

**LAND RIGHTS RESEARCH AND RESOURCES INSTITUTE  
HAKIARDHI**

**ANNUAL NARRATIVE REPORT FOR THE PERIOD  
MARCH 2010 - FEBRUARY 2011**

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## **Abbreviations**

<b>AATZ</b>	Action Aid International Tanzania
<b>CBOs</b>	Community Based Organizations
<b>CELG</b>	Centre for Environmental Law and Governance
<b>CSOs</b>	Civil Society Organizations
<b>DANIDA</b>	Danish International Development Agency
<b>DCs</b>	District Commissioners
<b>HECA</b>	Horn and Eastern Central Africa
<b>LARRRI</b>	Land Rights Research & Resources Institute
<b>LEAT</b>	Lawyers Environmental Action Team
<b>LHRC</b>	Legal & Human Rights Centre
<b>MPs</b>	Members of Parliament
<b>MVIWATA</b>	Mtandao wa Vikundi vya Wakulima Tanzania
<b>NGOs</b>	Non Governmental Organizations
<b>PINGOs Forum</b>	Pastoralists Indigenous Non-Governmental Organizations forum
<b>PISA</b>	Post Investment Situation Analysis
<b>RCs</b>	Regional Commissioners
<b>TABEF</b>	Tanzania Bioenergy Forum
<b>TALA</b>	Tanzania Land Alliance
<b>TANAPA</b>	Tanzania National Parks
<b>TANROADS</b>	Tanzania National Roads Agency
<b>WLAC</b>	Women's Legal Aid Centre
<b>WWF</b>	World Wide Fund

## **PART ONE: BACKGROUND INFORMATION ABOUT HAKIARDHI**

### **1.0 Background**

HAKIARDHI was founded in 1994 as a civil society organization and is registered as a non-governmental organization under the Companies Act, Chapter 212 of the laws of Tanzania. The institute was established in recognition of the need to generate and sustain public debates and participation of small producers on issues of land tenure and other important resources.

### **1.1 Vision**

HAKIARDHI envisages a society in which the land tenure system guarantees secure access to, ownership of, and control over land and other natural resources in a socially just and equitable manner to facilitate small producers' own development and the development of the nation at large.

### **1.2 Main Objective**

The main objective of HAKIARDHI is to enhance the knowledge of the public on land matters, to strengthen the capacity of decision-making organs on land and to facilitate public participation, particularly among rural small-scale producers who make up 80% of the population, in order that they shall be able to claim, advocate, obtain and protect their rights to land for their own benefit. Other objectives are as detailed hereunder;

#### **1.2.1 Specific Objectives**

- (a) To advance, promote and research into the land rights of small producers with a view to provide information and knowledge, so as to facilitate equitable and socially just access to, ownership of, and control over land for production of food and realization of other basic needs.
- (b) To offer advice, counseling and related assistance on land tenure issues to small land users in rural and peri-urban areas and in this regard to undertake (or assist in undertaking) occasional test cases on pro bono basis before relevant judicial, quasi-judicial and administrative bodies
- (c) To make available on request arbitration services for resolving land disputes consistent with the Institute's objective
- (d) To research into, construct and suggest amicable means of resolving land disputes among and between small land users and villagers
- (e) To provide and organize on request short courses on land tenure and land rights

- (f) To provide on request consultancy services to government and non-governmental organizations provided it is within the spirit of the social and educational objectives of the Institute

### **1.3 HAKIARDHI INSTITUTIONAL PROGRAMME**

In achieving its objectives, the Institute prepares various programmes and implements them based on its resources, opportunities and capacity. Since 1994 to 2001 the Institute programmes concentrated on lobbying, advocacy and facilitation concerning policies and laws that concur with the needs of small-scale producers in the country. The National Land Policy of 1995 and the Land Laws of 1999 to a great extent incorporated these needs although there are still key contested issues, particularly concerning the land tenure system. For the past decade, the Institute has concentrated on enhancing the knowledge base of the public on land issues and strengthening the decision-making organs on land, such as Land Tribunals, Village Councils and Village Assemblies. The strengthening of these organs includes increasing the participation of the citizens in decision-making processes in order to realize the advocated land rights. The programmes and activities are implemented under three portfolios: -

#### **1.3.1 Research Publication and Documentation portfolio- RPD**

This portfolio focuses on three main components, namely research, publication and documentation. The purpose is to enhance the availability of up-to-date information for lobbying and advocacy purposes on national policies and laws. The information is also used to prepare various publications for land rights training in villages and for the public at large. In addition, the research findings are published in books and journals to be shared with various audiences both nationally and internationally. Overall, this portfolio helps to increase access to information by the public.

#### **1.3.2 Public Engagement and Advocacy portfolio – PEA**

The Public engagement and advocacy portfolio is an outreach land rights programme which enhances the knowledge and capacity of small-scale producer to engage in decision-making processes regarding land and other resources. In addition, it improves the institutional capacity of local organs for dealing with land matters in the interests of small-scale producers. Among other duties, the unit initiates and coordinates programmes on land rights training from village to national level, organizes public debates, national land forums, media programs, monthly seminars series and strategic engagements with the policy and law-making processes. Learning and sharing on matters of common concerns both within and beyond the national frontiers is also a function under this programme component.

#### **1.3.3 Institutional Management and Programme Support portfolio- IMPS**

This portfolio is divided into three components namely institutional management, fund-raising and financial control, and programme support. The portfolio strives for a well-established, sustainable and effective governance system to facilitate institutional

management and financial accountability, in order to realize the Institute's objectives. The programme addresses key questions of organizational performance and sustainability by responding to its capacity needs, in terms of staff professional competence to fulfill their obligations and institutional arrangement that facilitates effective and efficient conduct of daily business.

#### **1.4 Past Achievements**

- i. Implementation of these programs has enabled the Institute to reach *approximately ten million* Tanzanians since its inception to raise their awareness on land matters and increase their access to justice in different places. The Institute has implemented its programs in more than 1,000 villages in different districts including; Mufindi, Kilolo, Newala, Ludewa, Kilwa, Kisarawe, Rufiji, Bagamoyo, Kisarawe, Meatu, Kahama, Korogwe, Kilindi, and Mkinga. Other districts include Kilosa, Kilombero, Morogoro rural, Ngorongoro, Hanang, Karatu, Kiteto, as well as the three districts of Dar es Salaam namely Ilala, Temeke and Kinondoni.
- ii. The Institute has successfully raised and sustained debates on land rights among different sections of the community, enabled improvement in decision-making organs, reduced and defused land conflicts, as well as facilitating the realization of land and human rights for local communities.
- iii. Moreover, the Institute has effectively conducted research, prepared and published information on land issues (i.e. Investment on village lands and challenges to the community, Bio resources, and the fate of pastoralism and pastoralists in Tanzania etc.), and disseminated such information to the public through books, newsletters, media, and public debates. Such information has been used by the needy people to deal with their land rights accordingly.
- iv. The Institute has participated in different ways in policy and law-making processes to advocate objectively for the needs and interest of small-scale producers, particularly concerning the land laws and their amendments. Policy, legal and practical changes have taken place in such areas as wildlife, pastoralism and agriculture much to the benefit of the small producers.
- v. The Institute builds and sustains strong networks with likeminded organization in order to facilitate changes in land tenure and land reforms for the protection of the land rights and livelihoods of small-scale producers in Tanzania.

#### **1.5 Challenges**

The pace of political, social and economic changes in the country has wobbled the institutional and social structures that for a long time served the interest of

small-scale producers. In the current land tenure system, which has turned land into a commodity like any other in an open competitive market, the interest of small-scale producers must be particularly protected, in competition with other more powerful actors. HAKIARDHI and likeminded organizations have a duty to fight, protect and advocate for the interest of local communities in relation to the policies, laws and systems that govern land rights in the country.

Lack of adequate resources remains a challenge for the Institute in the implementation of its programmes in other areas. Availability of adequate funds will lead to greater human resources and more material equipments to enable the Institute to reach more people in the community.

Land conflicts between different groups in the community are still prevalent with devastating effects to indigents. The effects include but are not limited to; loss of property, means of livelihood and the lives of innocent children, women and other vulnerable groups. Civil Society Organizations, the Government and other stakeholders, need to restore good customary conflict management practices and merge these with the legal dispute settlement mechanisms in order to put to an end such consequences to the rural based small producers.

