through “a process of erosion and seizure of the commons by spatial means” (Sevilla-Buitrago, 2015:3).

Critics of the neoliberal approach

Agriculture’s role in development has proved a rich source of alternative debates, given its close links to sustenance and the land, with the emotional resonances that this brings. Under the neoliberal approach, the natural path to agrarian development requires

liberalizing trade in food and agricultural products, deregulate the operations of domestic agricultural markets, privatising parastatals that function in the rural economy, and formalising the ownership and control of property that had been held in public, common or, in some cases, privately (Peine & McMichael, 2005). However, alongside looming concerns about food security, the need to foster agriculture's role in overall development has been a strong motivation for seeking alternatives to the neoliberalism approach (McCarthy & Prudham, 2004).

From the foregoing development theories, discussed above, it is evident that the evolution of capitalist agriculture has not comprehensively generated capitalist farming in the developing countries. A common theme in their explanation is that “capitalist agriculture devices ways of subsuming or incorporating smallholder farmers” within its market structure and dynamics of accumulation, as long as this provides benefit to the capital (Weis 2007: 82). This is often, if not necessarily, associated with some notion that farmers are exploited by capital, directly or indirectly, where farmers' share of the total value of agricultural output has been in steady decline, relative to increasing shares of inputs, which benefit agro-input corporations, and of processing and marketing, which accrue to agro-food corporations (Bernstein, 2010). The exploitative economic relations between peripheral and core countries within the global economic system explain underdevelopment. However, it is important, within this paradigm, to highlight the significance of the structural features and geographies of production in order to understand the problems of underdevelopment.

Joseph Stiglitz (2002) in his *Globalisation and its Discontents* book posits that the policies pursued by the IMF are based on neoliberal assumptions that are fundamentally

unsound. He argues that IMF has done great damage through the Structural Adjustment Policies (SAPs) it has prescribed, that countries must follow in order to qualify for IMF loans, or for loans from banks and other private-sector lenders that look to the IMF to indicate whether a borrower is creditworthy. According to Stiglitz, the theories which guide the IMF's policies are empirically flawed. Free market, neoclassical, and neoliberal are all essentially euphemisms for the disastrous laissez-faire economics of the late 19th century. The IMF strongly advocated "shock therapy" in a rush to market economies, without first establishing institutions to protect the public and local commerce³. Local social, political, and economic considerations were largely ignored. He posits a direct causal link between globalisation and bad policymaking and concludes by suggesting suitable rules for global economic management. Stiglitz believes that promoting local and international democracy is fundamental to reforming global economic policy. Democracy aids social stability, it empowers the free flow of information, and promotes a decentralized economy upon which efficient and equitable economies rely.

Similarly, joining the dissenters is David Harvey (2007), who argues that neoliberal globalisation is a particular ideology and political programme built on the principles of "accumulation by dispossession" to resolve the problem of capital. He explained that the neoliberalism idea is the continuation and proliferation of accumulation practices which Marx had treated of as 'primitive' or 'original' during the rise of capitalism. He argues that "include the commodification and privatisation of land and the forceful expulsion of peasant populations ...; conversion of various forms of

³ The term "shock therapy" refers to the concept of figuratively shocking, or shaking up, the economy, with sudden and dramatic economic policies that affect prices and employment. Characteristics of shock therapy include the ending of price controls, the privatization of publicly-owned entities, and trade liberalization (Stiglitz, 2011).

property rights (common, collective, state, etc.) into exclusive private property rights” (Harvey, 2007: 159). There is widespread occurrence of suppression of rights to the commons, commodification of labour power and the suppression of customary forms of production and consumption all in line with triumph of a capitalist system in the developing world.

He argues that these practices have been “integrated into the ongoing evolution of capitalism”, in which alongside the exploitation of workers and the extraction of surplus value, there is simple plunder: “the naked transfer of wealth from the world’s working class and poor to the ruling class” (ibid, 2007). The effects of the global market are taken to ‘distort’ production towards export, primary raw materials, and light rather than heavy industry. In agriculture, peasant production is replaced by commercial agribusiness, which depends on imported components and export markets.

An important dimension in these criticisms is the role of state and other agents in supporting institutional development that will reduce the transaction costs of critical transactions, including financial, input and output, in the smallholder agriculture sector. Here the focus is not so much on institutions as organisations but on institutions as the “rules of the game” (North, 1990). These include “institutional environments”, for example those that govern land tenure security for smallholder farmers and general relations between economic agents, as well as “institutional arrangements” that include the specific rules governing specific transactions (Dorward *et al.*, 2004). Equally important is the role played by CSOs and NGOs in land policy debate and advocacy, generally benefiting from a constructive, although sometimes also critical relationship with government (African Union *et al.*, 2011). These institutions provide important

checks and balances on governmental policy processes, facilitating public debate and civil society inputs that is important for participatory development.

Basic needs approach

The developing world and sub-Saharan Africa in particular have witnessed policies and strategies coined by development partners with the aim of addressing poverty issues and spurring development. Understanding how these strategies performed in terms failures and successes would be useful to understand the formalisation programmes, which have much in common in terms of origins and objectives. One such strategies is the Basic Need Approach (BNA), which was first introduced at the World Employment Conference in 1976 by the International Labour Organisation (ILO), displaying a need to return focus to employment, human needs, and people themselves, as the centre of development strategy (ILO, 1976). The inception of the BNA was inspired by the state of development at the beginning of the 1970s – the period at which the growth model was still the prevailing paradigm.

The prevailing policy question for the growth model was how to stimulate growth by applying instruments such as capital, technology, entrepreneurial skills, export stimulation, and savings, while the question of the poor was residual. In the Third World, economic growth seemed to rely increasingly upon a combination of foreign borrowing and rapid natural resource exploitation, agriculture had been neglected as an economic sector and output was down, there were obvious problems in food production and access to food (Hoadley, 1981). To address these seemingly burgeoning economic problems, in 1974 the World Bank commissioned a study *Redistribution with Growth* (Chenery,

1974), which stimulated policy makers to see the possibility of redistributing gains without necessarily sacrificing growth. In 1975 the World Bank declared *An Assault on Poverty* (McNamara, 1975), devoted increasing resources to rural development and urban slum improvement. The UNDP, FAO and WHO followed suit, orienting their programmes increasingly to benefit rural and poor communities during this period, but the leading exponent of the basic needs approach remained the ILO (Hoadley, 1981).

ILO defined basic needs in terms of food, clothing, housing, and public service. Employment was both a means and an end, and participation in decision making was also included (ILO, 1976). The approach has been justified as explained in the following quote by Amartya Sen on the work of Ul Haq: “informed by a general recognition that while a poor economy may take a very long time to become a rich country through GNP growth, the conditions of human living can be changed much more rapidly through intelligent policy making” (Sen cited in Rosenfield, 1998: 1). Agriculture helps to meet the basic needs of humans and their civilisation by providing food, clothing, shelters, medicine and recreation. Hence, agriculture is the most important enterprise in the world from this perspective.

However, development programs following the basic needs approach do not invest enough in economically productive activities that help a society carry its own weight into the future; rather it focuses on allowing the society to consume just enough to rise above the poverty line and meet its basic needs (Ghai, 1978). Despite being heralded as a response to the critics of economic growth orthodoxy—the belief in ‘trickle down’ policies or redistribution through growth—the approach suffered from the belief in a ‘quick fix’. That is a technical package of inputs is simply delivered, usually by an aid

organisation, voluntary or official, from the North (Wisner, 1988). The ‘fix’ in the agricultural sector involve improved food production with new seeds and fertilise. According to Streeten, some see it as a “sop to keep the poor quiet” (Streeten *et al.*, 1981: 26). Samater see the approach as a smokescreen. By this he means it is nothing more than “... a new instalment in a long chain of fabrications designed to co-opt and confront any challenge to the dominant system” (Samater, 1984: 8).

The central theme running through the approach is the desirability of making the satisfaction of the basic needs of the poor the central focus for national and international development efforts (ILO, 1976). It however, lacked a quantified macro- and sector framework to make it a success. The BNA programmes’ design weakness couple with unforthcoming financial support from donors resulted in significant basic needs projects not to materialize to the degree one would have predicted on the basis of the almost universal embrace of the basic needs approach evident in 1976. Sustainable development requires more than ‘quick fix’ consumption-oriented approaches. Amartya Sen focused on “functionings” and “capabilities” rather than consumption (Sen, 1999). ‘Functionings’ refer to the things that a person may value doing or being, and thus denote a freedom to achieve a certain lifestyle. ‘Capabilities’ refer to the sets of resources (physical, mental and social) that a person might command, and which give rise to various ‘functionings’.

Employment, basic needs, and much else were pushed to the sidelines due to dwindling donors’ financial commitment to the BNA programmes, and with the looming debt crisis of the 1970s. Figures for the external debt problem of African countries pointed to a sharp rise in aggregate debt during the past two decades. From an estimated US\$8 billion in 1970 to an estimated US\$174 billion at end-1987, or if measured in

constant (1980) US dollars, total African debt at the end of 1987 was nearly seven and a half times its level in 1970 (IMF, 1988). Hence the Fund/Bank developed Structural Adjustment Programmes (SAPs) in the early 1980s as a means of gaining stronger influence over the economies of debt-strapped governments in the South. The succeeding “lost decade” (the 1980s) in terms of growth was enforced by mean and lean policies—the *laissez-faire* economic policies—that made it a tragic loss for millions (Malaluan, & Guttal, 2003). The overarching development concept shifted to development without the state at the country level and globalisation without countervailing power at the international level—an approach that was labeled the “Washington Consensus” (Harvey, 2007).

The policies and programs guided by the Washington Consensus and their ramification, especially on land and agriculture, are discussed below under the subject *Land tenure reforms in sub-Saharan Africa*.

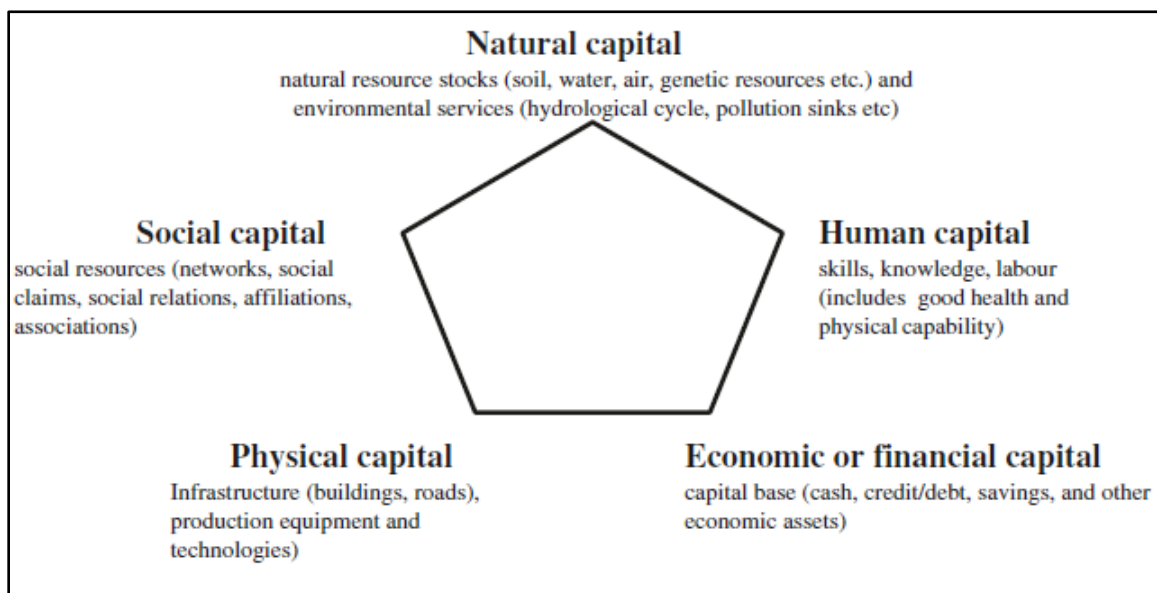
Sustainable Rural Livelihoods approach

Sustainable Rural Livelihoods approach (SRL) is one of the initiatives of the development agents and academician in addressing development challenges of the South. The notion of sustainable livelihood as known today can be said to have arisen out of the 1992 Earth Summit held in Rio and its promotion of Agenda 21 (Agenda for the 21st Century) (Perrings, 1994). A stated aim in Agenda 21 is that everyone must have the “opportunity to earn a sustainable livelihood”. SRL emerges at the intersection of development and environmental studies to offer a new way to think about work, especially the work of vulnerable populations (such as low-income population living in

the bottom of the pyramid, indigenous communities, and peasants). It was a central concept of the British's Department for International Development's (DFID) strategy during the later half of the 1990s (DFID, 1999; Krantz, 2001).

The early pioneers of the approach, Robert Chambers and Gordon Conway, defined livelihoods as being made up of a series of capabilities, assets (including both material and social resources) and activities required for a living (Chambers & Conway, 1991). Livelihood is sustainable when it maintains or enhances the capabilities and assets on which livelihoods depend, and when it can cope with and recover from stress and shocks both now and in the future (ibid., 1991). The approach supports analyses of the strengths of particular systems of land tenure, and of their evolution, as well as the corresponding agricultural models in relation to the well-being of the people concerned.

Figure 1: The five capitals of sustainable livelihood (after Scoones 1998)



Source: Scoones, 1998)

The approach shows how, in different contexts, sustainable livelihoods are achieved through access to a range of livelihood resources (natural, economic, physical, human and social capitals) that are combined in the pursuit of different livelihood strategies—agricultural modernisation, livelihood diversification, and migration, see *Figure 1*, (Scoones, 1998).

Like many initiatives in development, SLA did not come out of a vacuum nor indeed can it be said to have a definitive starting point. Rather it grew organically from a number of older trends and ideas, many linked to agriculture development, so worth exploring; the term sustainable livelihood even predates the 1992 Earth Summit. For example, there are influences arising from the application of ‘systems’ approaches to sectors such as agriculture. ‘Agro- Ecosystem Analysis’ has its origins in the 1960s and sought to bring together concepts in ecology along with social and economic aspects of agriculture (Conway 1985). These system-based approaches were not just research frameworks but also had practical application. An example is the evolution of new approaches to knowledge generation with farmers. The historical approach had been to consider farmers as mere recipients of ‘new’ knowledge and technologies generated by research services and transferred via an extension service; hence the phrase ‘transfer of technology’. Again, the model was linear with information flowing one way. Newer systems changed this to a partnership approach towards knowledge generation, with farmers working together with researchers. Terms using the phrase ‘farming systems’ began to evolve in the 1980s to capture this new mentality; for example, ‘farming systems research’ (Flora 1992).

Partnership approaches had to be built upon a genuine participation of farmers in the process; not a token representation where farmers were simply lectured to. Indeed, SRL itself tapped into the parallel evolution of participatory methodologies since the 1960s (or indeed earlier) such as rapid rural appraisal (RRA) and participatory rural appraisal (PRA). Both RRA and PRA had a strong ‘rural’ focus (and exemplified in their respective names) and sought to include households in the knowledge generation process (Chambers 1991). RRA was more extractive in that it was intended as an umbrella term to cover a suite of methods by which researchers could learn about local livelihoods and so arrive at recommendations for intervention. PRA had the added thrust that potential interventions became part of the participatory-based discourse. This suite of methods used within PRA is much the same as those of RRA, and often used within SLA.

Although SLA has resonance with older ideas, one of its most prominent influences is the rise of what is referred to as ‘human development’ in the 1980s and promoted especially by the United Nations Development Programme (UNDP). Indeed, SLA has been regarded by some as the ‘operational vehicle’ of human development (Singh and Gilman 1999). Human Development was influenced by the work of the Indian economist Amartya Sen and his writing on capability (Sen 1984, 1985). ‘Human development’ took as its central tenet the importance of enhancing capability, with UNDP declaring in its report that “human development is a process of enlarging people’s choices” to improve human lives (UNDP, 1990: 10).

A process of improving the quality of life and economic well-being of people living in rural areas—rural development—hinges on recognising multiple and diverse livelihoods base of rural households in conjunction with the link between assets and

economic activities, as well as the role of the institutions in determining the use of and return to assets. This development inquiry and practice labeled sustainable *rural livelihoods approach* builds on Sen's (1981) concept of entitlements. He argued that in a private market, an entitlement set of a person is determined by his original bundle of ownership (endowment) and additional bundles acquired, where in his case famine, this was seen through the lens of loss of endowment (land loss, loss of labour power) or loss of exchange entitlement (fall in wages, rise in food prices). He revealed that in many cases of famine, food supplies were not significantly reduced, but rather there were other factors (social and economic) which led to starvation—curtailed access to food supply to rural communities. The implication is that analysis of rural livelihoods requires a broader view to the land question besides production.

The land question—that is who has what rights to land, what do they do with it and with what implications—is of utmost importance given that land in sub-Saharan Africa is more than a factor of production. This implies the need to delve further than the agrarian question only, that is how farming is, or ought to be, organized, and with what role for peasants or other small agricultural producers. For instance, many of the ways in which land is used—often labelled 'social' or 'cultural'—are in fact best understood as part of processes of distribution that are a vital part of many sub-Saharan Africans' livelihoods. Hence, an exclusive focus on production as the problem, and more productive agriculture as the solution, blinds us both to most of the things that people, in fact, do with land, and to many of the most important issues facing low-income rural people.

A descriptive analysis portrays a complex web of activities and interactions that emphasises the diversity of ways rural people make a living. This may cut across the boundaries of more conventional approaches to looking at rural development which focus on defined activities including agriculture, farm labour, and small-scale enterprise. But in reality, rural people combine different activities with a complex range of assets. This diversity includes the land-based strategies of arable farming, livestock husbandry, wage employment, consumption and trade in natural resources, as well as land-linked remittances (Cousins, 2000). Outcomes of course vary, and how different strategies affect livelihood pathways or trajectories is an important concern for livelihoods analysis. However, the contribution of land-based activities to rural livelihoods is important in both financial and social terms, and is probably greater than previously appreciated within the whole range of livelihood strategies adopted by rural households, including transfers from urban areas, formal employment and state subsidies (Davies, 1996; Cousins, 1999).

Many rural residents regard themselves primarily as agriculturalists. Those without land still aspire to land within the village land, and the majority of those with land are eager for more (IFAD, 2001), which indicates the value of land-based strategies to livelihoods. Sustainable Rural Livelihoods Analyses captures not only the conventional benefits that focus sectorally on marketing of livestock and production of staple arable crops, but also the direct-use value derived by most households from a large number of products resulting from land-based livelihood activities, including small stock, the full range of goods and services associated with livestock, produce from home gardens, wild foods harvested from amongst staple arable crops, collection of natural

resources for home consumption, sale of raw or processed natural resources, and non-monetised reciprocal barter and exchange of goods and services (Shakelton, *et al.*, 2001). Thus, land-based livelihood strategies in customary land systems make significant socio-economic contribution to overall quality of life and economic well-being of people living in rural areas.

If agriculture, then, is only one of the things that people do with land, what are some of the others? What else do people do with land, besides cultivate crops and graze livestock on it, that contributes to individual or society's well-being? Some of the ways in which, under the customary ownership systems in sub-Saharan Africa, people make use of land and land rights includes: to live cheaply, often while retreating temporarily from expensive urban life to hunt or forage; to collect firewood, medicinal and other useful plants, and other natural resources; to bury their dead properly, and to properly respect, remember and tend to them; to anchor kinship and other social networks by providing a place of connection and return for an interrelated group of people; to establish continuity with the past, including, but not only, via ancestors; to bolster male control over women; to underpin the powers of traditional authorities; to have a place to rest and to be cared for when ill; and last, but certainly not least, to symbolize collective identity, belonging, pride and liberation (Shipton, 1994; Peter, 2009).

The implications of land rights flexibility and 'web of interests' in land in customary ownership systems are significant in designing rural development policies. For instance, when we see untilled fields, let us not be so quick to say that the land is 'unused', and eventually proceed into designing policies for its use and/or to redistribute it to supposedly more efficient users. Rural people often do use land to make their

livelihoods. But the mechanisms that turn land into livelihood are as much social as they are technical and may turn less on producing goods than on accessing sources of cash and other support from others (Ferguson, 2013). Often, that is, land leads to livelihood via processes not only of production, but of distribution as well.

The link between the process of redistribution and land ownership systems in sub-Saharan Africa has been central in rural livelihoods making for a long time. Remarkable mechanisms of distribution, in which sources of wealth and streams of income are divided into smaller and smaller slices as they work their way across social relations of kinship, clientele, allegiance and solidarity are rampant in the region (Bayart & Ellis, 2000). These practices of distribution have changed in form over time, and they are known by a wide variety of names: remittances, kin-based sharing, political clientage, ‘corruption’ and so on. But they are visible, and even prominent, in any micro-social level income analysis, where those with access to incomes inevitably encounter a wide range of social claims on that income, which in any case cannot be easily ignored (Ferguson, 2015).

What role do rights of ownership or access to landholdings play in the wider economy of distribution? The most familiar regional dynamic, historically, has been a relation of interdependence between wage earners and their dependents. There are apparently rural people whose basic livelihood in fact derived from industrial employment or business income that are geographically located hundreds of kilometers away in urban centres, (Ferguson 1990). Villages of what appeared to be peasant farmers were in fact, a migrant labourers or traders that ‘scratches about on the land’ (Murray, 1981: 19). But the scratching about was all the same crucial to maintaining livelihoods—

not so much because it produced a viable agricultural income (in most cases it did not), but because it established the rural homestead as a viable rural base, to which labour migrants would plan to return. A relation of dependence, and mutual obligation, between migrant labourers, traders and hawkers and their rurally based wives and kin, was the centre of both the social and the economic system.

A key issue for urban workers/traders and hawkers is how they would manage their retirement. Urban dwellers maintain a “rural strategy”, where urban workers are concerned with “maintaining links” with the rural areas through building a permanent house (Dansereau, 2002: 124). With high and rising costs of urban living, and meagre income options after leaving employment or as they age, retiring to ‘home’ villages is very much on the agenda, even for those who did not relish the idea of rural life. But ‘going home’ meant, first, having a rural ‘home’ and, second, being welcome to ‘return’ there. Relations with rural relatives are often tense and conflictual, and those who had not adequately attended to the needs and demands of kin ‘at home’ during their working years could encounter social rejection and even violence in their own time of vulnerability and need. The stories like “I have two children, but I pay school fees for six” are commonplace in the region. Some of the rejection could take a form of not being considered for land inheritance by their parents or family elders (Murray, 1981, Ferguson, 1999).

Actually, relations of rural-urban dependence go both ways. During any particular period, practices of sharing and dependence between urban and rural relatives prove to be crucial social protection systems. Frequent fluctuations in the demand for low-skilled and manual labour, presence of business cycles and unreliability of small businesses

especially for street traders (hawkers), in urban centres across the region, means a necessity to have alternative means of survival (Turner, 2005). It is therefore common for urban dwellers to get ‘free’ food supplies such as beans, pulses, grains, cereal, rice and live chicken—and even perishables like vegetables, eggs and milk, if the distances are not too far from the respective rural area. At other times the urban dweller would purchase of seeds or other cash transfers, educating children of the rural relatives—an example of norm of reciprocity at work (Bah, 2013).

Both social transfers and most forms of land tenure are bound up very tightly with social networks and the reciprocities that make them work. For this reason, it is increasingly the case that successful livelihood strategies for the rural poor hinge crucially on the distributive dynamics associated with these networks. Such distributive claims continue to be of vital importance to day-to-day survival strategies, especially among the poorest, as it has been revealed that giving is more common among the poor than the rich’ and that not only is poverty not a deterrent to giving, but ‘giving within poor communities is crucial to their very survival’ (Habib & Maharaj, 2008).

Another key issue considered under the livelihoods approach to examining rural development is viability, especially in the debates about land reforms in the region. Viability connotes ‘successful’ and ‘sustainable’ as used to inform state policies and planning approaches in relation to both individual projects and programmes (Eastwood, et al., 2010; Cotula, et al., 2004)). In sub-Saharan Africa such debates tend to focus rather narrowly on farm productivity and economic returns. An implicit normative model in much usage in the region is the large-scale commercial farm, even when policies suggest that other scales and forms of production, such as smallholder farming, should be

accommodated. However, when we see a smallholding, let us be careful about dismissing it as ‘not viable’ when we have not yet asked ‘viable for what?’ (Cousins & Scoones 2010).

The dominant framing of viability is embodied in technical recommendations around ‘minimum farm sizes’, ‘economic units’, and ‘carrying capacities’. Methods and measures for appraisal of land reform – in planning, monitoring and evaluation – are defined in terms of marginal returns on investment or farm profitability. Processes of planning and implementation are framed by standard approaches to farm management and business plans developed for largescale commercial farms, with the consequence that generalised statements indicating a role for other types of farming, such as small-scale, household-based systems, do not readily translate into programmatic support (Borras, 2008; Cousins & Scoones 2010). This way of framing viability—success and failure—is highly restrictive, and has far-reaching consequences, since the wider benefits and costs of land reform are rarely examined, the social and political dimensions are often ignored, and important cross-scale and linkage effects are not considered.

Addressing challenges stemming from the restrictive framing of viability, requires first, to enrich the debate and to clarify a central question: whose interests does reform serve? The implication is that an expanded and more diverse set of measures of viability than those used in the past is required, which in turn requires new methodologies for the collection and analysis of data. Assessments of viability must embrace heterogeneity, complexity, and competition in relation to multiple objectives (what different people want), multiple livelihoods (what different people do), multiple scales (including linkages between local, national, regional, and global economies), and multiple contexts

(including the structural dimensions of political economy, as well as local project/scheme settings). In this approach, the politics of land is at the very centre of assessments of viability and arises from the changing significance of land and farming for different categories of people in rural sub-Saharan Africa (Bryceson, 2000; Bernstein, 2002; Cousins & Scoones 2010).

The sustainable rural livelihood approach also requires consideration of the value of goods and services derived from the full spectrum of land-based activities, the value of which, in most cases, has not been captured in regional or national statistics (Shackleton, Shackleton & Cousins, 2001). This abates the perception of customary lands as being unproductive and contributing little to the national welfare and economy. This often, erroneous perception is fueled by a subjective impression of resource decline, and the relatively small amounts of animal and plant products (wild and domestic) from customary lands that enter the formal economy. The bulk are consumed at home or exchanged—albeit, often non-monetized—within the informal economy.

Emphasising the multidimensional aspect of land, the sustainable rural livelihood approach argues for the requirement to consider the value of goods and services derived from the full spectrum of land and land-based activities, the value of which, in most cases, has not been captured in regional or national statistics. The underreporting of rural production is contributed by the fact that bulk rural production is consumed at home or exchanged—albeit, often non-monetized—within the informal economy.

The approach thus underlines the importance of understanding how the rural population constructs its livelihoods in its entirety, that is by considering all aspects of

resources and relationships at their disposal. It requires adequate recognition of the complex interconnections between the multiple components of the customary systems, including local interconnections and the strong linkages between rural areas and the urban economy. It also requires recognition of the important aspect of rural livelihood strategies in their broad-based nature—most rural households derive livelihoods from at least two of the broad economic categories (natural resources, livestock or agriculture) at any one time. Indeed, very few rural households do not engage in some use of natural resources or cultivation of the home plot. Again, with the ongoing implementation of the neoliberal policies—of rolling back the state—leading to high rate of retrenchments and job losses in the formal economic sectors, it is important to understand the role that land-based livelihoods may play in sustaining the recently unemployed. Significant numbers of retrenched workers are returning to seek livelihood opportunities in the local economy, from the relatively secure rural home base they have maintained (Bernstein, 2010; Hall, Hirsh & Li, 2011).

The Sustainable Rural Livelihoods approach seeks to enhance the sustainability of the lives of rural people through promoting livelihood objectives, which include more secure access to, and better management of, natural resources; a policy and institutional structures that support multiple livelihood strategies; and, finally, a more supportive and cohesive social environment (Carney, 1998). In a tenure reform program, adopting this approach directs the analysis to how or how not the reform process provides livelihood resources (capitals) and enhances opportunities to pursue different livelihood strategies. In addition, it contributes to understanding how land rights ought to be organised to overcome negative externalities to landowners and the society at large.

Thus, the livelihoods approach offers an important lens for a wider viewing of the rural development question in the sub-Saharan Africa. It encourages a deeper and critical reflection, specifically in analysing the significance of development effort from a local-level perspective, which makes the links from the micro-level, and which situates peculiarities of rural people's livelihoods to wider-level institutional and policy framings at local, national and even international levels. The approach lays bare the question as to who has what rights to land, what they do with it and with what implications, is of utmost importance in efforts to improve the quality of life and economic well-being of the rural people.

The Sustainable Rural Livelihoods approach recognizes that policies, institutions, and processes influence access to and the use of land, which ultimately impacts rural livelihoods (Chambers & Conway, 1992). In that regard, the analysis provides ample opportunity to examine not only the new legal and regulatory framework put in place to guide the formalisation programmes, but also other laws and policies that have a bearing on land tenure—such as agricultural and investment policies. Clearly stronger local institutions for managing land rights, that put rural population at the forefront, would facilitate more effective management of local resources required for rural development. The need for stronger rights to local resources and the operation of the rule of law in supporting these rights regimes is underlined by the emerging phenomenon of plunder and theft of rural resources—often by outsiders, sometimes by community members themselves (Cotula, et al., 2004). In this context the study examines the issue of how well the policy and institutional set-up is suited to cater to the needs of a diversified rural

economy. This sets a stage for detailed discussion of land policies and development in Tanzania in Chapter 4.

Agricultural transformation models

Having explored how the various development theories conceived the role of agriculture in development and their critiques, we now examine in detail agricultural transformation—the path through which agriculture moves from one lower (underdeveloped) stage to a higher (developed) stage. This would help us tie together the knowledge gathered from the development theories in determining what ought to be the right path for agriculture to be able to contribute to development, that is to improve the quality of life and economic well-being of the rural population. Agriculture transformation is described as changing how agriculture is done in order to capture and improve the many contributions that agriculture can make to development. These include a source of growth and structural transformation for the agriculture-based countries, the narrowing of rural-urban disparities especially in the transforming economies, poverty reduction given the 75% prevalence of the rural poor in world poverty, enhancing food security, resource saving to the benefit of sustainability in agriculture, and the provision of environmental services across all economies (Byerlee, Janvry & Sadoulet, 2010).

Timmer (1988) argues that based on both historical and contemporary cross-section perspectives, the agricultural transformation seems to evolve through at least four phases that are roughly definable. First, agriculture should exhibit rising productivity. This has proved to be a real challenge in sub-Saharan Africa as total factor productivity,

and in particular land productivity, has remained stagnant. Yet, we know that productivity has to rise if food prices are not to increase, poverty is to be reduced, and land degradation reversed (Bernstein, 2010). Second, another stage of agriculture transformation is tapping surplus created by rising productivity to develop the non-agricultural sector. An agricultural production that exceeds the needs of the society for which it is being produced may be stored for future times or sold/exported to generate funds for financing development of other sectors such as transport and industries (Diao, Hazell & Thurlo, 2010).

