

Small-scale producers' awareness and involvement in the process of land acquisition for East Africa Crude Oil Pipeline: *The case study of Kilindi district in Tanga region, Tanzania.*

The Land Rights Research & Resources Institute (HakiArdhi)

Small-scale producers' awareness and involvement in the process of land acquisition for the East Africa Crude Oil Pipeline: The case study of Kilindi district in Tanga region, Tanzania

Dar es Salaam, June 2024

Front cover image:

This native tree, known as ngiloriti, is used as a medication to aid with human digestion and as food for goats and cattle. The photo was taken at Lekitinge village, Tanga region (HakiArdhi, 2023)

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"Voices from Tanzania" presents evidence-based case studies by selected civil society organisations from Tanzania which aim to draw attention to pertinent issues of access to justice and human rights in extractive resource governance in Tanzania. Through these case studies, we seek to shed a light on experiences of communities affected by natural resource extraction in order to amplify their voices in the broader debates on resource governance in Tanzania.

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About the Author

HakiArdhi is a Tanzanian non-profit organization that was established in 1994 with the main objective of advancing, promoting, and researching the land rights of small-scale producers such as peasants, pastoralists, hunter-gatherers, fisher-folk, artisanal miners, and related disadvantaged groups to provide information and knowledge, facilitate equitable and socially just access to and control over land for the production of food, and realization of other basic needs. Contact: info@hakiardhi.or.tz / tomitho@hakiardhi.or.tz

About the Editor

International Peace Information Service (IPIS) is an independent research institute providing tailored information, analysis, capacity enhancement and policy advice to support those actors who want to realize a vision of durable peace, sustainable development and the fulfilment of human rights.

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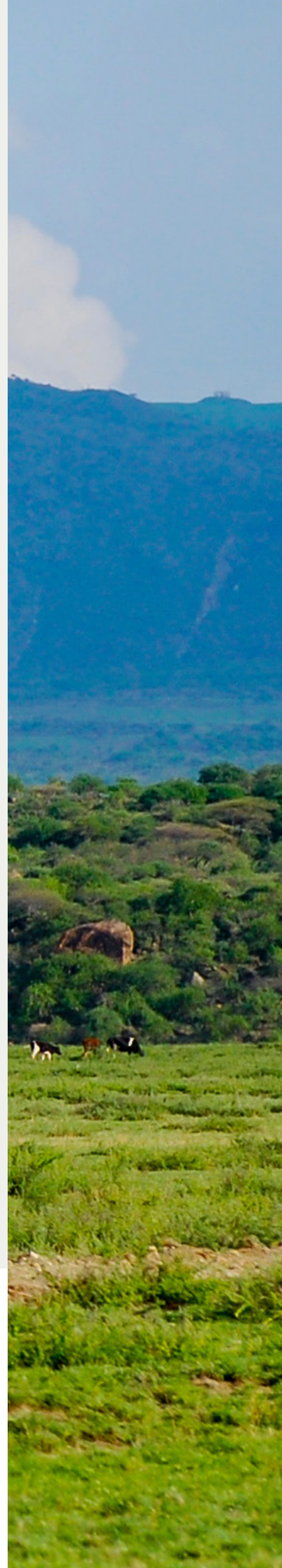


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List of abbreviations

CCROs	Certificates of Customary Rights of Occupancy	PLUM	District Participatory Land Use Management Team
CLA	Compulsory Land Acquisition	PWDs	People With Disabilities
EACOP	East Africa Crude Oil Pipeline	RAPs	Resettlement Action Plans
FGD	Focus Group Discussion	TZS	Tanzanian Shillings
GIS	Geographic Information System	UCRT	Ujamaa Community Resource Team
HAKIARDHI	Land Rights Research and Resources Institute	URT	United Republic of Tanzania
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immuno Deficiency Syndrome	VLUPs	Village Land Use Plans
HRIA	Human Rights Impact Assessment		
IFC	International Finance Corporation		
IGP	International Good Practice		
IPIS	International Peace Information Service		
ISF	International Standards for Financing		
LAIR	Land Acquisition and Involuntary Resettlement		
LRPs	Livelihood Restoration Plans		
LUPs	Land Use Plans		
MST	Marine Storage Terminal		
MLHSD	Ministry of Lands, Housing, and Human Settlements Development		
NGOs	Non-Governmental Organizations		
NLUPC	National Land Use Planning Commission		
PAICODEO	Parakuiyo Pastoralists Indigenous Community Development Organization		
PAPs	Project Affected Persons		
PINGOs FORUM	Pastoralists Indigenous Non-Government Organization's Forum		



Acknowledgement

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Executive summary

Land and land-based resources are critical in Tanzania for small-scale producers, particularly farmers, pastoralists, and women, in providing daily socio-economic needs such as housing, food, and income generation. All land in Tanzania is public land, and the President acts as trustee for and on behalf of all citizens. The land legal framework empowers the President to acquire land from any category, whether general, village, or reserve, for any public interest through Compulsory Land Acquisition (CLA). The government considers CLA as the best choice for facilitating public interest in land development. However, when it is not handled properly, CLA causes insecurity in land tenure and access to land-based resources, which can cause socio-economic stress and other negative impacts. This is particularly true for small-scale producers who are highly dependent on land, but often have limited knowledge of land laws and other regulations that facilitate the process of land acquisition.

The study's findings are presented as an assessment of small-scale producers' awareness and involvement in the land acquisition process for the East African Crude Oil Pipeline (EACOP) project. The EACOP project involves the construction and operation of a buried, cross-border pipeline to transport crude oil from the Lake Albert area in Uganda to Chongoleani (Tanga region) on the eastern coast of Tanzania, where it will be exported to international markets. The pipeline's total length is 1,450 kilometers, of which approximately 1,147 km (80%) will be in Tanzania. In Tanzania, the pipeline will traverse 8 regions and 25 districts.

This study's research was conducted in Lekitinge and Mkindi villages in Tanga region's Kilindi district, where 318.98 acres of land were acquired to allow the construction of the pipeline and camps. The land acquisition process followed the legal framework of the country. The Land Acquisition Act No. 47 of 1967, which grants the President the authority to acquire land from any category, was followed in the acquisition of the land, which transferred the land from the village land category to the general land category. There was also the application of the International Standards for Financing (ISF) but it was only used to cover benefits such as compensation

for livelihood restoration and food supply to project-affected persons (PAPs).

The study found that there was minimal involvement of local government bodies mandated to manage the village land such as the District Council Land Department, although the EACOP project documents state that the land acquisition process is inclusive and participatory. In practice, the process was dominated by private consultancy firms.

Similarly, there were no capacity-building training and awareness-raising sessions on land matters for the PAPs, other villagers, and village leaders before or during the land acquisition process. Only clarifications on compensation calculation and payment were offered and this is to PAPs only. These engagements were mostly done on an individual basis. Those whose farms would not be affected by the project were not invited to these discussions neglecting the fact that land in the study villages is used and owned communally. This means that when one individual is affected, the entire community has been affected.

At the time of writing, all the PAPs have received monetary compensation pending the provision of other benefits like delivery of food baskets and the construction of replacement houses for PAPs who lost buildings. The PAPs had questions about the methods used to calculate compensation amounts. They also criticized the application of the market value price principle for land compensation. In their experience, this does not provide adequate compensation for them to purchase new land elsewhere to sustain their livelihood activities. Also, the Maasai expressed their dissatisfaction with the absence of compensation for the native trees that produce traditional medicines and food for humans and animals. They also criticized the insufficient consideration for the protection of other pastoralist resources such as communal grazing lands.

Furthermore, regarding the procedures of managing grievances, the PAPs stated that they rarely use the toll-free telephone service to table their complaints regarding the land acquisition process or to ask other questions related to the EACOP project. Some of the PAPs who attempted to make a call to report their issues received little or no attention and issues were

not handled at all or handled out of time. The use of email as an alternative in submitting the claims was very tricky for PAPs because none of the interviewed PAPs had email accounts.

Regarding transparency and freedom of expression, it was learned that PAPs and other villagers were not allowed to question or criticize the land acquisition processes. When they tried to do so they were reminded that all land belongs to the president, so there is no way to object to compulsory land acquisition for public interest. While it is correct that the President can acquire land at any time for any project deemed necessary, there are legal procedures to be adhered to, including inclusive stakeholder engagement and payment of full, fair, and prompt compensation.

As for the key impacts, we conclude that it is too early to point out the positive impacts of the EACOP on the affected study villages, as construction works still need to start. Moreover, the PAPs have yet to receive other promised compensation packages that would benefit them, such as food support, training on modern farming and livestock keeping, maintenance of infrastructure like roads, health centers, clean water stations, livestock watering ponds, and cattle dips. In terms of negative impacts, respondents mostly

feared limited access to land to sustain livelihood activities. Food insecurity is another concern of some of the PAPs who have lost all or a large part of the agricultural land they used for food production before the acquisition.