## **1.6 Financing of the 2010-11 Programme**

HAKIARDHI operates on a programme funding arrangement where different donors contribute funds to finance the various programmes of the organization based on its programme strategy and budget. The operational plans and budgets are prepared every year to facilitate monitoring, follow-up and smooth compliance with the budget ceilings as per donor requirements.

For this reporting period, seven partners contributed to the annual revenue of Tsh. 1,174,844,477/=. NOVIB of Netherlands contribution was Tsh.360, 000,000 (based on Euro 200,000), Foundation for Civil Society 146,866,875, DKA/Welthaus 19,911,528 (based on Euro 20,000), Oxfam International 16,083,000, DANIDA through the Royal Danish Embassy in Tanzania contributed 533,948,000, Action Aid Tanzania country office contributed 54,328,000 and WWF Tanzania Country office 43,707,074. Other income from internal sources that stem from sale of publications, used items and bank interest amounted to 39,088,198.

NOVIB was the main funder since 1999 but will no longer be financing the organization after the final year of this strategic plan in February 2012 because it has phased out all the programmes in Tanzania and other East African countries. Fortunately, DANIDA came in at a time when another big funder was needed. The latter is financing the recurrent, capital and programme costs until 2013 which is the second year of the coming strategic plan. The bigger portion of Danish funding supports the joint advocacy initiatives for land rights organizations in Tanzania under the auspices of Tanzania Land Alliance – TALA the programme component established for this purpose.



## **1.7 The 2010 – 2011 report layout**

This report gives an overview of the institutional management background to the programmes and a detailed account of the programmatic interventions. The report divides into five (5) parts. Part one gives an institutional and programme background in addition to the organizational objectives, past achievements and challenges. It also elaborates on the funding sources and introduces the layout of the report.

Part two gives an analysis of the Research, Documentation and Publication programme portfolio, which among other things highlights the major researches conducted, fact finding missions accomplished and information management, analysis and dissemination achieved through publications. The major result that recurs in all the activities under this portfolio is the notable increase in access to information by the public.

Part three narrates the Public Engagement and Advocacy programme portfolio which covers all the outreach and joint interventions that HAKIARDHI was engaged in for the period under review either individually or jointly with other land rights actors. Most of the interventions under this portfolio resulted in enhanced knowledge, capacity and participation of the public (mainly small producers) in decision-making processes leading to changes in some important policies and practices.

The fourth part consists of the Institutional Management and Programme Support portfolio which includes such components as staff performance, organizational governance, resource management and quality of institutional services. The final part carries lessons, challenges and recommendations.

## **PART TWO: ACTIVITY REPORT FOR RESEARCH, PUBLICATION AND DOCUMENTATION PROGRAMME UNIT**

### **2.0 Introduction**

The mandate of this programme is derived from the need to enhance the availability of reliable information on land matters that can be used by the public to inform policy process and eventually change policies in favor of small producers. Thus, the overall objective of this programme is to ensure the availability of easily accessible, reliable, concrete and up-to-date information on land matters for public engagement, informing policy processes and advocating for the right to access, own and control land by the public. During this reporting period, several activities have been implemented as detailed in the succeeding paragraphs. The narrative includes activities that were not in the original plan but were included after securing additional funds, especially from the Danish embassy and Action Aid country offices in Tanzania.

### ***OUTPUT: RELIABLE, CONCRETE AND UP-TO-DATE INFORMATION ON LAND MATTERS GENERATED***

#### ***2.1.1 Research on the implications of Kilimo Kwanza for small producers***

Kilimo Kwanza is a Swahili language phrase that literally translates as ‘*Agriculture first.*’ This is a green revolution initiative by the government that is built on principles of agricultural modernization and commercialization. Since the policy initiative was inaugurated in 2008, there have been complaints from peasants that it was meant to benefit middle- and large-scale farmers while marginalizing small-scale producers. This study was meant to explore the rationale for establishing Kilimo Kwanza, its linkages with other agricultural initiatives and the opportunities it offers to the small producers. In the same vein, the implications of the initiative in its three years operation were unveiled and analyzed. The study was conducted between December 2010 and January 2011 in Kisarawe, Kiteto, Bagamoyo and Morogoro Rural districts. Various stakeholders had opportunities to validate its findings on 1<sup>st</sup> February 2011 and 18<sup>th</sup> June 2011 in Dar es Salaam and Morogoro respectively. It is important to note that the study was conducted in these four districts because HAKIARDHI implements capacity building programme on land rights and governance there to local CBOs, NGOs and community members and it was necessary that stakeholders from those districts comment on the findings through the two validation processes. Overall however, the study came out with several findings and recommendations four of which are worthy highlighting;

- (i) The establishment of Kilimo Kwanza was limited to a few urban elites and organizations while excluding the majority of rural folk who entirely depend on land for their livelihoods. In these circumstances, Kilimo Kwanza becomes a futile initiative for them and this is how they increasingly become detached from the development process.

- (ii) Poor coordination and lack of inter-sector linkages between Ministries of Agriculture and of livestock and fisheries hinder the progress and attainment of the Kilimo Kwanza goals.
  - (iii) Farm implements such as tractors, fertilizers and power tillers are virtually inaccessible to the majority small producers, due to the centralization of sales and distribution systems. Where available, they are sold at high prices that only few small producers can afford. The research thus recommends for decentralization of distribution systems and reduction of prices for farm implements.
  - (iv) The proposed amendment of the Village Land Act to allow for the use of village land for Kilimo Kwanza projects fuels land grabbing of village land by large investors which could severely affect the food security in villages. The study proposes that any reforms should be based on optimizing the access, ownership and use of village land by the villagers.
- *In terms of impact, this study has attracted a lot of attention from various stakeholders in government institutions, among private vendors and in the communities to take action to achieve changes that are gradually taking place. First, villagers in the research areas have used information generated from this study to advocate for their beneficial involvement in Kilimo Kwanza initiatives. The Ministry of agriculture is responding by preparing clusters of farmers as small-, middle-, and large-scale, and fitting them into specific programmes like SAGCOT, AGRA and Kilimo Kwanza. This did not exist before this study made such recommendations.*
  - *There is evidence that the government has changed the farm implements distribution procedures, where fertilizer distribution for example has been decentralized and located closer to the users with the introduction of verification and acknowledgement forms from recipients. This has helped to reduce the possibility for unscrupulous middlemen-cum-business people to squander the farming resources and hamper the productivity of rural folk.*
  - *Concerns expressed in this research about the high prices of tractors and power tillers have been listened to and acted upon by the government and SUMA JKT. Their prices have been significantly reduced from a range of forty to fifty million shillings to thirty to forty million shillings for a tractor and from ten to fifteen million to seven to ten million shillings for a power tiller. By implication, this means that more small producers will afford to buy the equipments and be engaged in agricultural production effectively and efficiently.*



*An annual report for the period 2009/10 displayed along with the research report titled accumulation by dispossession and labour devaluation in Tanzania done in Kilwa and Kilolo districts*

## **2.1.2 Research on the implications of land grabbing in Tanzania**

The increasing global interest in African land and its potential impacts on the livelihoods of rural communities prompted HAKIARDHI and Oxfam's Pan Africa Economic Justice desk in Tanzania to undertake a study between May and June 2010. The study aimed at collecting facts, trends, processes and challenges on large-scale land acquisition with a view to produce a briefing paper for awareness raising and policy engagement on land rights in the country and across the Horn, Central and East Africa region. From its two case studies, one on biofuels and another on carbon credits, the research established that;

- (i) Villagers in both Kilolo and Kilwa districts are increasingly losing their farm land to biofuel and carbon credits companies because of weak legislative controls, lack of requisite knowledge on land laws and unscrupulous deals offered by companies. Ten villages in Kilolo district lost up to 14,704 hectares of land while the 34,000 hectares of land allocated to a biofuel investor was acquired from villagers by means of a much-contested compensation package. The

communities are now pursuing this matter in court after the investor abandoned the land and disappeared.

- (ii) The communities involved in these land transfer deals are not adequately represented and their voices not fully heard. Moreover, the few who secure employment are poorly paid, their rights commonly violated and they have narrow chances to access justice due to lack of knowledge.

