



Pillars of the community: how trained volunteers defend land rights in Tanzania

Godfrey Massay



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Acronyms

CSOs	Civil society organisations
HRM	Human Rights Monitors
LHRC	Legal and Human Rights Center
LRMs	Land Rights Monitors
TNRF	Tanzania Natural Resource Forum
UN	United Nations

Abstract

Training volunteers to help their communities defend their land rights has proved an effective approach for promoting land justice in Tanzania. This report documents the work of a network of 'Land Rights Monitors' (LRMs) established and trained by Hakiardhi, a Dar-es-Salaam-based research institute working on land governance issues. Hakiardhi has trained a 600-strong network of male and female LRMs operating in 300 villages on various aspects of the land law, so they can help people and local governments exercising and ensuring respect for their legal rights in land disputes, particularly in relation to large-scale agricultural investments. Examples of successful interventions by LRMs to assist villagers, particularly women, suggest that this approach holds considerable potential and replicability. But while LRMs represent an effective way to improve democracy in land governance and administration at the local level, the scheme would have an even bigger impact if dedicated staff and resources could be allocated to provide greater support to volunteers, reduce their high drop-out rate, and encourage women to play an even bigger role.

1. Introduction

In Tanzania, land conflicts are becoming more frequent. These are often due to intra-community disputes over boundaries or tenure rights, but they also increasingly reflect the growing pressures exerted by large-scale land acquisitions for agricultural investments. Many factors can make it difficult for villages to protect their rights, or seek redress: a lack of awareness about laws, regulations and legal proceedings; gaps in the legislative framework; poor accountability in the governance of village land; a lack of monitoring and reporting of land rights violations; and limited access to justice.

To address these challenges, Hakiardhi – a research institute specialising in land governance issues, based in Dar-es-Salaam – developed a programme aimed at strengthening grassroots-level understanding of land rights and governance. The programme started in 2012 and involved several activities and approaches. A key approach was the mobilisation of ‘Land Rights Monitors’ (LRMs). LRMs are villagers trained to support their community to secure their land rights.

The LRM concept was initially developed in 2008. It was inspired by the ‘Human Rights Monitors’, whom the Legal and Human Rights Centre (LHRC) trained and supported for more than 20 years. Hakiardhi adapted the approach to land governance issues, and included a gender component in it to ensure both men and women could participate in the programme. Hakiardhi now supports around 600 LRMs operating in 300 villages across Tanzania.

The approach can be used to tackle different types of land conflicts. However, this report will primarily (though not exclusively) focus on examples related to the impact of large-scale land-based investments. It distils lessons learned from implementing the approach, and provides tips for legal empowerment practitioners interested in adapting the approach to their respective contexts.

2. The approach: the Land Rights Monitors

LRMs are democratically elected volunteers who support their communities on a wide range of issues related to land governance and conflict. Their role ranges from carrying out community training on land rights and governance, to advising villagers and members of village-level land administration institutions on matters pertaining to land rights and administration. Such issues typically include land acquisition procedures, land use planning, contract negotiation with investors, and dispute settlement procedures. LRMs report to Hakiardhi on village-level land rights issues and conflicts, so as to inform programme implementation on an iterative basis.

2.1 Selection process and training

LRMs are elected by members of their community at the end of a community-wide capacity-building exercise. This includes a number of training sessions with different community groups, beginning with district councilors¹, then ward leaders², members of the Village Council³, and finally villagers at large⁴. It is during this last stage of the training that LRMs are elected⁵.

Community members gather to vote for two LRMs, one man and one woman, usually on the day the training is completed. Electing one man and one woman helps promote gender equality and makes it easier for LRMs to reach both men and women in their work. The Hakiardhi staff who facilitated the training explain the purpose and criteria of electing LRMs, then invite participants to nominate three men and three women from among themselves to contest the position. The nominees then give short presentations on how they would fulfill their duties. After each nominee has spoken, villagers can ask up to three questions per nominee before the ballot.