The study proposes several recommendations to make sure that compulsory land acquisition processes better involve all stakeholders at all stages and to make sure all stakeholders have sufficient capacities to take up their role in the land acquisition process. This includes enhancing the capacity of local land governance bodies, particularly village councils and village assemblies so that they are better equipped to engage in land acquisition processes in the interests of their village. Other recommendations stress the need to revise the country's legal framework on compensation to include more items that have socio-economic and traditional benefits for small-scale producers and to ensure full transparency and information-sharing on methods used to determine compensations. Finally, it is important to conduct capacity-building and awareness-raising on land laws and land rights for small-scale producers to empower them to be more proactive and effective in the land acquisition process and to claim their rights.

1. Introduction

1.1. Background information

The Land Acts of 1999 indicate that all lands in the United Republic of Tanzania (URT) are vested in the President as a trustee on behalf of all citizens (URT, 1999).¹ The Land Act (Cap 113) of 1999 has assigned responsibilities for land administration to the government authorities from the village to the national level. When reading the Land Acts, it can be easily concluded that these laws are progressive because they decentralize the land administration to the village level and empower the village governance organs, which are democratically established and operated. However, in practice, the discretionary power of the President regarding land allocation and administration remains unquestioned simply because the President may acquire any land in any category, including village land, for any public purpose.² According to the Land Act Cap 113 section 4, for land management purposes there are three categories of land in Tanzania, namely general land, village land, and reserved land.

The process of land acquisition requires negotiations to begin at the village level. Firstly, the relevant government body will present to the village council any interested investors or companies who want to use specific land to carry out their projects. Next, the village council will hold internal meetings according to their regular schedule and later convene a village assembly meeting to discuss the matter/request. Then, the village council will prepare the minutes of both meetings and submit them to the respective District Executive Director. Next, land use planning will be prepared to identify and demarcate the proposed area of land, followed by a process of land valuation for compensation. Next, the village's decision to allocate the land needs to be approved by the District Council

Land Committee, after which the Minister for Lands will submit the paperwork to the President of the URT for final approval. Thereafter, the acquired land will be gazetted for 90 days, and if there are no objections, its status will be transferred to 'general land'. Finally, the right of occupancy will be granted to the investor.³

According to Ndjovu (2003)⁴, the process of land acquisition is subject to the mandatory payment of fair, prompt, and adequate compensation to the affected population, as is stated in the Land Act Cap 113 (section 3). One of the objectives of the Act is to ensure there is full, fair, and prompt compensation to any person whose right of occupancy, recognized long-standing occupation, or customary use of land is revoked or otherwise interfered with to their detriment by the State under the Land Act or is acquired under the Land Acquisition Act Cap. 118.

Most land acquisitions in the country are done in the scope of investment purposes, such as in agribusiness, industries, and tourism. There are several concrete examples in both rural and urban areas where the process of land acquisition has caused problems and conflicts between the landowners, investors, and government. As stated by Kusiluka et al. (2011)⁵, among the major problems associated with land acquisition are loss of land, loss of means of livelihood, disruption of economic activities, persistent land-related conflicts, relocations to poorly developed areas, inadequate and late compensation, and environmental degradation. Cernea (2008)⁶ argued that compensation paid to affected populations in compulsory land acquisition in many developing countries is usually unsatisfactory, either due to a time delay between determining and paying compensation or a failure to sufficiently account for non-market values such as cultural assets, social cohesion,

1 URT (1999). Land Act Cap 113 of 199 and Village Land Act Cap 114.

2 Section 3 of the Land Acquisition Act Number 47.

3 URT (1999). Land Act Cap 113 of 199 and Village Land Act Cap 114.

4 Ndjovu, C. E. (2003). *Compulsory Purchase in Tanzania. Bulldozing Property Rights*. Real Estate Planning & Land Law, Department of Infrastructure; Stockholm: Royal Institute of Technology.

5 Kusiluka, M.M., et al (2011). *The Negative Impact of Land Acquisition on Indigenous Communities' Livelihood and Environment in Tanzania*. Habitat International 35(1), 66-73.

6 Cernea, M. (2008). *Compensation and benefit sharing: Why resettlement policies and practices must be reformed*; Water Science and Engineering, Mar. 2008, Vol. 1, No. 1, 89-120.

psychological costs, and market access. What is presented by Cernea is relevant to Tanzania because, in many investment-related land acquisition processes, one or more of the mentioned problems have occurred. For instance, compensation payments for land acquisition for the expansion of Mwalimu Julius K. Nyerere International Airport in Dar es Salaam were delayed for more than 10 years,⁷ while compensation issues and land acquisition for the expansion of a large industrial gold mine in Mara district led to protracted conflict between the mine and affected people from adjacent villages.⁸

1.2. Problem statement

The East African Crude Oil Pipeline (EACOP) project involves the construction and operation of a buried, cross-border pipeline to transport crude oil from the Lake Albert area in Uganda to the eastern coast of Tanzania, where it will be exported to international markets. The pipeline will run from Kabaale in Hoima district, Uganda, to a Marine Storage Terminal (MST) at Chongoleani, Tanga region, in Tanzania, on the East African coast. The length of the pipeline is 1,450 kilometers, of which approximately 1,147 km (80 percent) will be in Tanzania.⁹ The pipeline will cross from Uganda to Tanzania at the border town of Mutukula (Kagera region). The pipeline will traverse 8 regions and 25 districts in Tanzania.¹⁰ For instance, in the Tanga region, the pipeline will be 205.91 kilometers long and will pass through the districts of Kilindi, Handeni, Korogwe, Muheza, and Tanga City (Image 1). The pipeline development and above-ground infrastructure make up about 90% of the land that needs to be acquired and most of these infrastructures will be built in Tanga region, particularly in Handeni, Kilindi, and Muheza districts. For example, the number two fuel reduction station (PRS-2) and the access roads are situated in Sindeni village and constitute the only above-ground

infrastructure in the Handeni district. Three Main Settlement Camps and Pipeline Storage Warehouses (MCPYs) will be built in the Tanga region during the initial activities; followed by major residential areas and pipe and building material warehouses. Three MCPYs will be constructed: MCPY 14 in Gitu village (Kibirashi Ward, Kilindi District); MCPY 15 in Mabanda Ward (Handeni District), and MCPY 16 in Tanganyika village (Lusanga Ward, Muheza District). The latter will be constructed inside a sizable hemp plantation. An offshore oil storage facility (OSF) will be built within Chongoleani County. The first section of the Action Plan for the Migration of People and Housing in the Tanga region includes fuel deceleration stations, three main stations, and equipment storage spaces.¹¹

The construction of the pipeline in Tanzania will require access to over 4,000 hectares of land, most of which is under customary tenure, with the majority of individuals and groups of communities relying on small-scale agriculture and livestock husbandry as their main source of income. Some small-scale mining is also present in areas where land is acquired for pipeline construction. According to the EACOP's resettlement framework, land acquisition will lead to physical displacement such as loss of shelter and/or relocation of households, loss of land for food production, grazing, and other livelihood resources.¹² EACOP documents also state that land acquisition was undertaken under the country's land legal framework plus International Good Practice (IGP) standards as represented in the International Finance Corporation (IFC) Performance Standard 5 on Land Acquisition and Involuntary Resettlement (LAIR).¹³

7 Makupa, E. and Alananga, S. (2020). Implications of Compulsory Land Acquisition on Socio-Economic Conditions of Project Affected People: The Case of Kipawa Airport Expansion Project in Dar es Salaam City, Tanzania.

8 RAID (2022). Barrick's Tanzania gold mine one of the deadliest in Africa. <https://raid-uk.org/barricks-tanzania-gold-mine-one-of-the-deadliest-in-africa/>

