

Natural Resource Governance in Kilombero Cluster and the SAGCOT Initiative:

An assessment of key issues and recommendations for action

Acknowledgements

This assessment is based on the IUCN Natural Resource Governance Framework ([NRGF](#)). Research was led by the Theme on Governance, Equity and Rights (TGER) of the Commission on Environmental, Economic, and Social Policy (CEESP) in collaboration with the IUCN Science and Economics Team, People in Nature ([PiN](#)) framework, the IUCN Sustainability and Inclusion Strategy for Growth Corridors in Africa ([SUSTAIN-Africa](#)) project in Tanzania, and the African Wildlife Foundation (AWF) in Tanzania. The report was researched and prepared by Jessica Campese and Kahana Lukumbuzya, with guidance and inputs from Jenny Springer and based on the principles and categories of guiding questions in the NRGF Initial Design Document (Springer 2016). The assessment is informed by an initial scoping meeting with village, ward, and CSO representatives (May 2017); key informant interviews (July 2017); consultations held in villages in lower Mngeta, Kilombero District Office, and Dar es Salaam (October 2017); and the team developing the PiN Situation Analysis (Helen Suich, Faustin Maganga, and Nathalie Olsen), in addition to a literature review. Kahana Lukumbuzya was lead facilitator for meetings in Kilombero and Dar es Salaam. Research, facilitation, and logistics were also supported by, among others, the AWF and IUCN Tanzania offices; village, ward, and district officers in Kilombero and lower Mngeta; and local CSO partners, including (in alphabetical order) Mtui Arafat (Facilitation and translation team), Jessica Campese (CEESP/NRGF), Pastor Magingi (AWF Project Manager in Ifakara), Mujungu Makomba (IUCN Tanzania), Neema Mkinga (Facilitation and translation team), Samwel Mtafya (District Environmental Management Officer for Kilombero District Council), Fadhili Njilima, (AWF Community Development Officer), Helen Suich (PiN Team Lead), Michael Nkonu (IUCN SUSTAIN Programme Coordinator), Nathalie Olsen (IUCN Science and Economics Team), and Jenny Springer (CEESP/TGER). The final report was reviewed by workshop participants, including Herbert Kashililah and Faustine Ninga, as well as Faustin Maganga. A separate PiN Situation Analysis provides further information on “the material and cultural dimensions of the use of biodiversity, land and water in the Kilombero Valley” (Suich and Maganga 2017:1). Funding for the assessment was provided by the Open Society Foundation (OSF).

Our sincere thanks and gratitude to all those who contributed!

Suggested citation: NRGF. 2017. Natural Resource Governance in Kilombero Cluster and the SAGCOT Initiative: An assessment of key issues and recommendations for action. Report prepared for CEESP and IUCN.

Disclaimer: While the assessment report aims to reflect the insights and viewpoints of participants, it does not necessarily reflect the views of any individual participant or organization, including IUCN, CEESP, or OSF. Any errors are those of the primary author.

Acronyms

AGG	Agriculture Green Growth
AWF	African Wildlife Foundation
BMU	Beach Management Unit
CBFM	Community-Based Forest Management
CBO	Community Based Organization
CCRO	Certificate of Customary Right of Occupation
CEESP	Commission on Environmental, Economic and Social Policy
CSO	Civil Society Organization
DNRAB	District Natural Resources Advisory Board
EIA	Environmental Impact Assessment
FPIC	Free, Prior, and Informed Consent
FYDP	National Five-Year Development Plan
GRG	Green Reference Group
IUCN	International Union for the Conservation of Nature
IWGIA	International Work Group for Indigenous Affairs
JFM	Joint-Forest Management
KGCA	Kilombero Game Controlled Area
KILORWEMP	Kilombero and Lower Rufiji wetlands ecosystem management project
KPL	Kilombero Plantations Ltd
KSCL	Kilombero Sugar Company Ltd
KVTC	Kilombero Valley Teak Company
LTSP	Land Tenure Support Programme
NEMC	National Environment Management Council
NGO	Non-Governmental Organization
NRGF	Natural Resources Governance Framework
PES	Payment for Environmental Services
PFM	Participatory Forest Management
PiN	People in Nature
PPP	Public-Private Partnership
RBA	Rights-Based Approach
SAGCOT	Southern Agricultural Growth Corridor of Tanzania
SEA	Strategic Environmental Assessment
SRESA	Strategic Regional Environmental and Social Assessment
SUSTAIN	Sustain(ability and Inclusion Strategy for Growth Corridors in Africa)
TFCG	Tanzania Forest Conservation Group
TIC	Tanzania Investment Corporation
TNC	The Nature Conservancy
URT	United Republic of Tanzania
VEC	Village Environmental Committee
VEO	Village Executive Officer
VGPF	Vulnerable Groups Planning Framework
VGS	Village Game Scouts
VLUP	Village Land Use Plan
VNRC	Village Natural Resource Committee
WEO	Ward Executive Officer
WMA	Wildlife Management Area
WUA	Water User Association

Contents

Acknowledgements..... ii

Acronyms iii

Executive Summary.....v

1. Introduction 1

2. Background Research 6

 Recognition and respect for tenure rights and devolution6

 Vision and direction, including with diverse cultural and knowledge systems 12

 Inclusive decision-making..... 15

 Accountability, rule of law, and access to justice, including for vulnerable 18

 Sustainable and fairly shared resources for livelihoods and nature 25

 Empowerment and capacities for coordinated action..... 28

3. Governance Strengths and Challenges – Participant Assessment..... 33

4. Conclusions and Recommendations 36

Annexes 46

 Annex 1: Examples of SAGCOT Principles, Recommendations, and Tools related to NRG 46