Usually, LRMs are elected on the basis of criteria such as: confidence; willingness to volunteer and to use their time and resources to defend land rights; and ability to read and write. In addition, a LRM must not hold any other leadership position so that they can focus fully on their LRM role. Hakiardhi staff supervise the voting

1. These officials play a crucial role in relation to policy, budgeting and planning at the district level.

2. Ward leaders exercise a supervisory role over village leaders and are responsible for selecting members of the Ward Tribunal. The tribunal entertains adjudication of land disputes at the ward level.

3. The Village Council is the organ which is vested with the administration of village land. It also selects members of the Village Land Council, the body that mediates land conflicts.

4. All villagers above the age of 18 are members of the Village Assembly. The assembly is the supreme decision-making body on all matters relating to land and natural resources at the village level.

5. The community-wide capacity-building exercise is a uniform process. The timeframe varies depending on the project but it is rarely less than a year per district. Approximately 80 district councilors, 50 ward leaders, 50 village leaders and 50 villagers are trained in each project. Trainings last for a maximum of 2 days. Normally, between 3 to 5 districts (each covering 3 wards and 15 villages) are selected to be the object of capacity building for 3 years.

process and announce the election results. The newly-elected LRMs are then given the opportunity to thank their fellow villagers and to commit to doing their best on their behalf. Hakiardhi staff then introduce them to the Village Chairperson and the Village Executive Officer.

After their election, the new LRMs attend a more advanced, intensive training course organised by Hakiardhi. This is a customised training module focusing on human rights, fundamental principles of land laws, land dispute settlement mechanisms, women's land rights and village governance systems. The training also covers practical skills, such as facilitation techniques, and discusses in detail the roles and responsibilities of LRMs. The training draws on experience developed by other LRMs, including both success stories and ineffective experiments, so as to inspire and learn from earlier practice. The LRM training is often held outside the village, usually at district or regional level. LRMs are usually trained once, unless knowledge gaps surface in their reports that point to the need for refreshers.

2.2 The work of Land Rights Monitors

As mentioned earlier, LRMs perform diverse roles within their community, such as providing training and advice to villagers and village leaders, and also report to Hakiardhi. This section provides additional detail on their work.

Training

LRMs train fellow villagers in land rights and governance on an ongoing basis. The training's contents are based on a manual developed by Hakiardhi, which LRMs receive specialist training on. The frequency and duration of training sessions varies depending on demand. On average, LRMs provide two or more courses every month. The audience can range from one person or a small group of people, which tends to happen more often, to the members of a hamlet or a Village Assembly, which usually happens once every three months. Some particularly active LRMs conduct some form of training every week.

The sessions can be of a formal or informal nature, depending on the context. For example, when a Village Council asks a LRM to train a whole Village Assembly, the course may involve a formal approach, such as reading a chapter on a specific topic directly from the Hakiardhi manual. LRMs will typically complement the reading with examples from specific villages to ensure the message is understood.

In other contexts, LRMs might use more informal approaches to raise awareness about land rights and governance issues. In such cases, they will choose the venue depending on whether they are trying to reach men or women, for example. Male LRMs often find themselves working in public meetings or other social gatherings such as football matches, pool table games, gatherings in local beer clubs or religious meetings. Women prefer to talk to other women individually, touring the village door to door. They also share information in health centers, beauty salons, at

women's groups or water sources. In informal settings, LRMs tend to only discuss a specific issue briefly, and where appropriate share copies of the training manual.

The use of both formal and informal approaches allows LRMs to reach many villagers. In a few villages in Kilombero and Kahama Districts, LRMs have even operated beyond the borders of their villages and districts: after broadcasts on local radio stations advertised their work, they received invitations from villagers seeking training. It is estimated that these LRMs have trained nearly 15,000 villagers in 6 regions within 3 years.

Providing advice

LRMs provide ongoing advice to village leaders on matters relating to land governance. Examples of topics covered so far include land allocation and acquisition; village by-laws; village land use planning; land dispute settlement; land deal negotiations and contracting; and the work of village institutions. LRMs also support individual villagers, including by putting them in touch with organisations that provide *pro bono* legal aid; representing them in court using power of attorney; or mediating family land conflicts, especially in inheritance cases. Some women LRMs have played important roles in assisting women involved in conflicts with relatives over ownership of matrimonial properties after the death of their husbands. When issues go beyond the expertise LRMs have acquired, they seek support from lawyers at Hakiardhi.