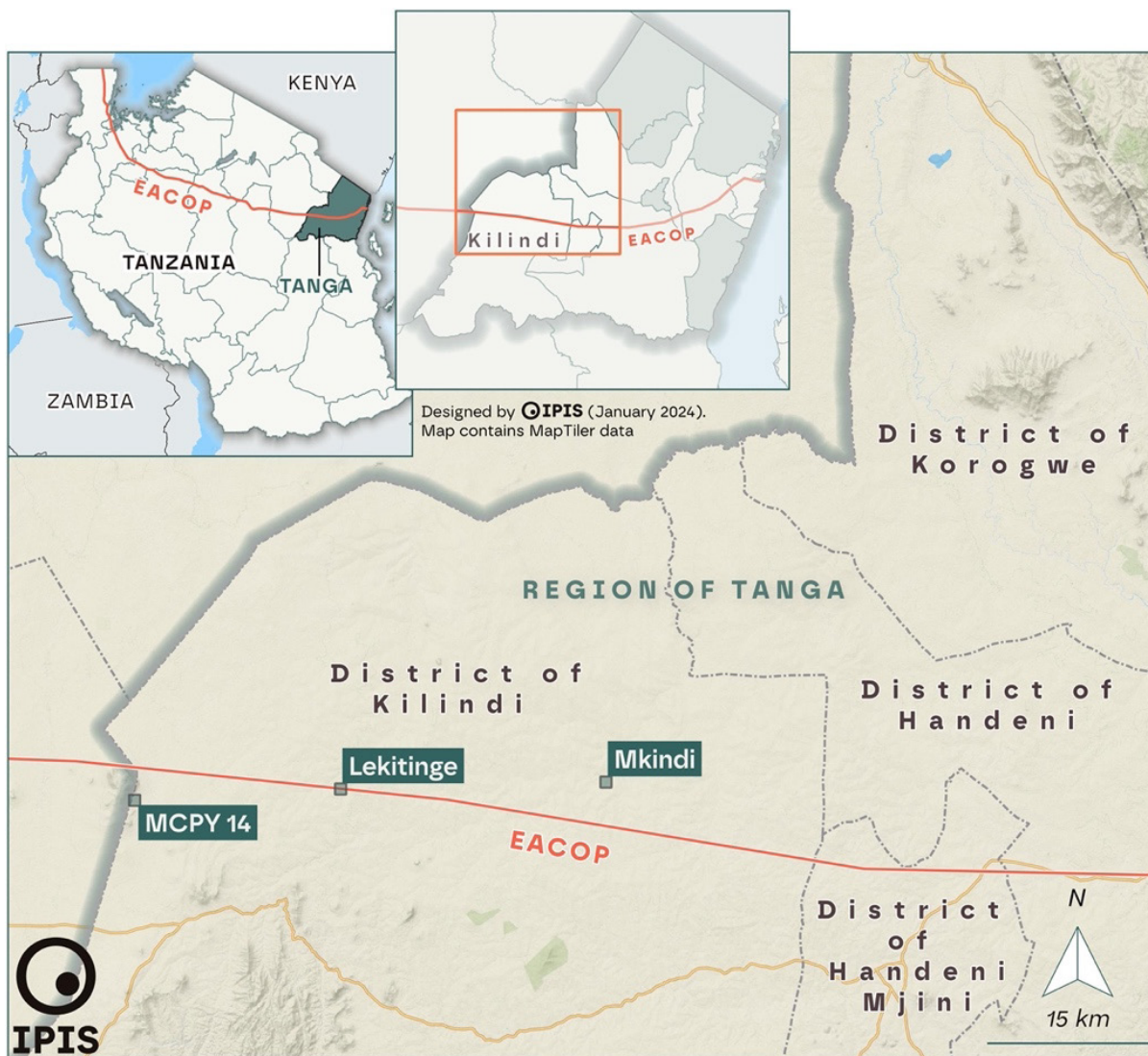
9 <https://eacop.com/>

10 Digby Wells Environmental (2018). Resettlement Policy Framework; Social and Resettlement Services for the East African Crude Oil Pipeline, Tanzanian Section.

11 Digby Wells Environmental (2018): Resettlement Policy Framework; Social and Resettlement Services for the East African Crude Oil Pipeline, Tanzanian Section.

12 Digby Wells Environmental (2018): Final Resettlement Action Plan (RAP) for Pipeline and AGIs in Tanga Region for the East African Crude Oil Pipeline.

13 Digby Wells Environmental (2018): Resettlement Policy Framework; Social and Resettlement Services for the East African Crude Oil Pipeline, Tanzanian Section.



▲ **Image 1: Localization of the study villages (Mkindi and Lekitinge villages) in Kilindi district, Tanga region, North-East Tanzania and the planned route of the East African Crude Oil Pipeline (EACOP), as communicated on <https://eacop.com/route-description-map/>.**

According to experience, the awareness of the small-scale producers on legal and administrative procedures involved in land acquisition is generally rather limited, while the impact on their lives and livelihoods can be significant. Without adequate awareness of and involvement in land acquisition, small-scale producers risk losing a lot and cannot claim their rights.¹⁴ Assessing small-scale producers' awareness of and involvement in land acquisition processes is therefore essential to assess the adequacy of land acquisition processes to ensure rights holders' rights.

Essentially, small-scale producers must understand the following in the process of land acquisition: the entire investment project that is the reason for their relocation; different legal steps, procedures, and requirements of the land acquisition process; whether they are among the project owners either directly or indirectly; opportunities for being informed or updated regularly and sufficiently about the project; and room for dialogue on the mitigation of risks and the re-mediation of losses and harm.

¹⁴ Komu, F., (2014). Conceptualizing Fair, Full and Prompt Compensation – the Tanzanian Context of Sustaining Livelihood in Expropriation Projects; Ardhi University, Dar es Salaam, Tanzania.

1.3. Description of the study area

Kilindi district is one of Tanga region's 10 districts; it borders Handeni district in the east, Kilimanjaro region in the north-west, and Morogoro region in the south (Figure 1). The district is 6,433 square kilometers in size. Kilindi district has a population of 398,391 people, of which 50.2% (or 199,850 people) are females and 49.8% (or 198,541 people) are males, according to the 2022 National Census.¹⁵ The EACOP trajectory in Tanga region is 205.91 kilometers long and passes through 5 districts namely Kilindi, Handeni, Korogwe, Muheza, and Tanga City Council. The pipeline will cross through 5 wards in Kilindi district namely Mabalanga, Kibirashi, Mkindi, Sauni, and Kisangasa. In this study, we focus on Mkindi and Kisangasa Wards, and Mkindi and Lekitinge villages, respectively (Figure 1). In Kilindi district there will be a construction of the Main Camp and Pipe Yards (MCPY) 14 Center at Gitu Village, in Kibirashi Ward.

Mkindi village was founded in 1974 as part of the villagization process.¹⁶ The village is currently made up of 7 sub-villages: Kilole, Kwesapo, Magoto, Kwezimpanga, Kwedikwazu, Kolufuto, and Makanya. The population has grown to 4,504 (2,364 females, 2,140 males) inhabitants in 2022. The population growth is facilitated by migrants, mainly pastoralists from various parts of the country who have been looking for grazing places from the early 2000s onwards. The original residents of this village are Zigua and Nguu. However, at present, the village is dominated by Maasai pastoralists. The primary economic activities in the village are pastoralism and agriculture. Over a distance of 22.65 km (equivalent to 174.49 acres), land has been acquired as a buffer zone for the pipeline in Mkindi Ward. The project has impacted 103 people, which equates to 96 homes, including 57 vulnerable ones. The vulnerable families are vulnerable because of all or some of the following characteristics: age of household head (including households headed by children); gender of the household head; level of education of the head of the household; households that take care of one or more

indigent persons; percentage of household spending on food; number of dependants in the household and the resources available to support the dependants; number of children between 6-14 years who do not attend school.¹⁷

Lekitinge village was established in 2008 and consists of 5 sub-villages: Lalaleta, Elerai, Neimbai, Rongojine, and Lekitinge. The village has a population of 1,790 (964 females and 826 males) inhabitants. The majority of residents are Maasai who are pastoralists. There are also Nguu and Zigua, who are farmers. The number of cattle is 7,000, goats 1,800, and sheep 1,500. Cattle, goats, and sheep are the primary food sources (especially meat and milk). Residents also make money by selling cattle, goats, sheep, and their by-products such as milk, meat, skin, and so on, while oxen (castrated male animals) are used to plow farmland. Agro-pastoralism is practiced by 20% of pastoralists, who grow crops such as maize, cassava, beans, and sunflowers in addition to cattle herding. However, the majority of agro-pastoralists do not farm alone but they hire casual laborers from other tribes such as Nguu and Zigua. The EACOP pipeline acquired land along a trajectory of 18.92 kilometers (equivalent to 144.49 acres of land) as a buffer zone in Kisangasa Ward. A total of 67 households have been affected by the project, including 6 households who have lost their homes. Up to 7.56 acres of land acquired for EACOP were used for food production, whereas 17 acres were used for tree crop production.¹⁸

1.4. Objectives of the study

The objective of this study was to assess the level of involvement and awareness of small-scale producers, specifically farmers, pastoralists, and women, in the process of land acquisition for the construction of the EACOP in one of the region that is most affected by the project, namely Tanga. This study is done to fill a gap left by land rights advocacy organizations and other civil society organizations, who failed to monitor the entire EACOP land acquisition process in affected regions, including community engagement and

15 National Bureau of Statistics (2022). National Census Statistics conducted on August 23rd, 2022.

16 According to Coulson, A. (2013). Villagization was based on Nyerere's concept of ujamaa (familyhood) villages which originally was launched in 1967 until the late 1970s. Scott, J. (2020) added that villagization was a massive attempt to permanently settle most of the country's population in villages, of which the layouts, housing designs, and local economies were planned, partly or wholly, by officials of the central government. Villagization made it easy to provide primary schools, dispensaries or rural water supplies.

17 Digby Wells Environmental (2018). Final Resettlement Action Plan (RAP) for Pipeline and AGIs in Tanga Region for the East African Crude Oil Pipeline.