 Annex 2: Illovo Group Guidelines on Land and Land Rights 55

 Annex 3: Recommendations and Lessons from other Research on SAGCOT 58

References 39

Notes 71

Executive Summary

This report describes the approach, key findings, and recommendations from an assessment of natural resources governance in the Kilombero Cluster of the Southern Agricultural Growth Corridor of Tanzania (SAGCOT), using the IUCN Natural Resource Governance Framework ([NRGF](#)). The assessment, an NRGF pilot, aims to support [SUSTAIN](#) in Tanzania by strengthening adherence to a rights-based approach (RBA), in order to enhance social and economic inclusion in SAGCOT. It focuses on the Kilombero Cluster of SAGCOT and, within this, villages in lower Mngeta.

The SAGCOT initiative is a large-scale, 20-year public-private partnership launched by the Government of Tanzania to “foster inclusive, commercially successful agribusinesses that will benefit the region’s small-scale farmers, and in so doing, improve food security, reduce rural poverty and ensure environmental sustainability” (SAGCOT [webpage](#)).

Assessment steps were (1) scoping (2) research (3) participatory analysis and identification of recommendations with communities in lower Mngeta and other stakeholders, and (4) ongoing follow up.

Results suggest that Tanzanian law and policy generally allow for collective and individual tenure, devolved natural resource management, locally informed vision for natural resources, and women’s and men’s participation in decisions about village land, with some notable limitations. Outside of village land, there is far less legal support for these considerations, though the Environmental Management Act supports some participation. There are several legally-recognized community-based natural resource management (CBNRM) options. However, these differ in their relative costs and benefits and the degree to which they enable empowered community decision-making. For example, there is fairly empowered governance in Community-Based Forest Management (CBFM), but more restrictive community governance roles in Wildlife Management Area (WMAs) on village land and Joint Forest Management (JFM) outside of village land. Laws concerning dispute resolution vary; there is a multi-level court process with appeals for land disputes but generally not for other natural resources. While specific implications of the revised National Land Policy are not yet fully known, concerns have been raised about certain provisions, including resettlement from areas facing ‘acute land shortage’.

Implementation and enforcement of these laws and policies are substantial challenges for natural resource governance and rights in the Kilombero landscape, including regarding village land use plans, bylaws, and management plans. The nature (quality, accessibility) of participatory processes for natural resources governance vary in practice, and certain community members tend to have less access, including some women and pastoralists. Land (and in some cases water) disputes are also widespread. A mix of inter-related factors appear to contribute to these challenges, including:

- Increasing land scarcity
- Power inequities, including between communities and investors and between village and district authorities
- Lack of accessible and timely information about natural resources rights, governance, and management
- Weak accountability at multiple levels – including allegations of corruption and lack of follow-through
- Limited coordination across and between levels
- Insufficient capacities and resources to claim rights and meet responsibilities, e.g., for facilitating participation

Village Land Use Plans (VLUPs) are widely seen as key to addressing competing resource rights and interests and resolving and preventing conflicts. In Kilombero District, VLUPs are increasing under the ongoing Land Tenure Support Programme (LTSP). However, many of the same factors making VLUPs important (high biodiversity, scarce land, power imbalances, competing claims and interests, accountability concerns, etc.) also make it challenging to ensure their fair development and effective implementation. There appears to be very little landscape level or inter-village planning, including within the recently completed Kilombero District Land Use Framework.

Certificates of customary right of occupation (CCRO) are seen by many as important for land tenure security, particularly given anticipated increases in land-based investment. However, other research points to risks (including for collective self-determination and adaptability) and practical limitations to widespread individual CCRO issuance.

Civil society organizations (CSOs) often help enhance information access, implementation of natural resource policies, and respect for related rights. However, CSOs also hold substantial power in some cases (e.g., where facilitating VLUP development) and vary in their capacity and accountability to local rights-holders.

The SAGCOT initiative may exacerbate several of the challenges described above as it is implemented in Kilombero, including land conflicts, if it does not explicitly address rights and equity issues. The initiative overall is guided by two strategies or ‘visions’ – the Blueprint and the Greenprint. The Greenprint considers a number of important environmental and social issues and proposes strategies for more inclusive and green growth. However, it is not clear if and how these strategies will be seen through in Kilombero, including where they are in conflict with the Blueprint vision of large-scale commercial investments. Social and environmental assessments and experience with existing outgrower schemes in Kilombero highlight substantial risks to the rights and interests of the most vulnerable, including women, pastoralists, and smallholders.

There are a number of safeguards being rolled out in the coming months, including World Bank safeguards and an Investor Checklist to be used in all new SAGCOT partner investments. However, there are questions about their reach (e.g., World Bank safeguards are only required for projects they fund and do not go as far as full free, prior, and informed *consent* – FPIC) and reliability (e.g., if the Investor Checklist results are confidential, rights-holders will not be able to use them to hold duty-bearers accountable).

To date, empowered community and CSO participation in the design and implementation of SAGCOT has been very limited. The Social and Environmental Feeder Groups – two advisory bodies comprised of civil society organizations - may be able to support broader engagement. However, their reach and effectiveness need further consideration, including whether they can include and support more direct community representation.