*Findings from this study were published and broadly disseminated. On the one hand, the findings increased access to information for the public especially those communities whose rights were violated. On the other hand, the findings were used for advocacy by the communities in the study areas to attract the attention of the company (New Forest Co. Ltd) and make it pay outstanding compensation to the villagers in Kiwalamo, Kidabaga and Idete. Besides, other actors such as WWF, Action Aid and LEAT, have taken the two cases further and carried out further research in Kilwa, as well as providing legal support to the former employees of Bioshape Company Limited before the court of law.*

### **2.1.3 Baseline studies for capacity building interventions**

During this reporting period, a strategic partnership agreement was entered between HAKIARDHI and Action Aid Tanzania for the former to provide capacity building services to four grassroots organizations, namely NARAMATISHO in Bagamoyo, Morogoro Paralegal Centre in Morogoro Rural district, CORDS in Kiteto and VVT in Kisarawe. A baseline study was therefore conducted between December 2010 and February 2011 to establish the knowledge and capacity gaps on land rights issues to be addressed through capacity and technical backstopping. Among other things, the baseline study revealed that;

There is a general lack of knowledge on land laws, governance and land conflict management issues among villagers which affect their participation in decision-making processes and hamper advocacy for their rights. In addition, the study found that there is an enormous influx of investors, especially in Bagamoyo and Kisarawe districts, who are searching for and acquiring land from villagers. Some land transfers involved violations of land rights and human rights, in addition to fuelling land use conflicts between local communities and investors. These cases were most prevalent in *Mapinga, Magurumatali and Talawanda* villages in Bagamoyo district and *Mtamba and Mhaga* villages among others in Kisarawe district.

*In terms of impact, the information gathered through this study provided the basis for capacity building training packages on land rights and governance to the four organizations, as well as the communities in at least five (5) villages in each district. This means that at least 750 villagers from 15 villages have been capacitated through this programme. Furthermore, after receiving the training, the four organizations have, played a crucial role in providing technical*

*backstopping to the communities on the land laws and governance gaps. In turn, increased access to information significantly improves community awareness on land rights issues and facilitates their involvement in decision-making processes through local governance organs like village assemblies and councils.*

## **2.1.4 Increased access to information on Bioenergy issues in Tanzania**

### **2.1.4.1 The PISA visits to Bioenergy companies**

Since bioenergy issues surfaced in the development discourse in Tanzania, HAKIARDHI has strived to keep the debate concerning its sustainable production and the protection of land rights of the communities high on the agenda of the government, private sector and civil society organizations. A series of dialogues and joint interventions under the auspices of Tanzania Bioenergy forum (TABEF) have taken place regularly with a view to enhance public knowledge on bioenergy issues and secure people's involvement in promoting and developing a sustainable bioenergy sector in Tanzania. During this reporting period, four organizations, namely HAKIARDHI, LEAT, CELG and ENVIROCARE, jointly conducted a post-investment situation analysis – PISA in the four districts of Bagamoyo, Kisarawe, Kilwa and Panda, where biofuel companies such as Prokon, Ecoenergy, Sun Biofuels and Bioshape have applied for or obtained thousands of hectares of land from the communities and there have been claims of land rights violations in the transfers of such land from community members to the investors. The team also involved media representatives from TBC1, ITV, Radio One, Mwananchi newspaper, and the Journalist Environment of Tanzania - JET.

*This study confirmed some allegations like the failure of the companies to pay, full prompt and fair compensation, violations of labor rights, disregard of land acquisition procedures, as well as many other irregularities. Signs of hunger and general food insecurity were vivid in some of the villages, such as Mavuji in Kilwa, and Mtamba and Mhaga in Kisarawe, which gave away large parts of their arable land to investors. Food insecurity is also linked to spending too much time in investors' farms without engaging in personal farms development. All this information has been added to the databank on bioenergy issues in Tanzania, where the public has the opportunity to use it in advocating for the sustainable development of this sector and protection of their land rights.*





**Part of the Jatropha farm owned by Prokon Company in Mpanda district**

#### **2.1.4.2 Trading on the additional value of biofuels**

In Africa, and more specifically Tanzania, the discussions about bioenergy are dominated by its potential as a clean alternative to fossil fuel in the transportation and manufacturing sectors. Whereas this assertion could possibly be true, the Dutch Company namely Diligent has come out with additional values for jatropha which is regarded as wonder tree in biofuel production. When TABEF members visited the biofuel factory and farms in Arusha Tanzania, they witnessed the production of other items like *brickets* (firewood), *pellets* (charcoal) and stoves that use such pellets. Not much attention is given to these other uses of jatropha tree. Diligent has another plan in the pipeline to produce industrial soap from the remaining waste. Furthermore, the company rises above other companies due to its preference for planting jatropha trees along the boundaries of farms, which serve both as hedges to protect from destructive wild animals and as an alternative source of income for the farmer in addition to the main crop in the farm. This was revealed during the field visits to the factory and some local farmers in November 2010 in Arusha.

*This alternative mode of farming is worth emulating and replicating elsewhere in the country, as it secures the farmers' rights to land and adds value to their farming activities by providing extra income. From the discussion held between TABEF members and the Diligent Company management, it is obvious that the company is willing and already planning to assist farmers to organize themselves as associations. In farmers associations, the community members will have greater collective bargaining power and be able to share their knowledge with other farmers. Our role is to facilitate this learning process so that the knowledge and success stories on alternative forms of biofuel production and use are widely shared among farmers.*

### **2.1.5 Increased access to information through printing of publications**

Dissemination of information on land is done in different ways one of which is through publications. Since its inception, the organization has been printing and widely disseminating research reports, newsletters, books, calendars, posters and leaflets for purposes of increasing access to information for the public and enhancing their knowledge-base on land issues. During this reporting period, various publications have been printed and disseminated for this purpose as detailed hereunder;

#### **2.1.5.1 Printing and dissemination of annual calendars**

One thousand and five hundred (1,500) copies of wall calendars for the year 2011 were printed and distributed to all the districts and villages where programmes are implemented such as; Kilombero, Kisarawe, Kilindi, Korogwe, Mkinga, Rufiji, Kiteto, and Bagamoyo. They are also distributed in peri-urban areas like Kigamboni, Chanika, Kwembe, Bunju, and Kibaha where land conflicts are more prevalent among residents. Dissemination of calendars is also done through other organizations like LHRC, LEAT, WLAC, PINGOs Forum, NARAMATISHO, VVT, and CORDS, as well as government and private institutions that deal with land matters.

*The importance of calendars is in the messages and pictorial presentation of issues from the field for matters such as land conflicts, land grabbing, women land rights and governance issues, in particular local government resources management by grassroots organs. These are the key advocacy issues that the organization has been dealing with in its current strategic plan.*

#### **2.1.5.2 Printing and dissemination of a book on biofuel and carbon credits**

A research report on biofuel and carbon credit titled *Accumulation by dispossession and labor devaluation in Tanzania: the case of biofuel and forest investments in Kilwa and Kilolo* was published in February 2011 and widely distributed to the public. This publication contains a lot of information on misconducts in the land acquisition procedures for the two sectors that has taken place without serious scrutiny by the government functionaries in the respective districts.

*The lessons contained therein can help to reduce land grabbing elsewhere in the country when the publication is widely shared with other researchers, public institutions and the public at large through libraries and similar knowledge outlet channels like the media.*

#### **2.1.6 Increased access to information through websites**

There has been an increased demand for information through online media services such as websites, blogs and Face book. Before this revolution in the knowledge industry, the traditional means of communication between the organization and the public included postal service and fax. Today, the mailing and courier systems are not only increasingly becoming obsolete but being rapidly replaced by modern and fast-



linking online services like the internet, Skype, Face book and Twitter. These changes have necessitated improvement of HAKIARDHI's website [www.hakiardhi.org](http://www.hakiardhi.org) and the construction of a new website [www.tabef.co.tz](http://www.tabef.co.tz) which hosts and manages all the information on biofuel development in Tanzania. These two web pages are rich in terms of research reports, online dialogues, organizational development updates and abstracts of publications. There are also download and interactive facilities which give the reader opportunity to post feedback and comments. The websites are indeed our gateways to the world through which numerous requests for collaborative studies, internships, inquiries and clarifications on topical land issues are sought and responded. We also communicate with the public in various ways through our websites and strongly feel that we have increased access to information in this way.