Third, agriculture transformation manifests a progressive integration of the agricultural sector into the macro economy, via improved infrastructure, market-equilibrium linkages, and employment growth. Successful agricultural growth fosters a growing rural non-farm economy (RNFE) through forward, backward, and final demand linkages, located in rural areas due to the advantages of proximity to agriculture (Himanshu, Mukhopadhyay & Murgai, 2010). In a barely noticeable fourth phase, the role of agriculture in industrialized economies becomes little different from the role of the steel, housing, or insurance sectors.

However, most developing countries and sub-Saharan Africa particularly, have found it extremely difficult to successfully go up the agricultural transformation ladder, that is advancing their agricultural sector through these four phases for various reasons—many identified under different schools of thought reviewed above. As a result, governments encounter serious problems of resource allocation within the economy and even problems beyond their borders because of pervasive attempts by high-income countries to protect their farmers from foreign competition.

Sifting through the literature on agriculture and development presented above, it is evident that agricultural transformation requires placing emphasis on adapting new technologies to local conditions, as well as highlighting the positive relationship between investments in agricultural research, schooling and extension and the high returns of the new inputs. According to Schultz (1968), the returns to agricultural investment in research, development and extension are even higher than returns to investment in industry. The agriculture model discussion highlights a critical role of government, because government policies influence what farmers grow, where a farm is located, how products are transported and processed, how a commodity is traded, and the price the farmer might receive. The main message drawn from this discussion is the need to invest more and better in agriculture in order to capture the many contributions that agriculture can make to development, including productive employment, enhancing food security and a source of growth and structural transformation for the agriculture-based countries. The need to invest more and better in agriculture contributed to the Green Revolution initiatives in the latter half of the 20th century.

The dynamism of the Green Revolution in Asia during the late 1960s and early 1970s invigorated the view of agriculture's critical role in growth and development. The transformation of traditional agriculture into a modern sector revealed agriculture's potential as a growth sector. Simultaneously, it highlighted that science-based technology adapted to a country's ecological conditions is key for agricultural growth. Indeed, advances in mechanical and biological technology can help overcome endowment constraints, particularly with regard to land and labour. Based on this idea, Hayami and Ruttan (1985) espoused an "induced innovation model" that not only emphasized the

importance of technical change for agricultural growth but also stressed that technical change is often endogenous to a country's economic system. In other words, successful agricultural innovation is a dynamic process that reflects natural endowments, the degree of demand and supply for agricultural inputs and outputs, and the incentive structure for farmers, scientists, and the public and private sectors. As both the Green Revolution and the "induced innovation model" revealed, agricultural productivity growth requires fostering the linkages between the agricultural and non-agricultural sectors.

The importance of inter-sectoral linkages in driving the growth process had already been widely recognized. Hirschman (1958) was one of the first theorists to emphasize linkage effects in the growth process, although his analysis focused mainly on the backward and forward linkages created by investments in industrial sectors. By contrast, Johnson and Mellor (1961) emphasized the existence of production and consumption linkages, both within agriculture as well as between agriculture and non-agricultural. In particular, agricultural production generates forward linkages such that agricultural outputs are supplied as inputs into non-agricultural production. Growth in agriculture contributes to rapid rises in agro-processing and processed food marketing, which not only provides new engines of growth but an opportunity to substitute for imports. Agriculture also creates backward production linkages through its demand for intermediate inputs such as fertilizers and marketing services. Both of these production linkages are likely to deepen as an economy modernizes but decline in relative importance alongside agriculture's share of production (Haggblade *et al.* 1989).

The consumption linkage generated by increased rural incomes is agriculture's most important linkage in the development process. Rural households, especially during

the early stages of development, provide an important market for domestically produced manufactures and services (Hazell and Roell 1983). Without this market, it is unlikely that sufficient export opportunities will allow nascent domestic industries to achieve competitive efficiency in foreign markets through economies-of-scale. Further, surplus agricultural incomes provide savings for investment in both urban and rural areas (Hart, 1998). This savings linkage also works through forward linkages to urban areas. Lower food prices, stimulated by increased agricultural productivity, maintain low real wages in industrial sectors and thus foster investment and structural transformation.

In an open economy, sectoral linkages are influenced by foreign trade. The magnitude of the linkage effects depends on the existence of non-tradable sectors and on imperfect substitutability between domestic and foreign goods. For example, Fei and Ranis' (1961) assertion that urban growth demands agricultural growth may be less binding if imports can substitute for domestic agriculture. Nonetheless, agricultural growth has stronger links to the rest of the economy than non-agriculture (especially industry) because: (i) agricultural output is typically sold in domestic markets, (ii) intermediate inputs into agricultural production are less import-intensive than industrial production, and (iii) rural demand is usually met by domestically-produced goods. On the other hand, urban consumption patterns tend to favor imported goods that not only weaken industrial backward linkages but also lead to foreign exchange constraints that hamper capital-intensive industrialisation. Admittedly, export-oriented agriculture can undermine forward-linkages and agricultural production can be constrained by the lack of growth in non-agricultural incomes in both urban and rural areas (Diao *et al.*, 2006).

Therefore, foreign trade can dampen agriculture's linkage-effects, especially in smaller and more open economies.

The growth linkage effects stemming from agricultural growth have proven most powerful when agricultural growth is driven by small farms, which dominate the rural economy and agriculture in most sub-Saharan African countries. Scholars have demonstrated that small farms are highly efficient due to their greater land productivity and their provision of self-supervising labour (Eastwood *et al.* 2004, Hazell 2004). Small farms help contain poverty by providing an affordable platform from which poor households can experiment with ways to improve their livelihoods, help prevent premature urban migration and the explosive growth of large cities. Furthermore, small- to medium-sized farm households typically have more favourable expenditure patterns for promoting growth of the local nonfarm economy, including rural towns. They spend higher shares of incremental income on rural nontraded goods than large-scale farmers, thereby generating greater demand for labour-intensive goods and services produced locally (Mellor 1976; Hazell and Roell 1983). Crucially, small farms also ensure a degree of food security in rural areas where high transport and marketing costs can drive up food prices, while at the national level, the higher land productivity of small farms has the potential to greatly help poor countries attain self-sufficiency in staples such as cereals, roots and tubers, and even livestock.

The review of the agricultural transformation reveals the importance of broad-based agricultural growth—with both inter-sectoral and consumption linkages—in boosting development. Further, agriculture's pro-growth and pro-development performance depends on small farms being in the vanguard. Small farms dominate

agriculture in many developing countries, and the transformation from traditional to modern agriculture is based on the efficiency of small farms and their transformation from subsistence to market activities. Furthermore, another important dimension is the role of state and other agents in supporting institutional development that will reduce the transaction costs of critical transactions, including financial, input and output, in the smallholder agriculture sector. The role of government is critical in providing incentive structure for smallholder farmers, scientists, and the private sectors in developing and using science-based technology adapted to a country's ecological context.

The foregoing discussion on agricultural transformation begs the question: what land tenure system is best suited for the type of agriculture required to improve the life and economic well-being of rural population in the sub-Saharan Africa context? To better respond to the question, it is important to understand the current context of tenure systems in the region, that have thus far been instrumental in the livelihoods of the rural population. The next section presents a theoretical analysis of the customary land ownership systems—the prevalent landholding systems in sub-Saharan Africa—detailing their suitability and strength.

Land tenure systems and rural livelihoods in sub-Saharan Africa

Since the majority of households in sub-Saharan Africa depend on land as their primary and sometimes the only asset from which to draw a livelihood, then security of tenure and access rights are of utter importance for their existence (Cousins, 2007; FAO, 2002). Hence, the section starts with a review of customary land ownership systems, the dominant landholding systems in the region. This is followed by analysis of land tenure

reforms in the region, specifically the theoretical debates about the pros and cons of cadastral system vis-à-vis customary land rights systems. In this context we present Evolutionary Theory of Property Rights under which the debates in favour of land demarcation and state registration of private titles is based. The section ends with a presentation of a Theory of Access which broadens the notion of access to land giving us additional tools to evaluate the merits of land formalisation in terms of improving the quality of life and economic well-being of people living in rural areas—rural development.

The customary ownership systems in sub-Saharan Africa

Land resources in sub-Saharan Africa are, by and large, held, managed, and used primarily under customary ownership systems. The systems place land at the centre of all activities and relationships. The importance of land in the region is implied from the high percentage (70%) of the population that lives in rural areas and depends on land to provide for their subsistence and other cash needs (URT, 2010; IFAD, 2001; FAO, 2013; AU, ADB, & ECA, 2010). These customary land areas are often vast land resources organised around tribal, clan, ethnic sections, or most usually village entities. Under these systems each member has a right to use land or a portion of it according to the customary laws—usually unwritten, traditional common rules, norms or practice that have become an intrinsic part of the accepted and expected conduct in a local community. The use of customary laws here, is thus, distinct from its use in the international context, which “has a more precise and technical meaning in the realm of rules governing relations between distinct States” (WIPO, 2013). Under the customary law, land rights follow a usufruct

system, which provide access to land and social rights to qualified members of a land holding community.

In this context, customary land is not only a means of production, but it also has a unique social organisation function that is central to how rural population construct their livelihoods (Berkes, 1989; Okoth-Ogendo, 2002; Cousins, 2007). Land in sub-Saharan Africa is the basis of the organisation of rural life, not only because of people's relationship to the land on which they live and cultivate, but it also determines significant elements of the administration of rural areas. For example, defending their access to land has always been a major motivation for rural people to mobilize locally and even nationally (McKeon, 2013).

The customary lands are held as a trans-generational asset and managed at different levels of social organisation, while being used in function-specific ways, including cultivation, grazing, fishing, hunting, transit, water sources, irrigation systems, biodiversity, conservation, and recreation (Berkes, 1989; Cousins, 2007). Under the customary systems specific plots of land are assigned temporarily or permanently to members for family cultivation, while other areas are held in common for use by all. Further, individual plots may or may not be inheritable or tradable in internal rental or sales markets, but sales to non-members are always forbidden or subject to community approval (Cousins, 2000, 2007). It is primarily for this reason that the communities are able to hold onto land and make it *permanently available* across generations. People gain and maintain access to customary land by virtue of (a) *membership* (mainly ascribed at birth) and good standing within a group, network, or category, (b) *labour*, and (c) investment of *capital* (newer idea, challenging the first two) (Shipton and Goheen, 1992).

Thus, under customary systems, property rights to land can be thought of as a ‘bundle of rights and duties’, which may rest in different hands. Shipton and Goheen (1992) identify several broad types of such rights and duties: *use* rights, such as the right to exploit a resource for economic benefit (including grazing, cultivation, and gathering wild foods), or to access the resource (for rituals, leisure, or to walk across a field); and *administration*, or decision-making rights, such as the right to alienate or transfer land (sell, rent out, or vacate for any other reasons), and exclusion (prevent unqualified members from using or accessing the resource). *Duties* or obligations may involve a requirement to share farm products beyond the domestic group, paying fees, tithes to different groups and their leaders, or labour contributions (such as paving pathways, cleaning ritual/recreational sites, and standing guard for a common resource). Among these bundles, the alienation rights often receive the greatest interest in formal legal systems as a defining characteristic of “ownership.” Instead of focusing on alienation rights, many indigenous systems of property rights regard land as inalienable—as belonging to more than the individual in the present, but also to the group—past and yet to come (Meinzen-Dick & Mwangi, 2008).

Land tenure system in rural sub-Saharan African setting is, thus, viewed as complex interconnectedness of people and their physical environment and emphasises the “relations between people and groups in terms of their mutual rights and obligations with regard to land” (Middleton 1988: ix). This view pays more attention to the links between land rights, social processes and structures and political and economic organisation, leading to more of a focus on issues of access to and control of land and land use (Biebueck, 1963; Middleton 1988). This view is distinct from what has been touted as the

property rights view, which considers land rights as rights to territorial parcels of land, precisely measurable and definable, with property rights in general regarded as being primarily about the ownership of physical things (Bohannan 1963; Demsetz 1967; Whitehead & Tsikata 2003). The property rights' view, which is the basis of the formalisation programmes, is discussed in the next section, that analyses land tenure reforms in sub-Saharan Africa.

In customary tenure systems, various land rights and obligations are embedded in social relations and customary structures, creating a 'web of interests' which plays a critical role in connecting people. In order to highlight the functions of these multiple interests, scholars and practitioners have attempted to classify them. FAO (2002), for example, finds four categories: (i) overriding interests such as when a sovereign power (e.g., a state or a community) has the power to allocate or reallocate; (ii) overlapping interests where several parties hold different rights to the same parcel of land, for example one party may have tilling rights and another may have a right of way; (iii) complementary interests when different parties share the same interest in the same parcel of land, as between bee-keepers and farmers with orchards to be pollinated; and (iv) when different parties contest the same interests in the same parcel. However, while such categories are useful for thinking about different interests, they will not always be clear in practice as they are quite dynamic that may change for many reasons, such as seasonality.

The customary ownership systems founded on the 'web of interests' (i.e. overlapping and interlocking claims and responsibilities) are often highly effective at managing resources, with lower transactions costs, and less likelihood of exclusion of the poor and disadvantaged members of the society, such as orphans and elderly. It is argued

that communities have developed rich sets of institutions and norms, including local norms of cooperation (i.e. compelling norms inducing members to act or work together for a shared goal, such as labour, taking care of natural resources, responding to shocks & stress); reciprocity (that is compelling norms evoking behaviour/practice in which people/groups give to each other help and advantages); and dispute resolution mechanisms that are seen as flexible, accessible and affordable by majority (Ostrom, 1990; Okoth-Ogendo, 2002; Meinzen-Dick & Mwangi, 2007).

Customary rural landholding in sub-Saharan Africa, with unique patterns of use and meanings attached to land itself, and the varied customs by which humans relate to land, has become central in protecting the livelihoods of the rural population. The phenomenon of absentee landlordism and landless peasantry has not appeared as in large parts of southern Asia, or armed conflict between *latifundistas* and *minifundistas* as in large parts of South America (Shipton & Goheen, 1992), mainly because rural Africans do not generally hold land simply as individuals. Personal land claims always depend on broader social entities, or combinations of them: whether on extended homestead families, lineages, villages, chiefdoms, ethnic sections, or other groups or networks. The system is also attributed to preventing land speculation, and land-grabbing on any large scale, at least until recently (ibid).

However, customary systems have been much changed by contact and interference by governments, both colonial and since independence. An extreme example is South Africa, where what is referred to as customary law is a mixture of—traditional and colonial and apartheid legislation, under which tribal authorities were salaried government officials, subject to the State President (Cousins, 2007). In every other

country in Sub-Saharan Africa many changes have been introduced, since the colonial period through independences, which modified the role of the chiefs and undermined the customary systems in general. For example, immediately after independence Tanzania abolished chiefs and chiefdoms, and replaced them by a system of central control of local administrative units (Hyden, 1980). Notwithstanding these changes, customary land systems have continued to be the dominant land tenure system in sub-Saharan Africa.

Consequently, arguments supporting the maintenance of customary land systems continue to surface holding that the introduction of a formalised property rights system may compete with, and even destroy, well-established and effective local systems, opening the door to opportunism and possible chaos (Baland and Platteau 1996; Sjaastad and Cousins, 2008a; Meinzen-Dick and Mwangi, 2009). It is argued that supplanting customary tenure with official titled rights destroys local systems that have held the society together, the systems that have provided food, employment and homes for the majority of the rural people. The new system that seeks to release land to more efficient farmers does not provide an alternative for those who become landless, or who lose markets for their products, considering that there are nor booming industrial sector to absorb labour-force released from the agricultural sector.

Other arguments in support of customary systems assert that land policies should be based on the idea of social capital—the expected collective benefits derived from the preferential treatment and cooperation between individuals and groups—as it safeguards the commons that are critical for the livelihoods of the poor (Coleman, 1988; Berkes, 1989; Okoth-Ogendo, 2002). They assert that customary social networks/contacts can increase productivity of individuals and groups as well. Characterizing African peasant

economy, Hyden (1980: 86), stated “the economy of affection serves as a guarantor of social reproduction. It offers collective security in a manner that the modern economies do not. ... there is little doubt that to its members, particularly those who control it, there are many intangible and invisible benefits offered”.

So, customary ownership systems are shown to offer key elements that have sustained rural life and small-scale rural production that include cooperation, reciprocity, and permanent availability of land across generations (past, present, and future), flexibility to accommodate complex rights (such as multiple, and overlapping), as well as being the fountain from which their spiritual life and political ideology sprung (Sjaastad and Cousins, 2008a; Hyden, 1980). In this context, the question is how does changing the customary land systems affects rural production relations, their access to food, and their social safety nets in both short and long-term periods? In this study we are examining effects of changes to the customary systems brought about by the formalisation programmes.

Land tenure reforms in sub-Saharan Africa

In contemporary sub-Saharan Africa, multiple and overlapping land tenure systems exist in rural or customary lands (Cousins, 2000; Peters, 2009). The current formal land tenure systems are deeply rooted in statutory principles that are part of the colonial legacy—the land law, received law or modern law (McAuslan, 2000; Mamdani, 2000; Peters, 2009; Bennett, 2008; Cousins, 2008a; Okoth-Ogendo, 2008). Negligible adjustments were made on the land law to suit local circumstances (McAuslan, 2000; Quan, 2000a; Musandu-Nyamayaro, 2008). However, in practice the principles remain

the same (Berry, 2002; Musandu-Nyamayaro, 2008). Thus, the diversity of land laws in most sub-Saharan Africa presents attempts by the states to provide regulatory mechanisms adoptable in all communities regardless of the diversity of customs and traditions in the rural contexts (Mamdani, 2000).

Independence from colonial rule was staggered over time from the late 1950's through to the 1990's, with Zimbabwe, Namibia and South Africa coming last. Thus, the processes of nation building, such as the establishment of independent political systems and the design of policies and development strategies, including land reforms and land policy making, were staggered as well, beginning in the 1950s and continuing more vigorously from the 1960s onwards. The major focus of post-colonial states in sub-Saharan Africa was to redress colonial imbalances on land distribution with a desire for land allocation to all citizens (Toulmin & Quan, 2000). In countries such as Tanzania, Zambia, Angola, Ethiopia, and Mozambique, the land tenure reform programmes took the form of *nationalisation* (collectivisation), aimed at conversion of settler and foreign corporate lands to state farms, and at promoting cooperative association of peasant producers and some form of communal labour (Qaun, 2000). Villagisation programmes were introduced in countries such as Mozambique and Tanzania as part of post-colonial effort of tenure reform (Shivji, 1976; Razavi, 2003; Hyden, 1980). The villagisation programmes entailed relocation of households to spaces they could access more land for peasant farming. In Tanzania, the villagisation programme aimed at relocation of rural population into concentrated rural settlement to facilitate social service delivery (Maliyamkono & Bagachwa, 1990; Razavi, 2003).

Land tenure reforms entail amending the ways which people access, use, and control land (Dale & McLaughlin, 1999). Cousins (2007) acknowledges that the central issues on land tenure reforms in sub-Saharan Africa rests upon the recognition of land tenure rights distinguishable from colonial arrangements that are based on “western-legal”⁴ principles on property rights to those characterized by traditional or pre-colonial property rights. Often, governments in the post-independence period are forced to come up with legislation or legal frameworks to facilitate the process of land reform to further a development agenda (Okoth-Ogendo, 2008). In countries such as Zimbabwe and South Africa, the major objectives of land tenure reforms were on redistribution of land rights and promotion of agriculture development (Cousins, 2008b). Walker (2009:267-268) describes land tenure reform in South Africa as seeking to “redress past injustices, promote national reconciliation, support economic growth and alleviate household poverty”. Cousins (2008b) also views the implementation of land tenure reforms in South Africa as a process that aims at correcting colonial imbalances for the benefit of the majority of South Africans, mainly the dispossessed rural poor.

Land tenure reforms take different forms from country to country depending on local commitment of nation states, for example, decentralisation of land administration to lower level bodies, nationalisation of state land, land-titling programmes, introducing formal land markets for commercial farmers, and creation of policies and institutional structures for management of the land reform (Cotula *et al.*, 2004; Migot-Adholla & Bruce, 1994; Hall, 2011). For instance, after independence Tanzania expanded the

⁴The term was suggested by Daley & Holey (2005, 8) in reference to dominant notions of private property and has been widely used in the literature (Cousins, 2007; Pottier, 2005; Okoth-Ogendo, 1999; Adams *et al.*, 1999).

domain of 'public land' by abolishing all freeholds extant in 1962 and converting all existing government leases into 'rights of occupancy'. The effect of these changes was to reduce interest in land from being perpetual to a definite period with a maximum term of 99 years (Lugoe, 2008). In Botswana, the District Land Boards were created to administer land issues (Peters, 2007). In Uganda, the 1975 land decree abolished all *Mailo* (freehold) land. It also declared all occupants of State land that did not have lease contracts as customary tenants on State land (Kanyamgareng, 2005).

Land tenure reform programmes are often criticized for failure to secure the rights of the intended beneficiaries. For example, in Cote d'Ivoire the process of formalising land rights led to increased conflict and contributed to the state of civil war because of the heightened interest in land boundaries, the monetization of land lending, and solidifying one's land claims on the eve of the land law's implementation, indeed "the conflict between Katiali and Tiébila vilages was typical of the land disputes provoked by boundary clarification schemes" (Bassett, 2009: 764).

In many countries land tenure reform has resulted in increased State control over land, promoting individual titling, suppressing traditional land management systems, and weakening customary tenure systems (Claassens, 2005; Peters, 2009; Kanyamgareng, 2005). Efforts at the reform of land use on territories held by indigenous communities through a variety of measures including *individual titling* or appropriation for cash crop production in a number of African countries however, have been met with limited success as a result of the persistence of social and cultural attachment to land and, in some cases, contestation and conflict, as has been apparent in Kenya, Uganda, Malawi, Zimbabwe, Namibia and South Africa (African Union, 2010; Cousins, 2000; Sjaastad & Cousins,

2009; Cotula et al., 2004; IFAD, 2008). These efforts have not, in consequence, adequately restructured the dualistic land holding systems resulting from colonisation, nor have they improved government support for the development of the disadvantaged indigenous land tenure systems (Peters, 2009; FAO, 2002).

Land rights formalisation attempts declined through the decades of structural adjustment and market liberalisation, then resurged in the past two decades. Reasons for the renewed interest in these reforms across sub-Saharan Africa include intensifying competition and conflict over land; the role of contestation over land and land-based resources in national politics and in numerous civil conflicts and wars; and the need to attract more investments and raise productivity of land, as a strategy for economic development and poverty reduction, as well as a possibility to expand governments' tax base (African Union, 2010; FAO, 2011; IFAD, 2008).

This recent surge of land formalisation programmes is also considered a continuation, albeit with somewhat changed rationales, of the goals of earlier adjustment and market liberalisation programmes. These were first directed at privatizing state enterprises and parastatals (like marketing boards), rolling back the state (such as abandoning agricultural subsidies), and opening borders—removing barriers to international trade. Now the aim is to free land from social constraints, opening it more fully to markets and to investment, led by foreign capital, largely linked to the Bretton Woods Institutions' dual concerns of governance and market promotion (McAuslan, 2013). A difference from the adjustment and liberalisation era, however, is that while that was marked by reluctance or opposition by most African governments, the recent efforts to loosen land from its 'customary' and other social constraints derive as much from

pressures within African countries as from those of international donors and corporations (Peters, 2015).

Thus, understanding the ramification of the ongoing land tenure reforms requires rigorous analysis of the social relations of land use and rural livelihood in interaction with the uneven processes of ‘neoliberal agrarian restructuring’, and the intersection of rural social relations with the development of capitalism in national and global spheres (Akram-Lodhi and Kay, 2010).

Customary lands and agriculture transformation in sub-Saharan Africa

Sub-Saharan Africa’s development remains dependent on agriculture and exploitation of natural resources, yet agriculture and livestock production are largely carried out by smallholder farmers under increasing pressure of scarce land resources managed under customary land ownership. According to the African Union’s perspective agriculture and land are central in the social and economic development of the continent, and that rights to land is fundamental to the participation of all people including women and disadvantaged sections of society in the development process (African Union, 2011). This perspective is evident in the 2003 African heads of states’ *declaration on agriculture and food security in Africa*, at African Union summit held in Maputo Mozambique, in which a commitment was made to reverse the underinvestment that had held the agriculture sector back for so long. Through the Maputo Declaration, African heads of state vowed to allocate at least 10% of national budgets to agriculture development; and to achieve at least 6% annual agricultural growth. Following the Declaration the *Comprehensive Africa Agriculture Development Programme* (CAADP)

was launched, which has been the main coordinating organisation in the implementation process of the Declaration by member countries (African Union, 2003a). The summit declared CAADP an integral part of the New Partnership for Africa's Development (NEPAD), with overarching goals that include "agricultural transformation, wealth creation, food security and nutrition, economic growth and prosperity for all" (African Union, 2003b).

While meeting the pledged budgetary commitment has been challenging to most countries, the emerging land issues associated with CAADP initiatives has been even more challenging. An assessment conducted in 2013 noted that "just nine of the 54 AU member states have met the Maputo target of spending 10% of budgetary resources on agricultural and rural development" (ONE, 2013: 5). In an effort to meet the required agricultural investment and attain the set target for agricultural growth, countries have resorted to aggressively attracting FDIs in agriculture, often neglecting land tenure security and the livelihood of majority of customary landowners (HLPE, 2011a; Cotula *et al.*, 2009; FAO, 2002). For example, from the latter half of 2000s many countries in sub-Saharan Africa witnessed "widespread leasing or sale of public lands to foreign companies and governments for food production, for tourism developments, for biofuel production, and for other commercial agricultural uses"⁵ (Hall, 2011: 193). Mounting evidence shows that leases or concessions have been granted on customary land that is

⁵ In most SSA countries all land is considered 'public land', meaning that the president holds *radical title* or the allodium of all land—one of inherited colonial features: "colonial authorities routinely appropriated radical title to their respective sovereigns ... These laws were not changed after independence" (Africa union, 2011: 2). For the case of Tanzania, the Land Policy clearly defines that "Public land" means all land in Tanzania whether granted, customary or unoccupied, referring to the ultimate powers for allocation, revocation of titles, transfers and acquisitions (GoT, 1997: iii).

already claimed, occupied and used by local people (Cotula *et al.* 2009, Sulle and Nelson 2009; World Bank 2010).

Realising the escalating land grabbing resulting from member countries' implementation of the CAADP, a summit of the heads of states of the African Union, meeting in Sirte Libya in 2009, issued a *declaration on land issues and challenges in Africa*, in which they declared that they recognise “the centrality of land to sustainable socio-economic growth, development and the security of the social, economic and cultural livelihoods of our people” (African Union, 2009: 1). The declaration commits member states to “ensure that land laws provide for equitable access to land and related resources among all land users including the youth and other landless and vulnerable groups such as displaced persons” and “strengthen security of land tenure for women which requires special attention” (Ibid. p.3). Consequently, African Union in collaboration with African Development Bank and the Economic Commission for Africa issued guidelines on land policy formulation titled ‘*Framework and guidelines on land policy in Africa: A framework to strengthen land rights, enhance productivity and secure livelihoods*’ (African Union, 2010). This implies that sub-Saharan African governments are seeking to address tenure insecurities to promote sustainable rural and urban development, and to address inequalities in land ownership between different social groups.

At the same time that the land rights agenda is bearing fruit, sub-Saharan African states are being called on to commercialise their farming sectors, to speed up agricultural growth, and attract external investment. The Malabo *declaration on accelerated agricultural growth and transformation for shared prosperity and improved livelihoods*,

of June 2014, includes the re-commitment “to uphold the earlier commitment to allocate at least 10% of public expenditure to agriculture”, and “to create and enhance necessary appropriate policy and institutional conditions and support systems for facilitation of private investment in agriculture” (African Union, 2014: 3). It has been shown that most countries have struggled in meeting the agricultural budgetary commitments causing governments to resort to aggressively attracting FDI in agriculture. For example, in 2012 CAADP embraced the G8 initiative known as the New Alliance for Food Security and Nutrition (henceforth New Alliance)—a multi-pronged, multi-year effort to improve agricultural productivity and food production in Africa⁶. Key priority for the initiative is attracting private investment into agriculture while inadequate land tenure law is identified as the greatest impediment. Currently, the G8 under the New Alliance has signed ten *Cooperation Frameworks* with Burkina Faso, Malawi, Nigeria, Senegal, Côte d’Ivoire, Ethiopia, Ghana, Mozambique, Benin & Tanzania (NAFSN, 2015). Each framework contains a commitment to design policies that make it easier for private companies to identify, negotiate and acquire lands in key agricultural areas of the respective countries.

While the frameworks have arisen from consultations between governments and the G8, there appears to be a very central role being played by the World Economic Forum’s African Partnership with a heavy influence of large agro-processing or agro supply corporations like Monsanto, DuPont, General Mills, Unilever, Yara and Syngenta (Grain, 2013). The overwhelming focal point of these agreements is to increase large

⁶ The New Alliance is a successor of the L’Aquila Food Security Initiative—a coordinated response to the global food crises—launched by G8 leaders in 2009.

scale private investment in agricultural land and input markets, which was not a core element of the CAADP which rests on four pillars: land and water management; market access; food supply and hunger and agricultural research (Grain, 2013; Cooksey, 2013). The New Alliance programs are supposed to align their efforts with the priorities set out in the CAADP, however, this does not seem to be what has occurred. In Tanzania, SAGCOT (Southern Agricultural Growth Corridor of Tanzania) announced in January 2011 plan to allocate large tracts of land to investors who would set up contract farming with local producers in return for seeds, fertilizer and credit, opening up a one third of most productive part of country (Milder et al., 2012). Parallel developments in other countries, such as the creation of the *Bagre Growth Pole* in Burkina Faso and *Beira Agricultural Growth Corridor* in Mozambique, where the model is to allocate large land holdings to big investors and employ contract farming via smallholders, with the objectives said to include: capturing economies of scale for greater productivity, and helping poor famers⁷ (Paul & Steinbrecher, 2013; Kaarhus, 2011; Grain, 2013).

Contemporary land and agricultural development policies/laws and programs in sub-Saharan Africa draw much from the goals of earlier adjustment and market liberalisation programmes. Loosening land from its ‘customary’ and other social constraints and prioritising agriculture commercialisation have become the centrepiece of development strategies in the region. Land policy guidelines issued by the African Union urges countries to intervene in rural land rights, arguing “it is important that policy development should seek to strengthen land tenure security so as to ensure a favourable climate for investors (both local and foreign). This will in turn lead to high levels of

⁷ Most of the large-scale farms are involved in producing food for export, or other crops not locally consumed such as jatropha and sugarcane (for ethanol), and other agrofuels (Hall: 2011: 197)

economic growth and poverty reduction” (Africa Union, 2011: 5). The guidelines further contend that customary land ownership systems impede investment, arguing “in many countries investing in capital-intensive activities is frustrated by a lack of clearly defined land rights” (ibdi.). The guidelines seem to believe in the trickle-down effect in which the poorest gradually benefit as a result of the increasing wealth of the richest. It does not address the negative effect of loosening the customary land systems, such as landless rural population that is likely to result from the programs.