Overall, the assessment points to the importance of an integrated and rights-based approach to natural resource governance in the Kilombero landscape and SAGCOT, including a nuanced understanding of the rights, vulnerabilities, capacities, and powers of communities and groups within them. Drawing on the background study and participant analysis, recommendations include the following:

All actors:

- Strengthen capacity for improved governance and RBA, including through continued learning and staff / partner training, e.g., on participatory processes and FPIC.

Civil society:

- Enhance downward accountability of CSOs working on natural resources/ conservation.
- Implement targeted activities with interested communities and governing bodies for improved transparency, accountability, and capacity for coordinated NRG. This could include information campaigns and dialogues about key natural resource governance and rights issues, and technical/ capacity support for participatory development and implementation of land use plans, by-laws, and natural resource management plans.
- Support strengthened community and civil society voice and power in SAGCOT implementation, including by improving Feeder Groups and supporting communities and their associations in negotiations and advocacy.

Government (multiple levels):

- Increase transparency and accountability for natural resource decisions and actions, including through consistent and accessible reporting to village residents from village, district, and central government bodies.
- Improve inclusiveness of decision-making across land-categories and communities, including enhancing communication with and support for the participation of vulnerable groups, and enabling participation of village officials and residents in decisions about general and reserved land resources.
- Working with partners, improve village land use planning and its potential to support integrated resource management, tenure security, and equitable conflict resolution. This can include piloting more participatory and integrated planning at the village and landscape level and clarifying processes for updating plans when needed.
- Enhance implementation of village plans and rules for natural resources, including through improving coordination within and between levels of government in the landscape.

SAGCOT and partner investors:

- Strengthen community voice and power in SAGCOT decision making, including through providing regular, accessible information and supporting empowered rights-holder engagement in positions of power such as SAGCOT Boards.
- Enhance accountability and transparency of SAGCOT initiative decisions and actions, including by strengthening and providing information about safeguards and grievance mechanisms.
- Take proactive measures to ensure respect for rights and fair sharing of benefits with communities, and vulnerable people within them, as SAGCOT associated investments are designed and implemented.

1. Introduction

This report describes the approach, key findings, and recommendations from an assessment of natural resources governance in the Kilombero Cluster of the Southern Agricultural Growth Corridor of Tanzania (SAGCOT) undertaken as a pilot of the IUCN Natural Resource Governance Framework ([NRGF](#)).

Rationale

Governance is a key determinant of the extent to which natural resource management and use are effective, equitable, and sustainable. Improving natural resource governance can therefore benefit both people and biodiversity.

Improving governance can also be an important part of a rights-based approach (RBA). The governance of natural resources is often an important enabling condition for (or obstacle to) recognition and respect of rights. Likewise, secure rights and shared power and responsibilities are critical aspects of governance.

While recognizing that it is described in different ways, for purposes of this assessment, natural resource governance can be understood as “the interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how citizens or other stakeholders have their say” in conserving and managing natural resources, including biodiversity. (Graham et al. 2003:2,3; also in [IUCN WCC-RES 3.012](#)).

Assessments can help rights-holders, duty-bearers, and other stakeholders learn about the state of governance and, through that, identify strengths to build on and challenges to address, including with regard to recognizing and respecting rights.

Objectives

The IUCN [SUSTAIN-Africa](#) initiative aims to “facilitate greening of growth that is inclusive and climate resilient” in corridors like SAGCOT. Its focal areas include water security, climate resilience, green business innovation, partnerships, and - most central to this assessment - “inclusion – strengthening the rights-based approach and empowering local communities to participate, influence and benefit from corridor development.”

This assessment aims to support SUSTAIN in Tanzania by strengthening the application and adherence to an RBA, in order to enhance social and economic inclusion in SAGCOT. More specifically, working with SUSTAIN, its partners, and community members from part of the Kilombero Valley, it seeks to:

- Enhance understanding of natural resource governance issues in Kilombero and the SAGCOT initiative;
- Strengthen SUSTAIN's and partner's capacity to assess and improve governance; and
- Identify considerations and recommendations for action for multiple audiences, including SUSTAIN.

Framework and Methods

The assessment is based on the IUCN Natural Resource Governance Framework (NRGF), which is an IUCN initiative with the overarching goal of “setting standards for ... better and more just decisions on the use of natural resources and the distribution of nature's benefits, following good governance principles.” The NRGF Initial Design document describes a set of “key elements that need to be in place for effective and equitable natural resource governance – emphasizing rights-based approaches, equity and social justice” (Springer 2016:5). The Framework structure includes twelve core principles, underlying values, and categories of indicators that, taken together, can be used to assess natural resource governance in multiple contexts and at multiple levels.

The Natural Resource Governance Framework

(Source: Initial Design Document for a Natural Resource Governance Framework – Springer 2016)

Proposed **Values** underpinning the Framework include: human rights, social equity, legitimacy, and sustaining and valuing nature.