A home page display of HAKIARDHI website [www.hakiardhi.org](http://www.hakiardhi.org)

### **2.1.7 Increased access to information through the information centre**

Various publications, such as books, manuals, and journals, have been purchased or acquired freely from other information producers with the view to increase the availability of information on land related matter in the centre. Publications are purchased on the basis of feedback and requests from the information centre users, such as researchers, university and college students, and members of the public. Members of staff also use these publications for analysis, reference, and enhancing their knowledge. During this reporting period, a substantial number of publications on biofuel, development and poverty, investment, agriculture, economics, pastoralism, land laws, and gender were bought from various book stores in the country.

## **PART THREE: ACTIVITY REPORT FOR PUBLIC ENGAGEMENT AND ADVOCACY**

### **PROGRAMME UNIT**

#### **3.0 Introduction**

The main objective of the public engagement and advocacy unit is *to enhance public engagement and democratic governance on land matters*. PEA breaks down into several outputs but mainly focuses on capacity building, advocacy for changes in policy and practice, and public outreach. The biggest component of this unit is the land rights and village governance programme followed by other key interventions, such as public debates, media programmes, joint advocacy interventions with other likeminded organizations, and outreach mission, which are carried out through learning and sharing sessions, networking and coalition building. It is through such interventions that the land legal regime is improved, community members become empowered to stand for their rights and decision-making organs make informed decisions based on the rule of law, fairness and justice to all. The specific activities implemented under each output are narrated below.

#### ***OUTPUT 1: ENHANCED KNOWLEDGE AND PUBLIC ENGAGEMENT IN DECISION***

##### ***MAKING PROCESS REGARDING LAND MATTERS AND RELATED***

##### ***RESOURCES***

#### ***3.1 Implementation of the land rights and governance programme***

This programme is implemented in six districts, namely Kilombero, Rufiji, Mkinga, Kilindi, Korogwe and Kisarawe. The programme is implemented in six stages, namely baseline study, district stakeholders training, ward level leadership training, village leadership training and ordinary villagers land rights and governance training. The final level is capacity building for Land Rights Monitors. The first three levels were accomplished in the previous year, while the remaining levels were continued this year, as reported in the succeeding parts. Three activities have been done in this reporting period, which are: completion of the land rights training at ward level in Kilombero district, land rights training of village leaders, and training of ordinary villagers in all 90 villages of the 6 districts. It is important to emphasize at this point that the overall aim for this training was to enhance villagers' understanding of the land laws, natural resources management and decision-making processes where their rights to access, own, use and control land are defined and guaranteed.

##### ***3.1.1 Land rights and governance training to Ward committee and land tribunal***

###### ***members in Kilombero District***

The training was conducted from 16<sup>th</sup>-18<sup>th</sup> March, 2010 and covered three wards namely, Masagati, Utengule and Mang'ula. A total number of 86 participants who are

members of the Ward Development Committee, the Ward Tribunal, as well as other ward stakeholders, such as religious leaders and teachers, attended the training at the ratio of 12 women to 74 men.

*Through this training, the knowledge gap on land administration and land conflict management which the members of both organs conceded to have was largely addressed by the training package that included land laws, local government institutional power relations and land conflict management strategies. As a result, cases that involved WDC and WT malpractices have been significantly reduced. Such cases included the interference in village organs by ward level organs, fines and penalties above the jurisdiction of the respective organs, and issuance of verdicts on land grab cases that fall under the jurisdiction of the district land and housing tribunals. The best case in point is Utengule ward of Kilombero district where success stories have been recorded after the training took place.*

### **3.1.2 Village leaders training on land rights and governance**

The training aimed at improving villagers' understanding of the land laws, especially the village land Act No.5, 1999, and village governance in relation to land and other resources administration. Other aims were to improve the quality of decisions made on land, strengthen capacities of decision-makers at grassroots level, and improve the performance of decision-making organs such as village council, village assembly, and various village committees like the village adjudication committee and village land councils. A total number of 4,328 leaders were trained in all six districts as detailed in the table below.

**Table No.1 List of participants to the village leaders land rights training**

<b>District</b>	<b>Date of training</b>	<b>Number of participants</b>	<b>Male</b>	<b>Female</b>
Korogwe	15th-22 <sup>nd</sup> /2/2010	741	439	302
Kilindi	11 <sup>th</sup> -28 <sup>th</sup> /4/2010	734	460	274
Rufiji	9 <sup>th</sup> -20 <sup>th</sup> /5/2010	713	432	281
Kisarawe	25 <sup>th</sup> /7-3 <sup>rd</sup> /8/2010	715	430	285
Mkinga	9 <sup>th</sup> -18 <sup>th</sup> /8/2010	712	429	283
Kilombero	9 <sup>th</sup> -25 <sup>th</sup> /11/2010	713	462	251
<b>Total</b>		<b>4,328</b>	<b>2,652</b>	<b>1,676</b>

*Source: Village leaders land rights training registration forms*

In terms of the composition of the participants per village, the target was village council members who are 25 (8 statutory women), village land council members whose number is 7 (3 statutory women) and 19 (9 women) other participants from various institutions in the villages such as schools, religious bodies, political parties, the aged people and village opinion makers. The latter category of participants is not village leaders, but has immense influence on the nature of decisions made by the village councils and assemblies, which is why it was necessary that they also are trained.

The issues raised and discussed included lack of awareness among village leaders on the responsibilities and powers of various organs that form part of the village government, political interference in village governance by higher level authorities, such as MPs, DCs and RCs, unclear power relations between the village council and village assembly on land matters that weakens the administration of justice in reaching resolution of land conflicts, and unclear terms of investments on village land that both investors and the villagers agreed upon.

What can be celebrated as achievements of this training in all the villages is that;

- (i) ***Adherence to the rule of law upheld.*** Most villagers were able to stop the ongoing investment deals that were based on procedural misconducts. The best case is in Makelele village of Kilindi district where villagers were able to stop the allocation of land to an investor amounting to 100 ha after realizing that proper procedures were not followed by the investor from Dar es Salaam.
- (ii) ***Enhanced accountability and government responsiveness.*** Village leaders are being held accountable by their subjects if they do not hold the meetings as required by law. The best case is in Kisanga village in Kisarawe district where villagers were able to stop their village council from performing their functions after realizing that they were not following the village land act number 5 of 1999 in land allocations and governance procedures as per local government (district Authorities) act number 7 of 1982. The land in question amounting to 301 ha was irregularly allocated to four local investors in 1997 without the villagers' knowledge. After the training, they held their leadership accountable for this.
- (iii) ***Land and related resources conflict resolved.*** In many villages where the training took place, the villagers have been able to employ the knowledge gained to resolve their land conflicts. The best case in point is Pagwi village of Kilindi district where villagers testified to having ended long standing conflicts between pastoralists and farmers that claimed several lives. Land rights and governance training has thus contributed to their amicable and peaceful co-existence.
- (iv) ***Enhanced adherence to the principles of good governance in local government administration.*** Most village leaders are now complying with the law in convening village council and assembly meetings unlike before the training, when most of the villagers testified during the baseline study that meetings were not being called. Minutes-taking from meetings has improved, record keeping embraced and procedures for land acquisition complied with in the villages where training took place. Besides, the level of participation of the villagers in general meetings has increased as they now see the importance of being part of the decisions made regarding their land and their rights in general.

### **3.1.3 Ordinary villagers training on land rights and governance**

A similar training to that of leaders was provided to the ordinary villagers, who do not hold any leadership position in villages. The training aimed at enhancing their knowledge on land matters and participation in decision-making processes, as well as reducing conflicts between the various land users in villages. It was also a forum to identify Land Rights Monitors to follow up on unjust, unlawful and undemocratic practices in village land administration. The training took place in 90 villages on a basis of 15 villages per district. With 50 participants per village it was anticipated that 750 villagers from each district would directly benefit from the training with a total of 4,500 villagers from all the six districts. However, the number could not quite be reached for several reasons but mainly due to lack of reliable communication between the village authorities which organized the training and the villagers who participated. The number of participants with gender disaggregation is as shown in the table below.