Most countries in the region have incorporated these neo-liberal ideas in their grand or long-term development agenda. For example, the Tanzania’s Development Vision 2025 aspires that by 2025 Tanzania has become a middle-income country characterised by, among other things, a strong and competitive economy and peace and security. The vehicle for realising the Vision is the National Strategy for Growth and Reduction of Poverty (NSGRP). The current Strategy, which is NSGRP II is orientated towards growth and enhancement of productivity—its interventions focus on wealth creation to reduce poverty—and agriculture has been identified as one of the growth drivers (GoT, 2010). Thus, a strategy articulated in Agricultural Sector Development Program (ASDP) focuses on the modernisation and commercialisation of private sector based small, medium and large-scale agriculture and a reduction of dependence on rain-fed agriculture.

The strategy states that in the medium term, emphasis will continue to be on small scale agriculture, with a gradual shift to medium and large scale farming, and observes that “*the shift away from small-scale farming, thus releasing agricultural labour to non-farm sectors is one of the outcomes of increases in agricultural productivity*”, and that

“strategies to ensure the economy absorb labour released from farming, especially the rural non-farm activities, become an integral part of rural development strategies” (GoT, 2001). This statement implies that large-scale mechanized commercial enterprises will takeover smallholder farmers and that their labour will be released into a labour market. Whether there will be non-agricultural sectors big enough to absorb all the labour said to be released from smallholder farmers is uncertain, and this poses a serious question about means of livelihood for the rural population. Further, the problem is compounded by the fact that land has multiple use—its more than a factor of production—under the customary ownership systems.

Below we look at the theoretical perspectives that are applied to analyse and to substantiate research evidence on the larger economic and political forces driving land formalisation programmes. I present Evolutionary Theory of Property Rights and the Theory of Access. These two theories help reveal the myth and reality associated with the current formalisation programmes in as far as improving rural livelihoods is concerned.

Evolutionary Theory of Property Rights

The debates in favour of land demarcation and state registration of private titles is based on the Evolutionary Theory of Property Rights, whose main premise is that individual property rights would solve problems of overexploitation of resources and also act as an incentive to further develop the property. Using the pastures as an example, and in much the same way that Gordon (1954) approached the fishery commons a decade earlier, Hardin (1968) in his seminal exposition of the ‘tragedy of the commons’ argues that unrestricted open access either would lead to overexploitation, or that rents would be

dissipated if restrictions were placed on total extraction. Harold Demsetz (1967:350) argues that property rights were a means for managing externalities, as he notes that “property rights develop to internalize externalities when the gains of internalization become larger than the costs of internalization”. Similarly, as a solution to externalities, Coase (1960) argues that a clear assignment of rights would lead to Pareto-optimal outcomes, regardless of to whom the rights were assigned. Others argue that rising populations will drive land values up, which leads to increased demand and disputes over land, that can only be solved through government coordinated land rights (Boserup, 1965; Alchian and Demsetz (1973).

Drawing from private property rights theory, contemporary advocates for the formalisation agenda believe that private land rights systems raise a sense of land tenure security; increases incentive to attract investment; provides opportunities for loans borrowing; and facilitates functioning land markets. Consequently, they claim that a formal land tenure system is more effective and desirable than the customary system as it has higher capabilities of unleashing economic and non-economic benefits to large parts of the population. The World Bank and other multilateral and bilateral development agencies, as well as institutional economists argue that farmers who have only insecure land rights are unlikely to invest their full effort to make long-term improvements attached to the land or to exchange it with others who may be able to make better use of it. The result is a reduction in productivity and possibly hindering the emergence of a vibrant non-farm economy (Binswanger et al., 1995; De Soto, 2000; World Bank, 1996 & 2004; Deininger, 2005; Cooter & Schaefer, 2009; Macours, *et al.* 2010). From this logic a clear paradigm has come to be established that economic growth and development goes hand in hand with the

creation of clear, modern, inalienable property rights similar to those existing in the West (Wily, 2000).

A central argument advanced in support of full-fledged private property rights is that its sense of tenure security and possible use to access finance can enhance agricultural investment incentives and productivity; thereby stimulating economic growth, with the expected outcome to reduce poverty. However, Lawry (2014) argues that formalisation may improve productivity under two situations: first, where title is the dominant means for securing land rights, which is the case in much of Latin America and Asia; and second under wealthier settings. In fact, studies have found that through formalisation productivity gains were in the ranges of 50 – 100 percent in Latin America and Asia, while they were less than 10 percent in sub-Saharan Africa. Investment and income effects were also weak in sub-Saharan Africa (Lawry, 2010, Byamugisha, 2013).

Advocates of customary land tenure systems argue that the introduction of a formalized property rights system may compete with, and even destroy, well-established and effective local systems, opening the door to opportunism and possible chaos (Baland and Platteau 1996; Sjaastad and Cousin, 2008; Meinzen-Dick and Mwangi, 2009). Others, in support of customary law, argue that land policies should be based on the idea of social capital, as it safeguards the commons that are critical for the livelihoods of the poor (Berkes, 1989; Okoth-Ogendo, 2002; Bernstein, 2010). Elinor Ostrom (1990), winner of the 2009 Nobel Memorial Prize in Economic Sciences, has dedicated a large part of her career demonstrating that common resource regimes can be more successful than private and state property regime, particularly with regard to non-excludable resources. She argues that limited excludability makes monitoring costs high for an individual, but less so for a

group. This calls to mind the emphasis in the Access theory (discussed below), about the importance of the *ability* to derive benefits from land over the *right* to benefit from land.

Ostrom's work has formed a central critique of the private property rights arguments. She argues that local social arrangements in African communities have developed a variety of a rich set of institutions to manage the commons. She emphasizes the multifaceted nature of the human-ecosystem interaction and argues against any singular panacea for individual social-ecological system problems (*ibid*, 1990). Other scholars have cited examples, including large pasture areas in Africa and the offshore fisheries in Sri Lanka and Turkey, where exclusion by fencing or other methods is too costly, making the possibility of private ownership untenable (Araral, 2014; Cox *et al.* 2010).

Theory of Access

Theory of access hinges on broadening the notion of *access* to things—such as land. Access is defined as “a bundle of powers”, which refers to “the *ability* to derive benefits from things”, instead of a narrower sense of “a bundle of rights”, which refers to “the *right* to benefit from things” (Ribot and Peluso, 2003). In the broaden sense actors are enabled to *gain*, *control*, and *maintain* access to things in which they have or perceive a stake and derive benefits from them. The theory further expounds that, the ability to benefit from things is not only about rights, but also about all different forms of obtaining access, including patron-client relationships and other means of holding power that may be irregular or illegal in relations to some other laws. Further, the formulation that

embeds ‘bundle of powers’ also includes a wider range of social relationships that may facilitate or constrain deriving benefits from land than through property relations alone.

To this extent, rights are just one of many forms of power that enable access to resources. The concept of access, used in access theory, facilitates grounded analyses of whom actually benefits from tenure reforms and through what processes are they able to do so. In the context of this study, access in the land sector relates to instances where powerful individuals are able to assert their authority in the land market so that others with rights find their ability to derive benefits from the land severely constricted. Ribot and Peluso (2003: 154) see access to be constituted of material, cultural, political, and economic strands within “bundles” and “webs” of powers. Property and access, thus, are about relations among people concerning benefits or values—their appropriation, accumulation, transfer, and distribution. Therefore, access is framed within dynamic social and political-economic relations that help identify the circumstances by which some people are able to benefit from particular resources while others are not. The theory has identified “technology, capital, markets, knowledge, authority, and social organisations” as mechanisms that can shape or influence access.

In the context of this study, the ways various access mechanisms fit into the formalisation program must be determined empirically. Access analysis facilitates mapping dynamic processes and relationships of access to resources. For example, access to technology can determine who benefits from a resource—access to tube-wells, pumps, and electricity can determine who can benefit from groundwater. Access to capital can be used for resource access control through the purchase of rights or to buy influence over people who control resources. Borras and Franco argue that what is meant by ownership

or control over land resources is the “effective control over the nature, pace, extent and direction of surplus production, distribution and disposition”. Using this approach, it is possible to go beyond the concept of property and “detect actually existing land-based social relations regardless of what official documents claim, whether these are in private or public hands” (Borras and Franco, 2010: 24). Thus, this framework will be handy for analysing communal farmers’ experience of formalisation beyond a declaration of rights presented on a title.

In this context livelihood is defined as being made up of a series of capabilities, assets and activities required for a means of living. Assets in this framework include: human capital (e.g. the education, skills and health of household members); physical capital (e.g. farm equipment or a storage facility); social capital (e.g. cooperation and reciprocity, norms in social affiliations such as eschewing selfishness, the social networks and associations to which people belong); financial capital and its substitutes (savings, credit, cattle, crop deposit); and natural capital (the natural resource base—fertile land, forests, water, wildlife). In pursuing livelihood strategies composed of a range of activities, both the access to assets and the use to which they can be put are mediated by social factors (social relations, policies and institutions) and by exogenous trends (e.g. economic trends) and shocks (drought, disease, floods, pests). How individuals and the society at large are equipped to successfully navigate these factors is an important determinant of their ability to efficiently access land and land-based resources.

Thus, the theory of access analysis expands beyond the “bundle of rights” notion of property to a “bundle of powers” approach to access and has advocated for locating these powers” within the social and political-economic contexts that shape people’s

abilities to benefit from resources. It offers empirical bases for analysing how the formalisation programmes fit or do not fit into various access mechanisms. For example, access to technology can determine who benefits from a resource—access to tube-wells, pumps, and electricity can determine who can benefit from groundwater; access to capital can be used for resource access control through the purchase of rights or to buy influence over people who control resources; and so forth.

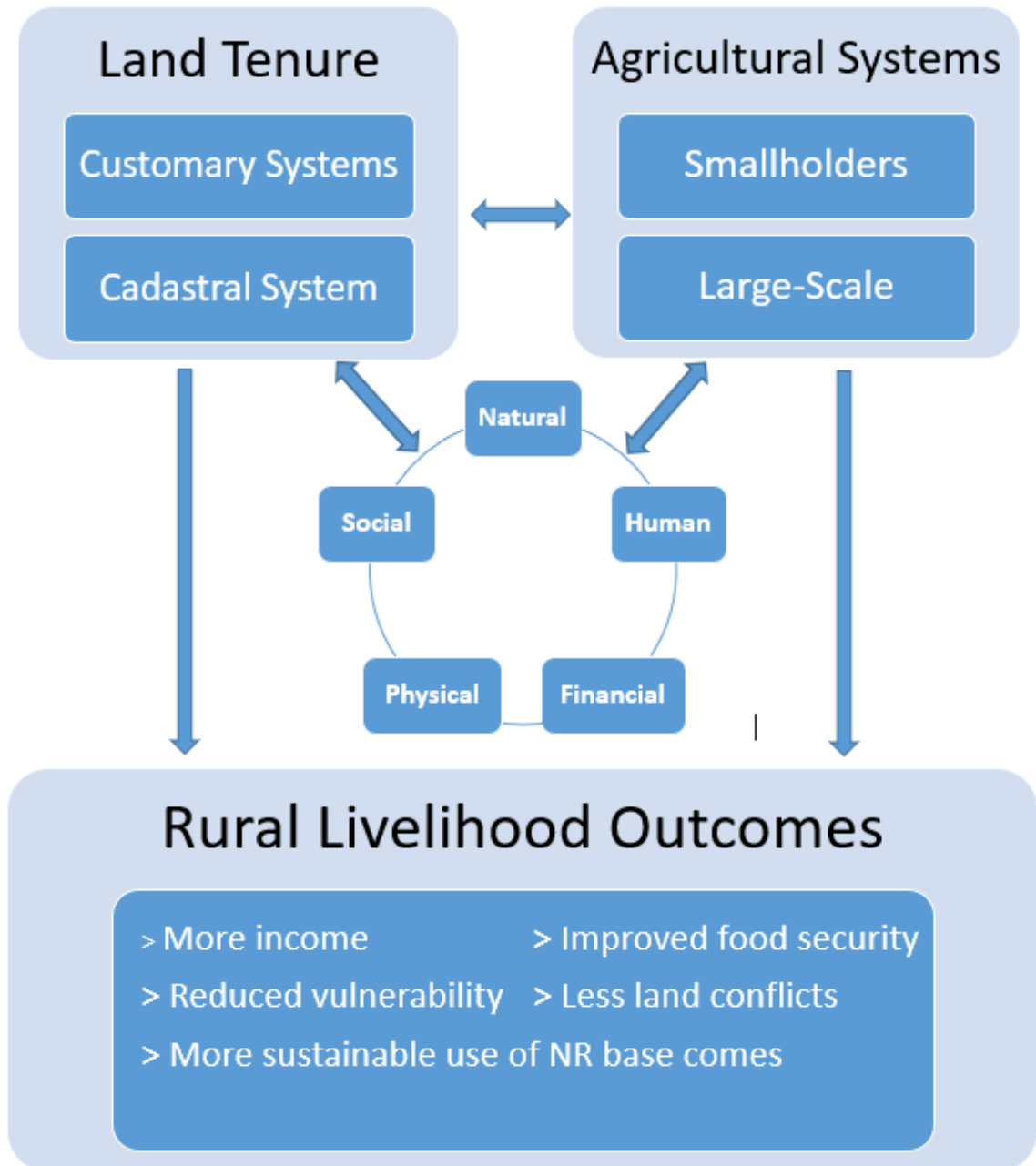
Conclusion

This chapter has explored the role of agriculture in rural development. The central idea emerging from the literature is that for agriculture to contribute to development it should emphasize on domestic needs of food security and food sovereignty, and on producing domestically other agricultural products used as inputs into other economic sectors, as well as on taking care of the environment in the production process. It also reveals that supporting smallholder farmers will go a long way in improving rural lives and economic wellbeing of the rural population, as they will get more income, local food, and employment.

The chapter has revealed the centrality of the customary ownership systems on how rural population construct their livelihoods. For instance, it shows how the systems enable communities to hold onto land and make it permanently available across generations. Further it shows how the unique social organisation that is embedded in the customary systems functions to enhance custom and norms of cooperation and reciprocity, among others.

A synthesis of the literatures on how formalisation is affecting rural livelihoods is presented in the conceptual framework below, *Figure 2*. It maps out how various components and variables of the study are connected.

Figure 2: Conceptual Framework on Land Rights Formalisation Dissertation



Source: Authors' construct

The analysis shows how, in different contexts (land tenure, agricultural systems), sustainable livelihoods are achieved through access to a range of livelihood resources (natural, economic, human and social capitals) that are combined in the pursuit of different livelihood strategies—such as agricultural modernization, livelihood diversification, or migration, which in the end determines what rural livelihood outcomes are achieved.

In pursuing livelihood strategies composed of a range of activities, both the access to assets and the use to which they can be put into are mediated by social factors (social relations, policies and institutions) and by exogenous trends (e.g. economic trends) and shocks (drought, disease, floods, pests). Thus, government policies and institutions play a central role through the new formalisation programmes and the accompanying agricultural strategies in determining and influencing rural livelihood outcomes.

We argue that even these new wave programmes will not protect rural livelihoods in the communal areas because they emphasise instead market fundamentalism which sees rural organisation and agricultural policy as driven by competition, profit motive, privatisation, and commodification of land. They neglect to take into account the key elements present in communal area that make rural livelihoods possible. These include custom and norms of cooperation and reciprocity between and among individuals and groups, flexibility in the use of land, making land permanently available across generations (past, present, and future), and land acting as a social safety net. The absence of these in villages that have gone through the process of a new wave land formalisation puts rural livelihoods at risk.

3. THESIS STATEMENT AND METHODOLOGY

Thesis statement

The thesis hypothesise that the new-wave land formalisation programmes, as currently formulated and implemented, are unlikely to contribute to improve rural life and are prone worsen their situation because the attempt to develop a universal land administration system destroys social organisation that is embedded in the customary land ownership systems. The customary social organisation is central in facilitating uses of land and a range of land-based resources to construct rural livelihoods for the well-being of individual members and the community at large. Further, the formalisation programmes may not improve rural livelihoods because the agricultural models associated with the programmes favour large-scale mechanised systems and market production, which leads to adoption of agricultural policies that emphasize growth rather than development.

Acknowledging the legitimacy of indigenous land rights and the inclusion of some elements of customary ownership system—such as group titling—in the new programmes is insufficient to maintaining customary social organisation since a customary ownership system works as a whole, and individual groups may not possess all necessary qualities for effective social organisation required to construct their livelihoods. For example, titling of pastures which gives exclusive ownership rights of the pastures to a group of pastoralists, restricts the inherently multifunctional aspect of land in communities of mixed crop growers and pastoralist. In these communities, people take advantage of overlapping aspect of interests on land, where the parties hold different

rights to the same parcel of land, such as crop farming and grazing, during different seasons of the year.

The customary social organisation is a particular pattern of dynamic relationships between and among individuals and groups, based on a land ownership system, that has evolved in the country over a long period of time, to facilitate how a society construct their livelihoods. A disruption of any element of the system sets off a domino effect of other important elements of the system being crippled and hence the entire system failing to work. For example, imposition of new land management system—supplanting customary leaders/elders' roles—leads into the demise of local conflicts resolution mechanisms, failure to enforce protection of common resources, poor spatiotemporal cohesion, and so forth.

The new wave formalisation programmes have been conceived within the market fundamentalism ideals of neoliberalism, which are driven by competition, profit motive, privatisation, and commoditisation of land, hence contradicting the very nature of customary ownership systems in region. The compromised elements of customary ownership systems include flexibility in the use of land and its permanent availability across generations (past, present, and future); custom and norms of cooperation and reciprocity; and land acting as a social safety net. These social organisation elements are essential for the functioning of the customary land systems, and therefore the ability to use land and land-based resources for the well-being of individual members and the community at large.

Further, the agricultural models associated with the formalisation programmes favours large-scale mechanised systems and market production. This leads to adoption of

agricultural policies that emphasize growth rather than development. This includes policies which encourage land to change hands from less to more 'efficient producers, and which favours production of cash crops at the expense of food production for local consumption. The implications may include fueling land-grabbing and creating landless people and/or pushing small-scale farmers to the marginal lands. Other implications may include escalating land and land-related conflicts, rampant hunger and creation of agricultural proletariat.

The new wave formalisation programmes in today's conditions of the hegemony of neoliberalism, lead to agrarian change that prioritises market production (both domestic and export) while stifling local food production and in the process leading to the deepening of semi-proletarianisation. The urge to produce for the market inspires agricultural modernisation, involving use of advance technology, mechanisation, more investments, and large-scale farms, hence contributing to large scale land acquisition. Further, driven only by profit, the emerging agrarian system is closely linked to two other processes typical of capitalism: the failure to take into account social and environmental externalities, and the rapid exploitation of limited natural resources, leading to growing social inequalities and an unprecedented ecological crisis—a recipe for diminishing rural livelihoods. The neoliberal emphasis on the need to enhance the functioning of land markets, adds to the possibility of dispossession and creation of landless population.

While both rural and urban households in developing countries face substantial idiosyncratic and common risks—resulting in high income variability, availability and access to land resources is an important social safety net for most households given a conspicuous absence of formal social insurance services in rural areas or insufficient ones

in urban areas. Customary ownership systems make it possible for the members to access and use natural resources such as wild spinaches, fuelwood, edible fruits, grass hand-brushes, and twig hand-brushes, edible insects, wood for construction and for making of utensils, thatching grass, bush-meat, wild honey and reeds for weaving. Individual households may also exploit dozens of animal and plant species. Access to these natural resources has proved to be critical for sustainable livelihoods since farming on its own is unable to provide a sufficient means of survival for many rural families. Further, often in developing countries urban workers keep close ties with their rural communities making it possible to help each other in times of need, but most importantly these urban workers have returned to the customary areas on retirement or when they lost their jobs. Land titling, in most cases, eliminates this important attribute of customary ownership systems.

Based on the sustainable livelihoods approach, for the land formalisation programmes to secure livelihoods of peasants they need to incorporate key elements, including: first, making land permanently available to all and across generations. This is critical since land is the basic resource upon which rural livelihoods hinge in terms of food and employment. In this context, ‘market allocation’ of resources, in which land moves from less to more ‘efficient producers’ may not be an appropriate option as it can render others landless. Under customary ownership systems, land is made permanently available across generations, based on norms that forbid sale of land to non-community members.

Second, maintaining cooperation and reciprocity have proved to be useful not only in beefing up resilience but also protecting the common resources. Often customary societies have resorted to cooperation as a risk-coping strategy or as one of the livelihood

strategies to maintain resilience—the quality of being able to return quickly to a previous good condition after problems. Under the customary ownership system, access to the land resources is open to individuals and groups of the community under defined criteria reinforced, internally, by obligations which are assumed on the basis of the norm of reciprocity by and to each member. In the context of the sustainable livelihoods approach, cooperation and reciprocity falls under social/cultural capital, which includes functioning social affiliations such as kinship networks, associations, membership organisations and peer-group networks, among others, that people can use in difficulties or turn to in order to gain advantage. The use of social/cultural capital brings benefits to individuals belonging to social networks as well as the entire community. Social capital usually arises from collective expectations, obligations and trust among a group of people. It may include norms in social affiliations such as eschewing selfishness in favour of actions that benefit all the members of the group.

Third, flexibility to accommodate multiple rights to different land resources. For example, a farmer may have the right to plant a crop on a piece of land, but anyone can cross that land to get water, and pastoralists may have the right to graze their herds on that land in the fallow season. This flexibility is becoming more important now given the increasing scarcity of land due to population growth. This flexibility is an important attribute that enables community members to access and enjoy the use of various natural resources, which contributes to diversify their means livelihoods—an important risk-coping strategy, not feasible under the individualised land titling programmes.

Fourth, sustainable livelihoods need to promote an agriculture sector in which small-scale farming takes priority over plantations/large-scale farming by local elites or

foreigners. This is because, often, in small scale farming production of food for domestic consumption takes priority over production of other commodities, including food for export. Furthermore, domestic small-scale farmers are better positioned to produce agricultural commodities for use in other domestic sectors than foreign owned large-scale farms. Producing for other domestic sectors is aimed at not only reducing dependency on volatile foreign commodity markets, but also fostering domestic inter-industry linkages.

The thesis argues that customary ownership systems have played important role in terms of making local food available, maintaining peace and security, and acting as social safety net that is crucial for the wellbeing of the rural population in general. The functioning of the social organisation elements, including cooperation, reciprocity, flexible land rights, and permanent availability of land to members, embedded in customary ownership systems has been pivotal in securing the rural livelihoods. I argued that a ‘new wave’ of land formalisation programmes weakens these social organisations thereby putting in jeopardy the safety and sustainability of the rural livelihoods.

Methodology

In support of the argument made, the research sought to find out how rural social organisation has been altered since the implementation of the formalisation programmes. This analysis is crucial in demonstrating how the programmes have affected customary ownership system, which is essential in how rural population construct their livelihoods.

Further, the research sought information on agricultural production in order to demonstrate how both small scale farmers’ sources of income and rural population’s food security is affected. Furthermore, documentary search is carried out in the district and

programme offices in order to obtain data on the overall implementation and outcomes of the programmes. The research also used secondary data, including from household budget surveys to establish basic characteristics of rural households, and from the agricultural sector development strategies and programs to establish the general status of agriculture and the overall government direction in the development of the sector.

Research design

The thesis undertakes a qualitative case study of the implementation of ‘new wave’ land formalisation programmes in three villages in Tanzania, which are Mbagwi, Mzeri, and Sindeni, all located in Handeni district, Tanga region. Mzeri and Sindeni are chosen as they were among the very first to implement the formalization programmes when the programmes were first introduced in the early years of 2000s. The two villages differ substantially in characteristics, including: land use patterns, soil fertility, and local cultures related to land such as inheritance, role of women and division of labour. Mzeri village is predominantly occupied by pastoralists, while Sindeni is a predominantly crop farmers village. Mbagwi village has similar characteristics with Mzeri, but it did not implement the formalisation programmes. It serves as a base case in the study.

impromptu

The formalisation program in Handeni district was carried out in seven villages from September 2006 through 2007⁸, hence the district has had enough gestation period to be able to reveal the impact the programmes may have on rural livelihoods . The

⁸ There is no clearly defined date for when the programme was completed because the Handeni District land office carried on some of the activities (such as completion of the village land registries, issuing of the CCROs) as part of their routine work. However, MKURABITA officials are reported to have left Handeni by end of 2007.

Handeni district was also of particular interest because it includes both crop farmers and pastoralists whose access and use of land differs significantly, which often results in conflicts and disputes between the two groups. The district has also experienced large-scale land acquisition for cattle ranches and biofuel (jatropha) and other agricultural production, by non-villagers elites including civil servants and businesspeople.

It borders with districts of Pangani and Muheza to the East, Korogwe and Simanjiro to the North, Kilindi to the West and Bagamoyo to the South. It has an area of 7,080 square kilometers, and in 2012 the population was 355,702 in 71,140 households at an average of 5.0 persons per household (NBS, 2014). Agriculture—subsistence farming—remains the mainstay economic activity for the most people in the district. The district, however, claim to have diverse natural resources that remain largely undeveloped, including fruit and vegetable growing, dairying, rubber production, beef cattle and sheep ranching, beekeeping, honey and beeswax processing, mining, tourism, tourist hotel development and cotton farming and ginning. Implementation of the formalisation programmes in the district is said to be a strategy to unlock the agricultural potential in the district (Handeni, 2015).

The qualitative research approach is preferred because it allows the study to ‘dig deep for impressions, words, sentences’, or any other form of information from the participants in their own environment and natural flow of social life (Newman, 2006; Mikkelsen, 2011). In this regard, the researcher could see, feel or touch what is being described, and so be able to make reasonable conclusions about the participant’s perception of the programme’s processes and its effects. Further, the qualitative approach

is particularly appropriate as it allows a process of reflection during data collection (Mayoux, 2006).

Data collection procedures

In this section I explain the instruments and data gathering approaches I used to conduct the study. The objective was to gather data to enable me to analyse how the land formalisation program is affecting rural livelihoods in Handeni. My focus was to generate as many original and interesting stories from each of the categories of my respondents in situ. Although I used interview guides in the data collection process, the process still allowed the respondents to provide detailed accounts in each case.

My primary data collection method was in-depth, semi-structured interviews, aided by an interview guide. A semi-structured interview is preferred as it allows new ideas to be brought up during the interview as a result of what the interviewee says, which can result in "the production of rich data" (Bjomholt & Farstad, 2012: 7). The interview guide, which was thought-out well in advance, comprised of an informal grouping of topics and open-ended questions that I asked in different ways for different participants. The open-ended questions allow me to access the interviewee's opinion and thereby often more negative and untransformed responses to their experiences about the programmes.

The study uses purposive sampling procedure to select individual participants among the inhabitants of the three villages identified above, where 71 (ordinary villagers) were interviewed, including 25 participants from Mzeri village, 19 participants from Sindeni village, and 27 participants from Mbagwi village. The objective of using

purposeful sampling was to capture specific elements (age, sex, leadership status, occupation mix) of a population that are believed to represent the range of variation expected in a population, which ushers in conceptual generalisability (Patton, 2002), and ensures that participants have the necessary knowledge about the subject. The sample comprised heads of households (both men and women), youths, clan leaders, as well as village/local government leaders. In addition, the sample covered a mix of different land uses including crop farming and pastures.

Further, I conducted interviews with two focus groups of demographically diverse ordinary villagers—a 6-member group in Mzeri and an 8-member group in Sindeni. Furthermore, I conducted interviews with various officials including village officials (particularly the VEOs); programme (MKURABITA) officials; Handeni District Councils officials (DED, DLO, and DAO); Ministry of Lands officials; two NGOs (HakiArdhi and TAPHGO); and a loan officer at a local bank branch in Handeni town, see *Appendix 1*. The field study is crucial in gauging the rural dwellers' experiences regarding the new-wave formalisation programmes, that is learning what has changed and how it is impacting the quality of life and economic well-being of the rural population. I also did an observation of Village Assemblies, especially the ones dealing with Land Use Planning (LUP). General notes were taken, but none that specifically identifies speakers, in a bid to observe confidentiality that I had promised.

Data Analysis

The process of analysis started with the identification of main themes including, 1) Formulation and implementation of the formalisation program in Handeni, 2)

Implications of the program on rural social organisation, and 3) Effects of the program on agriculture. Each of these three broad themes is further subdivided into sub-themes for easy and clarity of the analysis of the field research findings. This process did not take place at specific and particular points in time but during the whole period of the study.

Throughout this process, a review of the literature and relevant theoretical perspectives that formed the basis of the study helped to generate relevant themes. As Matthews and Ross (2010) state, working with qualitative data is a process that moves between gathering, working with and reflecting on social data throughout the research. During the data collection process as well as the transcription, new key themes such as maintenance of peace and security (land and land related conflicts) and opportunities for livelihoods diversification, emerged and it was ensured that these themes were always written down as soon as they emerged.

Ethical considerations

Before I embarked on the field research, I sought ethical clearance from the Saint Mary's University Research Ethics Board (SMU REB). Research ethics are codes of conduct that provide guidance and define what is or is not legitimate to do when carrying out a research (Maxwell, 2005; Neuman, 2011). Ethical considerations were therefore part of every aspect of my research (Maxwell, 1996; 2005). Obtaining ethical clearance is a basic requirement for every researcher at Saint Mary's University as outlined in the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (TCPS 2, 2010). Subsequently my application was approved and was granted a Certificate of Ethical Acceptability for Research Involving Humans (*Appendix A*). In Tanzania, the law

requires that any person (citizen or non-citizen) planning to carry out social or scientific research must apply to the Tanzania Commission for Science and Technology (COSTECH) for a research permit. On arrival in Tanzania, I applied for a research permit which was granted (*Appendix B*).

Observing research ethics is an integral component of any research (Creswell, 2009; Neuman, 2011). One particular ethical consideration was to make the research goals clear to the study participants. I gained informed consent from individual interviewees before the interview and offered to send the results of the research study to any interviewee who expressed interest. Throughout the research process, substantial recognition was given to confidentiality and anonymity of the research participants, as well as their responses. During data collection, I requested consent from each of the respondents before their participation in this research. Confidentiality was assured in each case. However, I feel that all stories were told because participants entrusted me with their most valued and guarded secrets. All respondents who participated in my research were fully aware of the nature and purpose of this research.

I made it clear to the participants that the study would not accrue any direct benefits to them as interviewees, and that their perspectives on influential factors in household choice of individual private land tenure would contribute to the development of a report which could benefit the community and development agencies working in the community. I also informed the interviewees that there were no foreseeable risks, as I would keep all the information confidential. I endeavoured to remind them that they could withdraw from the interview before, during or after. All interviews were conducted in a collegial and relaxed manner. All my research files were kept under passwords.