The working set of **NRGF Principles** are (in the order they are considered below):

1. Recognition and respect for tenure rights – especially customary, collective rights of indigenous peoples and local communities, and women's tenure rights
2. Devolution – especially for community-based natural resource governance
3. Strategic vision and direction
4. Embracing diverse cultures and knowledge systems
5. Inclusive decision-making - especially increasing voice and participation of youth, women, indigenous peoples, and local communities
6. Social and environmental accountability
7. Rule of law
8. Access to justice on natural resource issues, including to resolve natural resource conflicts
9. Special attention to the vulnerable (people and environments)
10. Sustainable resources and livelihoods
11. Coordination and coherence
12. Empowerment (/capacities)

The **three categories of indicators / guiding questions** in the Framework are (Springer 2016:10):

- Legal and policy indicators, to assess “the extent to which laws/policies/rules/ norms establish requirements and mechanisms for fulfillment of that governance principle”
- Implementation - institutions and process indicators, to assess “the extent to which institutions and processes are in place to realize that governance principle”
- Outcome indicators, to assess “the extent to which the governance principle and criteria are realized in practice”

More information on the NRGF is available [here](#).

While each is considered in the assessment, principles are clustered to make the analysis more accessible. With respect to each principle, the assessment broadly considers:

- The overall picture of natural resource governance in the Kilombero landscape
- Ways that SAGCOT might impact governance and rights in this landscape
- Actions that could improve governance now and as SAGCOT is further implemented

The assessment was undertaken in four broad phases:¹

1. **Scoping:** Remote and in-person planning meetings were held with the NRGF, PiN, and SUSTAIN/AWF teams. In May 2017, an introductory and scoping meeting to identify key issues was held with village and ward level representatives from a cluster of 13 villages in lower Mngeta, an area of the Kilombero Cluster in which AWF is implementing SUSTAIN project activities.
2. **Background research:** The NRGF team prepared background research on natural resources governance in the Kilombero landscape as well as relevant elements of the SAGCOT initiative. This is included in Section 2. It focuses on law and policy, implementation processes, and (to the extent information was available) practice. It is based on a desk study and interviews with actors involved in SAGCOT and natural resources governance in Kilombero.
3. **Participatory analysis and identification of recommendations:** Key governance strengths and challenges and recommendations for action were identified by community members from villages in lower Mngeta and other stakeholders in Dar es Salaam in a series of meetings held in October 2017.
4. **Follow up:** Assessment results are informing follow-up activities within the SUSTAIN project.

Assessment Site and Context

This governance assessment focuses on the Kilombero Cluster of SAGCOT and, within this, villages in lower Mngeta (landscape and local level).

The SAGCOT initiative is a large-scale, 20-year public-private partnership (PPP) launched by the Government of Tanzania in 2010 to “foster inclusive, commercially successful agribusinesses that will benefit the region’s small-scale farmers, and in so doing, improve food security, reduce rural poverty and ensure environmental sustainability” (SAGCOT [webpage](#)). The corridor runs along an infrastructure ‘backbone’ between Tanzania’s eastern and southern borders, covering nearly one-third of the country. The initiative aims to raise USD \$3.4 billion in investments, grants, and loans, to triple agricultural output and increase the income of millions of Tanzanians. Such large-scale agricultural PPPs are being increasingly adopted in Africa (e.g., Oxfam 2014). They pose substantial promise and risk, including for natural resources and the related rights and interests of rural communities (e.g., Byiers et al. 2016, ERM 2013, Oxfam 2014, Sulle 2017, URT 2016b).

Key governance actors in the SAGCOT initiative include (but are not limited to):

- The SAGCOT Centre Ltd., a private entity responsible for coordinating the overall initiative, working with the government, national and international businesses, civil society, farmers, and others
- The Catalytic Trust Fund, which will be responsible for channeling funding to specific initiatives
- Two SAGCOT Boards that oversee the Centre and Catalytic Fund, respectively
- The Green Reference Group (GRG), a multi-stakeholder body advising the SAGCOT Centre on ‘inclusive green growth’
- Various ‘Feeder Groups’ that advise the GRG, including an Environmental Feeder Group and a Social Feeder Group comprised of CSO representatives that advocate for and advise the GRG on environmental and social issues, respectively

The structure and function of SAGCOT governing bodies and partners are further described in the sections below.

SAGCOT is conceptually divided into six ‘clusters’, or areas within which it is envisioned that investments and agricultural intensification activities will be concentrated. The Kilombero Cluster is an area of just over 5,500 square miles running along the biodiversity rich, agriculturally fertile Kilombero Valley. It includes parts of Kilombero, Kilosa, Malinyi, and Ulanga Districts (Morogoro Region) and part of Kilolo District (Iringa Region) (e.g., Milder et al. 2013:2, updated based on more recent district splits). Kilombero District (comprising one of the largest parts of the cluster) has 99 Villages divided among 26 Wards (discussion with Kilombero District officers, October 2017). Land cover in the cluster is mixed, but principally features forest, woodland, and cropland. Much of the cluster is in the expansive Kilombero Valley floodplain, an estimated 50% of which is under some form of cultivation. (Milder et al. 2013:3,4) Over the last several decades, the population in the valley has been growing rapidly, including from in-migration, and land is becoming increasingly scarce (e.g., ERM 2013, URT 2016b). Over three-quarters of cultivated land in the valley is held by large-scale (and in several cases long-existing) agricultural enterprises (Milder et al. 2013:3). These include the following:

- **Kilombero Plantations Ltd (KPL)** rice plantation is currently over 5,800ha. It produces rice on the plantation, as well as contracting farmers in surrounding areas as outgrowers. KPL is an official SAGCOT member. While KPL is a private entity, it also receives financial and technical support from donor agencies, including the UK Department for International Development (DfID) and USAID (Oakland Institute 2015).
- **Kilombero Sugar Company Ltd (KSCL)** is a formerly government owned enterprise that established its first plantation in 1961, and has been majority owned by the private South African company Illovo since its 1998 privatization. KSCL grows sugarcane on its estates as well as contracting farmers through an outgrower scheme. It has been supported by the Tanzanian government, donor agencies, and financial institutions (Sulle and Smalley 2015). Currently, KSCL leases 12,000 ha from the government, on which it runs two mills and manages two cane estates (Sulle 2017:524). With limited direct expansion options in the valley, KSCL has been increasing the percentage of cane sourced from outgrowers (vs. on its own estates), reaching 45 percent of its total production by 2014 (Sulle 2017:526).

