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SUPPORT TO STRENGTHEN GOVERNANCE OF TENURE THROUGH THE IMPLEMENTATION OF THE VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE OF LAND, FISHERIES AND FORESTS IN TANZANIA

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SDGs:



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Implementing Partners

Ministry of Lands, Housing and Human Settlements Development (MLHSD), National Land Use Planning Commission (NLUPC), Ministry of Agriculture, President's Office - Regional Administration and Local Government (PO-RALG), and Land Offices at regional and district levels.

Beneficiaries

Primary direct beneficiaries are government organizations and institutions responsible for the administration, management, development and enforcement of tenure policies, laws and guidelines at national and regional level. The principal indirect beneficiaries are those benefiting from improved governance of tenure, in particular, ethnic minorities, women, orphan children, illiterate, disabled and elderly. Key actors such as non-governmental organizations, universities, civil society organizations (CSOs), and farmer groups and associations also benefited through involvement in project activities.

Country Programming Framework (CPF) Outputs

CPF Output D.5: Effectiveness and efficiency of land governance systems improved at all levels.



BACKGROUND

Land has played a critical role in the development of the United Republic of Tanzania, with the roots of land tenure frameworks, issues and conflicts dating back hundreds of years. Current land laws in the country are seen as progressive: policies and legislation recognize the equal rights to land of men and women, including unregistered rights under customary laws, and any transfer of rights requires the consent of local people. In practice, however, land tenure rights are disputed among village, district and national administrative authorities, and conflicts over land are common, widespread and sometimes violent. Policy deficiencies and contradictions, weak policy and institutional frameworks, and poor governance have together resulted in tenure insecurity.

The country has recently updated its National Land Policy (1995) and made significant investments in land programmes. In recognition of FAO's role as a neutral partner and of its broad expertise in land tenure and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) in particular, the Government of the United Republic of Tanzania requested FAO to provide support to the process of implementing the new National Land Policy. The VGGT set out principles and internationally accepted standards for responsible practices. They are a framework that actors can use when developing their own strategies, policies, legislation and programmes. They allow government authorities, the private sector, civil society and citizens to judge whether their proposed actions and the actions of others constitute acceptable practices. In November 2017, in collaboration with MLHSD, FAO held a technical workshop on the implementation of the VGGT in the country, at which the Government ensured its support to FAO. Areas defined as important were the regularization of customary land, the resolution of land conflicts, including through Alternative Dispute Resolution (ADR) methods, land use planning and land-based investments (LBIs).

IMPACT

The project has laid a good foundation on land governance and a new approach towards resolving land disputes. The responsible governance of tenure of natural resources will lead to the achievement of many development objectives, including those related to poverty reduction, food and nutrition security, gender equality and sustainable use of natural resources. The capacity-building tools developed for beneficiaries and stakeholders will help to sustain the implementation of the VGGT.

ACHIEVEMENT OF RESULTS

The aim of the project was to improve the governance of tenure of land and natural resources through implementation of the VGGT. To achieve this the project strengthened the capacity of the relevant institutions to address and resolve land-related conflicts at district and village levels, supported policy and sector coordination, and increased information on LBIs in the country.

The principles outlined in the VGGT were successfully mainstreamed among key institutions involved in the tenure of land. Training and learning tools, alongside user-friendly sensitization products and radio programmes, increased the involvement of beneficiaries and stakeholders in land rights, strengthening tenure governance and the ability to address land-related disputes at district and village level.

A multi-stakeholder platform (MSP) was established to support the implementation of the VGGT and to improve inter-sectoral coordination. The MSP not only made agriculture more productive and sustainable, but also emphasized the need to scale up discussions among local government stakeholders and rural communities.

Information on LBIs was improved through an analysis that identified useful practices and strategic areas for collaboration on responsible agriculture investments. Workshops and online sessions were held among investment-promoting government agencies and stakeholders on the good practices required to increase responsible agricultural investment in the country.

IMPLEMENTATION OF WORK PLAN

All activities were implemented in a timely manner and the results envisaged were successfully achieved. In 2020, slight delays occurred following the outbreak of the COVID-19 pandemic. Measures taken to continue implementation included the rescheduling of implementation plans to ensure project continuity, FAO visibility and the achievement of deliverables. Regular updates and modifications of the work plan were also undertaken. All project activities were implemented within the allocated budget.

Among the risks envisaged were those related to the short duration of the project, and to changes or movement of key personnel at political and technical levels. These risks were mitigated by the provision of regular updates and briefing to ensure that VGGT principles were anchored at various levels, within government and through the MSP. Risks related to COVID-19 were mitigated by the measures described above.