4. LAND POLICIES AND DEVELOPMENT IN TANZANIA

Introduction

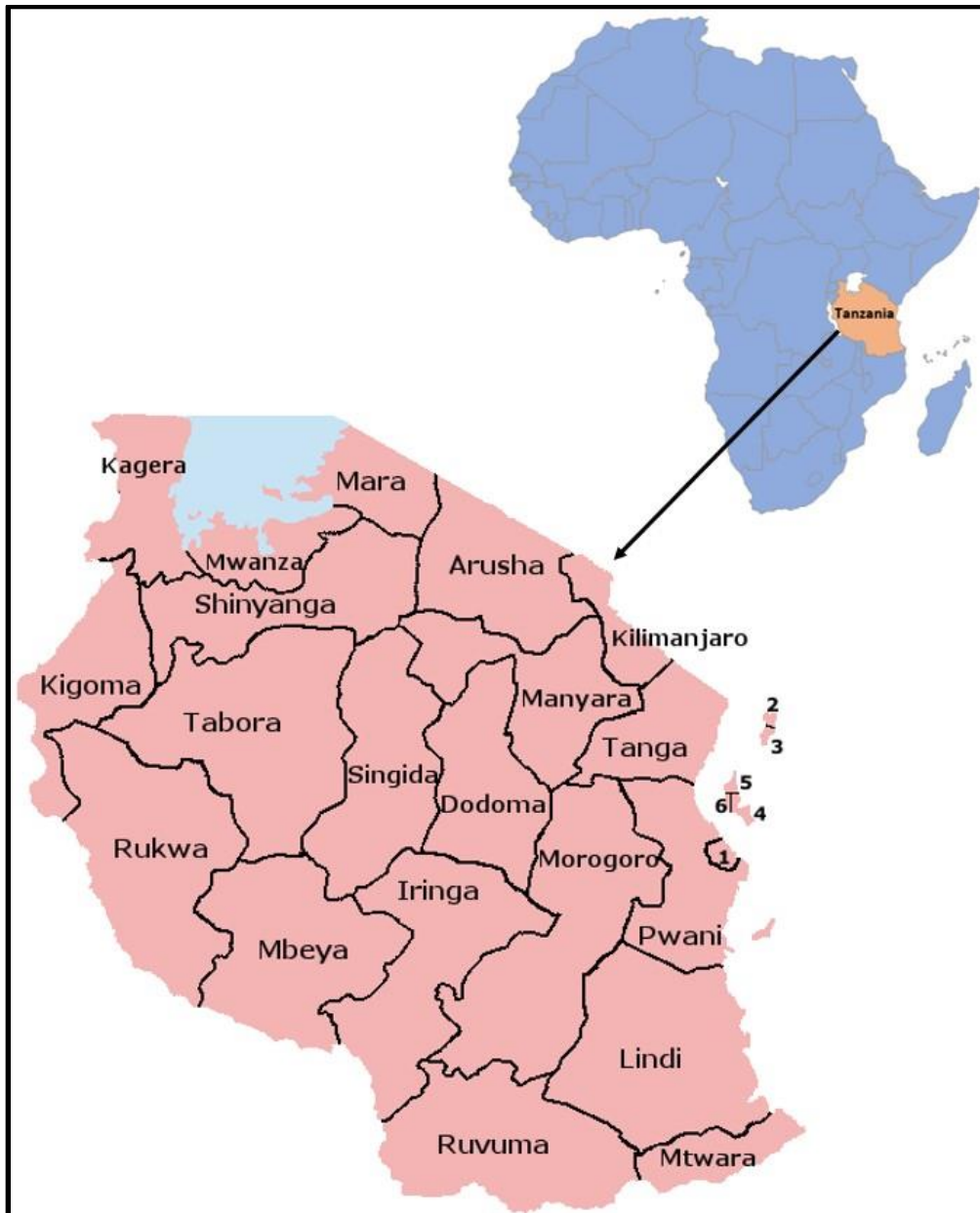
Although we live in a period of rapid change, past policies and practices (including those of the colonial era) continue to have profound effects on the current conditions of peasants' control and use of land. Hence, I situate land policy historically and in the wider development context, as a basis for understanding the current context within which new wave land formalisation programmes are taking place, and their possible ramifications for rural livelihoods.

In Tanzania most households have relied and continue to rely on traditional customary ownership of land as a mechanism by which to construct a livelihood (Okoth-Ogendo, 2002). It is estimated that nearly 90 percent of all arable land in the country is under customary systems, while the remaining 10 percent is held under statutory (state registered rights) system, mostly as large farms (URT, 2001; Byamugisha, 2013). As such any modifications to the customary land ownership systems, the dominant systems in the country have had far reaching consequences as they give rise to new agricultural models and new social relations that affect rural livelihoods. The new agricultural models and social relations produces winners and losers, and therefore policies and programmes that reforms land tenure systems need to be carefully analysed.

Land in rural Tanzania is not only important as a means of production, but also its ownership systems is an indispensable means of social organisation for rural dwellers. As the primary resource, land affects other sectors which are of paramount importance to the existence of the nation-state. For instance, in Tanzania land is still inextricably tied to labour as it provides employment to nearly 67% of the population through agricultural

activities which employs about 82% of the total rural population (URT, 2001; NBS, 2014). As such land ensures food security and national security in general. The country has a total area of about 947,000 square kilometres (97 million hectares) of which approximately 44 million hectares are classified as suitable for agriculture, see *Map 2*.

Map 2: Tanzania - Regional Map and Location Map on the Africa Continent



*Map prepared by author showing location of Tanzania and regions within Tanzania.
Source of spatial data: ESRI*

It is estimated that about 88% of this arable land is part of village land, most of which is under customary ownership systems. However, of the total arable land, it is estimated that only 23% (about 10 million ha.) is currently under cultivation (URT, 2001; IFAD & UNEP, 2013; FAO 2014). This status, to the government and development partners, has implied that Tanzania has vast tracks of unused ‘virgin land’ potential for large-scale agricultural investments.

Thus, from the late 1990s there has been an increasing urge to attract huge local and foreign direct investments in village lands in sectors such as agriculture, mining, tourism and biofuel production. The government stated in its Agricultural Sector Development Strategy that the “Government will work towards creating an enabling environment for medium and large-scale investors to make use of the abundant land resource in the country” (URT, 2001: 4). This, in turn, increasingly alienates peasants’ land through accumulation in the hands of big national and multinational companies and individuals, limiting land control and use by majority of the peasant farmers. It is against this background that this study analyses how land policies and laws have facilitated land tenure transformation in relation to its effects on small-scale farmers.

This chapter examines how land tenure systems in Tanzania have evolved through time and over the array of imperial authorities and their corresponding ruling apparatus—including bureaucrats, institutions, policies and laws. To understand current land issues in Tanzania—especially the centrality of the customary land systems to the rural livelihoods—it is critical to comprehend how land ownership systems and land laws and policies have evolved under different administrations over time, that is before and during colonialism, immediately after independence (adoption of socialist—ujamaa ideology—

development agenda), and afterward with the advent of neoliberal socio-economic policies as advocated by international financial institutions and other development partners. This is important in helping to gauge the argument being made in this thesis about the significance of the customary ownership systems of maintaining social organisations and securing livelihoods of the rural dwellers in the country. It also helps to shed light at the national impact of the formalisation programmes and their impact on livelihoods in general.

The chapter starts with examining the influence of colonial regimes (both Germany and British) on land tenure systems and land management generally in the country, before independence and its lingering legacy to date. Then we analyse post-independence development strategies—including ujamaa policy (socialist ideology) and villagisation campaign—and how they shaped the country’s land ownership systems and their effects on rural livelihoods. This is followed by examining how the advent of structural adjustment programs (SAPs) in the 1980s through 2000s has affected the issue of land tenure systems in the country. The chapter concludes with an analysis of the current effort to overhaul land tenure systems in the country—the new wave land formalisation programs—conceived under the neoliberal agenda of transforming the customary land systems into a more private property rights that is more aligned with free-market capitalism. Here we focus on a specific formalisation project—Property and Business Formalisation Programme—one of the most renown land tenure reforms project in the country, which has received quiet a lot of attention and funding from both the government and donor community, and from which the case study for this thesis is based.

Influence of colonial policies on land tenure systems in Tanzania

Prior to colonialism in Tanzania, landholding was based on customary laws of the different tribes in the country (in all 120). Title to the land was based on traditions and customs of respective tribes. Ownership of land was communal, owned by family, clan or tribe. Chiefs, headmen and elders had the powers of land administration in trust for the community.

These powers continued through the colonial era though they were limited by the newly introduced German and later British land tenure system under which all lands were declared to be crown and public lands respectively (Okoth-Ogendo, 1996). The onset of colonialism in the country fundamentally altered the communal land systems to allow smooth operation of the colonial economy. The communal areas were set up to allow Africans to retain their traditional way of life but were modified in important ways that turned them into labour reserves. The colonial system ensured that people were available for work when needed and returned to the communal areas when not needed. Wages in the colonial economic sectors were extremely low because family reproduction costs were assumed by subsistence activities in the communal areas.

The imposition of colonial rule in Tanzania, similar to many other African states, institutionalized changes on land tenure systems with regards to control and use of land and other resources, where indigenous Africans were forced to move to marginal lands (Cousins, 2000; Okoth-Ogendo, 2002; Chimhowu, & Woodhouse, 2006). European settlers gained control over land through agreements, conquests and appropriation. The consolidation of such control and subsequent regulation of acquired lands was effected through the promulgation of a variety of Western laws, and establishment of political,

administrative and economic management systems, which were grafted onto a diverse range of indigenous economic and cultural practices thus leading to *dualistic* land tenure and land administration regimes (Mamdani, 1996; Berry, 1992; Peters, 2009; Cousins, 2008). The western laws would apply to the areas which had been set apart for white settlers. Africans were considered incapable of owning land in the sense in which the concept of ownership is understood in European jurisprudences. Customary law was not only regarded as inferior to European laws, but also as lacking the juridical attributes to put land ownership into operation. A dual system of land law thus introduced in the colony was to legitimise this unequal development (Okoth-Ogendo, 1996 & 1999; Wanjala, 2000).

Germans colonial era (1885 to 1916)

The Berlin Conference of 1884–85, convened to regulate European colonization and trade in Africa, is considered as the formalisation of the Scramble for Africa. The Conference contributed to ushering in a period of heightened colonial activity by European powers, which eliminated or overrode most existing forms of African autonomy and self-governance. As a result of the Conference Tanzania was owned by Germany. Using the *Principle of Effective Occupation* introduced by the Conference, Germany wasted no time in making treaties with local leaders and establishing an administration in the territory to govern it, with a police force to keep order.

Consequently, in Tanzania the Germany imperial authorities had no difficulty in promulgating a series of decrees intended to convert all land in the territory into ‘crown land’ which was then vested in the empire (Chidzero, 1961). The colonial Germans

simply considered that all land to which private ownership could not be established by documentary evidence, was ownerless (Okoth-Ogendo, 1996). They then proceeded to make a series of freehold grants to settlers along the coast, the coastal townships and in the northern hinterland, in the brief period of about 30 years (1885 to 1916) that they colonised the area (Okoth-Ogendo, 1999). As the Germans colonized, they engaged in plantation-grown crops such as rubber, sisal and coffee, but they also forced indigenous Africans to produce other crops including cotton, copra, sesame, and peanuts. In the late 1890s, the Germany colonial administration imposed an “annual head tax of three rupees on all adult males” (Spear 1997:84). This was equivalent to more than a month’s wages and was designed to force Africans out of the domestic economy to work for wages for the government and private Germany settlers (Fjeldstad & Therkildsen, 2008).

Germany’s aggressive actions, including forced labour, caused resistance by the Africans. For example, a Hehe⁹ ruler named Mkwawa was strongly opposed to Germany policy designed to force the indigenous population to grow cotton for export, who helped to mobilize that lead to the Maji Maji revolt in 1905 to 1907. Mkwawa lead his people to war, he was so devoted to serve his people that he sacrificed his own life to the Germans while fighting for his people’s rights (Iliffe, 1967).

By the end of the Germany colonial rule in the then Tanganyika some of the best lands in the highlands and farms amounting to 1,300,000 acres had been alienated to foreigners (Hayuma, 2005). The disruption of the communal system by the Germany colonialists was not limited to the land alienation and forced cultivation of export crops, but also included other forced labour especially for building two railroads from Dar es

⁹ Hehe is one of the 120 tribes in Tanzania, who lives in southern Tanzania.

salaam, one to Kigoma on Lake Tanganyika to the west of the country, and the other one to Moshi in the north. In addition, many new Christian missions, which included rudimentary schools for the Africans, were established. Tanzania was under Germany colonial rule from 1880 to 1918 and British rule from 1919 until attaining its Independence in 1961.

The British colonial era (1919 to 1961)

The defeat of Germany by the Allied Powers in the First World War led to the assumption of jurisdiction by British over Tanzania, but this came with somewhat limited authority over land. The League of Nations mandate under which the jurisdiction was assumed now required the mandatory to protect the land rights of the indigenous inhabitants of the territory. For example, the mandate stipulated that no land occupied by an indigene could be transferred to a non-indigene without the prior consent of the public authorities. It was this requirement which led the British government in 1923 to declare “the whole of the lands in Tanganyika whether occupied or unoccupied to be public lands” (Chidzero, 1961). Further the British took over all the plantations established by Germans and continued their operations. Thus, the essential nature of imperial authority over land did not change, but the juridical infrastructure accompanying it was considerably overhauled.

Historically, all land in Britain and its colonies was Crown Land, vested in the Crown, with royal subjects having usufruct over their customary land. The League of Nations Permanent Mandates Commission criticized Tanganyika’s Land Ordinance of 1923 for its failure to recognize customary rights (Benschop 2002, 44). In 1928, the

ordinance was amended to rectify this, but customary rights were not defined, and the colonial administration continued to “confiscate natives land” and lease it to white settlers (*ibid.*, 44-45).

British colonial land tenure “was the foundation of native rule” or indirect rule, that is colonial government introduced and imposed new forms of authority and economic organisation through the installation of chiefs who were instrumental in the collection of a land-tax (Berry, 1992: 342). British colonialists installed chiefs even in places where traditional chiefdoms were non-existent. Chiefs as traditional leaders were accorded significant power over the allocation of land as a means of policing and controlling their tribesmen on behalf of the state. Traditional leaders commonly referred to as the native authorities took charge of “managing the local state apparatus ... the source of the law was the very authority that administered it” (Mamdani, 2000:102). Traditional leaders such as chiefs became an integral component of the “administrative convenience” of the state (Migot-Adholla & Bruce, 1994:7), which means the colonial government used traditional authority and adapted it to suit their own needs as it became part of the colonial rule and ceased to be part of a traditional society.

It follows that the customary law or customary land tenure systems were “the joint creation of colonial officials and African leaders ... a reflection of the [then] contemporary situation” (Colson, 1971: 196, 197), which means the making of customary tenure systems was a transformation of previous modes of land control, use, and transfer. Analyses has shown that customary land tenure systems were profoundly shaped—though not determined—by the colonial situation, often serving state, private European, and elite African interests (Peter, 2009). So, while the settlers and few elites held large

chunks of fertile land, the Africans were squeezed into areas that were not immediately required for European settlement and plantations. Hence, the colonial rule used the system of land tenure to create a bifurcated state of citizens and subjects, and the linkages were rather coercive. With the introduction of cash crops (such as coffee, sisal and rubber), the colonial land system in Tanzania also forced indigenes to grow what they did not eat and eat what they did not grow. These conditions were adopted and adapted to suit the “colonial agenda amid the local dynamics of survival” and interaction of the indigenous populations (Mamdani, 1996). In this context African reserves were created by the colonial settlers as forms of authority, and as a way of consolidating colonial interests on land.

Despite the differences of formation and practice between the European colonial powers, the “phenomenon of colonialism is united to a large extent by its legacies” (Dirks 2004: 2), that is the impact of colonialism has been transformative rather than transitory. So, in post-colonial Tanzania, there have been lasting geographical, trade, and cultural legacies, including the way in which “the minds of many Africans continued to work on colonial assumptions” (Birmingham, 1995: 6–8). As well as reshaping cultural and political development, the vagaries of colonialism led to class differentiation and social formations that profoundly define land rights and tenure in Tanzania today. Colonial land tenure and taxation policies created an impoverished class of wage workers leading to lower living standards, high inequality, and stunted economic development.

The British continued Germany colonial policies regarding labour and taxes by issuing *The Hut and Poll Tax Ordinance* in 1923. Officially, taxes were justified in terms of the need to recover the costs of the colonial public administration (Havnevik

1993:211). But the poll (or head) tax was also used quite actively to create regions of 'labour reserves' (ibid, 1993), and 'to flush out' labour when most needed by employers (Shivji 1979:4). Taxes were also important in contributing to the financing of British war efforts, especially during World War II, and in forcing subsistence-based peasantries to produce cash crops for export (Fjeldstad & Therkildsen, 2008). The undemocratic and exploitative nature of the colonial state informed the policies, laws, and institutions that were to characterise the independent Tanganyika, as in most cases, the colonial legal system was adopted wholesale.

Post-independence development strategies

Tanganyika gained its independence in 1961, and joined with Zanzibar island in 1964, to become the United Republic of Tanzania. The independent Tanzania Government maintained more or less the same colonial land policy and practices with some minor reforms till 1994. For instance, white Europeans still held Freehold Titles for most of the prime agricultural land, including much of the Southern Highlands (famous for their coffee and tea plantations), the rich soils around Mt. Kilimanjaro in the north (famous for coffee plantations) and the warm coastal and hinterlands (famous for sisal production). However, "in order to avoid the creation of a small landed class" the newly formed independent government converted all Freehold Titles into Leasehold under the "Freehold Titles (Conversion) and Government Lease Act (Cap. 523) of 1963 and were later changed into Rights of Occupancy under the Government Leaseholds (Conversion of Right of Occupancy) Act No. 44 of 1969 (URT, 1997:7).

In further effort to create a classless society, TANU (the ruling party)¹⁰ under the leadership of Julius Kambarage Nyerere, the first president of Tanzania from 1961 to 1985, published its development manifesto in 1967, which was titled the Arusha Declaration. The declaration summarized Tanzania's commitment to socialism (*Ujamaa*) and the significant role that it was to play in the country's development (Hyden, 1999; 1980). It emphasized self-reliance, frugality, and self-denial. The policy stated that everyone in the state, whatever his or her actual occupation, was a worker and that all means of production would be nationalized for the people. The concept of *Ujamaa* was the centrepiece of the social and economic development program. Here groups of village families worked together on communal farms for the common good (Scott, 1998).

The Arusha Declaration as a whole sought to reduce the income inequality among all citizens and shift development efforts towards rural areas. In implementing the *Ujamaa* policy, banks, plantations and important commercial companies had to be nationalized, though compensation would be given to owners. Agriculture, however, was singled out as the key to development, and only its greater productivity could hold at bay the spectre of poverty. To give a fillip to this argument, people were to be moved into cooperative villages where they could work together for their mutual benefit (Coldham, 1995; Collier, 1986).

TANU's development ideas were also enshrined in Five-Year Development Plans. The First Five-Year Development Plan (1964-1969) sought to achieve rural transformation through village settlement schemes under the so-called Transformation

¹⁰ TANU (Tanganyika African National Union) from the mainland Tanzania merged with the ASP (Afro-Shirazi Party), from the semi-autonomous Zanzibar archipelago to form CCM (Chama Cha Mapinduzi, English: "Party of the Revolution") in 1977.

Approach recommended by the World Bank Mission in 1960 (Fimbo, 2004). The view of the government was that there were two intertwined cardinal problems of peasant production, namely, land tenure and agricultural underdevelopment. The tenure problem was associated with a long held believe, also a legacy of colonial systems, that the customary ownership systems were a cause of land conflicts and poor investment in agriculture. Though agricultural underdevelopment was also blamed on the customary ownership system, it was more associated with the highly dispersed population that hindered government service delivery. The policy makers held that solution to these problems lay in the transformation approach whose stated goal was “the introduction of technical, social and legal systems which allow the exercise of modern agricultural techniques based on relatively high productivity and which consequently justify considerable investment in capital” (ibid.: 21) The focus of this approach was towards regrouping or resettling of peasants in new lands through capital-intensive new settlements, which were supervised by government officials.

The country’ development plans, thus, articulated the notion of Ujamaa as the central theme to the development project. The Ujamaa concept was translated into a socio-economic and political management model including the notion of *villagization* of production, which sought to collectivize all forms of local productive capacity where rural people were forced to move to centralized villages (Coldham 1995, 229). The Ujamaa Villages campaign in Tanzania lasting from 1973 to 1976 was a massive attempt to permanently settle most of the country’s population in villages, of which the layouts, housing designs, and local economies were planned, partly or wholly, by officials of the central government. Operation Vijiji (the creation of ujamaa villages) began as a

voluntary process, mainly in areas of flooding and famine, around 1969. However, the TANU viewed the process as too slow, so compulsory villagization commenced in 1973, with an eye to having the entire rural population in planned villages by the end of 1976. Operesheni Sogea (literally translated from Swahili as —the Move Operation) utilized militias to ensure that people moved.

According to many rural residents, their houses and farms were burned to force their compliance in moving to the assigned villages. Three different approaches to villagization were employed. In some areas, traditional villages, with their original boundaries, more or less survived the villagization campaign and were registered as such. In other areas, villagization involved re-location of villages (including re-drawing of village boundaries) or re-location of families within villages or both. In the third type of situation, villagization was interpreted and effected as a program of land re-distribution (creating new villages). In the latter category “the exercise had been arbitrary, and many abuses were committed by officials entrusted with re-distribution” (URT 1994, 51). This exercise saw many rural residents land being arbitrarily redistributed to other people, and this would be one source of lingering land conflicts to this day when people tried to go back to their original lands after the collapse of the campaign.

Ujamaa villages campaign was intended to enable people to farm collectively, allowing for the possibility of large-scale farming and preventing inequalities and exploitation in rural areas (Coldham 1995, 228). Villagization was also expected to make provision of services via health stations, schools and agricultural extension workers more efficient. During villagization, each household was assigned a farm plot and an acre of land for building a dwelling. Village council approval was required for reassignment of

land. The villagisation process started slowly and was voluntary, at the end of the 1960s there were only about 800 collective settlements, but by the end of the 1970s, there were over 3,000 of these villages. The campaign was by most accounts the largest forced resettlement scheme undertaken in independent Africa up to that time; at least 5 million Tanzanians were relocated (Benschop, 2002). The campaign was undertaken largely as a development and welfare project and not, as has often been the case, as part of a plan of punitive appropriation, ethnic cleansing, or military security (as in South Africa's forced removals and homeland schemes under apartheid), but still things weren't going well in the Ujamaa Villages (Scott, 1998).

Nyerere's government claimed that the idea for collective rural agriculture, through Ujamaa villages, was a means through which the government could afford to provide equipment, facilities, and material to a rural population if they were brought together in "nucleated" settlements, each of around 250 families (Pratt, 1999). Nyerere's exhortations did not arouse the enthusiasm for which he had hoped. Individuals resisted his plans for collectivization, and not even the majority of his government officials wholeheartedly adopted his moral stand. "Peasant farmers were resistant to communal farming" on other than a token basis, and the movement of rural peoples from their scattered holdings into villages "alienated a great many", causing much discontent among the people (Pratt, 1999: 148). Thus, the socialist initiatives and cooperative village scheme failed—bringing additional pressure to bear upon an already desperately weak economy. For instance, the sisal industry, one of those nationalized, was badly run down by the mid-1970s because of inefficient management and embezzlement (Coldham, 1995).

The Ujamaa village campaign was an exercise in social engineering, which however, had little proper planning done, so many new villages were located badly. Further, the campaign's disregard for customary tenure was rampant, with villages registered without the consent of those who already farmed there, and rights to land in the newly created villages were not secured in law (Scott,1998). The Ujamaa doctrine created a new social order, but by the 1980s it was becoming clear villagization had failed to contribute to economic development. Forced displacement of large segments of the rural population together with the ensuing economic hardship "left in its wake a legacy of bitterness and distrust" (Coldham 1995, 229).

Worsening economic hardship in the 1980s coupled with Nyerere stepping down as president in 1985 led to the government abandoning enforcement of the ujamaa policy. Nyerere was succeeded by Ali Hassan Mwinyi, as the second president of Tanzania, who immediately accepted an offer of assistance from the International Monetary Fund (IMF), hitherto refused to Nyerere who disagreed with their conditionalities. Thus, starting in 1986, the IMF and the World Bank imposed structural adjustment programs on the economy of Tanzania, as it did in many other low-income countries, as a condition for renegotiating loans or for securing new aid (Campbell & Stein 1992). With the breakdown of socialism (ujamaa) and a return to market economy, countless land disputes erupted between customary holders of land (in the pre-*ujamaa* era) and those assigned land under villagization (Coldham 1995).

Until passage of the Land Act 1999 and the Village Land Act 1999, no legal framework existed for resolving these land disputes. Administrative procedures were in place, but policy or law to establish principles and regulations was absent. Land councils

had been created in 1975 to see to day-to-day administrative tasks, but chains of command, recourse to appeal, and so forth were murky. Courts ruled in favour of “traditional” land holders in some cases and *ujamaa* settlers in others, with no consistency. In Mbulu District, for example, hundreds of cases resulted from former landholders suing to regain land assigned to someone else during villagization. Most of the “respondents” were small farmers who had been allocated plots of less than four acres (URT 1994; Coldham 1995; Odgaard 2003).

Other disputes arose from villages established on previously large holdings (for example, land leased to foreigners during the colonial period) or in peri-urban areas. Large holdings had often been allocated to former plantation workers during villagization or to neighbouring farmers. In many instances, villagers were forcibly evicted in the 1980s and ‘90s, when former lessees returned to their land, the bank foreclosed land and sold it to another entity, or an area was declared a planning area for creation of an urban centre or expansion of an existing one. Even during Nyerere’s administration, leases for large holdings were often revoked and the land then re-allocated to well-connected individuals or foreign investors (URT 1994). This is particularly true for Arumeru and Kilimanjaro, where the dominant prime agricultural land was much in demand.

Ujamaa was intended to recreate extended families and engage the small communities in an ‘economy of affection’ by tapping into what was said to be the traditional African attitudes, while at the same time introducing essential services and modern technological innovations for the rural population that was now the majority (Waters, 1992; Hyden, 1983). But the existing economic activity and physical movement of the Tanzanian rural population were the consequences of a startling complex, delicate,

and pliable set of adaptations to their diverse social and material environment. As in the customary land-tenure arrangements examined in Chapter 2, these adaptations defy administrative codification because of their endless local variability, their elaboration, and their plasticity in the face of new conditions. If land tenure defies codification, then, it stands to reason that the connections structuring the entire material and social life of each particular group of peasants would remain largely blurred to both specialists and administrators.

Therefore, the failure of ujamaa villages was almost guaranteed by the audacity of politicians and specialists who believed that they alone knew how to organize a more satisfactory, rational, and productive life for their citizens. It should be noted that they did have something to contribute to what could have been a more fruitful development of the Tanzanian countryside. But their insistence that they had a monopoly on useful knowledge and that they impose this knowledge, set the stage for disaster. However, the failure of Ujamaa—a social engineering which tried to alter the customary systems through the introduction of collectivization of farming and other economic activities—did not seem to lend any lesson to development practitioners in Tanzania as further efforts to transform the customary systems ensued in subsequent years. It is of some interest, however, to consider whether the economic difficulties that engulfed the Tanzanian economy demonstrated the fundamental unsoundness of the Arusha vision—its impracticality despite its utopian attractions—or whether the problem lay in the faulty implementation of basically sound ideas. In the contemporary Tanzanian political debate, both explanations receive support.

Advent of structural adjustment programs and land tenure in Tanzania

In the late 1970s and 1980s, there were problems in the Tanzania economy, making her one of the poorest countries in the world. During and after colonialism, the main exports from Tanzania were raw materials such as sisal, cotton, coffee and tea. About 80% of the population were employed in the agricultural sector and agricultural products provided about 60% of the GDP. There was a severe drought in Tanzania in 1973/1974 and 1978/1979 leading to a fall in cash crops and food crops production, in 1977 the East African Community collapse and in 1978/1979 Tanzania fought a devastating war against the dictatorial regime of Iddi Amin of Uganda. The drought, the war, the collapse of the EAC and two oil shocks of 1973 and 1979 had a devastating consequence to the national economy and wellbeing of its citizens. In addition to this, was the collapse of world market commodity prices, and dwindling donor aid.

While these problems were brewing, causing severe economic crisis (high inflation, foreign currency shortage, budgetary deficits, and scarcity of essential consumer goods), national model of development—the Ujamaa ideology—that had been adopted since independence had been failing to yield anticipated results. To tackle these problems, Tanzania turned to two of the Bretton Woods institutions, the IMF and World Bank for assistance; the institutions seized on this opportunity and attempted to transform Tanzania economy into basically a laissez-faire economy.

The Bretton Woods institutions' structural adjustment programs (SAPs) consist of loans provided by the International Monetary Fund (IMF) and the World Bank (WB) to countries that experienced economic crises. The two Bretton Woods Institutions require borrowing countries to implement certain policies in order to obtain new loans (or to

lower interest rates on existing ones). The economic reform process, as it came to be understood in the Tanzanian context in the 1980s, had four main elements: (1) *stabilization*, through the use of orthodox macroeconomic policy instruments to restore macroeconomic balance, both domestic and external; (2) *liberalization*, aimed at reducing bureaucratic controls and government allocation of resources, and opening areas of the economy to private business that had been public sector monopolies; (3) *reform of state enterprise and privatization*; and (4) reform of the government itself to *enhance government capacity*. Failure to enact these programmes may be subject to severe fiscal discipline. So, the financial threats to the country amount to blackmail, such that the nation has no choice but to comply.

Since the late 1990s, the architects of the structural reform—the Bretton Woods institutions—have spoken of “poverty reduction” as a goal. SAPs were often criticized for implementing generic free-market policy and for their lack of involvement in their design from the borrowing country. To increase the borrowing country's involvement, developing countries are now encouraged to draw up Poverty Reduction Strategy Papers (PRSPs), which essentially take the place of SAPs. The Bank-Fund claim that the increase of the local government's participation in creating the policy will lead to greater ownership of the loan programs and thus better fiscal policy. The content of PRSPs has turned out to be similar to the original content of Bank/Fund-authored SAPs. The critique is that these similarities show that the Bank-Fund and the countries that fund them are still overly involved in the policy-making process, and probably with intent of furthering their own other agenda. Despite the rhetoric of “nationally driven” development, the PRSPs frameworks continue to conflict with local and national priorities of reducing

poverty, fostering domestically meaningful economic development, promoting equality and equity, and encouraging popular participation in the design of national development policies.

Linking the structural reforms to poverty reductions has given the Bank-Fund opportunity to link the programs to land tenure reforms, claiming that it is a strategy to attract more investments and raise productivity of land, as a strategy for economic development and poverty reduction. It is claimed that the proposed reforms aim to free land from its customary and social constraints, opening it more fully to markets and to investment, led by both local and foreign capital. Given that over 82 percent of rural population is reportedly dependent on agriculture for their livelihood, we need to analyse the consequence of the land tenure reforms on their access and control of land in terms of their wellbeing and the national development in general. Tanzania government wittingly or unwittingly has embraced the land tenure reforms, starting with enacting new land policy in 1995, its corresponding acts in 1999, and implementation programs—the land formalisation programs.