Reporting to Hakiardhi

LRMs report on their work to Hakiardhi every three months, so as to inform programme implementation on an iterative and ongoing basis. A typical report covers the type of issues LRMs have dealt with, how they addressed them, any challenges they faced in doing so, and any support they need from Hakiardhi.

Reports are based on a standard template developed by Hakiardhi. They are reviewed by the programme officer responsible for LRMs, who assesses whether an immediate response is needed – for example, in the form of legal advice or fact-finding, or where Hakiardhi needs to engage in mediation, arbitration or litigation.

Hakiardhi also follows up by presenting any evidence of land rights violations to district officials, the Ministry of Lands, or sometimes both. For example, when concerns were raised that officials from the Rufiji Basin Development Authority (RUBADA) wanted to acquire land in Rufiji District without following due process, LRMs reported the matter to the district official, and the process was halted. Similarly, when six local investors acquired land from Kisanga village in Kisarawe District, LRMs reported the matter to the Ministry of Lands and managed to reclaim the land.

Beyond the quarterly reporting, LRMs also make regular phone calls or send text messages to Hakiardhi whenever they need information or assistance.

Engaging in joint advocacy

In some cases, LRMs have joined forces to work as a team, particularly when a land issue affects an entire village or a group of people in one or more villages. They usually discuss such situations as part of a “platform”, which gathers all the LRMs from the district. Each platform is led by a chairperson and a secretary elected by the LRMs. Hakiardhi introduces these leaders to district officials so the district administration recognises and supports their work. The district platforms meet four times a year to discuss progress and any challenges they face. However, they can hold extraordinary meetings at any given time if an issue requires immediate, collective attention.

LRMs work on a voluntary basis. They regularly receive publications from Hakiardhi, including training materials, newsletters and knowledge-sharing reports. They are also encouraged to attend regional and national workshops, conferences and capacity building events. Hakiardhi provides LRMs with training manuals for reference, as well as other materials (containing for instance answers to frequently asked questions on land rights and governance, and on land dispute settlement). Once or twice a year, Hakiardhi publishes a newsletter which covers topical issues on land governance. These newsletters help LRMs deepen their understanding of the issues, and provide a basis for continuing discussions at the village level.

3. Outcomes

This section focuses on some of the key success stories and challenges that LRMs have faced, particularly when working in areas affected by large-scale land-based investments. In several cases, community members contested the investments or their terms, and LRMs have championed advocacy for land rights. Examples are drawn from the following districts: Rufiji, Kilombero, Kisarawe, Mufindi, Morogoro Rural and Kahama. Kahama District has experienced pressures on land due to mining, while the other districts host plantation and outgrower-based agribusiness investments.

3.1 Successes

Supporting villagers in dealing with investors

There are several examples of LRMs successfully supporting their communities, including in dealing with large-scale land-based investments. In Kilombero, Kisarawe and Mufindi districts, for example, LRMs have helped communities receive fair compensation from investors in sugar and tree plantations. In Kisarawe District, a task force chaired by an LRM was formed to follow up on a compensation request for bare land involving 11 villages. While individual compensation had been paid directly to affected families, compensation for bare land is meant to be paid to the Village Council as the custodian of village land, but the process had been delayed. The taskforce worked with the District Council and other stakeholders for almost a year, ultimately leading to compensation being paid.

In Mufindi District, LRMs worked with a local broadcaster to improve community awareness of land rights issues. They also worked with district and regional government officials to address land use conflicts, and helped some villagers to reclaim land that had been taken by local elites but not subsequently developed. In another instance, LRMs managed to halt a land acquisition process on the ground that due process was not being followed.

In Kilombero District, LRMs negotiated a deal with a company whereby three villages would receive a satisfactory annual financial contribution, which would be reviewed after a specified period.