FOLLOW-UP FOR GOVERNMENT ATTENTION

It is recommended that MLHSD, and regional and district authorities mainstream a comprehensive training programme in the use of ADR in land-related dispute resolution for Village Land Councils and Ward Tribunals.

SUSTAINABILITY

1. Capacity development

Among the legislation reviewed by the project was that regarding land disputes settlement, with an emphasis on ADR mediation. Two sets of practical ADR guidelines on mediation were prepared to serve as tools for capacity development for Ward Tribunals and Village Land Councils.

To ensure the sustainability of the project at organizational level, MLHSD chaired the VGGT MSP, a coordination and policy dialogue body with representatives from ministries and government institutions, the private sector, CSOs, and research and academic institutions, designed to assist the Government to strengthen its governance of tenure through the implementation of the VGGT. The improved capacities of beneficiaries and stakeholders also enhanced the ability of institutions mandated to resolve land-related disputes at regional and local level.

2. Gender equality

A special training manual on women's rights to land was produced. Other training tools embedded gender-equality-related aspects on access, control and use of land and related security of tenure, the transaction of customary rights, and land use, as called for under the VGGT.

Although the law imposes a minimum number of women in institutions mandated to manage natural resources, women do not hold leadership positions. As a result, the number of women who participated in the training provided was limited. The prioritization of women was therefore insisted on during training activities.



3. Environmental sustainability

As agriculture generally depends on the sustainability of natural resources, the proper use and management of these resources is essential to the livelihoods of most smallholder farmers. The project, through the VGGT, supported and emphasized both the proper use of natural resources and the enhancement of environmental protection.

4. Human Rights-based Approach (HRBA) – in particular Right to Food and Decent Work

As a global tool to secure human rights for all, the VGGT emphasizes not only the need to respect rights to access, the control and use of natural resources, food, housing and related property rights but also the rights of all legitimate tenure rights holders, gender equality and equity.

5. Technological sustainability

The project used the VGGT as a tool to support government efforts to strengthen governance of tenure and most VGGT principles have been efficiently mainstreamed. In addition, with the establishment of the national VGGT MSP, awareness of governance issues has risen, and interactions between the government and CSOs have been strengthened.

The development of local knowledge, capacity, resources and good practices was a primary goal of the project. Most outreach material produced (Swahili VGGT, training manuals and guidelines, radio programmes, documentary video) is designed to improve tenure governance not only in the project target areas but in the whole country.

Thanks to the strong foundation laid by the training, beneficiaries and stakeholders are better placed to apply the knowledge and skills emphasized by the project, while the outreach materials produced serve as a benchmark for continued learning and the sharing of issues around tenure governance. In addition, the institutional capacity built in the sectoral ministries, and regional and district councils supports the sustainability of the work done by the project.

6. Economic sustainability

The project was supported by project GCP/INT/328/UK, funded by the Government of the United Kingdom through the Department for International Development, now part of the Foreign, Commonwealth and Development Office. The funds were utilized to scale up the implementation of activities, in particular the application of the ADR and land-based Investment in agriculture. The outreach materials produced by the project were disseminated to beneficiaries and stakeholders for further learning and application in their areas of work.

DOCUMENTS AND OUTREACH PRODUCTS

- ❑ **Sulle, E.** Land-based investment study for Tanzania. June 2020. 52 pp.
- ❑ **Fabian, B.** Land disputes report in project target areas. May 2019. 33 pp.
- ❑ **Fabian, B.** Monitoring report. November 2020. 15 pp.
- ❑ **FAO.** Documentary video on application of ADR in resolving land disputes. November 2020.
- ❑ **Law Reform Commission.** Practical ADR guidelines on the application of mediation mechanism in resolving land disputes by Ward Tribunals. 20 pp.
- ❑ **Law Reform Commission.** Practical ADR guidelines on the application of mediation mechanism in resolving land disputes by Village Land Councils. 18 pp.
- ❑ **MLHSD.** Public sensitization guideline. Third edition. October 2020. 13 pp.
- ❑ Seven Swahili recorded radio programmes: Five on the implementation of the VGGT and two on the application of ADR mediation on addressing land disputes during World Food Day. Abood FM, Morogoro.
- ❑ Newspaper articles on VGGT implementation in the United Republic of Tanzania.
- ❑ **Institute of Judicial Administration (IJA).** Training manuals on Alternative Dispute Resolution and their curricula. (In English and Kiswahili.) Lushoto.
- ❑ **MLHSD.** Training manual on land disputes. 23 pp.
- ❑ **MLHSD.** Training manual on land administration. 20 pp.
- ❑ **MLHSD.** Training manual on land use plan and tenure rights among users. 13 pp.
- ❑ **MLHSD.** Training manual on women's land rights. 6 pp.
- ❑ **MLHSD.** Training manual on securing interest under village land. 9 pp.
- ❑ **MLHSD.** Training manual on guidance on the transactions of customary rights of occupancy, with forms. 43 pp.
- ❑ VGGT leaflets.