18 Digby Wells Environmental (2018). Final Resettlement Action Plan (RAP) for Pipeline and AGIs in Tanga Region for the East African Crude Oil Pipeline.

compensation payments to affected populations. We focus on the land acquisition process and its impact on small-scale producers from Mkindi ward, specifically Mkindi village, and Kisangasa ward, specifically Lekitinge village, in Kilindi district, Tanga region.

In this study we aim to determine the level of involvement and awareness of small-scale producers (farmers, pastoralists, and women) in Mkindi and Lekitinge villages in the EACOP land acquisition process by:

1. establishing the status of the land acquisition process in Mkindi village and Lekitinge village, Kilindi district;
2. understanding the procedures used for land acquisition;
3. understanding the involvement of small-scale producers during the land acquisition process, particularly the modalities used during awareness raising;
4. assessing the socio-economic and human rights implications of land acquisition for small-scale producers;
5. assessing land acquisition process barriers and best practices for policy and practice reform, as well as learning and experience sharing.



▲ Image 2: Key informant interview with PAP from Mkindi village.

2. Methodology

2.1. Research strategy, design, and sampling

The field study was conducted in two villages, Mkindi village in Mkindi ward and Lekitinge village in Kisangasa ward of Kilindi district in Tanga region, from September 4th to 8th, 2023. Data was collected and analyzed using both qualitative and quantitative research methodologies. Data were collected using semi-structured interviews with Village and Ward Leaders, District Council and Central Government Officials, Villagers, and Project Affected Peoples (PAPs). The study reviewed relevant documents such as the Land Act No. 4 of 1999, the Village Land Act No. 5 of 1999, and publications disseminated by different stakeholders implementing the EACOP Project, such as signed agreements, compensation valuation forms, and training materials on topics other than land rights. In addition, the study analyzed several study reports, newspaper clippings, and publications with relevant information.

The population sample for the study was drawn using purposive sampling procedures, with respondents picked to represent particular groups at the village level with direct and indirect linkages to the researched topic. The study sample size was 64 respondents (28 females and 36 males), who were represented as follows: 20 village leaders (Village Chairpersons, Village Executive Officers, and Sub-Village Chairpersons); 3 District and Central

Government officials; and 41 individual villagers comprised of elderly, women, youth, and people with disabilities. Also, 12 heads of households were selected to represent different groups as follows; (1) those whose lands were acquired for the EACOP project and compensated; (2) those who participated in any way in the process of land acquisition but their lands were not acquired; and (3) those who were members of the committees formed at the village level for engagement in the process of land acquisition, particularly the traditional and religious leaders.

2.2. Data collection methods

Key informant interviews, focus group discussions, direct observation, and document review were employed to collect data. There were 8 key informant interviews, and 12 focus group discussions. Semi-structured Questionnaires with Closed and Open-Ended Questions were used to collect data from households. Key informant interviews were conducted to obtain detailed information from District Council Officials, Village and Ward Leaders, and Individual Villagers who had specific issues to share about their participation in the acquisition and compensation payment process. Local trees with traditional and economic values that were not paid to the affected population were immediately spotted on the lands acquired for the project.



▲ Image 3: Focus group discussion with Maasai traditional leaders and elders as well as women in the far back.

3. Findings and analysis

The findings and analysis of data collected from the field study areas are presented in this part. These findings address the status and modalities of land acquisition, as well as the impacts of land acquisition on small-scale producers.

3.1. The EACOP land acquisition process in Kilindi district

3.1.1. The status of land acquisition in Kilindi district

The land acquisition process in Kilindi district has been completed. This means that all the steps for land acquisition have been concluded including the transfer of the land category from 'village land' to 'general land' (Table 1). The PAPs have already been paid monetary compensation. Pending at the time of the study are the construction of replacement houses for those who lost theirs in the process of land acquisition, and the provision of other benefits like the supply of food baskets offered under the ISF. The ongoing process is to issue a compliant right of occupancy over the acquired land. The entire acquired land is being surveyed and identified, and PAPs were notified in March 2023 to stop developing the land by July 31, 2023.

3.1.2. Legitimization of land acquisition through preparation of Land Use Plans

According to the Land Use Planning Act Number 7 of 2007, the objectives of Land Use Planning (LUP) include: to empower landholders and users to make better and more productive use of their land; to promote sustainable land use practices; to ensure security and equity in access to land resources; and to facilitate the establishment of a framework for the prevention of land use conflicts (URT, 2007). The EACOP Project financed the preparation of the

Village Land Use Plans (VLUPs) in Lekitinge and Mkindi villages, which was completed in 2021. The VLUPs were prepared by the National Land Use Commission (NLUPC) with minimal involvement of the District Participatory Land Use Management (PLUM) Team. The PLUM Team is a recognized planning authority for the preparation of the LUPs at the district level, and NLUPC is the overall in-charge body of all LUPs at the national level.

It was learned that the status of the VLUPs was incomplete because NLUPC has not finalized the preparation of the LUP booklets and submitted the same to Kilindi District Council and the village councils of the respective villages. The delayed finalization of the booklets proves the assumption that the preparation of VLUP was done on purpose to legitimize the land acquisition process and to establish permanent markers along the boundaries of the acquired land to reduce conflicts with previous landholders. However, due to the use of complex GIS technology in the process of boundary demarcation, it has been difficult to insert permanent markers in the acquired land.

It can be concluded that the prepared land use plans have multiple faults that are not to the benefit of small-scale producers. These include the absence of by-laws to protect agreed-upon land uses such as settlements, grazing, agriculture, social services, and other uses like protection of water sources and forests located in the village. As a result, farmers in Mkindi village have encroached on a large part of the land identified for grazing, causing land use conflicts with pastoralists. Also, none of the villagers have been given a Certificate of Customary Rights of Occupancy (CCRO) which could help the villagers, particularly the women, to secure and confidently own their land and be protected against discriminatory practices.

Table 1: Schedule for the land acquisition implementation process.¹⁹

S / N	Acquisition steps	Activities done	Responsible	Status
Step 1	Develop a Resettlement Policy Framework	Guide to land acquisition to ensure consistency in the process.	Pipeline Project Team	Done
Step 2	Detailed Survey and Valuations.	Findings informed valuation reports, compensation schedules, and RAPs / LRPs.	Ministry of Lands Chief Valuer District Land Officers	Done
Step 3	Final Valuation Reports- Preparation and submission to Chief Valuer for Approval structured in 2 parts; Part 1: Tanzania Legal Entitlements. Part 2: Additional entitlements under international standards.	Identification of items for compensation that would be in accordance with the national legislative procedure, and international financing standards.	Chief Valuer	Done
Step 4	Develop Resettlement Action Plans (RAPs) and Livelihood Restoration Plans (LRPs)	Guides to resettlement and livelihood restoration compensation.	EACOP Project Team Ministry of Energy Ministry of Lands	Done
Step 5	Gazettement of Public Purposes and Conversion of Reserved to General Land.	The government issued an order under the Land Acquisition Act to declare the specified land was acquired for public purposes.	Ministry of lands Commissioner for Lands	Done
Step 6	Compensation Agreements (to Project Affected People and Villages) and issued Notice of Intention to Acquire Land.	The Government issued a Notice of intention to acquire identified land PAPs.	Ministry of Lands.	Done
Step 7	Payment of Compensation, Relocation, and Livelihood Restoration and Assistance Programmes (Issue Notice to Yield Possession).	Payment of monetary compensation and additional entitlements to PAPs (relocation and livelihood restoration).	EACOP Project Team Ministry of Lands.	Monetary compensation has been made; pending the resettlement of those who lost their houses.
Step 8	Arrangements to ensure Compliant Right of Occupancy over Project land granted to relevant authorities.	Project Land has been transferred and Granted Rights of Occupancy.	Ministry of Lands.	Done
Step 9	Arrangements to provide a Compliant Lease to the Project (Between the Pipeline Company and the Government of Tanzania)	Issuance of Compliance Lease to the Project.	Ministry of Lands and relevant Authorities.	Done

¹⁹ Resettlement Policy Framework, (2018). Social and Resettlement Services for the East African Crude Oil Pipeline, Tanzanian Section.

3.1.3. Land acquisition legal framework and structures

According to EACOP communication, the land acquisition and compensation payment process for the pipeline construction in Tanzania was carried out in accordance with the country's relevant laws and the International Standards for Financing (ISF).²⁰ In our analysis, the international standards only applied to additional benefits that were included in the compensation package (see section 3.1.4), while the entire land acquisition process was carried out as compulsory land acquisition (CLA) under Tanzania's Land Acquisition Act No. 47 of 1967. This suggests that the land acquired for this project is acquired permanently, and has been reclassified, where needed, by the President from Village and Reserved Land to General Land. According to the Host Government Agreements (HGA), it is set out that whilst EACOP is responsible for the execution of the land acquisition process (including all administrative costs and payment of compensation), the land will be owned by the Host Governments and leased back to EACOP. These leases will be for 66 years for the permanent facilities and 5 years for the Priority Areas^{21, 22}

It was found that the country's CLA legal framework dominated the land acquisition process since landowners had no other option than to relinquish their land. According to several respondents in both study villages, they were notified by the EACOP project team that their land would be acquired whether they wanted it or not and that there would be no point in filing their complaints because, in theory, all lands belong to the President. This means *de facto* that people would never be able to contest compulsory land acquisition and any other land decision taken by the President.