In Rufiji and Mkinga districts, LRMs, via Village Assemblies, asked investors to conduct and fund comprehensive village land use planning assessments to enable more informed village-level decision making on land applications. In both districts, the exercises revealed that land was not available at the scale sought, and the land applications ended up not going forward.

In all these cases, LRMs did not work alone – they received essential support from both the Village Council and the Village Assembly. LRMs used their knowledge to support both of these village bodies in the exercise of their functions, and advised them on the appropriate steps to take. Coordination and collaboration among LRMs in each district was also essential.

Facilitating access to justice

In a number of cases, LRMs have supported community members in obtaining redress through court cases. In Kilombero District, one LRM acting with support from Hakiardhi and LHRC lawyers successfully defended the rights of villagers in litigation concerning land acquisition without due process. The litigation took place at the High Court of Tanzania, and involved “representative suits”. Under Tanzanian law, representative suits are cases filed by a group of people sharing a common legal position against the defendant. While the LRM fronted the action, they received legal support in drafting pleadings from lawyers at LHRC and Hakiardhi.

Another LRM from Kilombero District obtained power of attorney to represent villagers in four cases taken to the District Land and Housing Tribunal in Ifakara, and to the High Court of Tanzania. The cases involved disputes between villagers over land ownership, sale and inheritance. In most cases, the dispute opposed rich and poor villagers, with poor villagers being on the verge of losing their case because of difficulties in accessing justice. While the poorer villagers could not afford to hire lawyers to represent them in court, the LRM acted for them in court based on power of attorney, while Hakiardhi lawyers assisted in drafting court documents, including final submissions.

In Rufiji, a LRM successfully helped villagers to access the District Land and Housing Tribunal in Mkuranga District, and sought assistance from lawyers at Hakiardhi to draft pleadings.

Promoting women’s land rights

One woman LRM in Kilombero District is helping women who had their rights to matrimonial properties denied by their husbands, or their husbands’ relatives, after divorce or the husband’s death. In one case, a woman was on the verge of being evicted from her matrimonial home by her in-laws following the death of her husband. The LRM intervened after the woman sought her advice.

The LRM called both parties and explained the legal provisions that underpin women’s rights, as detailed in the Hakiardhi training manual. During the discussion, she highlighted appropriate legal remedies, what the woman could do to access them, and pointed to the consequences the in-laws might face should the matter reach court. However, she stressed that judicial procedures are costly and time-consuming, and suggested throughout the discussion that the matter be resolved amicably.

After several consultations, both parties agreed to resolve the matter. The LRM involved village leaders and facilitated the preparation of a written settlement agreement. This successful case raised her profile in her village, and she has since been asked to provide assistance in many other cases.

Women generally participate less actively than men in decision-making fora such as Village Assembly meetings, despite laws that guarantee them equal rights to participate. In practice, these bodies are dominated by men, and often make decisions that disproportionately affect women's land rights. Not many rural women have time to attend such meetings because of their household and family responsibilities. Often, they take place in the evening, which makes it difficult for women to attend because of their family duties. Even when they do attend, they are rarely given an opportunity to make meaningful contributions.

To address these problems, women LRMs have encouraged women to attend Village Assembly meetings and to actively participate in other decision-making bodies, such as Village Councils and Village Land Councils. As a result, women in villages where LRMs are working effectively have been more forthcoming in engaging in decision-making processes.

In Kisarawe and Kilombero districts, women LRMs have successfully lobbied Village Councils to schedule meetings between 2 and 4pm. They have also asked Village Councils to share the agenda of Village Assembly meetings seven days before these meetings take place, as required by law. When the agenda is shared in advance, women LRMs are able to discuss it with women's groups beforehand and work out how best to air their views during the meeting. LRMs have also successfully lobbied Village Councils to allocate time for women to give their opinion on each agenda item during Village Assembly meetings. In Kilombero District, LRMs have helped women benefit from land titling and registration process by applying for titles themselves or jointly with their spouses.