ACHIEVEMENT OF RESULTS - LOGICAL FRAMEWORK

Expected Impact	Improved governance of tenure of land, fisheries and forests contributing to the eradication of hunger and poverty, to sustainable development and to the sustainable use of the environment		
Outcome	Principles outlined in the VGGT have been mainstreamed among key institutions dealing with the tenure of land		
	Indicator	1. Number of districts and villages using ADR methods and the VGGT to address land issues. 2. Number of policies/plans that are being led or implemented in accordance with the VGGT.	
	Baseline	1. 0 2. 0	
	End Target	1. Training in ADR methods provided in five districts (Kilosa, Mvomero, Ulanga, Malinyi and Kilombero) for 729 beneficiaries (534 male and 195 female). 2. Three: National Land Policy created, National Land Use Policy drafted, LBIs in agriculture. Land Dispute Settlement legislation amended and ADR mainstreamed. Translation of the VGGT into Kiswahili finalized, certified and launched to support the preparation of ADR training manuals, ADR practical guidelines for ward and village-level institutions, and as a useful guideline to the Government, CSOs and communities on land issues. MSP created to support implementation of the VGGT at national level, chaired by MLHSD.	
	Comments and follow-up action to be taken	The principles outlined in the VGGT are mainstreamed among key institutions dealing with tenure of land. Chaired by MLHSD, the national-level VGGT MSP platform acts as a coordination and policy dialogue body addressing defined and agreed thematic agendas. MLHSD has mainstreamed VGGT principles in its strategies, increasing tenure security and strengthening land administration in the country. With the VGGT MSP in place, regional and district authorities, natural resource management institutions, and related actors and communities can establish VGGT platforms in their constituencies and areas of work.	
Output 1			
Strengthened capacity of relevant institutions (e.g. District Land Offices, Village Land Councils) to address/resolve land-related conflicts at district and village levels			
	Indicators	Target	Achieved
	Number of districts and villages using ADR methods and the VGGT to address land issues.	589 participants (445 male and 144 female) from institutions at regional, district, ward and village level using ADR methods to address land issues and the VGGT as useful guide on land issues.	Yes
Baseline	0		
Comments	The capacity to address and resolve land-related conflicts at district and village levels strengthened through organized training in the application of ADR mechanisms. District Land Offices, Ward Tribunals and Village Land Councils are now able to apply ADR in their respective localities. Training manuals used for District Land Offices, Ward Tribunals, Village Land Councils and CSOs were developed in the context of the VGGT, in particular on areas of land governance and dispute settlement mechanisms. The manuals are in English and Kiswahili. Two Swahili practical ADR guidelines on resolving land disputes through mediation by members of Ward Tribunals and Village Land Councils were developed in the context of the Swahili VGGT and the amended Land Disputes Settlement legislation. It is recommended that MLHSD, regional and district authorities mainstream a comprehensive training programme in the use of the ADR mechanism in land-related dispute resolution for Village Land Councils and Ward Tribunals. This will enable them to put into practice and scale up the application of the knowledge in the manuals and guidelines.		