New wave land formalisation programmes

In the 1980s, as the number of land disputes skyrocketed and economic hardship intensified, many poor rural households were forced from their land and livelihood to make way for ‘development’ projects, national agencies often worked at cross purposes, and increasing corruption resulted in lack of trust in documents produced by the national Ministry of Lands (Shivji, 1997). Escalating land conflicts and lack of clear resolution mechanism, compounded with worsening economic hardship and the conditionalities of

the Bank-Fund assistance, ignited the need for a new land policy. So, in 1991, Ali Hassan Mwinyi (Nyerere's successor) appointed a Presidential Commission of Inquiry into Land Matters (henceforth referred to as the Lands Commission), which submitted its final report in November 1992. In 1995, the Tanzanian Parliament passed a National Land Policy that incorporated some of the Land Commission's recommendations. This new policy became the foundation of the Land Act 1999 and the Village Land Act of 1999, which in turn led to the Strategic Plan for the Implementation of the Land Laws in 2005, and Property and Business Formalisation Programme in 2004. A description of these five documents, which are key to the land tenure reforms in the country follows.

The Lands Commission Report (1991-1992)

The chair of Mwinyi's Presidential Commission of Inquiry into Land Matters, established in January 1991, was Professor Issa G. Shivji¹¹. Eleven other members signed the final report submitted in November 1992. This report comprised two volumes. The first, dealing with land policy and tenure structure, was later published in Sweden and is easily available; the second, addressing specific land disputes, was never published and is unavailable because of privacy concerns. During its inquiry, the Commissioners held 277 public meetings in 145 villages and 132 urban centres in all twenty regions of mainland Tanzania and all but two of the 108 districts¹². They also interviewed over 150 government officers, as well as district and regional leaders and expert witnesses.

¹¹ Shivji is currently the Mwalimu Julius Nyerere Research Chair in Pan-African Studies at the University of Dar es Salaam. He has had a distinguished career of scholarship on land, democracy, and political economy in Tanzania and emerged as a leading critic of government land policies.

¹² The number of regions and districts has changed over time, with some regions/districts being split.

Furthermore, they travelled to Kenya, Zimbabwe, Botswana, and South Korea to learn about land reform experiences in those countries (URT 1994, 2-3).

In summary, the Commission found that the land tenure regime in Tanzania was in a mess. They reported that the last major review had been the East African Royal Commission in 1953-55, done by and to fulfil the interests of the British colonial regime. Under the review all lands were then declared 'public lands' vested in the Governor, and indigenous land users continued to be governed by their customary law so long as it was in the interest of the state. This regime continued after independence which, in fact, the control of land by the executive led to enormous abuses, contrary to the interest of rural land users and the long run interest of the nation, the Commission observed. It also revealed that some major changes in the structure of the government, such as decentralisation (1972), villagization (1972- 74) and reintroduction of local governments in 1982 led to total disruption of land administration. The Commission's reports delve in detail on these issues while giving recommendations on the way forward.

Volume 1 has five parts: (1) historical context and existing legal position, (2) recommendations for a new land tenure structure, (3) broad suggestions regarding amendment and repeal of existing law and enactment of new statutes, (4) gender inequality for inheritance, the report notes that gender (in)equality for inheritance was added late during the inquiry and therefore was not exhaustively researched, and (5) conservation of environment and habitat that should be built into the tenure structure. The first part is by far the lengthiest, with chapters reporting detailed findings on current land allocation, demarcation, villagization, settlements on alienated land, urbanization, compensation, land values and dispositions, participation, land administrators, disputes,

capital development authority, and individual titling and registration. The final report states that the proposed land reform would ensure “democratization of land control and land tenure systems on the one hand, and protection of rural lands from outside interests ... on the other” (ibid., 1994:158). The Land Commission recommended that the new national land policy uphold multiple land tenure systems, with none superior to another. The policy should develop from the basic tenet that land belongs to the community and that tenure security be based on use (thus curbing land speculation).

The Land commission recommended that land administration should be participatory, with adjudication of disputes including a *Baraza la Wazee la Ardhi* (Land Council of Elders). This was to take care of land dispute resolution mechanism vacuum that had existed since independence with the abolition of chiefs and chiefdoms. The vacuum in this sense refers to a lack of institutions with individuals knowledgeable with local customs and land ownership systems in all communities in the country.

The Lands Commission in its recommendations advocated “security and safety of land rights first” (ibid., 1994:122). It called for modification of customary tenure in light of modern institutions already accepted by or acceptable to the people (modernization of tradition and democratization of land tenure control and administration at the level of village assemblies, elected local committees, and national parliament) rather than imposition of modernization. The Commission intended the reforms to be built on already established institutions that are familiar to the people. For example, they recommended the Land Council of Elders to be drawn from the existing Village Council, who are familiar to villagers. Village councils have between 15 and 25 members, made up of a chairperson elected by the village assembly, all chairpersons of the sub-villages

(hamlets) within its area, and other members elected by the village assembly, and there is a legal requirement that women must occupy at least 25% of village council seats. Local government elections are held every 5 years all over the country (CLGF, 2007). The Land Commission might have been sceptical of introducing new structures and drastic changes, lest they were met with resistance from the people as had been experienced in past reforms.

Thus, the Land Commission's recommendations aimed to strengthen tenure security for village residents and to increase village autonomy. One of its chief recommendations, which was ignored, was to vest all land in Village Assemblies rather than the President. In a nutshell, the Land Commission's recommendation on the tenurial status was that all lands would be declared constitutionally to be either national lands—including urban and reserved lands—or village lands; in urban areas and reserved lands the present system of allocation through rights of occupancy would continue. Further, it recommended that the national lands would be vested in a National Land Commission independent of the Executive, accountable to the Legislature and overseen by a reconstructed Judiciary, while village lands would be vested in Village Assemblies.

The Land Commission's recommendations seem to be based on at least three underlying principles: First, to encourage agrarian accumulation from below based on a vision of an autonomous national development as opposed to the current practice of incautious opening up of the country to predatory merchant and compradorial capital, both foreign and domestic. Second, to break up the monopoly of radical title in the executive arm of the state and diversify it in a way which would permit control and administration of land from below and to create countervailing forces against abuses by

monopolistic state organs. Third, to devise procedures which would be legitimate, accessible, open and transparent. The Commission had concluded that the vigour of their recommendations was that Land would be placed squarely in the public domain under the broad regime of public law (constitution, basic law etc.). They also conceded that their proposals assume a strong political will on the part of government to implement them. Further they were highly convinced that if the government were to implement them, it would garner strong support from the people, but it would also face strong opposition from vested interests.

National Land Policy (1995)

The National Land Policy passed by the Tanzanian Parliament in 1995 was based on “the position of the Government on the report of the Presidential Commission of Inquiry into Land Matters,” several studies by consultants, recommendations and observations from a national workshop on land policy, and comments and suggestions from the public and mass media. Notably, clauses on gender dynamics were added in response to critical assessments by high-profile activists. Gender activist NGOs were among the most active lobbyists in national debates concerning the land acts. They successfully lobbied for inclusion of “provisions to ensure equality before the law for women in both statutory and customary tenure” (Sundet 2005, 5). The National Land Policy paved the way for the Land Act and Village Land Act both of 1999.

The National Land Policy is a 42-page document comprising nine chapters. After providing a historical perspective on land tenure and laying out the objectives of a new land policy (chiefly, to promote a secure tenure system equitable to all Tanzanians), this

document addresses five main topics : 1) land tenure and administration, 2) surveys and mapping, 3) urban and rural land use planning, 4) land use management, and 5) the institutional framework. It also lays out the rationale for creating a national land policy. Of the thirteen reasons given for the necessity of new policy, seven concern increased pressures and competition for land (including three specific points about pastoralism). The remaining six pertain to confusion over land rights after the *villagisation campaign*, the evolution towards individualized ownership, and the development of land markets.

Through nationalization and villagization, areas previously leased (often to foreigners during the colonial period) were frequently resettled by villagers; yet legal rights to the land remained with the entities that held leases before independence. The National Land Policy does not comment on what should be done with the many court cases already due to such occurrences, but it seeks to avoid such legal quagmire in the future by extinguishing any existing land rights (through revocation or acquisition) prior to resettlement of unused areas. However, this portion of National Land Policy appears to be unenforceable, since settlements spring up informally and spontaneously.

The National Land Policy, while repealing much previous land legislation, upheld four central tenets from the past that have been fiercely debated by scholars, politicians, and others: (1) all land in Tanzania is publicly owned, and is vested in the President on behalf of the citizens, (2) speculation in land will continue to be controlled, (3) rights of occupancy constitute the only recognized type of land tenure, and (4) rights to land under new land laws must continue to be based primarily on use and occupation.

The overall rationale for the new land policy is that “land as an investment resource can make the maximum contribution to the country’s development process”;

therefore, land should be used effectively and efficiently, “not hoarded for speculative motives” (URT 1997b, article 9). The procedures for obtaining title to land should be simplified, and land administration should be transparent. Finally, land tenure plays a large role in promoting peace and national unity, since equitable access to land by all citizens ensures that the small farmers and pastoralists who constitute the majority of the country’s population are not landless. How these objectives play out in implementation projects is discussed later in this chapter and in the following one.

The Village Land Act of 1999

Parliament hired legal historian Patrick McAuslan to draft the Land Act. He was instructed not to deviate from the National Land Policy¹³. As the act became increasingly bulky, it was split into two pieces of legislation, the Land Act and the Village Land Act (hereafter referred to as VLA), both of which were finally (after failed attempts) passed by the Parliament in 1999. After defining some terms, the 79-page VLA highlights the guiding principles of the National Land Policy. It then provides details regarding institutions and procedures for administration of village lands. The parts of this act most relevant to this dissertation are: 1) Part III: Transfers and Hazard Land; 2) Part IV: Village Lands, including A) Management and Administration, B) Grant and Management of Customary Rights of Occupancy, and C) Adjudications of interest in land; and 3) Part V: Dispute Settlements. Part IV, “Village Lands”, by far the lengthiest, is the most pertinent to tenure security for village lands.

¹³ Professor Patrick McAuslan, a faculty member at the University of London, specializes in land law and policy. He is one of seven founding faculty of the first law training institution in East Africa in the 1960-1966, the University of Dar-es-Salaam School of Law in Tanzania (UDSM, n.d.).

Article 7 in Part IV defines and lays out procedures for village land identification. It identifies three categories of land: village land (administered according to the VLA), general land (administered according to the Land Act 1999), and reserve land, which includes national parks and reserves (also covered in the Land Act 1999 and other, previous legislation). The VLA makes the Village Council responsible for making all decisions about land. It requires the Village Council to consult the Village Assembly (a meeting of all adult residents) before making major decisions, including any change in a village's land use plan.

The Village Land Act concurs with the Land Commission's recommendation to validate land allocated during Operation Vijiji and to void any rights to and obligations concerning that land that were recognized prior to villagization. It provided for compensation to farmers whose customary rights had been thus extinguished. This had been specifically aimed at resolving long standing conflicts caused by villagisation campaign and the aftermath of its breakdown, as explained above.

The VLA became enforceable in May 2001, after its translation from English to Swahili. In 2004, Parliament enacted amendments to the VLA for which international and domestic financial institutions had lobbied. These effected major changes denounced by some scholars, and NGOs. In February 2004, in what can be described as a hasty and undemocratic process that caught activists off guard, the government introduced two major changes to the Land Act: First, the sale of undeveloped land, and second is the possibility to mortgage land thereby threatening the property interests of the poor. Banks argued that only with these amendments would they be willing to provide loans for the

holders of certificates of customary rights of occupancy (CCROs). However, to date very few loans have been obtained by small-holder farmers, despite the VLA amendments.

The year 2016 marks 15 years since the new wave land reforms—the Land Act, No. 4 and the Village Land Act, No. 5—became operational in Tanzania. Despite its ambitious goals—encouraging land registration and titling, and empowering women and other vulnerable groups, as well as halting the escalating land conflicts—the results have been disillusioning (Pedersen, 2013; 2015). To effectively implement the law, it requires a village to develop a land use plan. However, only about 1,640 villages out of a registered total of 12,788 had undergone land use planning as of April 2016. Small budget allocation, land use conflicts, few skilled staff and the practice of subdivision of villages are some of the reasons for this snail-pace implementation of village land use plans.

Another hurdle in the growing scepticism from financial institutions over the security and acceptability of the CCROs for a mortgage. Reasons noted by banks is that CCROs are only registered at the district level and not at the Commissioner of Lands—central government—office and can hence easily be transferred to other villagers, thus complicating foreclosures in the event of default in repaying the loan. Thus, as of April 2015, about 258,134 CCROs were issued to individual villagers—a small number in a country of over 55 million people of which about 75 are rural dwellers (Pederson, 2015).

The VLA set customary land dispute settlement mechanism. The institutions responsible for land dispute settlement have been established from village to national level. However, those at the lower level do not function effectively and have a backlog of cases. For instance, as of April 2015, the District Land and Housing Tribunals had 18,033

pending cases and an average of 11,542 cases instituted each year (Pedersen, 2015). The whole system is fragmented and is governed by three different ministries (the ministry of lands, the ministry responsible for local government and the ministry responsible for justice), which is making accountability an uphill task. The call has been made to streamline the whole system in the Judiciary for accountability. In the last ten years, land dispute between farmers and pastoralists has increased exponentially, and so have the conflicts between communities and investors. For example, the conflicts between villagers and investors in the Kilombero, Kisarawe, Kilwa, Bagamoyo, Babati, Arumeru and Ngorongoro districts are publicised and well-known throughout the country (Kweka, 2012; Katundu et. al, 2014; Curtis 2015). With most of the disputes occurring in village lands, institutions established by the VLA are severely overstretched.

Although there are about 14 provisions in the VLA that aimed at safeguarding rights of women and vulnerable groups, in practice, empirical evidence on the protection of women and vulnerable groups is insufficient. Women participation in investment deals has been very limited by traditional practices favouring patriarchy and the absence of legal requirements demanding women's participation in the decision-making bodies at village level. In the recent past, there have been evictions of pastoralists and indigenous people by powerful investment groups in Loliondo, Kilombero and Bagamoyo districts. Although some women have been given land title in their own names and others jointly own land with their spouses, the available data are only project-based. The practice may not be country-wide yet since cultures take long to change.

Land matters are crosscutting in nature, which is why in 2005 the government designed the Strategic Plan for Implementation of Land Laws (SPILL), aiming at co-

ordination between and among sector ministries as the key factor for implementation. However, ironically SPILL (2005) became ineffective precisely because of a lack of coordination. Key ministries—including ministry of Lands, ministry of Regional Administration and Local Government, ministry of Justice and Constitutional Affairs, and ministry of Agriculture—did not seem to be in line for a successful implementation of SPILL, and this is also seen in the land dispute settlement mechanism and land use planning process. These have significantly affected the implementation of the Village Land Act, causing the government to develop SPILL (2013) by addressing some of the challenges that had hindered SPILL (2005) (Pallo, 2008; Massay, 2017).

Funding has been another hurdle reported to hold back the implementation: The Ministry of Lands is not one of the priority ministries. It thus receives very limited budget, which contrasts with the large number of developments in the land sector that would warrant it to be the priority sector. In the last five financial years, the actual budget allocation for development projects of the Ministry of Lands has been sporadically decreasing, hitting zero allocation in 2014/2015. The total costs of the activity set out in SPILL (2005) was established at TZS 300 billion (US\$ 260 million), which was to come out of the standard Government Medium Term Expenditure Framework (MTEF) process. The SPILL (2005) proposed that part of the funding should be obtained through a Land Administration Infrastructure Fund (LAIF) that was to be established as a levy on land. However, the LAIF was never implemented, which contributed to its ineffectiveness (Bassi et. al, 2018; Pedersen, 2015).

So far, the implementation of the Village Land Act has been mainly based on some pilot projects. The first project was launched in Mbozi District, renowned for its

high-value agricultural production. In 2016 a total of 21,256 CCROs had been issued there, 2,338 (11 %) of which were in the name of women and 4,888 (23 %) were joint titles. Projects in other districts selected under various programmes followed, most recently the Land Tenure Support Programme (LTSP). Other stakeholders, such as international and local NGOs, have also contributed to the implementation work. Some best practices around land use planning of community grazing lands and the joint resource sharing plan in the rangelands have been developed and spearheaded by civil society organisations (CSOs). For example, the Ujamaa Community Resource Team (UCRT) and Tanzania Land Alliance (TALA) have managed to secure the first ever title deed of the community land owned by Hadzabe indigenous ethnic group in Northern Tanzania. Tanzania Natural Resource Forum (TNRF) and the International Land Coalition (ILC) are among the pioneers of conducting joint resource land use planning in the rangelands (.

While these are laudable efforts, there are other threats to tenure security in village lands. The country's development strategy drives toward large-scale commercial agriculture, and mining sector expansion, by attracting big foreign and local investments, often with minimal consideration of the interests of the small-scale farmers. For example, implementation of the Southern Agricultural Growth Corridor of Tanzania (SAGCOT), is one of such threats. The SAGCOT corridor foresees an expansion of over 350,000 hectares (ha) of agriculture land to increase production and processing of agricultural goods—it is marketed as large-scale agribusiness initiative—aimed at sparking an agricultural revolution in the county. The SAGCOT plan will also significantly increase the pressure on the water resources in the Kilombero Valley, where 51,800 ha of the

expansion is planned (Kweka, 2012; Curtis, 2015; Bassi, 2018). While this may be a good decision economically, it is likely to cause land pressure and evictions of small-scale farmers. There is need to increase awareness of communities on their rights, and strengthen the institutions established by the Village Land Act. But most importantly is the need to give priority to small-scale famers—the majority of Tanzanians—in the development strategies, especially the agriculture development plans.

Property and Business Formalisation Programme

After the formulation of the new land policy and its corresponding Acts, the Tanzania government, with the backing and financial support from the World Bank, engaged a Peruvian economist Hernando de Soto and his Institute for Liberty and Democracy (ILD) to advice and lead the exercise of formalisation of property rights in the country¹⁴. De Soto's ideas have had a profound impact on the World Bank and current land policy in scores of low-income countries. De Soto argues that universal individual titling is the only route for the world's poor to escape the cycle of poverty. He believes that failure to formalize property rights explains the nearly universal lack of success of development projects intended to improve national economies. In practice, the World Bank continues to fund projects aimed at universal titling as a key element in poverty reduction strategies, as advocated by de Soto (ILD, 2004; PBFP, 2006).

In 2004 a team of experts from ILD visited the country to plan national land reform (ILD, 2005: 1). A major result was the creation of a new government agency—

¹⁴ Hernando de Soto is the Peruvian Economist whose book, "The Mystery of Capital: Why Capitalism Triumph in the West and Fails Everywhere Else", provides theoretical background for MKURABITA.

Property and Business Formalisation Programme—popularly known by its Swahili acronym, MKURABITA. The programme is conceived within the National Strategy for Growth and Reduction of Poverty (NSGRP), (URT, 2007). MKURABITA targets property and business owners in the informal sector, whose entry into the formal market economy is assumed to enhance their opportunity of using their assets to access capital, and thus reduce individual household poverty and improve national economic growth in general (Claussen et al., 2008:12). The programme held that once these marginalised majorities are engaged fully in the formal sector of the economy, it will be possible for them to create wealth and hence contribute effectively to the attainment of the Millennium Development Goal (MDGs).

MKURABITA builds on Hernando de Soto's hypothesis that the most effective way to empower the poor is to provide them with formalised rights to their property (Sundet, 2008:2). MKURABITA is a four phased programme customised on a specific model developed by the ILD. The phases are (1) Diagnosis, (2) Reform Design, (3) Implementation, and (4) Capital Formation and Good Governance (ILD, 2004; PBFP, 2004; 2008).

MKURABITA began with a "Diagnosis Phase", which focused on a complete examination of the size and nature of the country's extralegal sectors, as well as a preliminary overview of the reasons why the informal sector continues to thrive. The term extralegal is used to refer to anything—property or business—not governed by laws, or not within the scope of the law of land, and it included land under customary ownership system since it was deemed to lack government issued documentation. So, the Diagnosis Phase was used to learn about both the existing formal legal and administrative

framework and the informal framework with its unwritten norms for how land administration is actually carried out on the ground. The phase also aimed to identify the main institutional constraints that create legal, administrative, and economic obstacles to the integration of the poor into the legal economy. Finally, the diagnosis phase aimed to lay the groundwork for re-engineering of the current legal system to achieve the objectives of the programme.

The second stage, “Design Phase,” delineated how the two systems could be merged and how formal structures and protocols could be simplified. The general objective of this phase is to provide the government with detailed policy and institutional proposals, as well as an implementation strategy to integrate extralegal real estate and businesses into legal system in order to boost economic growth, reduce poverty, and eventually expand the tax base. Two pilot projects tested some innovations in the titling process, in Handeni District in 2006 and Bagamoyo District in 2008. The lessons of the Handeni project are discussed in detail in the next chapter.

MKURABITA has since moved into the “Implementation Phase” initiating small projects in some 31 districts by 2019. It envisions working with key personnel in a handful of villages in each district, teaching them how to adjudicate parcel boundaries by doing this work together for a few parcels, and then leaving district and village personnel to carry out the bulk of the work on their own. However, activities in this phase are much more modest than was anticipated in when the program was conceived, in which the objective of the implementation phase was to progressively bring the extralegal real estate and businesses into the new legal order through a proactive national formalisation campaign. Further, the objective of establishing a *feedback mechanism* to enable the legal

systems to stay in touch with the evolving needs of the poor and remain relevant is hardly seen to be achieved. Furthermore, the objective of establishing a National Database and Record Keeping Organization, thus re-engineering record keeping and registration processes so that the country can pull together all the economically useful descriptions about extralegal assets into one database and keep it up to date has not been achieved.

The final phase, “Capital Formation”, involves formulation and implementation of recommendation for connecting the newly legalized property to larger national and international markets, and allow the property to be leveraged to create capital and generate more wealth. This is the phase yet to be reached. However, with the shaky implementation phase, the hopes of realising successful capita formation phase down the line are uncertain.

The emerging bleak picture about MKURABITA is partly attributed to dwindling of finances to run the projects. For instance, despite international support for MKURABITA, in around 2008 it lost much of its funding due to the Norwegian government’s disillusionment with de Soto’s theories causing it to withdraw support for land tenure formalization projects in the country. Its reasoning is that no evidence indicates the poor are benefitting from these programs (Author’s interview with NPA director, September 2016). Consequently, MKURABITA is scrambling to redefine itself, but its future is shaky despite its continued funding by the Tanzanian government. One offshoot of this situation may be the increase in financing of the implementation of the VLA, especially the land use pans, by foreign and local private investors, in order to facilitate their allocation of land for investment.

Further, empirical evidence on the nexus between land formalisation and investment needed to boost agricultural growth has been weak (Fenske, 2011; Benjaminsen et al., 2009). Several reasons have been identified for this, including: first, the programmes being overly state-centric, and lack community participation in planning and execution. Second, ignoring the customary systems that are widely known and used by majority of people. Third, that customary tenure systems may provide sufficient security to still facilitate investments for agricultural production. Fourth, underdeveloped credit markets hinder the set of investment choices. Fifth, productivity and investment effects are hampered by poor enabling conditions, such as efficient product market, and input supplies (Fenske, 2011, Lawry et al., 2014).

It will be interesting to find out how these new tenure systems play out in terms of what agricultural model they support. Will it be an agricultural model based on domestically oriented development strategy, which emphasises on the linkages between economic sectors and a lesser dependence on the external sector, and based on small-scale farming? Or will it be an agricultural sector based on large-scale farms, and that focusses on enhancing export earnings within an economic model based on comparative advantage? How has the food security, nutrition and physical well-being of the rural farmers been changed? At the end of day, however, it will be a question of whether the new tenure would be able to sustain communal livelihoods over and above what was being afforded by the communal systems alone.

In this chapter I have shown how external forces have played a key role in changing the nature of land ownership systems in Tanzania. These changes have been shown to have negative effects on the livelihoods of the rural dwellers. The foregoing

analysis of recent changes in tenure reforms—through land formalisation programmes—is of particular interest as it reveals clear indications of a wide gap between programmes’ expectations and the reality unfolding to the rural dwellers’ economic opportunities and their general well-being. The next chapter takes up this issue by doing a case study analysis of land formalisation in Handeni. This will shed light on the effects of land formalisation programmes on the livelihoods of peasants. It will evaluate how and who are the losers and beneficiaries of the programmes, and the trajectories of the long-term effects of these reforms.

5: LAND FORMALISATION IN HANDENI DISTRICT

Introduction

The implementation of the formalisation programmes in Tanzania, that are transforming the customary land ownership systems into a formalised universal land administration system, has been touted as a means to boost agriculture production that would improve the life and economic wellbeing of the rural population. This thesis hypothesises that the programs are unlikely to contribute to improve rural life because the attempt to develop a universal land administration system destroys customary social organisation and leads to the adoption of agricultural policies that emphasize growth rather than development.

This chapter presents a field research undertaken in Handeni District to evaluate the thesis hypothesis. The field research explores the process of formulation and implementation of the formalisation programmes to understand what was changed and how, in order to determine their possible effects on rural development. Further, the field research sought to find out how rural social organisation has been altered since the implementation of the formalisation programmes. This analysis is crucial in demonstrating how the programmes have affected customary ownership systems, which are essential to how rural populations construct their livelihood. Further, the research sought information on agricultural production in order to demonstrate how both small-scale farmers' sources of income, rural population's food security and employment are affected.

Thus, in this chapter, I discuss and interpret the study findings by describing emerging patterns, themes, and relationships, and link the findings to literature and to the theoretical perspectives that guided my study. The aim is to answer the research question of whether the 'new wave' of land formalisation programmes that claim to

uphold customary land rights can provide some protection against the negative outcomes of land rights' interventions. That is, are these programmes more successful than the earlier models of formalisation—those implemented between 1960s and 1980s as described above—in improving the quality of life and economic well-being of the rural population?

The presentation of the field research findings is organised under three broad sections: 1) Formulation and implementation of the formalisation program in Handeni, 2) Implications of the program on rural social organisation, and 3) Effects of the program on agriculture. Each of these three broad sections is further subdivided into sub-sections for clarity of the analysis of the field research findings. I begin with a background of Handeni and how the program was formulated.

Geography, social, economic and cultural background of Handeni

The district lies within the latitudes 40 55' and 60 04' South and within longitudes 370 47' and 380 46' East. Handeni District is best accessed from the south by Chalinze – Segera tarmac highway, and by another tarmac road from Korogwe in the north. Handeni town is the districts headquarter. The completions of the construction of the two tarmac roads to the south and to the north in 2008 and 2009 consecutively has contributed to opening up the district to outside investors (Handeni, 2015).

The district economy and livelihood are based on natural resources. “Agriculture is the main source of livelihood” and employs about 98% of the population (ibid. 2015: 15). The main agricultural activities are crop farming and livestock keeping. Out of the total area of 708,000 hectares, arable land comprises of 340,470 hectares (48% of the district area) of which area under crop cultivation is

only 30%, thus, smallholder cultivation predominates. There are also large-scale farms amounting to a total of 3,124 hectares with title deeds and 1,620 hectares have not been surveyed. Sisal is the main crop raised in the estates. The crops grown include maize, beans, cassava, millet, cotton, sunflower, pigeon peas, oranges, mangoes, coconuts, bananas and vegetables. Some of these crops are sold to markets in Tanga, Dar es Salaam, Moshi and Arusha. Most agriculture is rain fed. Crop cultivation in the District is characterized by low yield e.g. a hectare of maize produces 1.5 tonnes instead of 2.0 tones expected under the prevailing ecological conditions. This seems to be mainly caused by the use of poor farming methods, plus use of hand hoes (ibdi, 2015).

There are two livestock ranches, Mzeri and Nkale, both owned by National Ranching Company (NARCO). NARCO is a parastatal organisation responsible for large-scale commercial ranching spread throughout the country, however it is under a process of divestiture.. The Mzeri ranch has a capacity of holding 14,000 head of cattle but currently only 6,475 cattle are raised (ibid., 2015). There is no clear (understanding of the) boundary between the neighbouring villages and the ranch. This has been a rampant problem all over the country where government institutions claim to own land. The unfortunate part is that when it comes to contestation in courts the villagers lose because they have no papers show, so they are called “invaders”. This has been one source of many land conflicts in the country (Katundu et. al, 2014; Curtis 2015).

Other significant economic sectors in Handeni include forests which cover about 7% of the total district area. This has been used by residents as source of their various needs, including building materials, hunting and collecting wild foods, as well as a source of variety of traditional medicines. Further, “beekeeping forms an

important source of income in the district”, mainly using traditional hives (ibdi. 2015: 17).

The Handeni district, which is mainly inhabited by the Zigua ethnic people, is one of the areas in the country where Ujamaa villages were established. That means Handeni is an area of diverse ethnic groups, which among them and majority are the Zigua people. Given the expansive land area of Handeni, most people moving to Handeni were able to establish themselves without much interference with the Zigua people, and this was a common phenomenon in most areas where villagisation campaign was implemented (Ergas, 1980; Hyden, (1980).

The Zigua people are known for their close-knit relationships. The Zigua people are described to have a network of interactions, communications and support within their community (Hyeden, 1983). For example, they have maintained cooperation in performing economic activities such as during hunting and harvesting. During harvesting, the owner of a farm may prepare food or and/or local brew for the people who came to work. The expectation is that there will be a reciprocity when another farm owner organises such labour sharing activity. Or the reciprocity may be in form of sharing farm produce (especially for food) if one of the participants in labour sharing happen to have bad crop year/season.