According to the interviews and documentary reviews, ISF standards were only applied in the case of livelihood restoration initiatives and food distribution to the impacted small-scale producers.

They were, hence, not applied in all parts of the land acquisition. Many respondents expected more from these standards. For example, in Lekitinge village, respondents complained that the socio-economic value of local trees was not considered in the compensation package (see section 3.1.4). It was expected that the ISF standard, approved by International Financial Institutions including the World Bank, would cover gaps for losses that are not covered in the country's payment schedule. In this way, a precedent for future similar projects would be set, pushing for amendments to national policies to recognize the value of local and traditional items. The limited application of the ISF is therefore a missed opportunity to ensure adequate compensation for the PAPs.

3.1.4. Compensation procedures and payments

Except for a few people who had difficulty with their bank accounts and one person who died before the payment, all PAPs in Mkindi and Lekitinge villages have been paid compensation.

It was learned that PAPs, especially those who lost their land, had two options: either to receive monetary compensation or replacement land for agriculture. All the PAPs in the study villages opted for monetary compensation instead of replacement land. They had many reasons for that decision. First, they thought they could receive large sums of money so they could use it to support profit-making activities such as agriculture, livestock keeping, or retail businesses like mini-shops. Second, they were not sure of the location of the replacement land that would be offered to them and whether it was within or outside their villages. They were also worried about the fertility and productivity of the replacement land. Moreover, getting replacement land was not an option for many as they did not qualify for it as only those who lost their entire land or a large piece of land, remaining with an orphan land²³ only, would be entitled to replacement land.²⁴

20 <https://eacop.com/land-acquisition/>

21 'Priority Areas' refers to the establishment of construction facilities like camps and pipe yards, a coating plant, marshalling yards and construction access roads before other construction activities take place.

22 <https://eacop.com/land-acquisition/>

23 Orphan land is often a small part of land that remains after expropriation of land which is split by the construction of the road into 2 or more economically unviable plots. It is the land located outside of the normal compensation area but that is made economically unviable by occupation or acquisition of part of the plot.

24 Digby Wells Environmental (2018). Final Resettlement Action Plan (RAP) for Pipeline and AGIs in Tanga Region for the East African Crude Oil Pipeline.

Overall, many PAPs we interviewed were upset with the application of the principal market value of land in the later phases of the valuation process. In their opinion, this resulted in a low compensation price for their land. The rates used for compensation payments to PAPs were nearly the same in Lekitinge and Mkindi villages. PAP respondents, for example, cited varying sums paid per acre ranging from TZS 200,000 (ca. €75) to TZS 270,000 (ca. €102). However, these rates are neither consistent across Kilindi district nor for other districts in the country where the project is implemented because of the application of the market value principle. All of the PAPs in both study villages were shocked by the amount of compensation paid compared to the size of the acquired land because they were expecting a substantial sum of money. This is because they were unaware of the market value principle.

PAPs also received compensation for the loss of commercial crops. However, neither the PAP respondents nor the village leaders understood how compensation payments for seasonal and perennial produced crops were calculated. They said that the formula used in the calculation was difficult for them to comprehend. According to the EACOP Resettlement Policy Framework (2018), the crops were assessed using the Village Land Regulations of 2001, which provide for the Chief Valuer to calculate and prepare crop value schedules with a 5-year validity period. The payment schedule reflects the maturation stages of the crops as follows: seedlings 15%, young 50%, early maturity 75%, full maturity 100%, and old stage 30%. The calculations done based on these percentages confused the PAPs because they were not sure of the maturity stages of some of their crops. Their concerns derived from the valuation team's failure to inform them of the scientific methods used to determine the crop maturation stages. One of the PAP respondents from Lekitinge village commented that:

“As you can see in this schedule of payment, I was paid TZS 200,000 (ca. €73) for all the crops in my acquired farm, including 10 black-wood trees, which are very expensive when sold to carpenters coming from urban areas. However, I am unable to clearly explain how the compensation amount for crops in the acquired land was calculated because these percentage figures were unclear to me.”

Most of the interviewed PAPs received total compensation amounts ranging from TZS 300,000 (ca. €111) to TZS 9,000,000 (ca. € 3340). However, they were skeptical of the land compensation they received because they expected that land valuation would also consider other benefits related to the land, such as food for their family and income from the sale of surplus harvests. For example, one respondent from Mkindi village pointed out that:

“compensating our land using land transaction prices is not fair because the price is so low. That is why not everyone in the village sells land. I was paid TZS 220,000 (ca. € 81) per acre. However, in reality, I have been producing enough food from this farm and selling the surplus of harvested crops to make more money than this I was compensated.”

Following the payment of land compensation, other benefits are still pending. This payment covers the following: providing alternative land for agriculture; resettlement of PAPs whose houses had to be demolished (by building new houses; for instance, 2 PAPs in Lekitinge village and 1 PAP in Mkindi village are expecting new houses because their current houses will be demolished); restoration of livelihoods (through agricultural and grazing education); and distribution of food to PAPs (through food baskets, which will be distributed to PAPs every month for a period of 18 months). The interviewed PAPs expressed uncertainty about the sustainability of the benefits they were receiving from the acquired land. Therefore, they recommended that the socio-economic benefits be calculated and added to the monetary compensation plan, a recommendation that was never considered.

Interviews conducted in both study villages revealed that the Maasai community's unique losses were not given adequate thought. For example, respondents in Lekitinge village, the majority of whom are pastoralists, mentioned two key issues: (1) they were worried that they would not be granted replacement grazing land, and (2) the lack of compensation for local trees, whose materials are used by Maasai as medicines to cure various human and animal diseases. Furthermore, Maasai youth, both male and female, generate income by selling the products of these trees to people in other regions of the country, especially urban areas.

In pastoralist communities grazing land is used and owned communally. In Lekitinge village, pastoralist respondents voiced doubt about the replacement of recently acquired grazing land. This is due to the scarcity of unused land in the village that might be used as a replacement. They were also unsure about securing land outside of their village because they were aware of the constant disputes over land between pastoralists and farmers.

The respondents who were interviewed revealed that they had made demands while the process of valuation was ongoing. The valuation team did not include the mentioned trees in the payment schedule for crops and trees, so they were told that their requests were denied. The Maasai people of Lekitinge village value every tree in Table 2 below, yet these trees were not included when determining the compensation. As noted by Komu (2014), statistics show that between 70% and 80% of complaints arising from compensation cases are in the valuation process. The results gathered from the study villages demonstrate Komu's assertion because most of the grievances from the PAPs and other small-scale producers were related to the valuation of land and other developments on the acquired land.²⁵

The EACOP Human Rights Impact Assessment (HRIA) on cultural rights recognizes that community members use the environment around communities to gather plants for medicinal and cultural purposes, primarily for subsistence purposes and with certain

plants being sold locally.²⁶ However, the study findings reveal that Maasai communities, who are internationally recognized as "*indigenous communities*," complained of not being listened to when they claimed that some of the traditional trees used for medicines and other cultural practices should be compensated or replanted on another land so they do not lose such precious and valued trees.

Additionally, every PAP interviewed in the two study villages complained about delays in the payment of compensation. This delay concerns had been on both monetary compensation and the building of new houses for those who were losing their homes and the provision of other benefits like food baskets. PAPs were told that several interests, including the 9.04% interest rate for Tanzania, the 12.24% interest rate for IFS, the 3.2% additional interest, and the additional disturbance allowance, were paid to cover up for the delay. However, these rates were not explained in detail, so they were doubtful if the paid rates covered the delayed period or not. According to the Valuation and Valuers Registration Act, section 52(8) prompt payment of compensation means the payment of compensation within six months after approval of valuation by the Chief Valuer.²⁷ Acquisition or revocation of interest on land under the Land Act [Cap.113] or the Village Land Act [Cap.114 R.E 2019] also attracts interest at the average percentage rate of interest offered by commercial banks on fixed deposits. Deposit interest rates vary from time to time and from bank to bank and will likely be more than 6 percent.²⁸

25 Komu, F., (2014). Conceptualizing Fair, Full and Prompt Compensation – the Tanzanian Context of Sustaining Livelihood in Expropriation Projects; Ardhi University, Dar es Salaam, Tanzania.