**Table No.2 List of participants to the ordinary villagers training**

<b>District</b>	<b>Date of training</b>	<b>Number of participants</b>	<b>Male</b>	<b>Female</b>
Korogwe	9-19 Jan. 2011	744	419	325
Kilindi	23 Jan.-2 <sup>nd</sup> Feb.2011	718	399	319
Mkinga	23 Jan. -2 <sup>nd</sup> Feb, 2011	750	395	355
Kisarawe	6-16 Feb, 2011	742	436	306
Rufiji	6-16 Feb, 2011	743	449	294
Kilombero	7-26 Nov, 2010	720	455	265
<b>Total</b>		<b>4,417</b>	<b>2,553</b>	<b>1,864</b>

*Source: Ordinary villagers land rights training registration forms*

HAKIARDHI strives to ensure that gender parity is observed in all its interventions. This is evident in this training where the composition of men to women participants remained at a ratio of 28 to 20 which is almost 60 to 40 percent if the two statutory members that are chairperson and village executive officer are excluded. The ratio ranges up to 55 to 45 depending on the nature of the activity. For some activities, like the Land Rights Monitors training, the ratio is 50% men to women because the selection criterion is based on such a pre-determined ratio.

More or less the same issues that were raised during the village leaders training recurred during the training of ordinary villagers. This is not to ignore or undermine issues that seemed peculiar to ordinary villagers like their lack of trust in their leaders, as the latter tend to ignore the village assembly even for decisions that require its approval. Other issues that were specific concerns for the villagers included; boundary conflicts between villagers and with conservation authorities like TANAPA, TANROADS

and public institutions such as prison and the national service wing of the army. This intervention was equally beneficial to the villagers, as it;

- (i) **Enhanced knowledge and participation in decision making process.** Apart from the knowledge on land matters that most villagers acknowledged to have gained, the training served to boost their morale and zeal in dealing with the land problems they encountered. Besides, there has been an increase of the villagers' participation in the village assemblies, which contrasts with the time when the baseline study was conducted. The village assembly is now regarded as site for democratic governance by the villagers.
- (ii) **Enhanced collective bargaining spirit and joint actions for change;** self-mobilization against unscrupulous land dealers is visible in some villages which has reduced the influx and common occurrence of unprincipled investors in districts like Rufiji, Kilombero and Kisarawe. In Kilombero, for example, ordinary villagers formed a committee that filed a lawsuit against the District Commissioner and an investor (SUDECO) for an attempt to grab part of their village land for sugarcane farming. The case is still pending at the land division of the high court in Dar es Salaam.
- (iii) **Increased public engagement on land matters as result of enhanced awareness.** Broad-based dissemination of issues emerging from the field through the media has awakened community members to mobilize and take local actions. In Rufiji district, Nyamwage villagers formed a committee to follow up a case of a failed large-scale investment in their village at the district council and TIC offices. Similarly, there is more scrutiny into land applications from investors in villages. The best case can be found in Mindutulieni village of Bagamoyo district where land rights training took place through the provision of strategic support to NARAMATISHO as a local NGO.
- (iv) **Sustained debates on land rights in villages.** Discussions on land issues are now prolific in villages where training has taken place. Increased exchange of information and regular support from the village-based Land Rights Monitors provides hope that village land will be governed in accordance with the provisions of the law and in a socially just manner.





*Mnkonde villagers in a group photo with HAKIARDHI facilitators during Ordinary Villagers training in Kilindi District*



*Villagers from Mkongo Kusini listening to Joseph Chiombola during Ordinary villagers training in Rufiji District,*





*Mgwashi Villagers listening to Godfrey Massay (not in a photo) during Ordinary villagers training in Korogwe district.*

### **OUTPUT 3: PUBLIC DEBATES ON LAND MATTERS GENERATED AND SUSTAINED**

This output focuses on enhancing the vibrancy of society through mobilization, campaigning, public debates and learning and sharing of information on land matters. The ultimate goal is to have policies changed in favor of small producers so that they can equally benefit from the natural resources. Apart from open public forums, it is expected that media programmes (in television, radio and newspapers) play a vital role in informing and transforming the citizens' thinking, processes and actions towards change. To initiate and sustain such debates, a series of programmes, such as the National Land Forum, monthly seminars on topical land matters, land rights training of CBOs and land-based NGOs, networking and coalition building, provision of legal aid to indigent communities, press conferences and advertising columns in newspapers, were planned and executed as detailed hereunder;

#### **3.3.1 Radio and TV land rights programmes**

During this reporting period, at least 20 media programmes (six for TV and 14 for radio) covering land matters were aired, even though only four were part of the plan for the year. The remaining sixteen programmes were complementary sessions where the media houses invited HAKIARDHI staff members to share information on land with the public. The programmes focused on such issues as; public awareness on land policies, laws and land conflict management mechanisms and advocacy strategies for communities. The programmes were aired on ITV, Radio One, TBC1 TV and radio as well as Channel Ten. One of the most pressing issues that were debated concerned



the interference in the District Land and Housing Tribunal by the Kigoma Regional commissioner, as well as the Loliondo land rights question, which has been part of the CSOs' struggle for several decades, but still remains unresolved. These media interventions resulted in:

- (i) **Enhanced knowledge base and increased access to justice.** There has been enormous public response through physical visit to the office, mobile phone text messages, media programmes, inquiry e-mails and other means in search of information and assistance regarding people's rights to land. The most frequently asked questions and assistance needed concern; how to obtain certificates and title deeds, to access to justice land courts, and be represented before courts of law. Responses to these demands are made through the free programmes offered by media houses, as well as during public debates in monthly seminars, the National Land Forum, and land rights training. In this manner, public debates, particularly within the small producers' constituencies, are sustained.
- (ii) **Broadened intervention coverage.** Media programmes have enabled HAKIARDHI to go beyond its programme coverage in nine (9) districts to reach many other indigent people at one time. The diversity of calls and feedback received, indicate that the coverage of media programmes is indeed so broad as to almost be countrywide.

### **3.3.2 The land question in the new constitution debated through NALAF**

National Land Forum is an annual event that brings together land sector stakeholders (government officials, private sector representatives, academics, activists, NGOs, media practitioners, and ordinary citizens) from the grassroots to national level to discuss and deliberate on key policy issues on a particular theme of the year. For non-state actors, it is also an opportunity to engage with key representatives from the respective ministries to influence decisions regarding the rights of small producers. This year's forum took place on February 24<sup>th</sup> to 25<sup>th</sup> 2011 at Land Mark Hotel, in Dar es Salaam. It was attended by 110 participants (35 women) from different social and occupational backgrounds. The main theme for the forum was **Security of Land Tenure and National Resources as important pillars in the New Tanzanian Constitution**. The forum took advantage of the ongoing public discussion on the need for a new constitution that is driven by people's own needs, interests and aspirations. Through this forum, key issues regarding the rights to land and security of tenure for small producers in the context of the new constitution were discussed and resolved as highlighted hereunder;

- (i) **Guaranteed security of tenure on land and natural resources;** The need to incorporate land and other natural resources in the new constitution was discussed and emphasized by means of examples from Kenya, Uganda and South Africa, whose representatives shared their constitution-making processes. The reason for this is that enshrining such resources in the constitution provides

greater security and protection than when they are guaranteed by a mere act of parliament.

- (ii) **Enhanced legitimacy of the constitution;** The forum provided a new perspective to the public on the need to give constitutional protection to natural resources as opposed to the dominant view that constitutional issues are primarily legal and political and thus the exclusive domain of politicians and lawyers. Experiences from other countries enriched the discussion and deliberations that a socially legitimate constitution requires that its enactment process is owned, directed and driven by the social, economic and political interests of all groups of people in the society.
- (iii) **Protracted public engagements;** Given the diversity of participants in terms of their broad social and occupational backgrounds, it is obvious that the discussion has been brought to the attention of many citizens in the country.



Left; Uganda Land Alliance Director Ms. Esther Obaikoli presenting a paper during NALAF held at Landmark Hotel Dar es Salaam. Right; NALAF participants listening to Mr. Deus Kibamba (seated in front) during the same forum.