	Conduct a situation analysis on land conflicts/disputes in the target area	
	Achieved	Yes
Activity 1.1	Comments	<p>A consultation workshop on land conflicts involving land and natural resource technical experts from Morogoro and district officials from Kilosa, Mvomero, Malinyi, Ulanga and Kilombero districts in Morogoro region was conducted on 20-22 February 2019 for 56 participants (48 male and 8 female). The workshop discussed the VGGT application on the conflict management of natural resources and current trends of land disputes as the basis of a desk review to inform the analysis of land disputes. It also informed on existing strategies to address disputes and information that supported the preparation of capacity-building training to relevant actors and institutions and established the relevant geographical scope to conduct field analysis on land disputes in selected districts.</p> <p>Consultations and field visits were conducted in ten villages in Kilosa (4-8 March 2019) and Mvomero (31 March-3 April 2019) Districts to understand the nature of land disputes and the training needed to address these through ADR methods. The visits involved open discussions with 199 stakeholders (158 male and 41 female) at regional, district, ward and village level, focused on understanding the nature, causes and key driving factors of land conflicts in the selected villages, the actors involved in land conflicts, and the level of knowledge and involvement of district, ward and village institutions, and communities in addressing/resolving land-related disputes, including procedures used in promoting land conflict prevention mechanisms. Also discussed were partnerships or existing dialogues between adversarial groups in land conflicts, and the consequences of land conflicts on women, orphan children, illiterate, disabled, and elderly as among the groups most vulnerable to losing their tenure rights in the face of increasing pressure on land. The visits learned about strategies or remedial actions used by communities to redress land conflicts.</p> <p>The workshop and visits informed the preparation of an analysis report on land conflicts that established the existence of land and related natural resources disputes and efforts to resolve them, and the existence of recurring disputes between farmers and pastoralists that led to open violence between the groups, causing injuries, and loss of life and property. It also established that Ward Tribunal and Village Land Council members suffer from a lack of knowledge on conflict management dispute resolution mechanisms.</p> <p>Peace building committees at regional level, and in Kilosa and Mvomero wards and villages, resolve disputes between farmers and pastoralists through informal mediation and negotiation approaches. Communities appreciate their services, in preference to the court system. The committees include representatives from farmers and pastoralists, religious institutions and traditional leaders, and pave the way for peaceful negotiations when resolving disputes.</p> <p>The analysis recommended the need to strengthen the administration of governance of land and the natural resources sector to uphold principles of good governance. One way is through the application of ADR and the implementation of the VGGT, targeting principles of security of tenure among users, transparency and accountability, effectiveness and efficiency, the rule of law, gender equality, equity, sustainable approaches and inclusiveness.</p>
Activity 1.2	Develop a training manual for ADR	
	Achieved	Yes
	Comments	<p>Training manuals and curricula on ADR methods were developed in English and Swahili through a Letter of Agreement (LoA) between FAO and IJA, Lushoto, and validated in October 2019 by 17 stakeholders (11 male and 6 female), including those settling land-related disputes from government ministries, institutions, agencies and departments, lawyers, the private sector and the national judiciary, academia and lawyers. The manuals were tested during ADR training in the project districts.</p> <p>The project supported the preparation of two ADR practical guidelines in Kiswahili on the application of mediation: Practical Guidelines for Mediation by Ward Tribunals and Practical Guidelines for Mediation by Village Land Councils. These were prepared on 27 May-6 June 2020 by a technical task team (4 male and 5 female) from MLHSD, NLUPC and PO-RALG.</p> <p>A stakeholders' workshop was held on 15-16 October 2020 for 23 participants (14 male and 9 female) from project target districts, wards and villages. Their comments were incorporated into the finalized guidelines. Sectoral ministries and all land sector stakeholders are advised to refer to these capacity-building tools in their plans to address land conflicts and the governance of natural resources.</p>