26 LKL International Consulting Inc. (2018); Provisional HRIA Report for East Africa Crude Oil Pipeline.

27 URT (2016). Valuation and Valuers Registration Act number 7.

28 <https://fbattorneys.co.tz/interest-rate-on-delayed-land-compensation/>

Table 2: The names, types, and uses of local trees that were not compensated.

NO	Type of trees	Uses
1	Esitate	➤ Herding sticks.
2	Osojo	❖ Maasai people eat these bush fruits when there is a shortage of food. Maasai women cook porridge using these fruits.
3	Engamai	<ul style="list-style-type: none"> • Bush fruit that can be consumed by people. • Medications for pregnant women
4	Orupande	❖ Consumed by humans as fruits, while the shells are utilized as medicine, goat grazing, and a source of high-quality wood.
5	Ngiloriti	■ It's a medicine that helps human digestion; tree shells used for tea and fruits are consumed by both cattle and goats.
6	Origilai	<ul style="list-style-type: none"> ✓ The roots are pain relievers for the stomach. ✓ The goats get nutrients by eating its leaves.
7	Oloisuki	❖ The fruits are used to produce tea, and the roots are anti-influenza drugs that control coughing.
8	Orubukoi	<ul style="list-style-type: none"> ➤ Its shells cure pneumonia, chest pain, and rib pain. ➤ Produces quality wood.

▲ Source: Interviews and FGD conducted in Lekitinge village during the data collection for this study.

BOX 1: A PAP from Mkindi village tells his story

I am the elder brother who administers 20 acres of land on behalf of my younger sisters and brothers. The entire land is used for agriculture, producing maize, peas, and sunflowers. 3.5 acres of land were acquired for the project. I cannot remember the year when the project started here in the village, but at some point, the Project team met with my wife on the farm and they asked for the name and phone number of the land owner. In the following days, they made a call and asked for an appointment to meet at the respective land. When we met, they told us about the EACOP project and the payment of compensation after the acquisition of land. We were conducting all these discussions in the absence of any of the Village Leaders.

Some months passed before the Project team came for the survey of the identified land and the valuation process. When this was done, I was told that I would be paid for the land and developments on my land, which were mostly trees. Then I filled several forms of which I cannot remember the names. Thereafter, I was informed that I am required to open a bank account at CRDB Bank because the money for compensation will be paid through the bank and not with cash. I and my wife had to travel to the nearby town called Handeni, which is located 40 kilometers from my village.

Before opening the bank account, we had a meeting with the Project team who told us that we would be paid TZS 2.7 million (ca. €983). But when the amount was deposited I realized only TZS 2.0 million (ca. €728) was deposited. This situation caused a conflict with

my siblings because they thought that the amount paid was higher than what I shared with them. We had a plan to refuse the payment, but we were told that it was too late and nothing would change no matter what we tried. I received the payment around February-March 2023. In terms of crops, I cannot exactly explain how the compensation amount paid was calculated because I cannot remember the exact explanation offered. That is why I cannot explain the figures and percentages in the payment schedule. For example, we were told that one piece of black wood would be TZS 200,000 (ca. €75) and on my farm, there were 10 black-wood trees. But that is not reflected in the payment schedule.

3.1.5. Stakeholders engagement in the land acquisition process

According to the findings, the District Valuer²⁹ was appointed as the district focal person for all EACOP project activities, including land acquisition. However, it was learned that this focal person had little say in the process of land acquisition because private national consulting firms were hired to implement and deliver various services, including land acquisition (see Table 3).

The villagers had expected to be in contact most with the District Council's land officer because the Council acts as custodian of all the villages in a district. Both the initial land survey and identification of land for the EACOP project were carried out without adequate consultation with the village/district (council) Land and Natural Resources Department, which is in charge of overseeing village land, particularly in terms of land administration and technical issues. As a result, the entire land acquisition procedure was carried out with minimal involvement of the District Council's Land and Natural Resources Department. This seems to be in line with previous studies regarding land compensation practices in Tanzania that conclude that private firms often downplay the role of the local land offices, in some instances even to the extent that the government land offices would not be involved at all in the entire exercise.³⁰

One of the prerequisites for engaging private consultants was to ensure that the EACOP

project would adhere to Tanzania's local content requirements, by prioritizing local human resources, goods, and services used in the project implementation. Local content is the value added to, or created in, the economy through the deliberate utilization of Tanzanian human and material resources and services in investments to stimulate the development of capabilities and to encourage local investments, ownership, and participation.³¹ However, it was learned that the principle of local content was only partially implemented because several goods and services were imported from abroad while similar products and services were produced locally. For instance, some of the key informants that were interviewed revealed that food and fruits, like apples and other items that were consumed, were produced and packaged in South Africa. Moreover, some of the consulting companies involved, such as South African-based VUNA Agribusiness, have headquarters outside of Tanzania. No explanation was provided as to why the foreign entity was awarded the tender in the first place, while various companies are operating in the agricultural industry in the country.

Some of these consultants are also criticized by the respondents for not applying a participatory approach to the implementation of the activities, particularly during the land acquisition process. This has caused avoidable gaps in communities' awareness of EACOP and has created missed opportunities for community engagement (see more in section 3.2).

29 In accordance with the Public Service Act, government valuers shall be appointed or employed who shall undertake valuation functions in the public sectors in the Ministries, Departments, Government Institutions and Local Government Authorities. In fact, theoretically, each District Council should have a valuer who shall practice valuation under directives and supervision of the government's Chief Valuer.

30 Komu, F., (2014). Conceptualizing Fair, Full and Prompt Compensation – the Tanzanian Context of Sustaining Livelihood in Expropriation Projects; Ardhi University, Dar es Salaam, Tanzania.

31 URT (2019): National Multi Sector Local Content Guidelines: The National Economic Empowerment Council.

Table 3: List of the consultancy firms that commissioned various tasks in the pipeline project.

NO	Name of Consultant Firms	Task in the Project Area
1	Diligent Consult Limited	Training community members on poultry.
2	VUNA	Agricultural research and livelihood restoration.
3	COYESA	Drilling water for the project use and communities.
4	WhiteKnight Company Limited	Land and property valuation.
5	Majengo Estates Developers	Land and property valuation.
6	Property Market Limited	Mobilization of PAPs during the land acquisition process.
7	Don. Consult Limited	Water research, drilling, and supply for projects and communities.
8	Malenga Millers Limited	Provision of food through food baskets.
9	Tindwa Medical Services	Provide occupational health and safety services.
10	JBL Consult	Mobilization and organization of PAPs.

We could not find any information about local Non-Governmental Organization (NGO) that were involved from the start of the project, particularly on the land acquisition process. It was established that there was an organization called Parakuiyo Pastoralists Indigenous Community Development Organisation (PAICODEO), which was working on sensitizing indigenous communities particularly the Maasai in Lekitinge and Mkindi villages, on the risks of transmitted diseases such as HIV/AIDS. It was revealed that similar trainings were conducted in other districts of Tanga by other NGOs like Pastoralists Indigenous Non-Government Organisation's Forum (PINGOs-Forum) and Ujamaa Community Resource Team (UCRT). All of these trainings seemed to have been focused on indigenous communities. Many respondents condemned these NGOs for failing to assist local communities in understanding and protecting their land rights interests. The respondents also criticized HAKIARDHI for conducting this study at a time when the process of land acquisition had been completed. At this point, PAPs did not see how their demands could be addressed as they had already received the compensation and the stop-order notice, and time had elapsed.

3.2. Consultation and training of small-scale producers on the land acquisition process

According to the findings, there were various trainings for small-scale producers, but none on land laws and rights. The most frequently repeated training was on precautions to take against transmitted diseases like HIV/AIDS, as a significant number of workers and casual laborers will be present in villages for various activities during the pipeline's construction phase. As mentioned above, these trainings were conducted by PAICODEO, PINGOs Forum, and UCRT. Farmers questioned the decision to only train pastoralists even though the pipeline's construction will affect all small-scale producers similarly because they share a similar ecology.

Furthermore, private consultants hired to assist in the implementation of the EACOP project were criticized for not engaging with PAPs and communities in a participatory, inclusive manner. Respondents mentioned the short notice on which consultants visited the villages. This caused some of the village leaders and PAPs to fail to attend important decision-making meetings, which caused confusion and dissatisfaction afterward. Besides, respondents were skeptical of some of the consultants' top-down approaches and commanding language to force PAPs to accept their agenda without being questioned. This

raises important questions regarding the ways and levels of community engagement and consultation.

No trainings were mentioned on understanding the land acquisition process. According to the interviewed PAPs, clarifications on compensation calculation and payment were offered, but it was offered to PAPs only and was mostly done on an individual basis. Those whose farms would not be affected by the project were not invited to these discussions. It was learned during FGD that, the EACOP project team hurried through every consultation because they wanted to complete every assignment quickly, leaving little time for discussion and responding to raised questions. The fact that people whose farms were not affected by the project were not trained affected PAPs because some questions were not asked or answered properly by the project implementation team. For example, the village leaders who were interviewed questioned how villagers could benefit sustainably from the EACOP's support of developmental projects beyond the monetary compensation but no proper response was received.