### 3.3.3 Monthly seminar series on land matters

This activity brings together participants from Dar es Salaam, and especially residents from peri-urban areas, to interact with media practitioners, activists from civil society organizations and representatives from government institutions. The arrangement is on monthly basis but is occasionally organized more regularly depending on the need and timing of particular issues. During this reporting period, twelve (12) seminars were conducted as planned. Out of the twelve seminars, three took place in the peri-urban areas of Dar es Salaam (Tondoroni in Kisarawe district, Kigamboni in Temeke district and Chanika in Ilala district) on requests from residents of those areas. A total number

of 395 (176 women) participants attended the 12 seminars. Some of the topics presented during the seminar included;

**Table No.3 List of monthly seminars conducted for the period March 2010 February .2011**

S/N	TITLE	PRESENTER	DATE
1.	Establishment of Ranches and land disputes settlements between pastoralists and farmers	Grace Mwaigomole Ministry of Livestock and Fisheries	26/03/2010
2.	Analysis of the budget of the Ministry of Land, Housing and Human Settlements in relation to the realization of land rights of the communities	Cathbert Tomitho Programme Officer -HAKIARDHI	23/07/2010
3.	The Land bank initiative for extensive investment vis-a-vis security of tenure for small producers.	Mr. John Mnali Director of Internal Investment Promotion – TIC	20/08/2010
4	The rights of artisanal miners in the New Mining Act No. 14 of 2010	Aman Mustapha Muhinda TMWDO Mirerani – Arusha	05/11/2010
5.	The procedures for land acquisition and payment of compensation according to the land acquisition act of 1967 and land acts of 1999.	Mr. Adrian Beda Kinondoni Municipal Land Officer	01/10/2010
6	The land rights of pastoralist communities along Game Controlled Areas and National parks	Mr. Stanslaus Nyembea- Programme Officer -LEAT	26/11/2010
7.	The land rights of indigents residing in peri-urban areas which are planned for development under the Urban planned act 2007	Beatha Fabian Senior Programme Officer - HAKIARDHI	28/1/2011
8.	The rights and duties of litigants before land disputes settlements organs i.e. Act number 2 of 2002	David Mkilya Advocate	24/2/2011

The value of such sessions includes but is not limited to;

- (i) **Promoting access to justice to the indigents;** Members of the public who have been deprived of their rights get the opportunity to present their cases to the respective government authority. Quite often, they are either responded to on the spot or given appointment for further consultations in public offices. In this way, the land problems facing those people find solutions
- (ii) **Sustaining public debates on land matters;** The journalists who attend the seminars provide coverage of the issues through their media channels and the problems may receive public attention, sympathy or support
- (iii) **Platform for learning and policy interventions;** It is also a learning, sharing and policy advocacy platform, where policy makers, implementers and the people engage free of bureaucratic encumbrances of the typical public office.



*A participant contributing to a discussion during one of the monthly seminars held at HAKIARDHI offices in Dar es Salaam.*

### **3.3.4 Capacity building land rights training to CBOs**

On 9-10 March, 2010 CBO's from Kisarawe, Rufiji and Mkinga were coached on land rights issues. The two-day training session was attended by 21 participants (four women and 17 men) from these districts. Most of the CBO members wanted to enhance their knowledge on land laws to be able to provide paralegal services in their constituencies. More practically, the knowledge gained would enable the participants to resolve land conflicts in their areas of work. This knowledge transfer was thus crucial for HAKIARDHI's programmatic interventions in these districts, as it is one way of replicating our work in more villages than the ones covered in the current strategic plan.

### **3.3.5 Networking and coalition building**

The main purpose of networking activities is the learning and sharing of knowledge, skills and experiences. During this reporting period, the organization was able to exchange information with various likeminded organizations through participation in their events and by inviting them to attend ours. These events included; a learning visit of Kenya Land Alliance members to Tanzania in March 2010, stakeholders workshop on the land tenure system organized by PELUM in Morogoro, stakeholders workshop to amend the regulations of the wildlife Act of 2009 organized by the Ministry of Natural Resources and the Africa Economic Forum parallel session jointly organized by Oxfam and FemAct in Dar es Salaam. The organization was also represented at the World Social Forum, Dakar, Senegal, where land issues formed one of the key themes.

### **3.3.6 Provision of legal aid services on land matters to indigents**

HAKIARDHI has continued to offer legal aid services to indigents from different parts of Tanzania via posted letters, phone calls and messages, in addition to attending to clients who physically visit our office. During this reporting period, the organization has chiefly offered legal services to the two (2) community committees of Kwembe and Kigamboni residents whose land is being targeted for large-scale acquisition. The former committee has lodged a case before the High Court Land Division requesting a temporary injunction against the government which plans to take their land for the purpose extending Muhimbili University Hospital. The transfer involves gross violation of procedures which, if not stopped, will result in landlessness in the area. As for Kigamboni, the committee has received technical support from the organization to engage with the project office of the Kigamboni new city project at the Ministry of Land. This comes in addition to the legal aid provided to clients who visit the office on a daily basis at an average of 6 to 8 clients per week. The provision of legal aid service is of advantage to the organization and results in;

*Increased access to justice. The significant impact of legal aid is that it opens up opportunities for the indigents to access justice in the government institutions and before courts of law. It is also an empowerment mechanism for those who receive coaching to defend themselves before courts of law. Besides, legal aid is one of the publicity mechanisms of the organization work, as those who have been well-attended spread the word of the work of the institute to others.*

### **OUTPUT 4: ENHANCED KNOWLEDGE-BASE ON GENDER AND HIV/AIDS**

This public engagement component targeted local communities in the six programme districts with the intention of reducing the social impacts of HIV/AIDS on the indigent communities. The component targeted women and youth, particularly widows and orphans. However, it was necessary that the programme also cover other actors who have a duty to enforce decisions and social values. Village leaders and ordinary villagers were thus part and parcel of the training beneficiaries. Some of the activities under this category were successfully implemented in the previous year. During this

reporting period, special training on gender and HIV/AIDS was provided for village leaders and ordinary villagers in the same numbers as the land rights training described in table 1 and 2 above. What were noted as key lessons during the implementation of this programme included;

- (i) Level of understanding on land, gender and HIV/AIDS issues among women is still very low. This is partly attributed to their exclusion from decision-making organs like village assemblies and public meetings where information is shared. Consequently, lack of access to information denies them their rights to land, reproductive health rights, matrimonial property rights, and they are prone to abuse of their rights.
- (ii) Support services and supplies for victims of gender-based violence and preventive gears for HIV/AIDS victims are not available in villages and where retail shops and dispensaries operate, they do not provide services like condoms for religious reasons.
- (iii) Harmful and archaic traditions and customs that perpetuate both gender-based violence and HIV infection are still practiced in almost all the villages that received training. Examples of such traditions include the famous *unyago* which is a traditional female orientation process that among other effects inspires young girls to engage in sexual relationships, unquestionably obey their spouses and humbly become submissive to orders no matter how harmful they are for their wellbeing. Through observation, it was noted that men in many of the villages were polygamist. In coastal regions this could be linked with religious faith, (polygamy is allowed to Muslims), but the life style and behavior of this practice is a source of the increasing rate of HIV/AIDS infections and vulnerability to women.
- (iv) There is a strong link between loss of matrimonial property for women and youth upon death of the male spouse due to the fact that, most of the customs and traditions in the programme districts do not freely allow women and youth ownership of land and properties. However, women are still not confident enough to challenge such practices for several reasons that include lack of awareness, justice institutions and empowerment mechanisms for local women. The value of this intervention could be noted in terms of increasing access to information, enhancing the knowledge-base of the indigents and empowering them to take action against any form of marginalization.

## **OUTPUT 5: INCREASED CSOs JOINT INTERVENTIONS ON LAND AND RELATED**

### **RESOURCES ADVOCACY THROUGH ALLIANCES**

#### **3.5.1 CSOs joint advocacy for sustainable bioenergy development in Tanzania**

Several companies have initiated bioenergy projects in Tanzania in the last six years. While these developments are taking place at an unprecedented pace, Tanzania does



not have in place a policy and legal framework to regulate investment and practices related to bioenergy development. Pursuant to these shortcomings, Tanzanian CSOs came up with the idea to establish a multi-stakeholder dialogue facility where different actors can share information and collectively input into the bioenergy policy development process. The Tanzania Bioenergy Forum – TABEF was established in 2009 and its focus has been research, advocacy and policy dialogues on bioenergy issues with a view to promote and protect the rights and secure benefits for small producers in all bioenergy-related investments deals. Several activities have been implemented jointly with the stakeholders under this new initiative including but not limited to the following;

### **3.5.2 Stakeholders sensitization for further engagement with the bioenergy policy processes.**

A critical part of TABEF revolves around information sharing and networking. HAKIARDHI, which hosts the forum, has distributed important information to other stakeholders both through e-mails and physically during joint activities. Two important sessions took place during this reporting period, both of which were devoted to information sharing and learning through presentations, testimonies, activity reports and distribution of fact sheets. The first meeting took place on 8<sup>th</sup> November 2010, while the last one took place on 16<sup>th</sup> December 2010. Information related to policy developments, newspaper articles and experiences from other countries and regions are some of the information which has been regularly distributed. In total, 15 different reports have been shared electronically and about 6 leading media stories and articles have been widely distributed and posted on the TABEF website for further circulation and readership. It is such information that largely contributes to the ongoing debate and policy development process for biofuel investment in Tanzania.