These relationships have, however been changing to adapt to new social, political and economic environments. For example, during the Ujamaa period, the government tried to tap into these local norms and cultures, by establishing cooperative farms. However, they miserably failed because they did not understand or incorporate the intricacy of social relations that has been built among the people for generation (Hyden, 1983; Pratt, 1999). As a result, people reverted back to what they

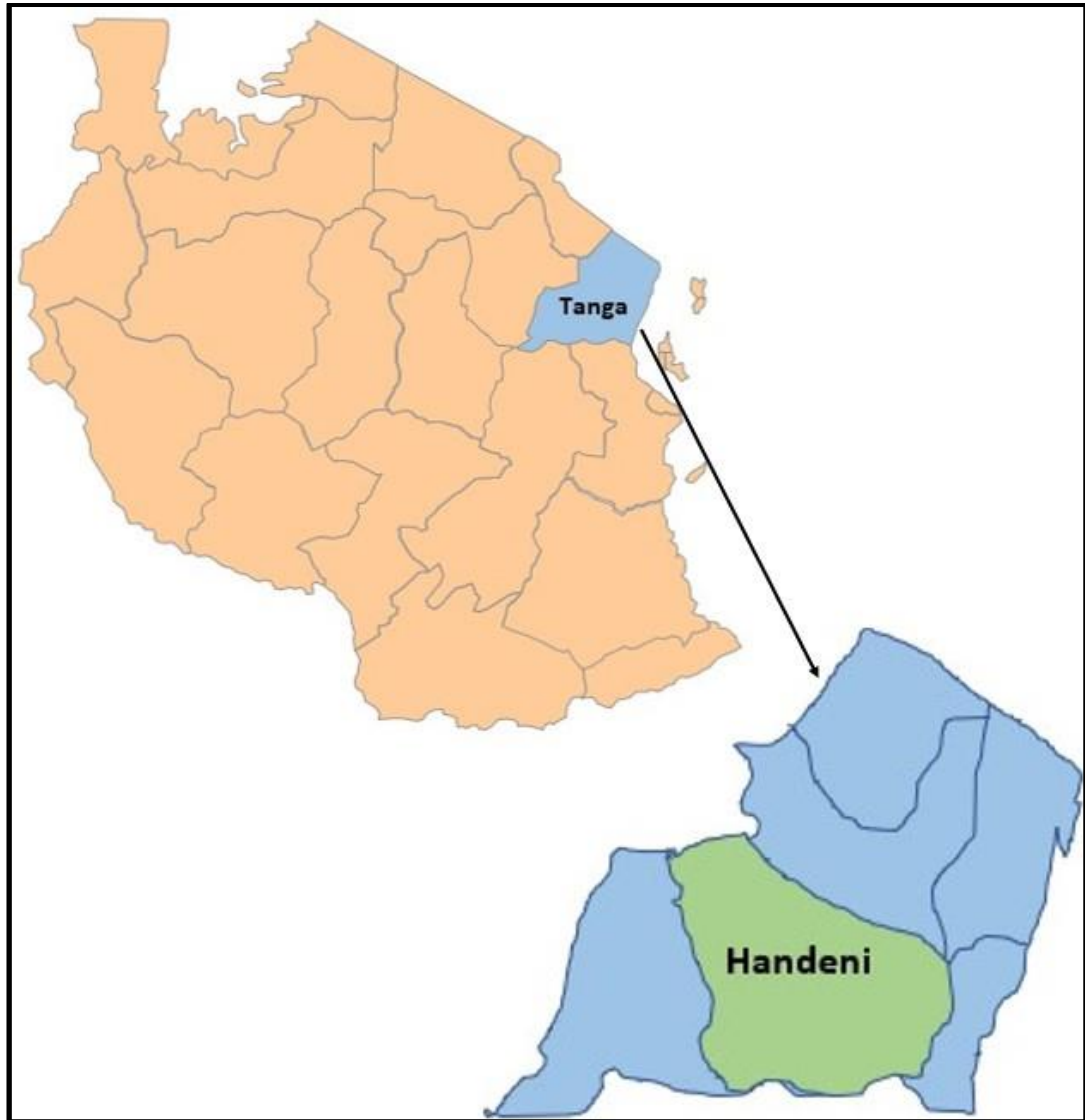
knew best, that is cooperating and reciprocating among themselves in parallel to the ‘forced’ cooperation in the Ujamaa farms.

Formulation and implementation of the formalisation programmes

The Property and Business Formalization Programme (PBFP), also commonly referred to by the Kiswahili acronym MKURABITA, is an initiative of the government of Tanzania with financial and technical support from various development partners, lead by the World Bank. The aim of the initiative is stated to be “economically empowering the poor majority in the country, by increasing their access to property and business opportunities, towards development of a strong expanded market economy” (URT, 2007: 3; World Bank, 2007). The programme started by carrying out a pilot project in Handeni district with the aim of testing the implementation of the Village Land Act No 5 of 1999. The MKURABITA Programme Management Unit, located within the President’s Office, chose Handeni district for the pilot project in order to test innovations in land use planning and registration, that might improve and fast track the implementation of the Village Land Act No 5 of 1999, as well as to gain practical field experience in the property formalisation processes in accordance to the same law, see *Map 3*.

The Handeni pilot project began on the 18th September 2006 and lasted through the end of 2007. The original duration of the project was planned to last only until the end of December 2016, however due to several hurdles, that will become clear shortly, the project implementation lasted for about a year longer, specifically to complete building of land registries.

Map 3: Handeni District in Tanga Region



Map showing Handeni District, where the field research for this thesis was conducted.

The choice of Handeni district for the pilot project was greatly influenced by its experience, in which it had carried out a similar programme with assistance from GTZ (Germany government) between 2002 and 2005. The fact that the district had prior opportunity to establish a programme to implement village land use planning, registration of land parcels and provision of Certificates of Customary Rights of

Occupancy weighed heavily in the decision to choose it for a pilot project. As a result of the GTZ programme, Handeni district had built some capacity in this area of work, having formed a GIS unit with adequate hardware and software. The district wanted to continue with this process in other villages, however this was not possible due to both financial and human resource limitations. The district felt that some intervention was necessary that would look for a different approach that makes land titling more easily carried out, for many villagers and at low cost.

Therefore, the advent of MKURABITA Program could not have been at a more opportune moment for the district plans. The program intended to make a pilot project that would test basic changes necessary for efficient (fast, extensive, less expensive) land titling. The lessons from the pilot project would also serve as an input to the proposed reforms to be applied countrywide.

Implementation of the formalisation program in Handeni

The Handeni project involved seven villages, namely Sindeni, Kweisasu, Mbuyuni, Bongi and Kwamkono, Mzeri, and Nkale. The seven villages were mostly randomly selected; however, consideration was given to villagers' readiness (learned during reconnaissance) and those without boundary conflicts (a requirement in the law). Village proximity to each other was also considered for efficiency of the project. Therefore, in essence, the project was expected to run quite smoothly and faster given the choice of villages of villages. Village's statistics at the time of the project are given in *Table 1*.

Table 1: Handeni Pilot Project: Villages Statistics in 2006

S/No.	Village	Number of hamlets	Number of households	Men	Women	Total
1	Sindeni	10	657	2,704	2,702	5,406
2	Kweisasu	9	355	797	802	1,600
3	Kwamkono	9	562	1,892	2,244	4,136
4	Mzeri	10	1,044	2,003	2,110	4,113
5	Mbuyuni	5	504	1,305	1,392	2,697
6	Nkale	5	314	500	587	1,087
7	Bongi	6	220	559	564	1,123
	Total	54	3,656	9,760	10,402	20,162

Source: PBFP, 2008.

The field research for this thesis is done in three villages - Mzeri, Sindeni and Mbagwi. Two of the villages (Mzeri and Sindeni) had already implemented the formalisation programme and the third one (Mbagwi) has not. Comparative demographic figures from the three villages are presented in *Table 2* below. The villages are typical of Tanzanian villages in terms of population size. However, Mzeri and Sindeni exhibit a rather unusual demographic change between 2006 and 2018, where the number of women increased at a faster rate than men. Mbagwi village, which has not undergone land formalisation does not exhibit such a drastic change. The unusual demographic change in the two formalised villages may be an indication of decreasing economic opportunities, which is forcing men to move to other places in search for other economic option, such as employment and business opportunities.

Table 2: Mzeri, Sindeni and Mbagwi Villages' Statistics in 2006 and 2018

Village →	Sindeni			Mzeri			Mbagwi		
	2006	2018	Percentage change (%)	2006	2018	Percentage change (%)	2006	2018	Percentage change (%)
No. of hamlets	10	11		10	10		5	5	
No. of h/holds	957	1,053		1,044	1,180		504	839	
Men	2,704	3,488	29	2,003	2,564	28	1,305	1,592	22
Women	2,702	3,648	35	2,110	2,891	37	1,392	1,740	25
Total population	5,406	7,136	32	4,113	5,455	33	2,697	3,332	24

Source: PBFP, 2008, respective VEOs and author computation.

As per the national Land Policy and the Village Land Act No. 5, the formalisation of village land rights is accompanied by a number of necessary activities and steps, depending on the situation of a particular village or district. In Handeni district the exercise began with surveying and adjudicating village boundaries and issuance of Certificate of Village Land (CVL). Summary of the land rights formalisation process in Handeni is presented in *Figure 3*. Knowing how the program was implemented is necessary to understand its ramification in the livelihoods of the rural population. The processes that have significant impact on the rural livelihoods include: 1) the demarcation of village boundary, 2) the creation of land use plans; 3) the issuance of Certificates of Customary Right of Occupancy (CCRO); 4) the creation and administration of a land registry; and 5) the resources requirement for the program implementation. They are discussed below one after the other.

Figure 3: Summary of the process for land rights formalisation in Handeni

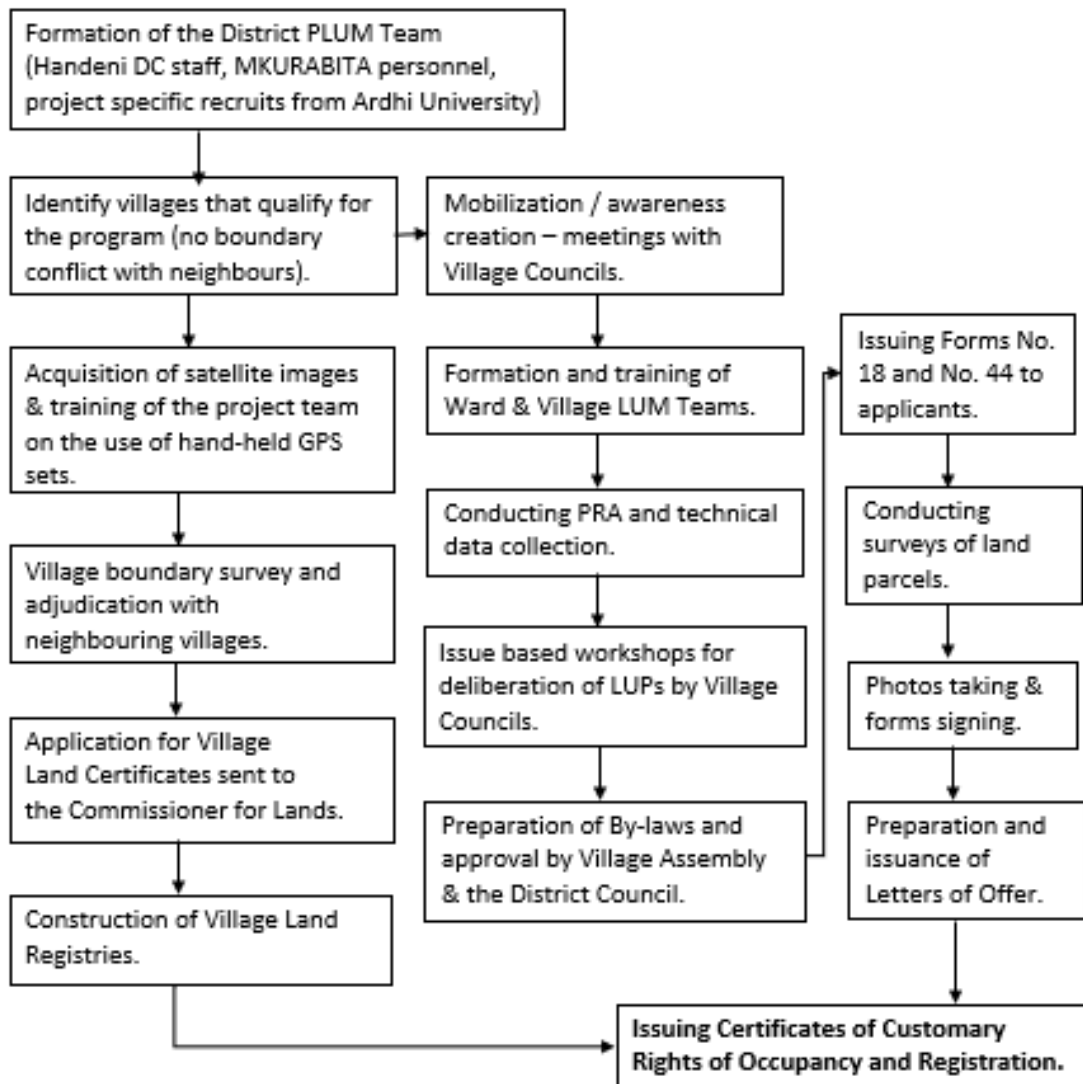
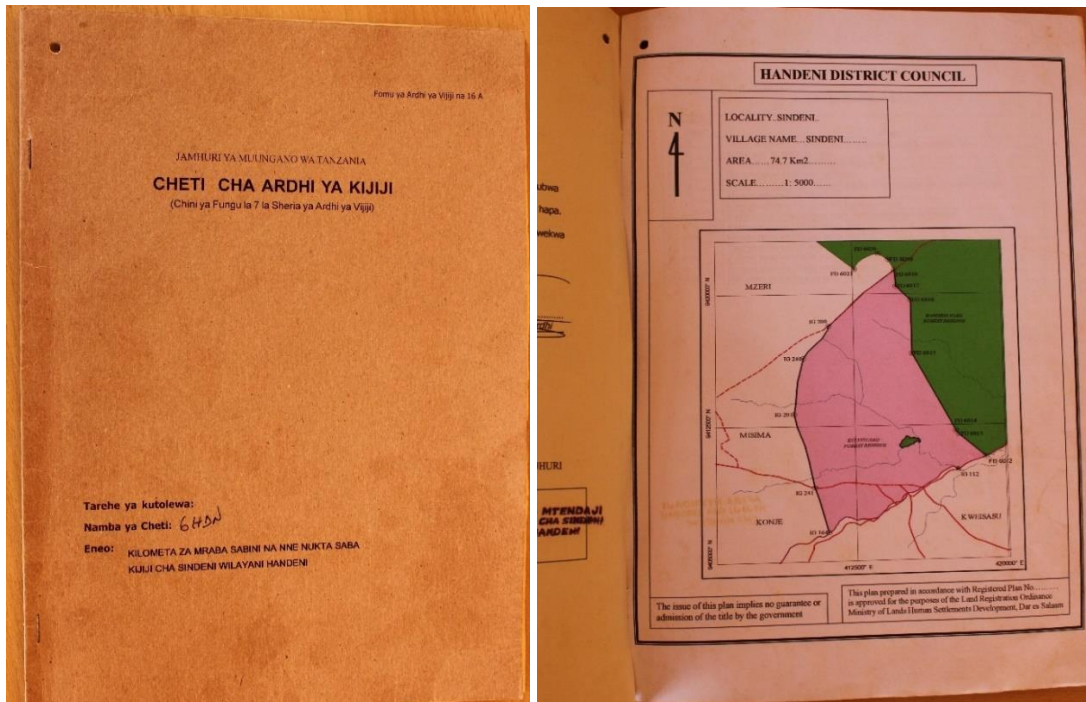


Diagram prepared by author based on the Land Policy, Village Land Act, and program implementation documents. For the abbreviations refer to the List of Abbreviations above.

Surveying and demarcation of village boundary

The surveying of village boundaries and the subsequent issuance of the Certificate of Village Land (CVL), firmly establish the extent of each village's lands, and are a prerequisite for all other VLA implementation activities, see *Image 1*.

Image 1: Sindeni Village Land Certificate



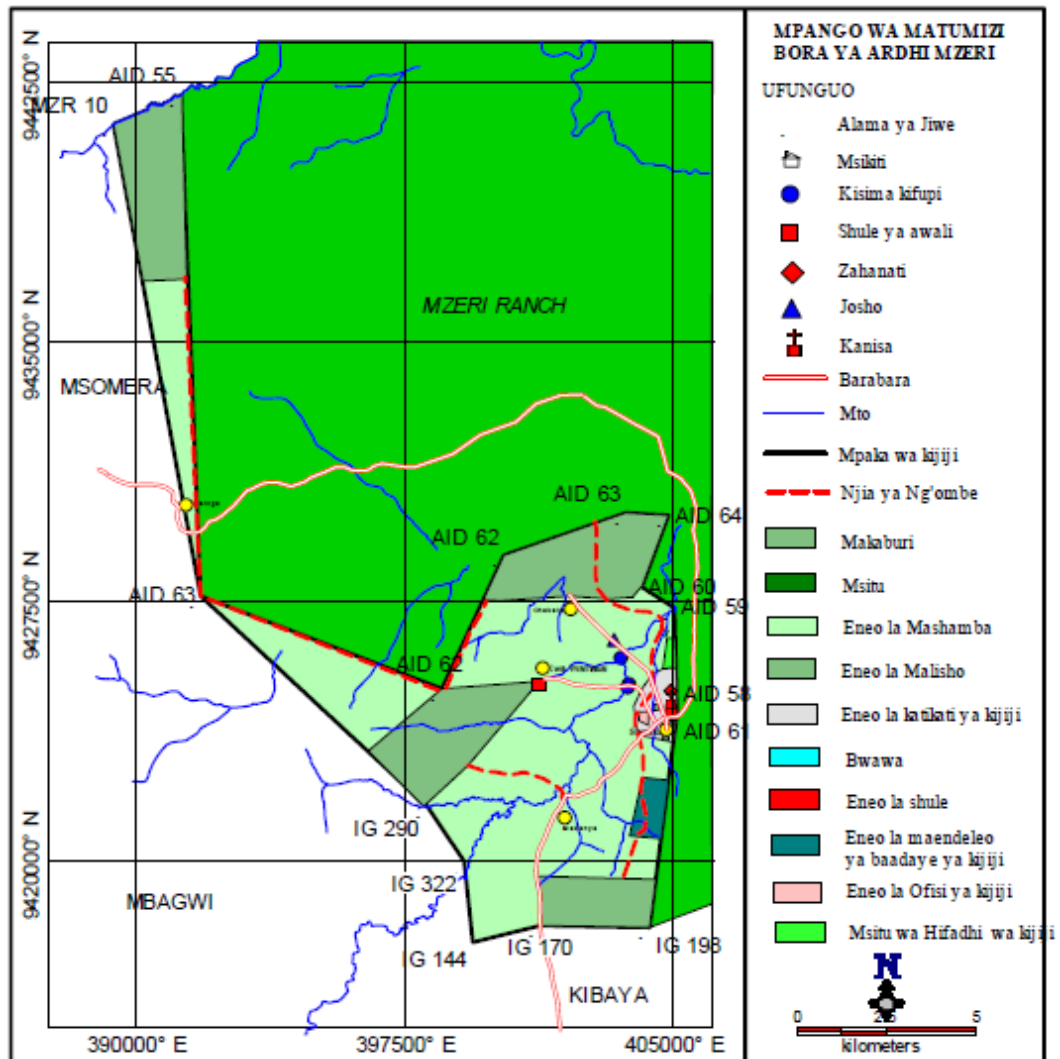
Left: Cover. Right: Map showing surveyed village boundary.

Source: Sindeni Village Office

According to the information I obtained from the Handeni District Officer (DLO), the surveying of the village boundaries for the project took longer (up to twice) than the time earmarked, mainly due to the size of the villages, the terrain and weather. While the VLA provides for sensitive handling of inter-village disputes, including allowing for joint village management of shared resources, in practice land is divided between villages with no overlap. This process is paradoxically strengthening village tenure and mitigating some inter-village boundary conflicts in some cases, while exacerbating or even creating conflict in others.

For example, formalisation is accused of fomenting boundary conflicts between three formalised villages, first is Mzeri village and the Mzeri National Ranching Company Limited (Mzeri NARCO); second is between Bongi and Nkale Ranch; the third is between Nkale and Nkale Ranch, see *Map 4 and Map 5*.

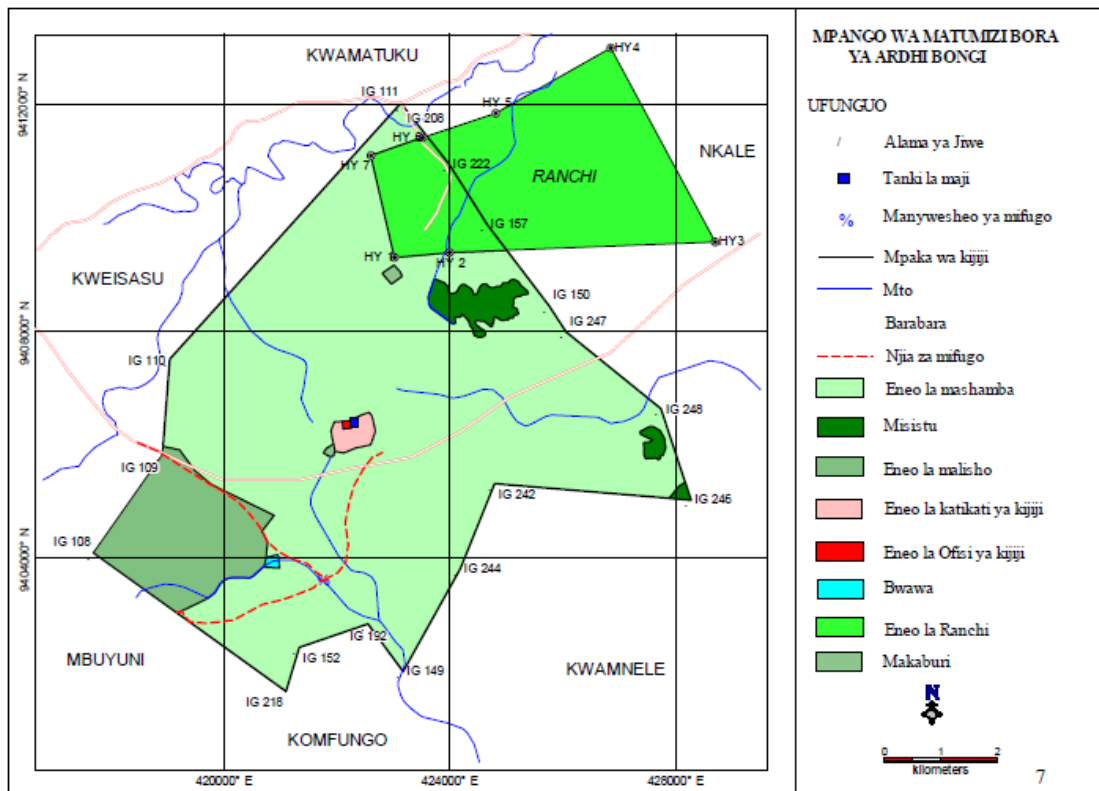
Map 4: Mzeri Village: Land Use Plan



Mzeri Village's land use plan, showing Mzeri ranch occupying about three times the size of the village, and yet there could not be a concession of few square meters of land for the villagers.

Source: *Mzeri Certificate of Village Land.*

Map 5: Bongi Village: Land Use Plan



Map 5: Bongi Village’s land use plan, showing a disputed land between the village and Nkale ranch.

Source: Bongi’s Certificate of Village Land.

NARCO has been undergoing divestiture since the dawn of the privatisation policies, where many of its farms are being sub-divided and sold to individuals or private entities. When these conflicts emerged, the government decided in favour of NARCO, citing the Certificate of Right of Occupancy that the company possess. This is despite the villagers having been using the land for many years uninterrupted. One villager in her late 60s said “*mimi nimezaliwa hapa kijijini, nimekuwa na kuoelwa, nimepata watoto na wajukuu, na muda wote tumekuwa tukitumia hilo shamba, iweje leo tufukuzwe?*” (I was born and grew up in this village, got married, have children and grandchildren in this same village while using the farm; where was the government and why evict us now?).

Many Mzeri villagers interviewed have deep reservations on the issue, some commenting in a sense of desperation “*mwenye nguvu mpishe*” (let the strong man pass), meaning that the villagers cannot win the land case against the ranch, because of the ranch’s financial power. Others said “*tumeshikwa na mshangao serikali kuuzia matajiri kijiji chetu*” (we are simply stunned for the government to sell our village), or “*siku hizi serikali inajali wenye pesa tu*” (the government only cares for rich people). This development is not only surprising, but it is actually against the Village Land Act No. 5 of 1999, Section 57, which states the principles of adjudication to include if “a person is and has been or his predecessor in title was in peaceable, open and uninterrupted occupation of village land under customary law for not less than twelve years, shall determine that person to be entitled to a customary right of occupancy” (VLA, 1999: 69).

The Village Land Use Plan

Once a village has been issued its Certificate of Village Land (CVL), but before individual parcels can be titled, land that falls within the village boundary is catalogued by land use, and land use plans are created, see *Image 2*. In each village, people from each hamlet within the village participate in planning, including village council members and other selected villagers. According to DLO, this took considerable time and resources due to contestation over land allocation for different activities. He contends that “urging people to change some practices they have done for many years doesn’t happened like flipping a switch, it requires time and effort”.

Image 2: Sindeni Village Land Use Plan

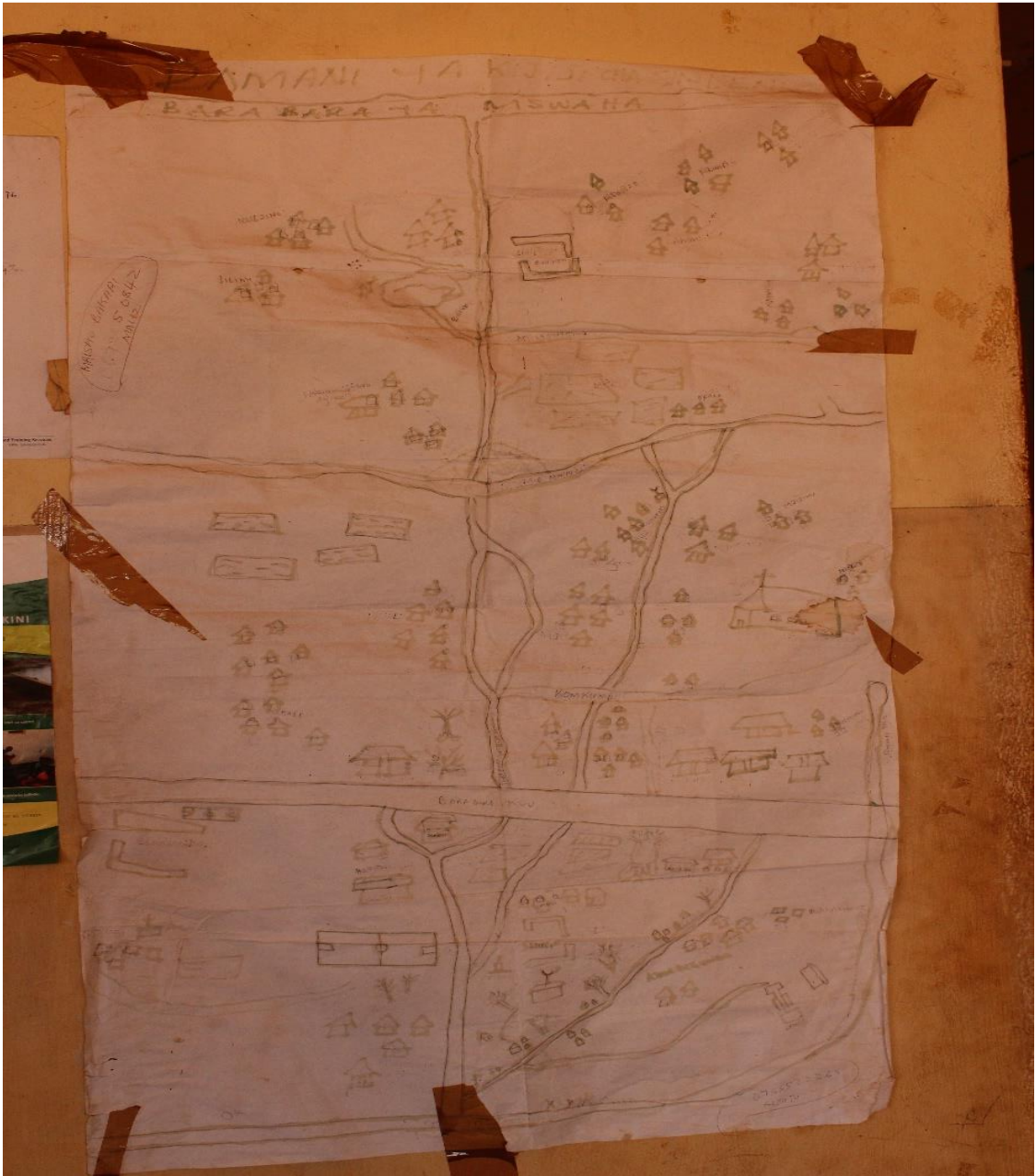


Image of Sindeni Village Land Use Plan (draft) displayed on the wall of the village office. It was locally created by the VLUM team with assistance from the project officers, then adopted by Village General Assembly.

The purpose of this exercise, which takes anywhere from three days to a couple of weeks, is to create a map showing the current land use patterns and to create a second map delineating an ideal land use plan, with reserve lands (such as forest reserves), grazing lands, agricultural areas, village communal lands (including village institutions upon village lands, such as schools, market places and clinics), and the village centre all clearly mapped. Sometimes the land use plan is a mirror of the current land use map; other times they are very different.

Box 1: Vignette of the focus group interview in Mzeri village

Vignette: The Focus Group in Mzeri Village

During the field research I interviewed a 6-member Focus Group in Mzeri Village, *Image 3*. The group demonstrated a good understanding of the need to have a Land Use Plan, saying “*Mpango wa matumizi ya ardhi siyo kwaajili ya kuwapatia watu cheti tu, hapana. Inasaidia Kijiji kuweka mipango ya maendeleo, yaani ni wapi waweke shule au malisho*” (Land use plans are not supposed to be simply a means to the end of issuing CCROs. Instead, they are supposed to be a tool to assist the Village Council in planning development of the village, for example, in determining where to place new services such as schools, or where new grazing lands could be located).

However, the group had reservations on how the villagers were involved, especially on educating them about the need for the LUP. They said “*elimu ya huu mpango haijawafikia watu wengi, hivyo wengi hawatilii maanani hili jambo*”, (knowledge about the land use plan has not trickled down for the most part making others to pay lip-service only to these concepts). Further, the group added that “*wananchi wengine hawakufurahia huu mgawanyo mpya wa ardhi, hivyo hawajali kutunza misitu au mamlisho*” (other villagers, especially those who did not feel satisfied with the new plan do not care to protect the forest reserve, and to ensure that communal lands for grazing are maintained).

Furthermore, the group went on to claim that “*mipango yetu ya kimila ina mapungufu kidogo, lakini inasaidia kwani watu wanailewea vizuri, na njia za kushughulikia wakosaji ni rahisi*” (the old—customary—arrangements, though not perfect, worked better, as all villagers new them well, and the enforcement mechanism were easier to follow).

Image 3: The author with a 6-member focus group in Mzeri village



*Note: All ethical procedures for confidentiality were followed for publishing this picture.
Source: Author.*

I find that land use plans are being created as a necessary means to an end— individual parcel registration cannot be done until a land use plan is created. Further examination through interviews and visual observation reveals that neither of the two villages is actively engaged in applying the land use map for their village planning, which was the intended outcome. The recurring response from most individual interviews was that “land use plans were used to show compliance with national regulations but are not effectively being used”. Others went on to explain that, “people prefer to abide by the customary land use plans because they are familiar with and they are less restrictive”. Land systems therefore continues to follow pre-formalisation customary ownership patterns, predominantly. This situation is contributing to havoc in resource use when some villagers use the old system while others try to follow the new one. This, as will be discussed shortly, under *conflicts*

and resolution mechanism section, has been a recipe for new conflicts, especially between pastoralists and crop growers.