There are also many protected areas that are wholly or partly within the Kilombero Cluster, including (e.g., Milder et al. 2013):

- Forest reserves on village land
- National Forest Reserves and Nature Reserves
- Selous Game Reserve (World Heritage Site)
- Mikumi National Park
- Udzungwa National Park
- Kilombero Game Controlled Area

In sum, the Kilombero Valley, in which the cluster is situated, has a socially and culturally diverse and rapidly growing population. It is an environmentally important area. Land is increasingly scarce, and village land is largely surrounded by protected areas and large commercial agriculture enterprises.

Assessment Scope

The Kilombero Cluster was selected as the focal area because it is one in which AWF is actively implementing SUSTAIN project activities. The range of governance issues are also representative of wider concerns in the corridor. The assessment overall has a landscape-lens, as many of the key governance issues are landscape-wide. However, community meetings were concentrated in villages in lower Mngeta (one site within the cluster in which AWF is working) to help enable alignment with the PiN Situation Analysis and to ensure a more detailed understanding of key governance challenges from a community and site-level perspective.

There are several existing assessments and analyses of SAGCOT and the Kilombero landscape that focus in whole, or in part, on land and natural resource governance. We have attempted to draw on these and to add value by taking a comprehensive approach, guided by the NRGF, and identifying targeted recommendations for distinct audiences. The need to consider existing governance related reports and recommendations was noted in key informant interviews.

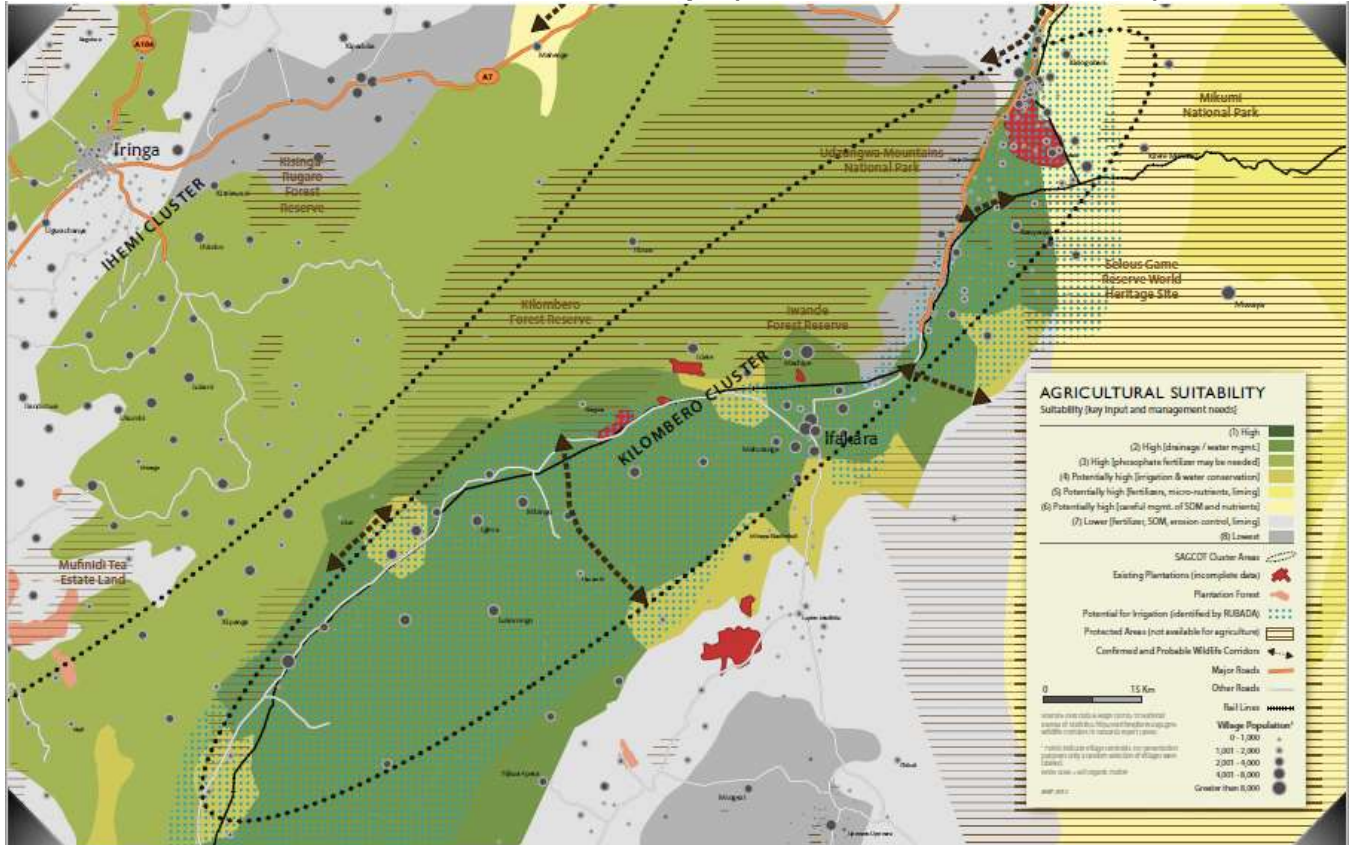
The background research draws on information specifically about the Kilombero landscape wherever possible. We also draw on information on natural resource governance in Tanzania generally (vs. Kilombero specifically) where it appears generalizable and relevant to the cluster.