3.2 Challenges

A number of challenges affect the activities of LRMs. The first one relates to cost and time factors, since LRMs are not paid for their work and they use their personal resources and time to carry out their role. They sometimes have to travel long distances on foot or by bicycle. Women LRMs also face gender-related risks such as sexual assaults and harassment. At times, Hakiardhi is able to respond to requests for assistance with limited support, depending on the particular circumstances and the availability of resources. Since the LRM system is designed to be independent and community-driven, providing financial support to individuals could create divisions and ultimately weaken the movement.

The second challenge can be identified in the fact that about half the LRMs have dropped out of their position since the programme started. This high dropout rate is due to a number of factors, including: a lack of commitment; discouragement

and a lack of support from village leaders; sudden changes in individual economic and social responsibilities; and migration. Hakiardhi has strived to train new LRMs in villages where previous LRMs dropped out, and to encourage village leaders to cooperate with them.

The third challenge concerns the low participation of women. Although half the LRMs are women, several factors have limited their engagement, including family responsibilities. In addition, many married women LRMs have been prevented by their husbands from carrying out their duties. The aforementioned risks associated with the work are also problematic, and some women have given up their roles when they have not received the support they needed from their husbands. In addition, men and women LRMs are often asked to work together as a team when conducting outreach activities. This has raised suspicions among some husbands of women LRMs, particularly since the work can involve long periods of travel. Two LRMs have suffered family break-ups.

Moreover, the work of both men and women LRMs in regions where there are large-scale investments can be particularly difficult and even dangerous. Sometimes, they find their personal safety is at risk due to the strong pressures communities experience. For example, some of them have received threats in connection with their work, and their properties have been destroyed. In one incident, LRMs were harassed by representatives of one company; two of them were remanded in custody and released shortly afterwards without any charges.

LRMs may also suffer from a lack of support from Hakiardhi since there is no officer solely dedicated to working with them. This is because of a high staff turnover, which is a common phenomenon among civil society organisations in Tanzania. The level of communication between LRMs and Hakiardhi is also problematic, as fewer than 50 out of 600 LRMs have submitted regular, timely reports as required. As a result, Hakiardhi may be unaware of what is happening at the village level, and therefore unable to provide timely help.

Hakiardhi is planning to recruit a devoted programme officer to support communication with LRMs, make regular follow-ups, provide technical support and document the work of LRMs. It is hoped this change will help to address some of these challenges.

4. Lessons for effectiveness, sustainability and replication

There are currently 600 LRMs in 300 villages in Tanzania, and demand is growing for LRMs to be trained in many more villages, especially in areas attracting particularly strong private sector interest. The effectiveness of the programme has prompted other organisations, such as the Tanzania Natural Resource Forum (TNRFF), to start using a similar approach.

There are several ways implementation of the scheme could be improved. The first would involve creating a central fund capable of rapidly responding to a LRM's urgent request for financial support. Similarly, providing LRMs with bicycles would ease many of their transport problems.

Providing a special platform for women LRMs could help boost their participation by giving them an opportunity to discuss the specific challenges they face. The scheme could also engage more effectively with their husbands. Where pressures are particularly acute, more attention would be needed to ensure the safety of LRMs, including training on how they can avoid and deal with threats and harassment during the course of their work.

Increased coordination and support capacity at Hakiardhi, through the programme officer being recruited, would make a real difference to the quality and ultimately the sustainability of the scheme.

Pillars of the community: how trained volunteers defend land rights in Tanzania

Training volunteers to help their communities defend their land rights has proved an effective approach for promoting land justice in Tanzania. This report documents how Hakiardhi, a Dar-es-Salaam-based research institute working on land governance issues, has established and trained a 600-strong network of male and female 'Land Rights Monitors' (LRMs) operating in 300 villages on various aspects of the land law, so they can help people and local governments to exercise and ensure respect for their legal rights in land disputes. While this approach can be used to tackle different types of land conflicts, this report focuses primarily on examples related to the impact of large-scale land-based investments. It describes in detail the process that was put in place, distils lessons learned from implementing the approach, and provides tips for legal empowerment practitioners interested in adapting it to their respective contexts.

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