The granting of customary right of occupancy (CCRO)

After a successful creation of land use plan, accepted by Village Assembly and approved by the District Council, then it follows a process of granting the CCRO. Previously—before the new land policy came into force, village lands were not registered. Land users who wished to register their land applied through the Ministry of Lands, and their land reverted to ‘general land’ and out of the village domain if they were successful in the registration process. However, according to various interviews conducted, it is certain that almost no village residents attempted or at least succeeded to register their land through this process. Therefore, all village land was held under customary ownership systems.

Using the Village Land Act provisions, the Village Council granted to the user(s) through the issuance of a CCRO, land which is occupied or used by an individual, family or group under customary law, and land which may be made available for communal or individual occupation. However, before individuals can receive land titles, the rights to land within the village must be ascertained. This is done through a process of *adjudication*, which is the means of determining the existing rights and claims of people to the land. The Act provides for two forms of adjudication, *systematic* and *spot* adjudications¹⁵.

¹⁵ Spot adjudication is where, upon application by an individual village resident, the boundaries of just one farm plot is ascertained

Box 2: Vignette of the Adjudication of interest in land in Sindeni

Vignette: Adjudication of Interest in Land

Halima (not her real name), who lives in Sindeni village was very helpful in describing to me what real happened during the adjudication process. She has sharp memories—her account of events was corroborated with response from other interviewees; she is quite knowledgeable about the new land policy and the VLA; and she was involved—in different roles and capacities—in the formalisation process from the beginning to the end. For the sake of confidentiality, I will not give any further description or information about her.

Halima explained that *“ingawa hiyo Sheria in maelezo mengi, haina manufaa hapa, kwani wananchi hawajui”* (despite having quite detailed regulations regarding land adjudication in the Village Land Act is not of much use because most villagers do not understand its content). She went on to explain that *“hata wakisomewa wananchi, nani ana uwezo wa kukumbuka vitu mia anavyoambiwa kwa mdomo mara moja?”* (who would ever remember a hundred thing being told by mouth at the same time?). Further, she explained that there are few Swahili copies of the Act, leaflets or booklets that were prepared by NGOs to help villagers understand the new policy and the act, but they were so few that they were supposed to be left in the Village Office to be accessible by any villager who want to read. However, she continued to say that *“hatukuwa na ofisi ya kuweza kutunza chochote ndani”* (the village had no office that could be used to keep any material, so the VEO kept everything at their home).

Furthermore, Halima explained in detail how the adjudication process was marred by disputes. She contends that *“urasimishaji ardhi umeibua migogoro mipya ya mipya kila mahali”* (with formalisation new boundary disputes have become rampant). Further she explained how the definition of land user (based upon length of land use) was purposefully misunderstood so as to exclude people of non-indigenous ethnic groups, even when such people might have been resident for more than a generation, *“hasa kwa ndugu zetu Wamasai”* (especially for the people of Maasai ethnic group). Additionally, “customary” was taken to mean “where your fore-fathers lived”, and thus some people were claiming land they had not used for generations, and which was being used by others, because their ancestors had once lived there or were buried there. She concluded that there are incidences of *“watu kutengeneza makaburi ya uwongo”* (people trying to fabricate graveyard, just to be able to justify claim over a certain land parcel).

The Handeni project deployed the systematic adjudication, where each farm plot in the village was painstakingly visited, with the boundaries of each plot being drawn (usually upon an aerial photograph or satellite image) until the entire village was complete. The District Land Officer told me that “the systematic adjudication was feasible because the project was awash with resources (personnel, equipment and funds). Resources required and used are discussed in the *Project Resources* section below.

Following successful adjudication process, the landowner submits a signed application to the Village Council, who must determine whether to grant the CCRO within 90 days. When the Village Council determines to grant a CCRO, it delivers to the applicant an offer in writing, called *Letter of Offer*¹⁶; the applicant has 90 days to accept or refuse the offer in writing. However, in my interview with a senior MKURABITA official, he told me that letter of offer requirement is one of things they have recommended to the government to be removed from the Act, because “it is an unjustified bureaucratic step that accomplishes nothing”.

Acceptance of the offer is conditional upon payment of the required fee¹⁷. For the Handeni project, no fees were charged because the project was full funded by the government and donors. Section 28 of the VLA states in part that “The village council may require the payment of an annual rent”. However, according to Mzeri and Sindeni VEOs, General Assembly in both villages “voted unanimously to reject introduction of land rent payment”. Finally, the Village Council issues a CCRO to the applicant, signed by the chairman and secretary of the Village Council, by the

¹⁶ Pursuant to Section 24 of the Village Land Act.

¹⁷ Pursuant to Section 26 of the Village Land Act.

applicant/grantee, and signed, sealed and registered by the District Land Officer. The VEOs explained that three copies of the CCRO are made, the “original” for the grantee, one to the village land registry and the other one to the district land registry. Statistics of the applications and surveyed land parcels for the village in Handeni project is contained in *Table 3* below.

Table 3: Summary of land parcels surveyed by 31/3/2007

S/N	Village Name	Total Applications	Passed	Objected	Farms Surveyed
1	Bongi	198	191	4	144
2	Kwamkono	386	334	11	145
3	Kweisasu	255	227	4	160
4	Mbuyuni	408	373	15	168
5	Mzeri	559	506	12	385
6	Nkale	302	283	4	119
7	Sindeni	410	392	26	202
	TOTAL	2,518	2,306	76	1,323

Source: PBF, 2007 (The highlight is author's addition)

During the field research I interviewed an 8-member Focus Group in Sindeni Village, who seemed quite knowledgeable about the land formalisation process, and were also good at reciting advantages of program. Surprisingly, only five of them had actually gotten the Certificates of Customary Rights of Occupancy (CCRO). The other three, had completed the entire procedure (including their land parcels being surveyed, their photos taken, signing documents), but had not followed up to obtain their certificates. They claimed that “*hata hao waliokwishapata hivyo vyeti hawajapata faida yeyote, hivyo sioni sababu za kuingia gharama kufatilia*” (they did not see any benefits of the CCROs to those who possess them already, and besides

that it will cost them time and money to make follow up). Others said that “*hiyo ni janja ya serikali, wote tukishachukua wataanza kudai kodi ya ardhi*” (there is trick, when all have been issued with the certificates, the government will start demanding land rents).

The Village Land Registry

Prior to the VLA, only land in the “general land” classification was registered, upon application to do so, and a registry was kept at the national level. A senior official at the Ministry of Lands explained to me the rationale to establish village land registry, saying “the national land registry was centralized, difficult and costly to access”. Under the VLA, land registration is decentralized to local authorities, with the district land registry as the primary land registry and first point of entry, with duplication at the village level, with a village land registry managed by the Village Executive Officer on behalf of the Village Council. A MKURABITA senior official informed me that all villages in the Handeni project had to construct new buildings to house the Village Land Registry, since none of them had a building that could even be modified to become a registry, see *Image 4*. He went on to say that “according to our investigation, this would be the case for almost all of about 12,000 villages in the country”.

Image 4: Sindeni Village Office building



Image of Sindeni Village Office building constructed during MKURABITA project. It has a meeting hall and three other rooms—Village Chairman office, VEO office and the Village Land Registry.

Source: Author

According to MKURABITA senior official, construction of the VLR was planned to be a tripartite (District Council, Village, and MKURABITA) effort. The responsible village contributed by providing sand, stones, pay the mason, and the villagers participate in doing the works like digging the foundation trench, toilet pit, fetching water, and so forth. MKURABITA provided building materials like cement, iron bars, timber, iron sheets, nails, doors/windows frames & shutters, and fuel for transporting the building materials. The District Council provided a truck for transporting the building materials, and the District Engineer would be the main supervisor of the construction activities to ensure progress and quality of work.

The officer explained some problems that delayed the construction exercise, including failure of the District Council to provide truck to transport building materials, necessitating the project to seek authorisation to hire trucks. However, the work still continued at a low speed due to construction activities coinciding with the farming season. As such villagers were busy preparing their farms for sowing and therefore had little time for the construction activities. Another problem experienced was bad weather. When construction activity resumed it collided with heavy rains season, which contributed in hampered progress. These are good lessons if VLR construction in other villages is to be successful.

Project Resources

A senior MKURABITA officer informed me that the project to formalise land rights in Handeni was funded by Norway (via Norwegian People's Aid, NPA) and the World Bank, though he did not reveal the exact amount of money spent. However, examining what was done and how, one could easily categorise the project as being quiet well funded. This sentiment is echoed by the District Land Officer who said, "since I started working about 20 years ago, MKURABITA in Handeni is one of few very well funded projects I have ever seen".

Human resources: Interviews and examination of project implementation documents reveal that quite a sizable number of people were fully engaged in facilitating the activities of the pilot project, including: A) MKURABITA: 2 Programme Officers who coordinated the project, occasionally alternating; 10 UCLAS¹⁸ graduates hired by MKURABITA; 2 drivers. B) Handeni District Council: 9 members of staff (6 from the lands Department, 1 each from the Forestry, Bee Keeping

¹⁸ UCLAS stands for University College of Lands and Architectural Studies (now Ardhi University).

and Community Development Departments); C) Civil Society: 1 from TAPHGO, 1 from Legal and Human Rights Centre, and 1 driver from NPA; D) Village and Ward Executive Officers and other ward level extension staff were also involved.

Equipment resources: A) 3 cars (2 from MKURABITA and 1 from NPA supported the team); 2 laptops with GIS software; and 20 hand-held GPS units; areal maps; concrete beacons for marking village boundaries.

Fund resources: The exact amount of cash spend is not available, however the project financed building 7 new building in the seven villages where the project was implemented; paid per diem allowances for about 25 people for almost three months; and met the running costs of the vehicles.

I contend that this is a huge amount of resources for a project in only 7 villages. The question is what would be the price tag for extending the project to about 11,000 villages around the country?

Implications of the program on rural social organisation

The research sought to explore how customary social organisation—a particular pattern of relationships between and among individuals and groups, based on a land ownership system, has been altered and their possible effects on rural livelihoods. I first present part of a brief evocative focus group interview in Sindeni village. Then, I discuss elements of social organisation, that are key for the rural livelihoods

Box 3: Vignette: The Focus Group in Sindeni Village

Vignette: The Focus Group in Sindeni Village

During the field research I interviewed an 8-member Focus Group in Sindeni Village, *Image 5*. The group seemed quite knowledgeable about what went on during the formalisation process, as some of them took part in the implementation of different activities of the program. This includes two of them who were part of Participatory Land Use Management (PLUM) teams at both ward and village levels, one was trained in the use of hand-held GPS for survey of land parcels. All of them were involved in the construction of their village's land registry at different capacities. They also have a good grasp of the customary land systems.

The group discussed how villagers' access to, and use of land, have changed, saying "*kwa hii sheria ya sasa kila familia inabaki kwenye kishemu chake tu, ukikanyaga kwingine unafungwa*" (with the new law, every household must only use small allocated parcels, stepping in any other land leads to a jail time). They explained how this is totally different from the customary system where people shared land in many different ways, saying "*zamani wafugaji waliweza kuchunga mifugo kwenye mashamba baada ya mavuno, sasa hata ng'ombe akiingia shambani kwa bahati mbaya, unapigwa faini*" (previously pastoralists could feed their cattle in the farms after harvesting is over, but now if a cow enters someone's farm, even accidentally the owner will be heavily fined). Further, they explained that this new type of relationship has led to less collaboration in many other areas for example "food sharing habit is almost gone". They said that now people have prioritised selling any excess food even if they know their neighbour is starving ("*watu wanauza chakula chote hata kama anaona jirani yake ana njaa*").

They went on to explain that this individualistic habit that is taking root in their village is even eliminating how people used to share labour in performing different production and even social activities. "A farm owner would invite people to come work in his field while sharing local brew and food that he has prepared, but now every household works on their own".

Image 5: Author with a focus group in Sindeni village



Note: All ethical procedures for confidentiality were followed, as a result 2 members (ladies) opted to be out of the picture, saying they were not well dressed.

Source: Author

Cooperation and reciprocity

The account presented in the vignette of the focus group interview in Sindeni village is echoed by almost all other individual interviewees in both Mzeri and Sindeni villages. The interviewees in both villages explained that under customary system people cooperated on many issues and for various reasons. For example, cooperating on farm labour gave them opportunity to also cooperate on hunting which maximises their hunting success, increased the hunters security in the bush, and it was also economical to share when they hunted a big animal (*“wakilima pamoja, wanawinda pamoja na hiyo in faida kwani wakiwa wengi kuna uwezekano mkubwa kwa kumpata mnyama, inawaongezea usalama huko porini na nyama ikiwa nyingi*

wanagawana”). They lamented that nowadays each household is individually working on their own land parcels with the aim of selling the produce to make money, because they were convinced that that is how to acquire wealth, (“*siku hizi kila mtu analima kivyake ili akauze, ajiipatie hela, maana tuliambiwa ndiyo njia ya kupata utajiri*”).

The individualistic behavior that is reported to be taking root in the two villages is also reflected in how the norm of reciprocity among villagers is vanishing. The tendency of households in the village helping each other during disaster or times of need through various forms is reported to be declining. For example, Asha (not her real name) of Mzeri village said she had to go to a far village to ask for food from a relative when she had a bad crop last year (2017). She argued that, had it been before land formalisation, other villagers or neighbours would have shared with her their produce, but they all rushed to sell all of it (“*kabla ya huu urasimishaji watu tulisaidiana wakati wa shida, lakini sasa hakuna mtu anamjali mwenye shida*”).

According to the sustainable livelihoods approach, cooperation and reciprocity which are part of social capital arises from collective expectations, obligations and trust among a group of people. When the collective bond is broken, the expectations are not met, or trust is lost the social capital weakens or breaks down.

Social capital is central in how rural population construct their livelihoods and it includes norms in social affiliations such as eschewing selfishness in favour of actions that benefit all the members of the group. However, with the formalisation assigning exclusive rights to land parcels, most interviewees reported declining sense of social affiliation among villagers, saying people care only about their individual parcels, and much less about any common resource left after the adopting the new land use plan (“*watu wanahangaikia kulinda mashamba yao binafsi, hawajali tena kulinda misitu au vyanzo vya maji kama zamani*”). Further, granting exclusive rights

to land parcels has eliminated another important element of social organisation, that is the flexibility to accommodate multiple rights to different land resources. Both Mzeri and Sindeni interviewees expressed inability of land to have multiple use or users following strict land use plans and issuance of exclusive land titles.

Access to and use of land

Introduction of formal titling in the rural areas was described in the land policy and programme documents as the key to providing small-scale farmers with security of tenure. Prior to the introduction of the formalisation programme in the villages of Mzeri and Sindeni, access and use of land was based on customary systems by which villagers owned land that they were able to use. Given prevalent use of the hand hoe and poor access to agricultural inputs, most households cultivated an average of 3 acres according to the Village Executive Officers (VEO) of the three villages covered in the field research. Vast majority of land remained uncultivated and were in the auspices of the Village Council. This reserve land could be allocated by the Village Council to any villager who requires land but also fulfills village requirements. One of the common requirements is not to sell the land.

Handeni is hailed as one of areas with fertile land and is also one of sparsely populated districts in the country, with the average population density of about 30 people per square kilometer (NBS, 2012). Hence the formalisation exercise envisaged the possibility of unlocking the land potential for boosting economic growth, and economic opportunities for villagers.

Vignette: The Focus Group in Sindeni Village ... *continued*

A continuation of my interview with an 8-member Focus Group in Sindeni Village, see *Figure 9* above, is presented here, with a focus on changes in the access and use of land.

The group explained that during mobilisation phase of the project they were told that one important advantage of land formalisation is security of tenure. However, they feel that that process was taken advantage of by few local elites who managed to grab big pieces of land that should have been left under the auspices of the Village Council (*“wajanja wachache walijichukulia ardhi kubwa wakati wa upimaji, ardhi ambayo ingetakiwa itunzwe na Kijiji kwa matumizi ya baadaye”*).

The group lamented that most villagers have developed too much appetite for land, whether they are able to use it or not. They associate this to the formalisation “motto”, that said “land is wealth” (*ardhi ni mali*), which they claim was being used during the mobilisation phase. We were told that, “land would get us out of poverty as long as we can prove that we have exclusive ownership rights”, and now everyone is interested in having as much of it as they can.

Further, they explained that there are orders coming from the central government requiring land to be set aside (Land Bank) for big investments. This requirement seems to bother all group members because they claim they are not informed how they will benefit from such investment and whether that land would ever come back to be used by the villagers.

Although the group still has some glimpse of hope that titling of their land might actually lead to increased tenure security, they were still bothered by the strictness of land use plans. They claim that the restriction associated with these LUP, limits possibility of diversifying rural livelihoods. For example, “we are not allowed to use the forest for their regular needs as we used to do” (*haturuhusiwi kupata mahitaji yetu ya kawaida kama tulivyozea*).

Box 4: The vignette of the focus group interview in Sindeni village, continued...

However, the implementation of the formalisation programmes in these villages in effect mobilized and inculcated the spirit of individualism that had never been experienced before, especially with regard to land ownership. From the focus

group interviews in Sindeni and Mzeri Villages, it was explained that villagers decided to subdivide and obtained private titles for almost all uncultivated land that was under the village domain. There was no formal arrangement on how to subdivide the land, giving room to few elites including few villagers who were quick to grab the uncultivated land and claim to be legal owners. Other elites included non-villagers such as businesspeople and civil servants. Many villagers who were not quick to act or learn about the exercise were left with small pieces of land. Thus, land ownership in these villages has become highly unequal where some households are reported to having less than 3 acres while few have over 20 acres, regardless of the household size¹⁹, see *Table 4* below. This concentration of land ownership is being aggravated by increasing sale of land as formalisation has invigorated land market in these villages.

Table 4: Land Ownership Before and After Formalisation (before 2006 vs in 2018)

Village →	Sindeni: 19 interviewees		Mzeri: 25 interviewees		Mbagwi: 27 interviewees	
	Before 2006	In 2018	Before 2006	In 2018	Before 2006	In 2018
less than 3 acres	7	10	8	13	10	9
3 to 5 acres	6	2	7	3	7	8
6 to 10 acres	3	2	5	3	5	4
11 to 20 acres	2	2	3	2	2	3
More than 20 acres	1	3	2	4	3	3
No. of h/holds	19	19	25	25	27	27

Source: Compiled by author based on field interviews

¹⁹ Average household size is 4.7 (Handeni, 2012)

Alongside land concentration, new actors have arrived to grab land. Specifically, the new actors are of two types: first is a group of pastoralists from other parts of the country who have invaded these villages in thousands. According to the VEO of these villages these pastoralists use various techniques to get access to land in the villages, some buy few acres of land and then keep expanding the areas in dubious ways including violence. Mzeri village with a population of about 5,000 people estimates that about 200 pastoralists with over 3,000 cattle have entered their village. There are no accurate figures of the newcomers because they do not follow proper procedure of moving to a new village, which includes first reporting and seeking permission from the village authority. Further, the nature of these pastoralists is not to establish a permanent residence, hence compounding the difficulty of knowing their exact number. This migration phenomenon has created tension in the village between the newcomers and original villagers at times reaching a level of fighting. In my interviews with the District Land Officer and District Agriculture Officer, they both admitted knowing the problem, saying a Task Force has been created to work on the issue.

A second group of actors are commercial farmers who also easily buy land from villagers who acquired huge amounts of land during the initial stages of formalisation. There are also some villagers with small pieces of land who sell due to economic stress or other reasons, as witnessed by Hassan (not his real name) of Mzeri, who decided to sell his 3 acres farm to get capital for establishing a business.

The story of Hassan is heartbreaking because he only had those 3 acres and another almost an acre located a few meters away, where he lives with his family of 5 people. He used the money from selling the farm to start a maize business. He would buy maize in bulk at his village, transport and sell it in the surrounding urban centres.

Hassan says “business was good only in the first year, after that I lost all the money because my maize consignment got rotten. There was a problem transporting it to the markets because roads had been destroyed by heavy rain, and I did not have a good storage, so the rain damaged the maize. As I speak, I still owe some farmers money for the maize that I had not paid”. Hassan declares himself now a landless, because the less than an acre plot that his family lives on is not enough to feed his family. “*Sasa nimebaki kutafuta vibarua tu hapa na pale ili kulisha familia*” (I now work in other people’s farms to earn a living), see *Image 5*.

Image 5: Lands for sale in Handeni



Images showing that land sell is rife in Mzeri and Sindeni villages. None was found in Mbagwi village. Top frame translates to “THIS FARM IS ON SALE, 3.5 ACRES”. Bottom left: “BIG LAND FOR SALE SINDENI [VILLAGE]”. Bottom right: Farm on sale, the owner did not want his sale sign photographed. Source: The author took these pictures while in the field.

Hassan’s case is not a common occurrence in these villages yet, but it is an indication of a looming problem, as the VEO of Mzeri village explained to me that now selling land has become much easier, which may tempt many villagers to sell

their land parcel and that will cause serious poverty issues, (*“kuuza ardhi kumekuwa rahisi sana sasa, hivyo kuna hatari watu wengi watadanganyika na kuuza mashamba yao na hiyo italeta umaskini mkubwa hapa kijijini”*). So, the argument that formal title ensures security of tenure, must necessarily be met with a question ‘security for whom?’ Formalisation advocates celebrate the promise of ‘lifting the bell jar’ to enable inclusion of poor people into formal property systems so much that they fail to acknowledge that there are negative distributional consequences involved. Any redefinition of property rights produces winners and losers (Hunt 2004: 188; Manders 2004). Apart from people who lose their lands permanently through selling or other ways, the villagers in general have permanently lost the land that was reserved for use, especially by expanding population or to expand the cultivated land, and also for fallow use, because most of the village reserve land has been titled to individuals.

There are clear indications in these villages that there is increasingly less land to cultivate per household because most of the village reserve land has been awarded to individuals, thus expanding families have no other option except to subdivide the small land parcels that they own. The motto of the Land Policy, Land Act and the formalisation programmes is that “land has value” which is encouraging few villagers to hoard land—a very different scenario from the land ownership under customary system. Therefore, the harsh reality about land formalisation in Mzeri and Sindenii villages is that it has resulted into unprecedented dynamics of subtle land grab and land concentration. The customary system that ensured villagers had permanent access to and use of land is been destroyed.

Effects of the program on agriculture

The research sought information on changes in agriculture in order to demonstrate how both small scale farmers' sources of income and rural population's food security have been affected. Small-scale farming is an indispensable economic activity for the majority of rural population in Handeni. The Handeni District Council reports in their Investment Profile that "The district economy and livelihood are based on natural resources. Agriculture is the main source of livelihood and employs about 98% of the population" (Handeni, 2015:15). Therefore, any changes in agriculture for any reason must have a profound effect on rural livelihoods. In this section I discuss field research findings of effects on agriculture associated with formalisation program in Mzeri and Sindeni villages.

Capacity to earn revenue

Households in Sindeni and Mzeri are involved in a variety of economic activities, as part of complex livelihood strategies. Income generating activities include both agriculture and non-agricultural activities. Nevertheless, agricultural sources of income remain critically important for almost all households in these villages, as the district authority admits this saying, "agriculture is the main source of livelihood and employs about 98% of the population" (Handeni, 2015:15). Therefore, availability of land for agriculture is crucial for sustainable livelihoods in the rural areas.

To understand how land formalization is affecting revenue earning capacity, the research identified seven basic categories of income in the rural space upon which to probe, these include: (1) crop production; (2) livestock production; (3) agricultural wage employment, (4) non-agricultural wage employment; (5) non-agricultural self-

employment; (6) transfer; and (7) other. As found out above under the section titled *Access to and use of land*, that land formalisation in Mzeri and Sindeni villages has resulted into increasingly less land to cultivate per household. Crop production per household has decreased because the families have expanded while the cultivation area has decreased or at best remained the same, see *Table 5*. Mbagwi village which has not undergone land formalisation process, reveals a different scenario, where the land under cash crop cultivation has been increasing with population growth, implying that expanding households have access to ‘new’ land.

Table 5: Estimated Population & Land Area (Acres) under Cultivation: 2010-2018

	Sindeni			Mzeri			Mbagwi		
	Popul- ation	Cash crops	Food crops	Popul- ation	Cash crops	Food crops	Popul- ation	Cash crops	Food crops
2000/2001	4,485	170	2,073	3,472	132	1,604	2,362	90	1,181
2001/2002	4,634	170	2,147	3,603	132	1,669	2,412	91	1,206
2002/2003	4,772	180	2,206	3,721	140	1,720	2,482	94	1,241
2003/2004	4,926	180	2,283	3,851	141	1,785	2,538	96	1,269
2004/2005	5,083	188	2,354	3,976	147	1,841	2,589	98	1,295
2005/2006	5,253	188	2,439	4,101	147	1,904	2,639	100	1,320
2006/2007	5,406	190	2,513	4,113	145	1,912	2,697	102	1,349
2007/2008	5,559	210	2,500	4,235	163	1,937	2,755	104	1,377
2008/2009	5,729	210	2,500	4,360	165	1,965	2,805	106	1,402
2009/2010	5,886	210	2,529	4,485	165	1,991	2,856	108	1,428
2010/2011	6,040	305	2,475	4,615	241	1,959	2,907	110	1,453
2011/2012	6,200	320	2,465	4,733	254	1,956	2,967	112	1,483
2012/2013	6,352	305	2,505	4,864	242	1,983	3,022	115	1,511
2013/2014	6,519	305	2,495	4,974	240	1,965	3,085	117	1,542
2014/2015	6,681	330	2,505	5,094	265	2,015	3,155	120	1,577
2015/2016	6,821	-	-	5,220	-	-	3,208	-	-
2016/2017	6,991	-	-	5,337	-	-	3,270	-	-
2017/2018	7,136	-	-	5,455	-	-	3,332	-	-

Source: Handeni District Council, Agriculture Department. Note: area under cultivation is for a seasonal year (starting at 2000/2001), while population is for a calendar year starting at 2000. A dash (-) represent unavailable data.

Further lack of reserve land to enable practice of fallowing has resulted in rapid loss of soil fertility and therefore low crop yield. Majority (23/44), that is about 52% of households who I interviewed in Mzeri and Sindeni villages, reported that under customary systems they were able to practice natural fallow²⁰, but after formalisation, they are longer able to practice fallowing. Fallowing is a practice of resting land from cultivation, usually used for grazing or left to natural vegetation for a long period to restore soil fertility lost from growing crops. Interviews with villagers of Mbagwi, the third village included in the research, which has not implemented land formalization reveal that natural fallow is still being practiced. The VEO of Mbagwi village told me in the interview that “*ardhi ya mwananchi ikichoka Halmashauri inamkatia sehemu ingine alime kwa muda kabla ya kurudi kwenye ardhi yake*” (Village Council uses its reserve land to allocates parcels to new households or temporarily to villagers who want to fallow their land).

Livestock production increased tremendously in the two villages of Mzeri and Sindeni. There are no official data on how the livestock subsector is changing, but many interviewees in Sindeni and Mzeri villages told anecdotes about how pastoralists of the Maasai ethnic group has been in flowing into their villages, *see Image 6*. The VEO of Mzeri Village showed me areas with hundreds of cattle grazing, however the owners refused to talk to me.

²⁰ This is different from *improved fallow*, which is also land resting from cultivation, but the vegetation comprises planted and managed species of leguminous trees, shrubs and herbaceous cover crops.

Image 6: A Maasai boy with a herd of cattle in Mzeri village



Source: Author

The villagers explained that the sudden increase in livestock in these villages is a result of influx of people and cattle from other parts of the country, due to easiness of obtaining land in these formalised villages. The downside of the increased livestock production is that it does not benefit the original people of these villages as the cattle are owned by immigrant pastoralist communities. Not only has this taken up land used by these villagers, but also the newcomers are taking up cattle market that used to benefit these villagers. During my interviews many villagers have said to me that “kumekuwa na mapambano mengi kati ya hawa wafugaji na wenyeji” (*there has been several confrontations between these newcomers and villagers*). The Director of Handeni District Council confirmed to me that they are aware of the problems between pastoralists and crop growers, though he would not admit that they were newcomers. He said that they were working to solve the problem but would not go into details.

Commercial agriculture is still quite limited in Handeni, and so is the agricultural wage employment. Despite undertaking the formalisation programme in anticipation of boosting agriculture investment and production, there is hardly any noticeable agricultural investment so far. In many instances land hoarding practices have emerged in Mzeri and Sindeni villages, which limits the possibility of smallholder farmers expanding their farming land. As land resources and agricultural opportunities become limited there seem to be an increasing trend of villagers seeking non-agricultural wage employment. However, most of these types of employment are available outside the villages, and so there has been massive movement of family members—mostly youths—to town centres, mining areas, and construction sites for employment. Recent improvement in road transport—tarmac roads—connecting Handeni to Dar es Salaam (major commercial city), and Tanga (port city) is reported to facilitate the movement of employment seeking people, see *Image 7*.

The increased pace of non-agricultural wage employment among villagers is also reflected in the reported private transfers by a good number of respondents. They assert that monetisation of the economy coupled with decreasing agricultural income has made transfers one of central sources of income. There are also public transfers in various form—such as subsidised foods, subsidised agriculture inputs, and various fee waivers—which seems to be government effort to abate the ills of formalisation programmes. Few opportunities for non-agricultural self-employment are reported to be available in the villages; those existing mainly include trading, and construction jobs.

Image 7: Tarmac road connecting Handeni to a major highway



Source: Picture taken by the author, while in the field 2018. The tarmac road built immediately after the formalisation program, connects Handeni to the cities of Dar es Salaam, Tanga, Moshi and Arusha.

I aggregated the seven categories of income sources identified in the field research into two higher level groupings in my analysis: I distinguish between *agricultural* activities (1-crop, 2-livestock, and 3-agricultural wage income) and *non-agricultural* activities (4-non-agricultural wage, 5-non-agricultural self-employment, 6-transfer, and 7-other income). Capacity to earn revenue from agricultural activities is reported to be in constant decline due to shrinking land size per capita, and also due to immigrant pastoralists crowding out local livestock producers. Majority (31/44), that is 70% of all interviewees in Mzeri and Sindeni villages reported to feel poorer now than before formalisation was implemented, while only 9% said they felt richer after that before the formalisation. They explained that now they are not able to afford same amount of goods (including food and clothes) as they used to before the formalisation. Findings from Mbagwi village, which has not implemented the

formalization programmes is much better than Mzeri and Sindeni villages. Mbagwi still has reserve land that households can use to expand their agricultural activities, and also to a great extent they have managed to fend off immigrant pastoralists. In this village only a few interviewees (4/27), that is about 15% felt poorer, while over a half (15/27), that is 55% felt economically well-off after than before the formalisation implementation. Villagers in all the three villages reported to have much less control over capacity to earn revenues from non-agricultural activities, mainly citing lack of capital, distance from employment sites, lack of skills, and stiff competition as the stumbling blocks.