Limitations include that, given the scope, not all governance issues in the landscape could be addressed. Rather, the assessment aims to give a broad overview while focusing on key issues identified in the background research and by meeting participants. Further, some issues could not be addressed in sufficient depth due to lack of available information.

While Kilombero was a focal cluster for SAGCOT in earlier years, the current focus has shifted to implementation in the Ihemi Cluster (based on an analysis and prioritization by SAGCOT Center and partners). This in some ways limits what can be concluded in the analysis. However, there are still ongoing activities, and it is anticipated that SAGCOT implementation will re-focus on the Kilombero Cluster again in future years. Given this, the assessment can contribute to planning for current and future implementation. Further, as the analysis draws on national laws and policies that inform natural resource governance in Kilombero, many findings may be applicable across clusters.

More information on SAGCOT is available [here](#) and throughout this report. More information on the uses of natural resources in the Kilombero Valley is also available in the PiN Situation Analysis (Suich and Maganga 2017).

“Kilombero Cluster Thematic Map” (Source: Milder et al. 2013:8)



2. Background Research

Recognition and Respect for Tenure Rights and Devolution

This section considers two NRGF Principles:

- **Recognition and respect for tenure rights – especially customary, collective rights of indigenous peoples and local communities, and women’s tenure rights:** “Recognition and respect for land and resource rights, especially customary, collective rights, contributes strongly to effective and equitable natural resource governance by enabling local stewardship of lands and resources, providing a foundation for sustainable livelihoods, and contributing to the fulfillment of human rights and cultural survival...” (Springer 2016:8)
- **Devolution – especially for community-based natural resource governance:** “Devolution has been defined as ‘a process by which state control over the use of natural resources is gradually and increasingly shared with local communities’.² ... [I]t is closely linked to the principle of subsidiarity, by which decisions are taken at the lowest possible level, considering fit with the social and ecological systems being governed. Devolution and subsidiarity are key elements of good governance as they enable more flexible and adaptive processes for decision-making and management of natural resources. the focus on devolution further reinforces a rights-based orientation towards vesting authority in empowered local actors, particularly where common property systems are in place...” (Springer 2016:9)

Focal issues include:

- Recognition and respect for rights to land and other natural resources across land categories
- Support for and constraints to decentralized/ devolved natural resources governance

Summary: Respect for Tenure Rights and Devolution	
Landscape	SAGCOT Initiative
In law, policy, and strategy	
<ul style="list-style-type: none"> - Village governments govern most natural resources within village boundaries, with significant limitations. - National law recognizes women and men’s equal rights to land. - Reserved land is generally controlled by central or district authorities, with limited community member access or governance roles. - Sector laws support community-based natural resource management (CBNRM). However, several arrangements tend to devolve <i>management</i> responsibilities more than empowered <i>governance</i> roles. - Some distinctions between land categories are unclear or contested, which contributes to disputes and insecure tenure. - Pending changes to the National Land Policy raise several questions, including about resettlement of people from areas facing land shortages. 	<ul style="list-style-type: none"> - There is no separate tenure policy for SAGCOT as partners are meant to adhere to existing laws.
In implementation processes and practice	
<ul style="list-style-type: none"> - In Kilombero, land scarcity appears to be contributing to tenure and resource access disputes. - Customary rights in Kilombero are largely undocumented. Documentation is increasing through village land use plans (VLUPs) and certificates of customary right of occupation (CCROs), though the individual CCRO approach introduces potential risks. - Legally-recognized CBNRM implementation has been slow, and in practice often involves technically and politically complex processes, but progress continues. 	<ul style="list-style-type: none"> - There are tenure rights concerns that can arise in the process of securing village land for commercial investment. - SAGCOT governance involves many government, commercial, and funding partners, but there is little devolution to local actors to date.

Tenure rights and devolution and in the landscape...

... In law and policy

In terms of governance and management authority, land is divided into three main categories:³

- Village land, which is within legally recognized villages
- Reserved land, which is all land set aside for special purposes, including protected areas outside of village land
- General land, which is a residual category comprised of all land that is not reserved land or village land, including land held by foreign investors via a derivative right granted by the Commission of Lands⁴ (as a foreign company cannot itself own land). In Kilombero, this includes land held by KSCL, KSC, and the Kilombero Valley Teak Company (KVTC).

Village governments (including the village assembly, comprised of all adult Tanzanians who regularly reside in the village) govern most natural resources within village boundaries.