### **3.5.3 TABEF engaging with biofuel producing companies**

During this reporting period, TABEF facilitated a dialogue session between four key actors in the sector, namely the government, several bioenergy companies, civil society and the media. The dialogue session took place on 16<sup>th</sup> December 2010 at the Regency Hotel in Dar es Salaam bringing together 21 participants from the four groups.

*Two things were quite unique in this session. First, the private sector was largely represented in the session and committed to be part of the initiatives to ensure that the small producers are benefiting from their investments in villages. These companies were Prokon Limited of Mpanda, Diligent based in Arusha and Sun Biofuels based in Kisarawe district. On the part of the government, it was an opportunity to share the guidelines for liquid biofuel that were endorsed by the cabinet as an interim regulatory instrument for biofuel development in the country. It was also a forum to build up trust and mutual understanding of issues and processes around biofuel development in Tanzania before adopting a working document concerning common areas of interest, such as joint research,*

*policy advocacy and networking for learning and sharing. Common understanding and trust between stakeholders provide the opportunity for the emerging biofuel industry to benefit small producers in a socially just, equitable and sustainable manner.*

### **3.5.4 CSOs joint advocacy on land rights and environmental governance through the Tanzania Land Alliance - TALA**

#### **3.5.4.1 TALA dialogue forum for setting the stage.**

Tanzania Land Alliance is relatively new but already assuming popularity in Tanzania's CSOs scene. It was instituted in July 2010, but became fully operational in December 2010 when seven organizations that have a history of working together on many fronts around human rights issues signed a Memorandum of Understanding to undertake joint interventions on land rights and environmental governance related issues in Tanzania. The organizations are Pastoralist Indigenous Organization (PINGOs Forum), Ujamaa Community Resource Trust (U-CRT), Women Legal Aid Center (WLAC), Lawyers Environmental Action Team (LEAT), Legal and Human Rights Center (LHRC) and Mtandao wa Vikundi vya Wakulima Tanzania (MVIWATA).

*The alliance adds value to the work of the individual organizations, puts new impetus on intervention strategies and creates opportunities for greater and wider coverage of both issues and areas beyond the reach of any individual organizations. The background of each organization indicates that there is a great potential to synergize the impacts of joint advocacy work on such issues as land rights for marginalized groups (pastoralists, hunters and gatherers, artisanal miners), environmental protection campaigns and increasing access to justice for the indigents. At the onset of the alliance, three activities are on record as successfully accomplished.*

#### **3.5.4.2 Broadening the joint advocacy base: The land rights CSOs database**

To enhance and ensure effective collaboration of CSOs through a newly established land alliance, a study was commissioned to an independent consultant to prepare a national database of CSOs that broad work on land. Special consideration was given to organizations that have worked on land rights matters for the recent past (three years) and which have activities concerning land rights issues in their current plans. Through this process, 50 organizations were identified and their profiles documented across the country. However, one big challenge is that most organizations work on land issues intermittently but it does not constitute their core programme activity, so their existence in the database could be short lived. This calls for regular updating of the database to ensure that only those organizations that deal with land rights issues as broadly defined in the memorandum of understanding form part of the alliance.

*The database will help reinforce the land rights CSOs joint advocacy, compliment each other's work and reduce duplication of efforts and resources in land rights*



*interventions. Besides, it is envisaged to be one of the strongest collective bargaining facilities between land rights CSOs and the government on land rights and related issues in Tanzania.*

### **3.5.4.3 Enhancing CSOs dialogue on land rights issues**

TALA had only existed and operated for a very short time at the closing time for HAKIARDHI's reporting period in February 2011. However, some of key activities had already taken place including the stage setting dialogue forum in February 2011 to agree on the thematic areas, lead organizations for each theme, and joint advocacy strategies. Such specialization facilitates for each organization to achieve certain milestones in the joint advocacy work beyond the routine work of the organization, which represents the essence for TALA's establishment. The themes and lead organizations are described in the table below.

**Table No.4 TALA thematic areas for 2010/11**

<b>S/NO</b>	<b>THEMATIC AREA AND CORE FOCUS</b>	<b>LEAD ORGANIZATION(S)</b>
1	<p><b>PASTORALISM</b></p> <p>(i) Advocacy for the land rights and livelihoods issues for pastoralists communities (focusing on policy and legal framework, infrastructure, basic services, markets for their products e.t.c)</p> <p>(ii) Other related issues e.g. the climate change challenge: mitigation and adaptation strategies</p> <p>(iii) Land conflicts management</p>	<p>PINGOs FORUM</p> <p>HAKIARDHI</p>
2	<p><b>FARMERS (PEASANTS)</b></p> <p>(i) Advocacy for small farmers' rights to land and related resources through policy reforms, awareness raising, capacity building and technical backstopping on institutional management issues</p> <p>(ii) Research and information dissemination on the implications of investment in agribusiness (biofuels, food, carbon credits etc) for the livelihood of the resident's communities where the investment take place and to the nation at large</p> <p>(iii) Land conflicts management</p>	<p>MVIWATA</p> <p>HAKIARDHI</p>
3	<p><b>ENVIRONMENTAL GOVERNANCE</b></p> <p>(i) Advocacy for sustainable management and use of natural resources with a view to promote preservation and benefit sharing of the bio-resources in all their forms between local communities and other users (e.g. wildlife conservation versus</p>	<p>LEAT</p> <p>U – CRT</p> <p>HAKIARDHI</p>

	<p>community rights, forest conservation versus community rights to access, use and benefit from the forests resources etc)</p> <p>(ii) Advocacy for the rights to resources for small scale miners, hunter-gatherers and fisher-folks</p> <p>(iii) Addressing a wide range of issues in relation to the Social Environmental Impact Assessments (SEIA) and community participation in natural resources governance</p>	
5	<p><b>LAND LEGAL REFORMS</b></p> <p>(i) Coordinating CSOs' joint engagement with land and related law reforms (in government, parliament and agencies)</p> <p>(ii) Broad-based advocacy for women land and related rights</p> <p>(iii) CSOs' joint interventions on human rights violations</p>	<p>LHRC</p> <p>WLAC</p> <p>HAKIARDHI</p>

#### **3.5.4.4 Learning and sharing at regional level**

Support was rendered to three members of TALA to participate in the regional Summer School Programme on land and agrarian issues that took place in South Africa in January 2011 for the purpose of learning and sharing information. Through this programme, HAKIARDHI, WLAC and LEAT focal persons for TALA programme were able to interact with members from other land rights movements especially Latin America that are relatively more advanced in land rights struggles than Africa social movements. In the course of learning and sharing, several other strategies to work together with those alliances were exchanged. Those included; the need to undertake collaborative researches on emerging issues like the global rush for land, and joint regional interventions on land.

## **PART FOUR: ACTIVITY REPORT FOR THE INSTITUTIONAL MANAGEMENT AND PROGRAMME SUPPORT UNIT**

### **4.0 The Institutional management unit**

Institutional management and programme support is a central coordinating unit for all the interventions in the organization. General management and technical support to programmes and administration is facilitated by this portfolio through its three main components. These are; skills development and utilization, which focuses on personnel engagement, emolument and performance, second is resource mobilization and utilization, which focuses on the availability of adequate resources (physical, material and financial) to meet the planned objectives, and lastly, a well-functioning institutional framework for governance and services delivery. During this reporting period, there has been a lot of work on all these three components that are reported in detail in the succeeding sections.

#### ***4.1 Improving HAKIARDHI staff performance***

Performance improvement can be done in many ways in organizations depending on their internal policies and resources availability. However, the most applicable way is through skills development by training where needs arise. The best way for the organization to reduce expenses for skills development is to attract and recruit the most relevant skills from the market where every job will be filled by a person who does it best. This was the option employed by HAKIARDHI - to recruit relevant staff and strive to retain existing ones by providing them with requisite working facilities and remuneration.