During the FGD, it was learned that 70% of respondents were uninformed of the ongoing EACOP project in their villages. This seems because their land or assets would not be affected. More worrisome is the finding that also Village Council members in both study villages were not fully aware of the project. For instance, we learned that they were unsure about the exact size of the village land acquired for the project. Furthermore, no training materials on land acquisition were distributed to locals or village leaders for reference throughout the entire process.

Respondents criticized village leaders for failing to hold regular Village Council and Village Assembly meetings, which are required for discussing development and land-related matters. It was found that villagers in Mkindi and Lekitinge villages had never gathered to discuss and deliberate on EACOP land acquisition. It was also revealed that several of the questions that respondents asked HakiArdhi during this study's interviews were questions that should have been addressed before the completion of the land acquisition process and compensation payment. For example, respondents were interested in understanding what constitutes the market value price principle and how the compensation is computed. From the research,

we also learned that when there were unresolved issues between the PAPs and the EACOP project team, the village leaders could not represent or defend the PAPs because of the poor understanding of the legal procedures for land acquisition and their minimal involvement in the process of land acquisition, including the valuation of land and other properties. It was learned that members of the Village Councils in both villages had little knowledge of their responsibilities in matters of village land administration because they had not been trained on land rights and governance since being elected in the 2019 Local Government Election.

Also, 60% of the interviewed PAPs stated that they rarely use the toll-free telephone service to table their complaints regarding the land acquisition process or to ask other questions related to the EACOP project like when the PAPs start receiving food through the "food basket" because some of the PAPs who attempted to make a call to report their issues received little or no attention and issues were not handled at all or handled out of time. The use of email as an alternative in submitting the claims was very tricky for PAPs because none of the interviewed PAPs had email accounts.

Due to a lack of awareness, no collective reactions from small-scale producers regarding the land acquisition process were made. Moreover, it seems that the process of land acquisition divided the small-scale producers into two groups: those who were affected by and hence involved in the process and those who were not part of the process because their farms were not affected. This division reduced the number of complaints raised throughout the process. It especially reduced the number of collective complaints which, if they were raised and responded to accordingly, could have benefitted the entire village. As a result, there were few reactions lodged, also from the study villages even though people had grievances and questions.

Lastly, but notably, some of the interviewed PAPs commented that they were not allowed to question or criticize the way land acquisition processes were implemented. They were often reminded that in Tanzania all land belongs to the president, so if the government wants land for public interest, there is no way to object. While it is correct that the President can acquire land at any time for any project deemed necessary, there are legal procedures to be adhered

to, including inclusive stakeholder engagement and payment of full, fair, and prompt compensation.³² The former means that the landholders have the right to participate in the entire process of land acquisition, including them to ask questions and getting responses without being intimidated or terrified.

Generally, learning from the responses of the respondents it can be concluded that there was insufficient engagement and consultation of small-scale producers (both PAPs and non-PAPs) in affected villages. This was facilitated by the lack of proper engagement by the EACOP team, but also due to the limited capacities of village authorities to stand up for the rights of their villagers.

BOX2: A story of PAP's dissatisfaction with surveying and the valuation process

I am a Maasai who was born in this village. I have two wives and three children. Since my birth, this village has been my home. I inherited two parcels of land from my father, one for agriculture and the other one for settlement. This farm has provided me with enough food, primarily beans and maize, to feed my family for at least six to eight months. My siblings look after my livestock, which I also own.

I have various concerns about the level of involvement in the process of land acquisition for the EACOP project. My family members and I were not fully involved in the process of land survey and valuation. This is because the land surveying and valuation teams visited the village without properly informing and notifying each PAP in advance of their visits. For example, because there was no prior notice for the visit, the land survey and valuation process on my land was carried out in my absence because I was in Iringa region to sell Maasai traditional medicines. It wasn't until I was filling out valuation forms that I realized the land acquired was 0.667 hectares in size. I did not agree with the size of the land, but it was too late to register complaints. Therefore, I received TZS 480,000 (ca. €174) in compensation. To me, this amount is little because it is insufficient to purchase another large piece of agricultural land to replace the acquired acreage. The reason why I chose monetary compensation over replacement land is because I expected to get a huge amount of money that would allow me to purchase a large land and build a new modern house but that dream was not achieved.

Another concern is the availability of additional benefits, particularly food through the "basket of food" eligible for PAPs. Until now, none of the PAPs, including myself, knew the package in the food basket. I was requested to register the number and names of family members. I was not sure of the definition of "family members" so I listed myself, my two wives, and my three children. However, there are 12 individuals living in my compound, including my mother, 3 siblings, and 3 siblings of my second wife, who rely on me for food but are not registered for "basket of food" assistance due to a misunderstanding of the term "family member." This means that the provided basket of food will not be enough to feed my entire family.

³² Section 3(1)(g) of the Land Act of 1999 provides payment of full, fair and prompt compensation to be many to any person, whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State under the Act or is acquired under the Land Acquisition Act Cap 118.

3.3. Impacts of land acquisition on small-scale producers

The impacts of land acquisition on small-scale producers' socio-economic livelihoods are both positive and negative, as explained below.

3.3.1. The positive impacts of land acquisition

It is foreseen that several positive impacts will be experienced by PAPs and affected villages. These are said to include training on modern farming and livestock keeping; building and maintenance of infrastructures such as roads, health centres, clean water stations, and others; construction of livestock watering ponds and cattle dips; provision of formal and informal employment opportunities during the construction of the pipeline like shop keeping, security guards, drivers, *mama-ntilie*³³, and other casual labor depending on needs and demands. It is also said that technical employment, e.g., drilling water and engineering of different skills, will be open to everyone who meets the criteria regardless of their location.

However, as the EACOP pipeline construction phase has not yet started in Kilindi district, many of those positive impacts have not yet been experienced. Moreover, a part of the benefits promised to PAPs in the land compensation package has not been offered yet, such as food support (see section 3.1.4).

According to the responses, monetary compensation for the loss of land has increased income for some of the families who have been able to build new houses and renovate old ones. However, this was not possible for other PAPs because of the limited amounts they received. In addition, according to the Village Executive Officers (VEOs) in both villages, village councils in Lekitinge and Mkindi villages got monetary compensation of TZS 6.5 million (ca. €2,400) and TZS 34.2 million (ca. €12,700), respectively, for compensation of land in the village under the management of the village council. However, at the time of this study, no village council had concrete plans for the utilization of the money. Some of the respondents worried if that amount would be wisely spent because village assembly meetings, where villagers should be able to discuss and deliberate on matters of the village's concerns, rarely offer a platform for participatory decision-making.

3.3.2. The negative effects of land acquisition

The interviewed respondents during the FGD anticipated several negative effects as a result of land acquisition such as food insecurity, blockage of farmers' passageways and livestock routes, loss of grazing lands, and family member conflicts over compensation payments, amongst others, as discussed in detail below.

Pastoralists in Lekitinge village stated that even before EACOP land acquisition, they did not have enough land for grazing due to the number of cattle in the village. Now, land acquisition for the EACOP has reduced available land even further. They were also concerned about cattle routes being blocked during pipeline construction. They understand that once the project is over, they will be free to graze and pass above the buried pipeline, but construction might take up to three years, which is a long period. While they recall promises made by the EACOP project team to construct cattle pathways, the question is where the pathways will be established. Pastoralists do not all use the same pathways and changes to these pathways may require them to travel long distances to find them. Furthermore, pastoralists are wary of the negative impacts of the land acquisition, including the disappearance of medicinal trees, the loss of shared grazing land, the spread of infectious diseases, and the disruption of culture brought about by the movement of people from different parts of the world that are pursuing the market that the EACOP project has created.

Respondents also expressed worries about the decline in food production at the family level, particularly for PAPs that had lost a large part of their land. For example, a respondent from Lekitinge village claimed that the project had acquired the whole plot of land he and his family had been using to produce food crops. He chose monetary compensation over replacement land because he expected to receive a large sum of money so that he could buy land and still have enough to pursue small-scale business opportunities. Instead, he received TZS 480,000 (ca. €180) which was insufficient to sustain his plans because the price of 1 acre of land in the village is between TZS 250,000 (ca. €92) and TZS 300,000 (ca. €111). He is currently awaiting the distribution of a food basket as part of the other benefits promised during the land acquisition to sustain the needs of his family.

33 Female food hawkers, serving food to workers.

Furthermore, in both study villages, land acquisition has divided most farms into two portions that are split apart by the pipeline corridor. This has increased farmers' anxieties about access to their lands, particularly during the pipeline construction phase which is said to take up to three years. It is known that small-scale producers cultivate small farms to produce food for their families and surplus for sale to get cash to cover the costs of other daily expenses. This means that although farmers were promised during the land acquisition process that they would be able to access their farms after the pipeline has been buried, that could take up to three years which is a very long time to wait.