Under the Village Land Act (1999), village governments have fairly broad authority to administer and manage village land, and to resolve village-level land disputes. Village land certification is preceded by initial registration⁵ and land surveying to clarify borders.⁶ Once certified, a village can develop a village land use plan (VLUP) to identify land use areas (e.g., crop growing, livestock grazing, settlements, etc.) (Smucker et al. 2015, UCRT 2010). VLUPs can also demarcate lands that are:⁷

- Communal (common use) and not available for investors
- Occupied or used exclusively by an individual or group
- Available for future use as individual or communal land or (if consistent with village plans) investment

Village level decision-making bodies include an elected village council and a village assembly comprised of all adult citizen residents. Implementation of village government decisions is supported by various committees, typically including a village environmental committee (VEC) and/or village natural resource committee (VNRC).⁸

Within village lands, residents can further document either individual or group land rights by obtaining certificates of customary right of occupation (CCROs), which are held in perpetuity and can be inherited over generations and transferred within the village or to outsiders, with permission of the village council (e.g., Makwarimba and Ngowi 2012).⁹

National law recognizes women and men's equal rights to land.

The Land Act (1999) and Village Land Act (1999) both state that women have the same rights as men to acquire, hold, use, and deal with land. (Though in scoping meetings women noted that, in practice, they are often less able to exercise their rights due to lack of information and cultural norms.)

There are also significant limitations to village government power to govern natural resources.

For example, to be recognized beyond the village level, plans and bylaws must be submitted to the district council for review and amendment or approval, though a village can begin implementation of a plan or bylaw immediately after passage by its village assembly. Further, under the Village Land Act 1999 (sec. 4) the president can transfer an area of village land to general or reserved land for public interest, including "investments of national interest", with agreed-upon compensation.¹⁰ Village councils can themselves (with village assembly approval) transfer land of up to 250ha for investment, while transfers of more than 250ha (which are typically of most interest to investors) require approval of the Minister of Lands (e.g., German et al. 2011:15).

Some distinctions between land categories are unclear or contested, which contributes to disputes and insecure tenure.

For example, the Land Act (Sec. 2) defines general land to include "unoccupied or unused village land." In contrast, the definition of general land in the Village Land Act does *not* include unoccupied or unused village land. The resulting ambiguity can reduce village tenure security where government, investors, conservation NGOs, or others argue that certain village land should be transferred for other uses or designations (e.g., [PFM and REDD+ in Tanzania](#) 2010:4, Oxfam 2014:19,37).

In another example, the Wildlife Conservation Act of 2009 says that no game controlled area can be located on village land. However, the previous wildlife legislation had allowed game controlled areas to be located on these land categories. This has led to conflicts over the boundaries between villages and game controlled areas declared before the change in law, including in the Kilombero Game Controlled Area (KGCA) (ERM 2013). A recent land diagnostic study in the Kilombero floodplain noted that boundary negotiations for the KGCA remained unresolved, which would continue to impede management (AMBERO Consulting 2017). However, Kilombero District authorities report that this dispute has since been resolved, and that clarified KGCA boundaries are reflected in the District Land Use Framework, to be publicly released shortly (discussion with Kilombero District officers, October 2017).

Access and use rights vary across land categories and designations, sometimes depending on a mix of formal and informal rules.

Conservation areas on village lands (e.g., village land forest resources) may be accessible for use by some or all village residents, depending on the management plans and bylaws. Access to national parks is highly restricted, while national forest reserves can be accessed for some domestic uses (with commercial use requiring a license). Access to reserved lands such as forests in Kilombero, continues to be an area of contestation/ dispute, including by pastoralists (for water, grazing) and small farmers (for crops) (e.g., Milder et al. 2013). Mombo et al. (2011) found that most local people are not sure whether there are laws prohibiting specific activities in the Kilombero Valley Floodplain Ramsar Site (KVFRS), which covers nearly half of the cluster (Milder et al. 2013) and spans all land categories. Balama (et al. 2016:18) found a mix of formal laws and informal agreements about what local people can and cannot collect from Kilombero Nature Reserve, and found that “not all of the forest adjacent households were well informed about the prevailing legal status.” The ongoing Kilombero and Lower Rufiji wetlands ecosystem management project (KILORWEMP)¹¹ is meant, in part, to clarify the land uses and conservation/ management arrangements across the Ramsar site (Interview with Wildlife Division representative - July 2017).

Pending changes to the National Land Policy raise several questions, including about resettlement from areas facing ‘acute land shortage’.

The 1995 National Land Policy is under revision. While the final language is not yet available, stakeholders have pointed out both substantial strengths and concerns with a publicly circulated draft in late 2016. Regarding strengths, Sulle et al. (2017) note that revisions “recognized for the first time in the history of Tanzania the rights of the most marginalized and indigenous communities such as hunters and gatherers.” In terms of concerns, the draft refers to “[f]acilitat[ing] resettlement of people from areas facing acute land shortage or overcrowding to areas with sufficient land” (Section 4.2.3(iii)). Stakeholders have suggested that such resettlement processes should require free, prior, and informed consent (Policy Forum 2017). Regarding women’s land rights, the draft retains reference to equal access for women and men, though remains “completely silent on [women’s] rights to own land or make decisions on land and the produce coming from it” (Policy Forum 2017). There is a strong focus on individual land titling (Sulle et al. 2017) which, as discussed below, may pose risks of entrenching inequality and reducing collective self-determination (e.g., Maganga et al. 2016). Concerns were also raised that the draft perpetuates the idea that there is abundant arable land available in Tanzania (Mbilinyi 2016), and fails to address concerns with the current process of transferring village to general land, including loss of inheritable benefits (Sulle et al. 2017). The implications for village government authority are somewhat unclear. Some have raised concerns that the revised policy will give greater power over village land to the Commissioner of Lands because it refers to “ensur[ing] that the Commissioner continues to be the sole authority responsible for administration of all categories of lands” (Section 4.1.3(ii)), though the same section also refers to “[e]nsur[ing] that village councils continue to administer village lands and that all land allocations or alienation is subject to approval of Village Assembly” (Section 4.1.3(v)) (e.g., Maganga 2017). Sulle et al. (2017) suggest that, in all cases, the Policy should further empower village councils, village assemblies, and parliament in land governance. They also raise concerns about the lack of opportunity for public input, including because drafts have not been available in Kiswahili (Sulle et al. 2017).