Activity 1.3	Training land institutions in ADR strategies		
	Achieved	Yes	
Comments	<p>Through an LoA with IJA, Lushoto, training in ADR to resolve land-related disputes was delivered in Morogoro Region at regional level for 40 participants (33 male and 7 female) on 4 November 2019 and in five districts - Kilosa (52 participants: 38 male and 14 female) on 11-15 November 2019; Mvomero (48 participants: 36 male and 12 female) on 5-9 November 2019; Kilombero (33 participants: 19 male and 14 female) on 23-27 November 2020; and Ulanga and Malinyi (59 participants: 45 male and 14 female) on 30 November-4 December 2020. The training involved regional and district-level natural resources officials, and members of Ward Tribunals, Village Land Councils and Peace Building Committees. It strengthened participants' skills and experience in mechanisms and techniques of settling land disputes through alternative ways, particularly mediation and negotiation. A monitoring visit involving 53 participants (39 male and 14 female) on 3-14 August 2020 showed that ADR is a sustainable approach when addressing land and natural resource use conflicts. It is advised that land and natural resource sectoral ministries' and related government authorities include in their public engagement and outreach programmes ADR applications to support the addressing of land-related disputes in the country.</p>		
Activity 1.4	A study/lessons learned paper to document best practices		
	Achieved	Yes	
Comments	<p>A documentary video was produced to show best cases in applying ADR to resolve land disputes. Monitoring of the impact of the ADR training in project districts showed that beneficiaries were applying ADR mechanisms to resolve land disputes amicably.</p>		
Output 2	Policy and sector coordination supported		
	Indicators	Target	Achieved
	-	Six meetings.	Yes
Baseline	Three meetings		
Comments	<p>A national-level VGGT MSP meeting put in place a national strategy for better inter-sectoral coordination among land actors. The Swahili VGGT was used by platform members to improve land governance among actors. This involved the preparation of training manuals on land governance to build capacity and practical ADR guidelines on mediation for Ward Tribunal and Village Land Council members.</p>		
Activity 2.1	Support a Tanzania multi-stakeholder platform on land governance		
	Achieved	Yes	
Comments	<p>At the first national-level VGGT platform meeting on 2 October 2020 members and relevant stakeholders (28 participants: 19 male and 9 female) identified the main critical issues on land forest and fisheries, and thematic areas of focus to support the mainstreaming of VGGT principles; this led to a national-level strategy to guide members. The meeting also launched the Swahili version of the VGGT, which was well received, with positive media reception reported by the Guardian newspaper on 3 October 2019.</p> <p>A training manual on land governance was developed by a technical draft task team composed of platform members coordinated by MLHSD. Meetings to prepare the manuals were held on 21-22 May 2020 (7 participants: 5 male and 2 female), 22 June-1 July 2020 (6 participants: 4 male and 2 female) and 13-15 October 2020 (11 participants: 7 male and 4 female). Because of the COVID-19 pandemic, all other platform members shared their inputs and comments through emails on 17-25 September 2020.</p> <p>Pre-national-level VGGT MSP formulation meetings were planned for 31 July-2 August 2019 with 15 participants (11 male and 4 female) from the Government and for 19 September 2019 with ten participants (5 male and 5 female) from CSOs, academia and the private sector. Owing to COVID-19, these were suspended and an alternative schedule conducted virtually via Zoom and email exchanges was implemented.</p>		
Activity 2.2	Support the development of a National Land Use Policy		
	Achieved	Partially	
Comments	<p>A workshop to support the development of a National Land Use Policy, with NLUPC, was held on 20-22 August 2019 for 21 participants (13 male and 8 female) from Ardhi Institute, Morogoro; Ardhi University, Dar es Salaam; Landesa; the Ministry of Agriculture; MLHSD; the Ministry of Livestock and Fisheries; and NLUPC.</p> <p>As the review of the National Land Policy (1995) was not concluded, the meeting recommended that the NLUPC and MLHSD continued to discuss and assess the need for the formulation of a National Land Use Policy after the conclusion of a National Land Policy. To date, the latter has not been finalized.</p>		

Output 3	Improved information on land-based investments in United Republic of Tanzania		
	Indicators	Target	Achieved
	Information in the area of LBIs.	A situation analysis framing FAO intervention in the area of LBIs.	Yes
Baseline	0		
Comments	The LBI analysis drew out useful lessons for FAO engagements with stakeholders, including the Government, on land and agriculture sectors in the context of food security, VGGT and Responsible Investment in Agriculture. An investment approval process document was developed, providing information on the investment approval process, with the gaps that need to be addressed to support responsible LBI in the country.		
Activity 3.1	Conduct a situation analysis on land investments in United Republic of Tanzania		
	Achieved	Yes	
	Comments	<p>The analysis of LBIs, conducted by a national consultant, involved interviews with 16 participants (12 male and 4 female) from government institutions, the private sector, CSOs, cooperative unions, researchers and financial institutions. It provided the country context for investment operations, identified types of LBI models in agriculture and their impact on peoples' livelihoods and land rights, provided FAO expertise and experience in supporting countries in the area of land and agriculture investments, recommended areas to strengthen LBIs in the country, increased knowledge and understanding of LBI principles, and created space for dialogue to improve LBIs in the agriculture sector. The LBI study report was discussed and validated on 3 February 2020 with 16 stakeholders (13 male and 3 female) from sectoral ministries, agencies, CSOs and the private sector. The stakeholders discussed the findings and submitted comments to refine and improve the report. During the workshop, a presentation on the VGGT and its technical guide on safeguarding land tenure rights in the context of agricultural investments to build stakeholders' institutional capacity around investment issues was made and discussed. Another stakeholder's workshop was conducted on 23-28 August 2020 to prepare a detailed framework of Tanzanian investment approval processes for investors and discuss strategic areas of focus for FAO and the Government to support the results of the LBI analysis. Ten participants (9 male and 1 female) from MLHSD, the Ministry of Agriculture, Tanzania Investment Centre and the National Environmental Management Council analysed the report and proposed areas for collaboration with FAO, as follows: institutional policy, legal and regulatory support to improve responsible investments in the agricultural sector; capacity-building of actors involved in investment approval processes; the preparation of a database to monitor investment and investors; and follow-up studies on strengthening environmental impact assessment of investment operations.</p>	

Partnerships and Outreach

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