Agricultural (local food) production

Land under customary ownership systems is used, first and foremost, for food production for local consumption. This includes producing maize, beans, cassava, millet, coconuts, and vegetables, which form staple foods in all the three villages. Under the customary system priority was not only on production of food for local consumption but also on various food sharing schemes, which for example did not let a household suffer critical food shortage while others had excess. With the implementation of the formalisation programmes in Mzeri and Sindeni villages there are indications of creeping market-oriented production, and destruction of customary food sharing systems.

Majority (37/44), that is 84% of all interviewees in Mzeri and Sindeni villages reported they prefer to sell all produce and keep money, while in Mbagwi village only 44% (12/27) of the interviewees said they prefer to sell all produce and keep money. The programmes are gradually inculcating market fundamentalism and individualistic

ideas, which do not encourage food production for local consumption, let alone the customary food produce sharing tenet.

The formalisation programmes in the country were advertised as a strategy for reducing poverty by integrating customary land ownership systems into the modern market economy. It was declared that the programmes “mainly target [customary landowners] whose entry into the formal market economy will enhance their opportunities in using their assets to access capital and thus improve national economic growth and reduce individual household poverty” (MKURABITA, n. d.). Buying into this idea villagers in Mzeri and Sindeni reported focusing on producing agricultural products for selling. *Table 6* shows that from 2007/2008 (when Handeni project was completed) to 2014/2015, the population percentage change is 20 for both Mzeri and Sindeni and 15 for Mbagwi. In that same period, the interesting change happened in the two formalised villages, where area under cash crops production increased by 57 and 63 percentage changes respectively, while area under food crops production remained almost the same. In Mbagwi, areas for both cash and food crops production increase by the same size, 15 percentage increase.

Table 6: Estimated Population & Land Area (Acres) under Cultivation: 2010-2018

	Sindeni			Mzeri			Mbagwi		
	Popul- ation	Cash crops	Food crops	Popul- ation	Cash crops	Food crops	Popul- ation	Cash crops	Food crops
2007/2008	5,559	210	2,500	4,235	163	1,937	2,755	104	1,377
2014/2015	6,681	330	2,505	5,094	265	2,015	3,155	120	1,577
% change	20	57	0	20	63	4	15	15	15

Source: Extracted from Table 2 above.

This researcher witnessed several trucks lined up in the villages ready to ferry agricultural products to markets outside these two villages. I had impromptu interviews with the truck drivers (middlemen) who admitted that produce business in Handeni has increased, citing the willingness of the villagers to sell their products. Another truck driver told me that business is booming because of the recently constructed tarmac roads joining the main north trunk road, linking Handeni to the cities of Dar es salaam, Tanga and Moshi, (“*biashara imeimarika kwa sababu ya hizi barabara za lami*”). Village leaders admitted that increased business for agricultural products has in many instances caused food shortages in the villages because villagers are switching to producing products with high demand, and also selling food products without leaving enough for family consumption till next harvest.

The few big farms that have been established (or expanded) are engaged in the production of non-food products (timber, cotton), or food products (cattle ranch, mangoes, vegetables) for sale outside the villages. Further inquiry reveals that big farms do not sell any of their produce to the villagers because they do not consider them as viable market due to their low purchasing power. Villagers interviewed gave more or less the same explanation, saying that “big farms’ produce are expensive”, others said that “they have not been welcomed to buy”, yet others said, “they grow similar crops for their consumption”. I could not get interviews with the big farms, mainly because the owners do not live in the village and the workers who I met there said they were not authorised to speak, or that they did not know much about the farm’s operations.

Maintenance of peace and security (land and land related conflicts)

The most striking common factor among war-prone countries is their poverty— “the poorest one-sixth of humanity endures four-fifths of the world’s civil wars” (Randall, 2004: 43). The strong correlation between conflict and poverty includes deep inequality, unequal growth and the unequal distribution of resources. Inequality between groups is one of the foremost causes of violent conflict. Structurally, these may be related directly back to the allocation and distribution of resources, including the scarcity of land and the compromising of land tenure rights. Access to or distribution of properly managed, protected and controlled natural resources can augment livelihood strategies. While it is empirically difficult to demonstrate that either poverty or environmental factors, in and by themselves, are strong determinants of conflict, the ‘loss of livelihoods’ constitutes a missing link in explanations of current conflict patterns.

In Mzeri and Sindeni there are new and increasing conflicts between individuals and groups (mostly pastoralists and crop farmers) as a result of formalisation programme which gave exclusive land rights to individuals, eliminating various land sharing systems used under the customary system. Sindeni has experienced the worst violence, including torching of property, and killing of people as a result of fighting over rights to use land. This is in sharp contrast with what the formalisation programme envisioned and promised, that giving people government recognised title deeds would end any conflicts over land. Conflicts over land is also compounded by the influx of migrants who acquired huge pieces of land for investment thereby reducing land available for the villagers. One particular group of newcomers who have been reported to cause big trouble in these villages are pastoralists who arrived with multitude of herds that require big land for grazing.

Sindeni village has estimated that about 3,000 cattle have entered their village accompanied by their owners (pastoralists move as family), about 200 people.

Opportunities for livelihoods diversification

Livelihood diversification describes the process by which an individual or household takes on multiple income-generating activities. In other words, it occurs when people have more than one job or way of making money. Often, people diversify their incomes or livelihoods in order to make more money and gain stability in the face of unpredictable or reduced economies. Customary land ownership systems are reported to offer a wider latitude for the rural people to engage in multiple income-generating activities than the individualized property rights system established by the formalization programmes.

In the interview with a focus group in Sindeni Village, it was explained that “the formalization programme has eliminated the possibility of overlapping and interlocking claims and responsibilities over land” (*urasimishaji umeondoa uwezekano wa kushirikiana katika matumizi ya ardhi*). In Mzeri and Sindeni villages, 30% (13/44) households interviewed informed me that they used to practice mixed farming before formalisation but are no longer able to do that because of the exclusive rights given to people over land (“*huwezi ukachunga ngo’ mbe hapa kwenye maeneo ya mashamba tena*”). Even pastoralists in these villages accused the formalisation programmes for inculcating individualistic spirit among villagers, making it harder for them to graze their flock in the farms during offseason (“*haturuhusiwi kabisa kulisha mifugo yetu kwenye mashamba hata baada ya uvunaji kukamilika*”). Bushes and forests that had hitherto been used by villagers for different activities—such as gathering wild foods, traditional medicines, etc.—have been subdivided and given exclusive rights to individuals making it impossible for other villagers to use them.

Again, the increasing concentration of land and subsequently economic power into the hands of few wealth individuals in these villages is denying many peasants opportunities for diversification of income sources. Mzeri village interviewees told me that (at the beginning of the program few people who were well informed took advantage of the misinformed villagers and register most of the unused (reserve land) “*wajanja wachache walijinyakulia ardhi iliyokuwa ya ziada hapa kijijini*”). Thus, formalisation is facilitating crowding out of local peasants by enabling elites including some villagers, non-villagers (businesspeople and civil servants) and foreigners to own huge pieces of lands and using them to produce and sell similar products.

The hope of these large-scale farms to offer employment has not been realised as they are, to a large extent, mechanised. Any few jobs offered by these new large-scale farms are poorly remunerated. A worker in one of the orange farms in Sindeni village, who refused to identify himself to me, said “wages here are very small” (*mshahara hapa ni midogo sana*). The District Agricultural Officer (DAO) explained to me, saying that “most villagers do not have much skills and knowledge required in these entities; hence they end up not making good money”. That means they end up in casual, part-time and unskilled work, mainly because of their poor asset status (e.g. low human capital) and barriers to entry resulting from low assets (need for skills, ability to navigate bureaucratic hurdles, etc.). “Most of the skilled and semi-skilled jobs (such as tractor operators) have been outsourced from outside these villages”, DAO said.

“The much-touted possibility of accessing credit using the formalised land (the title deeds) has not been realised by any of my villagers”, the VEOs of both villages confirmed to me. Further, there is no single villager I interviewed who reported to

have been able to secure credit from any financial institution by using land (CCRO) as a collateral. Some villagers, although very few among those I interviewed, had actually tried to access loans from a bank, but all of them were unsuccessful. Some said, “bank conditions were too strict” (*masharti ya benki ni magumu mno*), another one said, “they didn’t listen to me, banks don’t care about small-scale farmers” (*hawakunijali, benki hazitaki wakulima wadogo*). With this background, I visited a local bank branch in Handeni, where I interviewed a Loan Officer. The officer informed me that most small-scale farmers were misinformed about how to access a bank loan. He said, “most of the villagers once they receive their CCROs they rush to the bank with the certificate in hand asking for a loan, and that is not how loan application process goes”. A sample of general loan conditions by banks in Tanzania is given in *Figure 9*. Unfortunately, *Image 8* is in Kiswahili, however it shows that out of 5 conditions listed, the one on mortgage is No. 4. Having worked in a bank myself, I know that in a loan application, collateral (such as the CCRO) would be in the fourth or fifth in a list of conditions to be fulfilled before a bank can consider someone for a loan.

Image 8: General Loan Conditions – From Banks in Tanzania

<https://www.kivuyo.com/masharti-muhimu-katika-kupata-mkopo-wa-benki/>

HOME BIASHARA NA UJASIRIAMALI + MIRADI YA KIJAMII + UONGOZI NA UTAWALA +
MAMBO MENGINE + MASUALA MTAMBUKA + MAWASILIANO

Masharti Tano (5) Muhimu Katika Kupata Mkopo wa Benki

Lemburis Kivuyo April 1, 2018 Kuanzisha Kampuni/Biashara, Kubuni Miradi, Mkopo, Ujasiriamali 18330

Benki ni mkopeshaji mkubwa na mgumu kwa mazingira ya Tanzania. Pamoja na hayo benki wana masharti maalumu ambazo nazo hutofautiana kulingana na nani anakopa, anaokopa kiasi gani na kwa ajili ya biashara ipi na soko lipi. Kila benki inaweza kuwa na videzo tofautotofauti. Mikopo mikubwa huambatana na masharti lukuki tofauti na mikopo midogo. Mikopo kwa watu wenye rekodi nzuri ya kulipa ni tofauti na mkopo kwa watu wenye rekodi mbaya au ambao ndio kwanza wanaomba mkopo kwa mara ya kwanza. Mkopo kwa watu maarufu au makampuni yenye majina ni tofauti kwa watu wasio maarufu au taasisi zisizo na majina NK.

Ebu tuangalie dondoo hizi hapa chini zitakazokusaidia kujua masharti muhimu ya mabenki:

- Je ni biashara mpya au inayoendelea?**
Biashara inayoendelea na yenye angalau miaka mitatu ina nafasi kubwa kuliko zile changa au mpya
- Aina ya biashara unayofanya**
Biashara za kuzalisha zinanafasi kubwa kuliko zile za huduma au uchuuzi
- Integrity (historia safi) ya mkopaji**
Historia safi ya mkopaji ya kukopa na kurudisha bila usumbufu inaongeza uwezekano mkubwa wa kupewa mkopo
- Dhamana na mdhamini wa mkopaji kama akishindwa kurudisha**
Kwa bahati mbaya mkopaji akishindwa kurudisha kwa namna yeyote ile mkopo, je kitu gani kitafidia huo mkopo ili benki wasipate hasara AU nani atasimama kama mdhamini ili yeye ndie ashikwe endapo mkopaji atashindwa kurudisha mkopo. Aina ya dhamana na mdhamini atakayekubaliwa na benki itasaidia wewe kupata mkopo
- Mchanganuo wa Biashara**
Mchanganuo wa biashara wenye kuonyesha mchanganuo wa kisekta, ushindani, uzalishaji, uongozi/utawala, masoko na mambo ya fedha (kwenye fedha hasa mtaji utakaohitajika, makisio ya mauzo, gharama, na faida. pia makisio ya balance sheet na cashflow itatakiwa pamoja na uwiano wa sehemu muhimu za biashara kama uwiano wa mauzo na matumizi, mauzo na mishahara, mauzo na mtaji, mauzo na gharama ghafi, muda wa kurudisha gharama na kuanza kupata faida nk)

Source: <https://www.kivuyo.com/masharti-muhimu-katika-kupata-mkopo-wa-benki>

The formalisation programmes have as one of their central idea that universal private titling is the only route for the world's poor to escape the cycle of poverty by being able to access credit that would be invested to improve their economic wellbeing. In my interviews, however, very few people reported that they were not able to engage or expand their economic activities because of lack of credit. The biggest hurdle observed through further interrogation was lack of ideas or opportunities for investment. In Handeni, there is conspicuous absence of general

agriculture infrastructure (such as irrigation systems, transport or reliable markets) that would make it viable for small-scale farmers to borrow and invest in agriculture. Therefore, the idea of peasants being able to expand or diversify their livelihoods through formalisation does not seem to work in the current environment as witnessed in my field research. Land formalisation in Handeni is, thus in effect posing a double jeopardy in terms of livelihood diversification as it supplants the customary systems—with their diversification opportunities—by the property rights system that has no practical alternative economic activities for the peasants.

Based on these field findings, I conclude that, land formalisation in Handeni is, therefore in effect posing a double jeopardy, it destroys the customary land ownership system, which thus far has been instrumental in how the villagers have constructed their livelihoods; and is introducing economic systems that do not suit the current situation of the Handeni population. The emerging agricultural models and the marketing systems (of both agricultural inputs and outputs) put small-scale farmers at an economic disadvantage and harms farming communities.

6: CONCLUSION

Formalisation programmes look simple and straightforward, but they ignore the role of traditional institutions on land rights that embody local social capital (including norms of cooperation, reciprocity). Social capital is important for community organizations and land use and management. Discussions concerning the status of land property rights framework are everywhere and in the last thirty years, in terms of development, many governments in Africa started (re)formulating land policies to introduce privatization and commodification of customary lands. Formalising individual property rights through land titles was believed to reduce poverty. Unfortunately, privatization of property rights is causing un/intended outcomes of not eliminating poverty but “spreading poverty” to many rural communities and specifically to smallholder farmers.

Agricultural models associated with formalisation programmes favour large-scale mechanised systems and market production. As a result, policies and economic strategies of both central and local governments have focused mainly on how to increase production, disregarding the implications to the environment and on rural dwellers. Prime lands in villages have been set aside for allocation to prospective investors. In Tanzania, the national investment policy requires local government authorities to set aside prime lands that would attract foreign investors—the land is included in the “land bank” managed by the Tanzania Investment Centre (Bluwstein, et. al. 2018). Further the agricultural policies and strategies have been geared toward market production (mainly for export).

In Handeni we have established a consistent decreasing of land under food crop production relative to cash crops production and population growth. The implications have been increasing the incidence of hunger among the households.

Further, the findings in Handeni field research have revealed the escalating land-grabbing activities and rising trend of distress land sales all a recipe for creating landless people and/or pushing small-scale farmers to marginal lands. Further, the research found escalating land and land-related conflicts in the formalised villages.

With much of development literature focused on land reform, land policy, and titling, one might reasonably conclude that a causal relationship has been established between property rights, titling, and economic development. However, a closer examination of empirical literature exposes the generalizations, misconceptions, and myths associated with property rights and land titling. While titling of property can have positive effects, the real world reveals a complex and nuanced reality with conditional or contingent impacts on economic growth. That is to say titling may have positive economic benefits contingent upon other conditions also being met. In sub-Saharan Africa though, most empirical evidence has shown that land tenure formalization has had negative or weak impacts at best.

Arguments favouring land formalisation are popular among variety of development agencies including USAID and World Bank, and even the UN Economic Commission for Europe. The notion of ‘property rights for poor people’ or ‘pro-poor property rights’ sugarcoats an issue that is otherwise more closely associated with the ‘trickle down’ economics. It keeps the intractable question of substantive redistribution off the agenda. Further, the idea of unlocking poor people’s own assets to alleviate poverty is consistent with a lean state that merely facilitates market interaction by putting in place the necessary legal and institutional framework, rather than engaging in redistribution.

By disregarding discussions and evidence of the failure of tenure reform experiments of the last four decades, the World Bank and its partners re-popularise previously discredited theories of property rights and reproduce their shortcomings. The evidence presented in this research is yet another addition to how unsuitable the formalisation programmes are to sub-Saharan Africa. The findings in this research, however, go on to show how, even with the (claimed) modifications in the programmes, the negative effects on rural livelihoods are still mounting.

This research has revealed that the new approach to formalisation, that uses catchphrases like upholding customary land system, or creating hybrid land systems, did not amount to any meaningful difference from the previous programs since both ended up destroying the customary land systems and their embedded social organisations. According to the Sustainable Rural Livelihoods approach, social capital is one of the assets (the others are human, physical, financial, and natural capitals) required for the achievement of sustainable rural livelihoods. In pursuing livelihood strategies composed of a range of activities, both the access to assets and the use to which they can be put are mediated by social factors including social relations, institutions, organisations. However, the evolving new social factors supplanting the customary ones are a stumbling block to improving rural livelihoods as they are inaccessible due to such things as distance, cost, bureaucracy, skills and wage rates.

Promising inclusion into the formal legal framework as the solution to poverty and marginality keeps substantive discussion of inequality off the agenda. The solution is deceptively simple, hence its appeal to international aid circles. Such contemporary arguments linking formal title to productivity and poverty reduction need to be questioned in light of historical evidence, and their relevance for the sub-

Saharan African context examined in light of empirical evidence, as this paper does. The bottom-line question should always be “for whose interest is the increased agricultural production being sought? That is, are the processes of increasing agricultural production having positive impact on rural peoples’ lives?”

Given that compulsory and systematic individual titling has been found to be not appropriate policy in sub-Saharan African contexts, the central issue in tenure reform in many parts of the region is how to recognize and secure land rights that are clearly distinct from ‘Western-legal’ forms of private property while also ensuring security of tenure for the millions of smallholder farmers. One way forward could be vesting rights in individuals and groups who share rights with others within a variety of nested social units, the territorial boundaries of which vary with the resource or decision at issue and are thus flexible. The alternative approach also requires that decisions concerning these shared and relative rights are subject to the democratic principle of downward accountability to a majority of rights-holders.

Policies for effecting rural development in sub-Saharan Africa should consider the role of agriculture in development by examining the impact of alternative growth paths on overall growth and poverty reduction in the region. Countries should consider better ways to improve the smallholder agriculture in their endeavor to spur growth. The source of growth is important in determining not only the total growth but also the size of a country’s growth elasticity of poverty. Although some countries in the region have potential sources of growth outside of agriculture, growth in the industrial sectors is, at least in the short- to medium-term, unlikely to be substantial enough in many countries. Moreover, non-agricultural growth is generally less effective at reducing poverty as small-scale agricultural growth. The review of literature finds numerous cases where positive impact of agricultural growth on rural

development was found to be strongest in countries where small farms dominated agriculture.

Land formalisation is not a panacea for economic malaise in rural sub-Saharan Africa. It is notable that structural weaknesses in the sub-Saharan African economies persist and that agricultural supply response to neoliberal reforms (SAP, PRSPs, and now formalisation) have been weak. The policy makers should question their solutions to the regions' economic/agricultural sector malaise, that is whether they have right target and wrong mechanism? However, for an answer they need look no further as theory and empirical research have identified key intervention areas including research and technology development, agricultural advisory services, rural finance, agro-processing and marketing, agricultural education, supportive infrastructure, and sustainable natural resource use and management. Therefore, in making agriculture policy all these elements should be included if agriculture is to raise millions of rural people in the region out of poverty.

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APPENDICES

Appendix A: Interview Guide / Questions



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Broad Protocol of Interview Questions

Section A: Background Information

A1. Please tell me a bit about yourself.

How old are you?

Are you married?

Do you have children?

Where do you currently live?

How long have you lived there?

What do you do for employment?

How long have you been doing this job?

A2. Can you tell me about your family?

What part of the country is your family from?

Where did you grow up?

Do you still have family in that area?

Did your family farm when you were growing up? Do they farm now?

Section B: Connection to land and agriculture

B1. Do you have land?

If not, why not? Would you like to have land?

If so, how much land do you have?

B2. In your experience, how do people decide what land each family is able to use?

B3. How did you gain access to this land?

Please describe the process that you had to go through to get land.

Is this process the same for everyone?

B4. What property rights do you have on this land? For example,

Is it customary or statutory land?

Do you have formal title for the land?

What are you able to do on the land? (i.e. build, cultivate, etc.)

Are other people allowed to use this land? (i.e. access to water, etc.?)

Can you sell or rent the land?

B5. Do you participate in agricultural activities?

Is this land near to where you grew up?

Describe these activities (i.e. crops, livestock, etc.)

Do you live at the same place as you farm?

If not, how regularly do you go to your farm?

Does anyone else participate in agriculture on your land?

Why do you participate in agriculture?

B6. Please describe what value land has to you.

i.e. is it important for spiritual reasons? Livelihood? Inheritance for your children?
Investment/income?

Do you plan to return to this land when you retire/finish working?

B7. What other activities are you (and your household) engaged in?

How important are they to your household livelihoods?

Section C: The formalisation process

C1. What do you know about land legislation or land regulations?

C2. Can you tell me about the state's plans for land (village land)?

C3. Why did you and your village participate in the program? How did it happen (initiated)?

Was there a specific problem that was being solved?

Or are there benefits that you expected to get?

Was the problem solved? Are the benefits being realised? Explain.

C4. Can you describe how the program was done in your village? Your land?

Who were involved? How was the process? How long did it take?

Did you pay for your title? If yes, was it worth it? If not, given what you know now about the program would you have paid? How much?

C5. Are there costs for maintain the title (fees, land rent, taxes)? If yes, are they justifiable?

C6. Can you describe what has changed (in terms of access and use)?

Has the program changed how to part with the land? Sell, rent, sub-divide, bequeath?

Is it any easier/harder/the same? Explain

Section D: Changes in access to and use of land

D1. Has access to land changed? Which land? How?

D2. Was there redistribution of land (e.g. parcelling of the commons)? Who gained/lost?

D3. (If you know) Is the amount of land controlled by your clan, and the people of your village the same as it was when you were a child? Do the villagers (in your home village) farm the same amount of land that they did when you were a child?

D4. Has the change affected your capacity to earn revenue? How?

By disrupting reciprocity/cooperation? Connected to H2

By reducing land choices / restricting movement?

Due to increased/decreased land conflicts? We will talk more about conflict in Sec. E.

Has choice of crops changed? Is it an issue?

Has diversity of sources of revenue changed? Connect to C2

D5. Do changes to access to land mean you need more cash input to work this land?

Are there different needs?

Are there new sources of inputs—cash or otherwise as a result of the program?

Does the formalisation program make a difference to that? How does it work?

Section E: Conflicts and decision-making processes

E1. Are there disagreements over land access/use? Are disagreements common?

What happens when disagreements occur? How are disagreements resolved now? Before the program?

Can you describe a situation where people disagreed over land issue?

E2. With formalisation, are land conflicts decreasing/increasing/same?

How do you assess the new conflict resolution mechanisms?
Can you describe the current system? The old? How do they compare (cost, time, etc.)?

E3 How is your clan/tribal leader chosen?

What is his/her role? Describe. How has it changed with formalisation?

E4. Who is included in the process of making decisions in villages?

How do people interact with the local/traditional leader vs government official?

Section F: Customary land as a social safety net

F1. Has the program resulted in changes in role customary lands play in acting as a social safety net?

If yes, how?

Is there a greater reliance on external inputs for people in customary lands to sustain their rural livelihoods? (In other words, are they more dependent on transfer payments from other family members or less?). [Linked to the issue of revenue in C5]

F2. Have options for livelihood diversification changed? Think of access to various natural resources (i.e. wild spinaches, fuelwood, wooden utensils, edible fruits, grass hand-brushes, and twig hand-brushes, edible insects, wood for construction, thatching grass, bush-meat, wild honey, reeds for weaving, and medicinal plants).

Section G: Changes in agricultural (food) production

G1. How has the program influenced what you produce?

Have you increased/decreased local food production (amount & variety)?

Are you now producing more for market (cash crops)?

G2. Has access to inputs been any easier? Explain

Have you been able to access credit? Have you tried? Why?

G3. What is holding your productivity down? What could be done to help?

G4. How much of what you produce do you keep for consumption? How much do you sell?

How much do you give away? (i.e. %)

Is this division typical of your neighbours?

Section H: Changes in the attributes of social organisation

H1. How has the division of labour in your village/group/clan changed?

Are people becoming more/less specialised? What about you?

Has the role of women changed? How?

H2. Tell me about various forms of labour organisation and working habit in your village/clan.

Think about 'exchange (or reciprocal) labour' and 'festive (or non-reciprocal) labour'. Do people rely more/less on these forms of labour organisation?

How does this contribute to rising/falling productivity? Connected to C4

H3. Has any of the following changed in your village as a result of formalisation: size (customary lands, population—migration), leadership (and their roles), spatiotemporal cohesion (frequency of common activities, multitude of common places), and communication systems (what and how)?

H4. Formalisation restricts flexibility of land rights (i.e. access and use). Is this something that worries you?

If yes, what is the concern?

H5. What shocks/risks do you (household and village) face (e.g. lose access/use of land, natural calamity, conflicts)?

What risk-coping strategies do you use? Have they changed (or are they expected to change as a result of formalisation)?

Section I: Concluding questions

I1. Is there anything else related to customary land and/or the formalisation program that we have not talked about that you would like to talk about?

Is there anything that you would like to comment on further?

I2. Can you suggest any other people that might be interested in participating in this study?

Questions for government officials

K1. How well are land formalisation programmes working?

K2. What do you think makes it work or not?

What are the challenges faced?

How have you been solving them?

K3. Is it reaching its objectives as written now?

What has been achieved and what has not?

K4. What are the main criticisms of the formalisation programmes?

K5. Can you describe what happened to land tenure and land productivity under the Ujamaa policies, and under structural adjustment programmes?

How does it compare to what is happening under the formalisation programme?

Can you talk about agricultural support services (extension services, subsidies, R&D, marketing, etc.) under these three policy periods?

K6. How are the formalisation programmes balancing concerns for the tenurial security of small-scale landholders and users against commercial interest?

K7. Do you have any suggestions on how I could improve this study?

K8. Can you suggest any other departments/officials/institutions that might give valuable information for this study?

~THE END~

Appendix B: Summary of interviews conducted during the field research

National level	Number of interviews
Ministry of Lands officials	3
MKURABITA	2
HakiArdhi	1
TAPHGO	1
District level	
District Executive Director	1
District Land Office	3
District Agriculture Office	2
Village Level	
Mzeri Village Executive Officer	2
Mzeri Focus Group	1
Mzeri: Individual household	25
Sindeni Village Executive Officer	1
Sindeni Focus Group	1
Sindeni Individual household	19
Mbagwi Village Executive Officer	1
Mbagwi Individual household	27
Others	
Loan officer – bank branch	1
Truck drivers (impromptu)	2

Appendix C: Household interview profiles

S/No.	Village	Respondent ID	Sex of respondent	Family structure	H/hold size
1	Mzeri	HZ01	Female	Nuclear	4
2	Mzeri	HZ02	Male	Joint/polygamous	7
3	Mzeri	HZ03	Male	Nuclear	3
4	Mzeri	HZ04	Female	Polygamous	6
5	Mzeri	HZ05	Female	Polygamous	3
6	Mzeri	HZ06	Female	Nuclear	6
7	Mzeri	HZ07	Male	Nuclear	4
8	Mzeri	HZ08	Male	Polygamous	5
9	Mzeri	HZ09	Female	Joint/polygamous	7
10	Mzeri	HZ10	Male	Nuclear	9
11	Mzeri	HZ11	Male	Nuclear	5
12	Mzeri	HZ12	Male	Nuclear	6
13	Mzeri	HZ13	Male	Joint/polygamous	11
14	Mzeri	HZ14	Female	Nuclear	2
15	Mzeri	HZ15	Male	Joint/polygamous	10
16	Mzeri	HZ16	Male	Joint/polygamous	12
17	Mzeri	HZ17	Male	Nuclear	6
18	Mzeri	HZ18	Male	Nuclear	3
19	Mzeri	HZ19	Male	Joint/polygamous	8
20	Mzeri	HZ20	Male	Nuclear	6
21	Mzeri	HZ21	Male	Nuclear	4
22	Mzeri	HZ22	Male	Joint/polygamous	7
23	Mzeri	HZ23	Male	Nuclear	6
24	Mzeri	HZ24	Female	Joint/polygamous	7
25	Mzeri	HZ25	Female	Nuclear	4
26	Mbagwi	HB01	Male	Nuclear	6
27	Mbagwi	HB02	Male	Joint/polygamous	13
28	Mbagwi	HB03	Male	Nuclear	7
29	Mbagwi	HB04	Male	Nuclear	6
30	Mbagwi	HB05	Female	Nuclear	5
31	Mbagwi	HB06	Female	Nuclear	7
32	Mbagwi	HB07	Female	Nuclear	9
33	Mbagwi	HB08	Male	Joint/polygamous	3
34	Mbagwi	HB09	Male	Nuclear	1
35	Mbagwi	HB10	Male	Joint/polygamous	13
36	Mbagwi	HB11	Male	Joint/polygamous	17
37	Mbagwi	HB12	Male	Nuclear	7
38	Mbagwi	HB13	Male	Joint/polygamous	11
39	Mbagwi	HB14	Female	Nuclear	0
40	Mbagwi	HB15	Female	Nuclear	7
41	Mbagwi	HB16	Male	Joint/polygamous	9
42	Mbagwi	HB17	Male	Joint/polygamous	15
43	Mbagwi	HB18	Female	Nuclear	5
44	Mbagwi	HB19	Male	Nuclear	6
45	Mbagwi	HB20	Male	Nuclear	5
46	Mbagwi	HB21	Male	Nuclear	7
47	Mbagwi	HB22	Male	Joint/polygamous	10

48	Mbagwi	HB23	Female	Nuclear	8
49	Mbagwi	HB24	Male	Joint/polygamous	21
50	Mbagwi	HB25	Female	Nuclear	6
51	Mbagwi	HB26	Male	Joint/polygamous	6
52	Mbagwi	HB27	Female	Joint/polygamous	13
53	Sindeni	HS01	Male	Nuclear	6
54	Sindeni	HS02	Male	Nuclear	5
55	Sindeni	HS03	Female	Nuclear	6
56	Sindeni	HS04	Female	Nuclear	5
57	Sindeni	HS05	Male	Nuclear	7
58	Sindeni	HS06	Male	Joint/polygamous	12
59	Sindeni	HS07	Male	Joint/polygamous	9
60	Sindeni	HS08	Female	Nuclear	7
61	Sindeni	HS09	Male	Nuclear	6
62	Sindeni	HS10	Female	Nuclear	9
63	Sindeni	HS11	Male	Nuclear	5
64	Sindeni	HS12	Male	Nuclear	2
65	Sindeni	HS13	Male	Joint/polygamous	13
66	Sindeni	HS14	Male	Joint/polygamous	3
67	Sindeni	HS15	Female	Joint/polygamous	8
68	Sindeni	HS16	Male	Joint/polygamous	6
69	Sindeni	HS17	Male	Joint/polygamous	8
70	Sindeni	HS18	Female	Nuclear	6
71	Sindeni	HS19	Female	Joint/polygamous	5