Lastly, as a result of insufficient information provided to all members of affected families, the payment of compensation has prompted conflicts within certain families. For example, family members in one of Mkindi village's households clashed over the division of compensation paid to the oldest brother, who opened a bank account with his wife instead of his younger siblings. The latter is entitled to a part of the money because the acquired land was family land inherited from the parents (see Box 1). According to the Executive Officer of Mkindi Village, there were several family disagreements over compensation, because every family member wished to gain from the payments. Because of the patriarchal system that dominates property ownership in Tanzania, and especially ownership of land resources, women are disproportionately involved in and harmed by these conflicts. Some of the conflicts have been resolved through family and village council reconciliation meetings. In Mkindi village, for example, 5 conflicts have been handled.

3.4. Land acquisition best practices and barriers for policy and practice reform

Land acquisition affects an entire village because of the interdependence of the residents, affecting

farmers and pastoralists, women and men, and any other groups and individuals in the respective village. That is why this study's observation of the absence of awareness-raising and capacity-building training on land laws and land rights for small-scale producers, regardless of whether they are PAPs or not, should be considered as a barrier to a successful land acquisition process. It has enabled fast acquisition of land without adequate opportunity for PAPs, villagers, and even village leaders to ask questions or voice complaints. Since the focus of engagement during the land acquisition process was limited to PAPs only, it isolated PAPs from the support of other villages to bring up relevant concerns and ask questions to the EACOP project team.

The District Council's limited participation in the land acquisition process was another barrier to successful land acquisition. The Local Government (District Authorities) Act No. 7 of 1982 stipulates that the district council is responsible for overseeing all administrative and development matters under its jurisdiction because it is the custodian of all the villages in that particular district. This is comparable to the functions that the district council is given under the Village Land Act, Cap. 114 of 1999, which states that the council has the technical responsibility to guarantee the village council's management of the village land. It was further learned that in the EACOP land acquisition process, the District Council was only on paper represented by the district valuer as in reality, private consulting firms were handling all of the land acquisition-related activities.

Regarding best practices used, the ISF's inclusion in parts of the compensation package, particularly the provision of additional benefits like food baskets, livelihood restoration projects through enhanced agriculture, and livestock keeping, can be highlighted. It is however worth noting that ISF best practices were not used to top up nationally prevailing compensation amounts for compulsory land acquisition.

Conclusion

This study presents findings on HakiArdhi's assessment of small-scale producers' awareness and involvement in the land acquisition process for the EACOP, using Kilindi district in the Tanga region as a case study. According to the findings, we can conclude the following:

The land acquisition process followed the legal framework of the country. The Land Acquisition Act No. 47 of 1967, which grants the President the authority to acquire land from any category, was followed in the acquisition of the land, which transferred the land from the village land category to the general land category. However, there was minimal involvement of local government bodies mandated to manage the village land such as the District Council Land Department, although the EACOP project documents state that the land acquisition process is inclusive and participatory. In practice, the process was dominated by private consultancy firms.

With regards to capacity building and awareness raising on land matters, none of the PAPs, other villagers, and village leaders mentioned receiving such training before or during the land acquisition process. Only clarifications on compensation calculation and payment were offered and this is to PAPs only. These engagements were mostly done on an individual basis. Those whose farms would not be affected by the project were not invited to these discussions neglecting the fact that land in the study villages is used and owned communally. This means that when one individual is affected, the entire community has been affected.

Pertaining to the payment of compensation, at the time of writing, all PAPs have received monetary compensation pending the provision of other benefits like delivery of food baskets and the construction of replacement houses for PAPs who lost buildings. The PAPs had questions about the methods used to calculate compensation amounts. They also criticized the application of the market value price principle for land compensation. In their experience, this does not provide adequate compensation for them to purchase new land elsewhere to sustain their livelihood activities. Also, the Maasai expressed their dissatisfaction with the absence of compensation for the native trees that produce traditional medicines and

food for humans and animals. They also criticize the insufficient consideration for the protection of other pastoralist resources such as communal grazing lands.

Regarding the procedures for managing grievances, the PAPs stated that they rarely use the toll-free telephone service to table their complaints regarding the land acquisition process or to ask other questions related to the EACOP project. Some of the PAPs who attempted to make a call to report their issues received little or no attention and issues were not handled at all or handled out of time. The use of email as an alternative in submitting the claims was very tricky for PAPs because none of the interviewed PAPs had email accounts.

Regarding transparency and freedom of expression, it was learned that PAPs and other villagers were not allowed to question or criticize the land acquisition processes and when they tried to do so they were reminded that all land belongs to the president, so there is no way to object compulsory land acquisition for public interest. While it is correct that the President can acquire land at any time for any project deemed necessary, there are legal procedures to be adhered to, including inclusive stakeholder engagement and payment of full, fair, and prompt compensation.

It can be concluded that the land acquisition process was rushed to achieve the project's timeline without consideration of the demands from the PAPs and the entire communities where the project will be implemented. The rush can be deduced from the limited consultations of PAPs only, without the involvement of other individuals and groups in the respective villages. While this has undoubtedly enabled fast acquisition of land, it left PAPs, villagers, and even village leaders with insufficient opportunities to ask questions or voice complaints. There was no proof to suggest that village leaders or ordinary villagers had received any training on land laws and land rights to increase their understanding of land acquisition or even the broader aims and impacts of the EACOP project on their villages.

Concerning the key impacts, the findings show that it is too early to point out the positive impacts of the EACOP on the affected study villages, as construction works still need to start. Moreover, the PAPs have yet to receive other promised compensation packages that

would benefit them, such as food support, training on modern farming and livestock keeping, maintenance of infrastructure like roads, health centres, clean water stations, livestock watering ponds, and cattle dips. In terms of negative impacts, respondents mostly feared limited access to land to sustain livelihood activities. This includes the concerns of pastoralists that their grazing land will be reduced, but also worries of both farmers and pastoralists that blocked pathways for humans and cattle during pipeline construction might restrict their access to their land. Food insecurity is another concern of some of the PAPs who have lost all or a large part of the agricultural land they used for food production before the acquisition.

On best practices and barriers, the study identified several barriers that stand in the way of a smooth land

acquisition process. These barriers include the lack of awareness-raising events and training programs designed to improve the capacity of both village leaders and ordinary villagers to participate in the land acquisition process, as well as the inadequate involvement of local government bodies mandated to deal with land matters. The most prominent best practice noted in the study was the use of the ISF criteria in the payment of certain aspects of compensation. However, ISF standards were only used in the allocation of benefits commonly known as “other benefits”, including the provision of food and the restoration of livelihoods through training programs in agriculture and livestock keeping, not in the calculation of compensation for the acquired land.



Recommendations

The following recommendations are presented for policy and practice changes:

- At every stage of the process, compulsory land acquisition should fully and inclusively involve all local stakeholders, especially the village leaders and ordinary villagers through their respective village assemblies and councils, as well as the entire team at the district council with their specific professional roles at the land and natural resources department, such as land officer, surveyor, valuer, and village and town planning officer. Considering land is customarily owned in villages and locals rely on one another for assuring land tenure and different land uses, the process should not solely incorporate project-affected persons (PAPs) but should include a wide range of stakeholders from affected villages.
- The capacity of local land governance bodies, particularly Village Councils and Village Assemblies, should be improved so that they are better equipped to engage in land acquisition processes in the interests of their village.
- The existing CLA legal framework in Tanzania should be improved to incorporate ISF best practices. This will enable the PAPs to receive additional benefits that are not covered by the country's legal framework, such as food baskets, livelihood restoration, and training in multiple types of socio-economic activities including agriculture and livestock keeping.
- To account for the value of a wide range of items that have socio-economic and traditional benefits for small-scale producers, the Office of the Chief Government Valuer should review crop pricing schedules to include other crops such as local trees, especially the medicinal trees found in the areas where indigenous communities live. Additionally, it is important to re-evaluate the generalization regarding the application of the market value price principle of the bare land at the time of compensation because, in rural areas, the benefits that the particular land provides to communities in terms of food production and cattle grazing are of greater importance than the land's price.
- It is imperative that the Ministry of Lands, Housing, and Human Settlements Development (MLHHS) and its affiliated entities ensure that PAPs and the entire public receive sufficient information and are informed of the method of calculation used to determine compensation. This can be accomplished through documentation sharing and customized publications, such as factsheets and citizen briefs.
- Transparency and information sharing on land acquisition processes should be improved, to make sure that PAPs and small-scale producers are better aware of the benefits and losses linked to land acquisitions. In this way, unrealistic expectations can be minimized among landowners when projects like the EACOP are introduced.
- Capacity building and awareness-raising for village leaders and small-scale producers on legal and administrative procedures for land acquisition should be prioritized because it empowers them to be more proactive and effective in formulating their demands for accountability, full, fair and prompt compensation, and inclusion of all social groups such as women, youth, people with disabilities, and others.

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