During this reporting period, four new staff members (two programme officers, one accountant and one driver) were recruited after expanding the programme and funding base towards the end of the financial year. In addition, four short term programme volunteers were engaged for six months renewable period subject to successful performance and resource availability. At the end of the financial year, the institute had 21 staff, 17 of who were long-term contract staff and 4 serving on short-term basis.

The next step after staffing is to assess their performance. This was done with an open performance appraisal method where all the staff were subject to discussion with their heads of units after filling in forms and responding to performance determinant questions. This participatory approach necessitated the institute to determine the extent to which each staff has been able to reach the target of their work. It was on the basis of this appraisal that some staff were motivated through salary increase and others given short-course training opportunities to sharpen their skills. Overall, the recruitment of staff with requisite qualifications and their subsequent performance appraisals help to improve staff performance and realization of the objectives.

#### ***4.2 Resources availability and improved financial management system***

Services and facilities are crucial for quality delivery of results in organizations. Through this component, the institute was able to undertake procurement of office equipments such as, a standby generator Cummins model C28D5, one Toyota land Cruiser hardtop motor vehicle, a power point projector kit, and three desktop computers. Three office tables and a document saver were also purchased.

Furthermore, the internal communication system was up-graded by configuring the telephone and internet wiring systems, cabling and network connections. Such services have improved the internal organization and work, like report writing, data analysis, access to information from online sources for reference and many other benefits.

In terms of financial management, there has been tremendous improvement in data capturing, record tracking and keeping by upgrading and retraining staff on SAP Business One financial management software, which facilitates the preparation of regular financial reports and audits. These facilities and services have increased HAKIARDHI's transparency in financial management accountability. It has also broadened its mandate beyond its traditional programme areas through reliable transport and related services.

#### ***4.3 Improved governance and quality of HAKIARDHI services***

On the governance aspect the focus is on institutional organs and functions. There are three executive organs, namely the AGM, board, and secretariat, and one non-executive organ which is the Advisory Council. All the organs perform their duties as stipulated in the Articles of Association of the Institute with a view to increase the quality of services delivered to the recipients, who in this case are the small producers. During this reporting period, all the organs were able to perform their mandated functions as required. The Board of Directors provided institutional guidance in terms of policies, programmatic reviews and activity report vetting, while the Annual General Meeting endorsed the previous year's audited accounts, discussed the narrative reports, and appointed the directors of the board. The board conducts its meetings quarterly, while the annual general meeting took place on 27<sup>th</sup> February 2011 at Kibaha conference centre in Kibaha district.

## **PART FIVE: LESSONS, CHALLENGES, RECOMMENDATIONS AND CONCLUDING REMARKS**

### **5.1 Overall Lessons for the year ending 28<sup>th</sup> February 2011**

This is the second year of programme execution for the 2009/12 strategic plan. Little was achieved in the first year of this plan, as 50% of activities were implemented in the new programme districts and many others were in their preliminary stages. Some significant milestones have been made towards the final results of this plan this year. Numerous lessons have been learnt, and an attempt is made to highlight some of these hereunder;

- (i) Broadening of the funding base has made it possible to reach many indigent people outside the traditional programme districts. During this reporting period, the organization received substantial funding from DANIDA and Action Aid that facilitated outreach programmes to other areas where grassroots communities otherwise would not have been reached. More funding provides for wider coverage.
- (ii) The impact of the grassroots level training cannot be under estimated. It revives the activism of the grassroots people, which could be the beginning of a social movement on natural resources that many have dreamt of for so long. People are taking actions against malpractices on land, land grab, violation of human rights and other vices. Continued capacity building on land laws and advocacy strategies will certainly mean a much greater impact in a short period of time to come.
- (iii) Unity is always strength. The formation of Tanzania Land Alliance and Tanzania Bioenergy Forum have amplified the synergies of land rights advocacy civil society organizations and the impact of their joint work is much more tangible now than at any other time before.
- (iv) The media has proved to be one of the most powerful advocacy tools and partners in accomplishing our mission. There is a need to equip media practitioners with the requisite analytical skills and knowledge for them to play this role more effectively and efficiently.

### **5.2 What are the challenges?**

All these achievements notwithstanding, there are numerous challenges that still face the small producers on one hand and the Institute's intervention strategies on the other hand.

- (i) The trends, processes and dynamics of the land tenure practices still pose a serious threat to the security of tenure and especially the livelihoods of the rural small producers who entirely depend on land. The current wave of investment on land that manifest itself through natural resource accumulation continue to dispossess people of their most needed resources like land, water, labor, and

pastures which if left unabated will result in disruption of peace and security in the country.

- (ii) Climate change has gone far beyond peoples' ability to adapt to and mitigate its effects. This calls for more protracted interventions to support peoples' self-help initiative, especially in rural areas. This is especially important because powerful actors are rushing to establish projects that do not respond to the needs of the common people, but rather are profit-oriented.
- (iii) Expanded outreach programmes have increased the institute's visibility and the public's reliance on the services offered by the institute. Of recent, there has been a tremendous increase in demands from the public for support (through training, financial and materials) but the ability to respond to all the needs is obviously limited.
- (iv) Policy analysis and legal reform advocacy interventions brought out pertinent issues and recommendations to amend various laws. However, bad laws take too long to change. For instance, it took more than a decade for the recommendations to amend the wildlife act and town planning act to be taken into consideration in 2007 and 2009 respectively. The same trend and process apply to the Mining Act in 2010. This makes advocacy work to influence policies unnecessarily difficult.

### **5.3 Recommendations**

There are four key recommendations that if seriously taken into consideration will help transform the land tenure system in Tanzania and facilitate prompt realization of the institute's objectives.

*First*, there is any opportunity to engage with the process to write a new constitution which, if well-utilized, should ultimately guarantee security of tenure and protect the rights to land and livelihoods of the communities. The process has just begun and the role of HAKIARDHI as TALA secretariat and sole organization with a national mandate on land rights issues cannot be underestimated. While the institute's commitment to lead this process is high, there is an equally imperative need for partners to support the process morally, materially and financially.

*Second*, it is important to ground the advocacy work on land rights at the grassroots level where the majority of citizens, and especially the small producers, make their living. For this to happen, there is a need to broaden and intensify the capacity building interventions that HAKIARDHI has been undertaking in its programme districts. Local community-based organizations and NGOs, together with the Land Rights Monitors can best take the land rights activism to the highest levels. They must be equipped with requisite knowledge, skills and advocacy strategies.

*Third*, it is equally important to strengthen the CSOs' policy engagement strategies at the national level to link up the policy demands and concerns from the grassroots with the power centres of the government and parliament.

*Fourth*, research is the building block of the advocacy work. There is a need to continue searching for relevant, up-to-date and concrete information to back up the advocacy agenda, if the policy demands we make are to be objectively responded to. A number of emerging issues on land, such as climate change, sustainable management and use of natural resources (forest, wildlife, minerals, gas, and fish), as well as environmental governance, need to be tackled from an informed point of view. This is where research can play a significant role to dig deep and come up with empirical solutions to emerging challenges.

#### **5.4 CONCLUDING REMARKS**

This report has highlighted more concrete and sustainable achievements made from the previous year. For the knowledge generation unit, there has been an increase in the number of researches and fact-finding missions conducted, the publications and online information disseminated through websites, libraries and physical address deliveries. We are optimistic that the people who accessed information have shared it with others and applied it to address the land concerns raised by the marginalized people in various parts of the country. In some places where we worked, we were able to see things happening. Members of the communities were taking actions to demand, to defend, to protect their rights and to participate in decision making on matters that concerned their livelihood. We need to sustain such movements and encourage others to join the struggle. On the other hand, the response is also encouraging. The pace at which policies and laws that reflect our demands are made is much higher than that of two decades ago when CSOs were officially allowed to operate. That means, there is a potential to do much better both at policy advocacy level and social movement building level in the grassroots provided there is commitment, adequate resources and willingness of other actors to collaborate. HAKIARDHI has the commitment and enthusiasm. With support from others actors such as the government, the development partners, the business community and the public at large, it is possible to achieve a socially just and equitable land tenure system in which access to, ownership of and control over land and related resources is guaranteed in Tanzania.