The final revised Policy is expected soon. Its full implications remain to be seen, and a complete analysis of prior drafts is beyond the scope of this report. Nonetheless, the implications for rights-holders in Kilombero may be substantial, including given land scarcity and interest in agricultural investment.

Sector laws support community-based natural resource management (CBNRM) on village land and, in some cases, other land categories. However, several arrangements tend to devolve management/ implementation responsibilities more than empowered decision-making.

CBNRM options include:

- Community Based Forest Management (CBFM) of village, group, or individual reserves on village land¹²
- Joint Forest Management (JFM), in which local communities contribute to forest management on reserved land under benefit-sharing agreements with the relevant government body¹³
- Beach Management Units (BMUs) in which community members manage local fisheries (which may or may not be on village land) under agreement with the Director of Fisheries¹⁴
- Water User Associations (WUAs), which help manage local irrigation systems or other water resources, including allocating resources among members
- Wildlife Management Areas (WMAs) in which a community based organization (an Authorized Association) helps to manage and collect benefits from wildlife on land from one or several villages¹⁵

The nature and degree of community powers (and benefits) vary across these arrangements. Under CBFM, village residents make management plans, govern access and use, harvest, patrol, and even set and collect taxes or fees related to reserves on village land. In contrast, while WMAs are on village land and access to them is regulated by the Authorized Association, user-rights and off-take quotas, even for subsistence hunting, are set by the Wildlife Division. A District Natural Resources Advisory Board (DNRAB) monitors WMA performance, provides legal advice on contractual issues, and resolves conflicts associated with the WMA. The DNRAB is comprised of at least 14 members and chaired by the District Commissioner. Only three members are village residents. The other 11 members come primarily from the District Council. The costs of running the DNRAB, including for district personnel and Chair attendance, are borne entirely by the Authorized Association.

... In implementation processes and practice

In Kilombero, land scarcity appears to be contributing to tenure and resource access disputes.

Available information suggests that land in the valley is increasingly scarce. Villages largely border one another, commercial plantations, or protected areas. The local population is also growing – including from in-migrating pastoralists and farmers and people coming to urban Ifakara. (Drawing on ERM 2013, URT 2016b, inputs during scoping meeting - May 2017, community meetings – October 2017, and discussions with Kilombero District officers - October 2017)

Land disputes are noted in the Kilombero Cluster between different villages, groups within villages, villages and protected area authorities, and communities and private companies over displacement and compensation (e.g., IWGIA 2016, Kashaigili et al. 2014:135, Milder et al. 2013, Oakland Institute 2015). There are also disputes and competition over water distribution, including (as summarized by Kashaigili et al. 2014:vi) between upstream and downstream communities (e.g., where upstream users are growing rice and downstream users have to grow crops that require less water), protected areas (e.g., upstream water use restricting flow/ quality to Usangu wetlands and the Ruaha National Park), and hydropower interests (e.g. upstream irrigation and Mtera dam).

Resource tenure and access concerns also differ among groups within and across communities, not surprisingly. The recent Kilombero Fisheries Diagnostic Study (Kolding et al. 2017) finds that fishers cite uncontrolled cattle movements, corrupt fishery officials, and restrictions on the use of tree species as being amongst their biggest concerns. In contrast, the complementary Kilombero Pastoralism Diagnostic Study (Cunliffe et al. 2017) finds that pastoralists' most pressing concerns are about lack of grazing land, difficulty accessing water, and restrictions on entering protected areas.

Without participatory planning, conflicts are anticipated to increase, given the current competition for land and water and the anticipated irrigation expansions under SAGCOT (Kashaigili et al. 2014:vi). Currently, KILORWEMP is attempting to get a better understanding of the current land use and environmental situation in the floodplain and, from this, to support more and better integrated planning in the floodplain (Cunliffe et al. 2017, interview with Wildlife Division representative July 2017). However, to be equitable and rights-based, such planning has to take account of the complex power dynamics often underlying participation. For example, as noted in the VGPF, in Kilombero Valley, the social isolation of some pastoralists and agro-pastoralists (and other vulnerable groups, including some

small farmers) contribute to weakened representation and voice (URT 2016b:13). At the same time, there is a persistent and problematic narrative (often based on mixed or unclear evidence) about land/ water conflicts and environmental degradation in the Valley being 'caused by' in-migrating pastoralists (e.g., Milder et al. 2013, Interview with Wildlife Division representative – July 2013). This perception may be a significant factor in government programs to reduce herd sizes and evict pastoralists from lands in and around Kilombero (and elsewhere in Tanzania) (e.g., IWGIA 2016).

Customary rights in Kilombero are largely undocumented. Documentation is increasing through VLUPs and CCROs, though the individual CCRO approach introduces potential risks.

Individual and group customary rights within villages are largely undocumented, which is viewed as a source of tenure insecurity (e.g., Landesa 2017, Oxfam 2014), though in practice plots are being used and leased through a mix of documented and undocumented systems (e.g., Landesa 2017, Sulle 2017, Sulle et al. 2014).

VLUPs are meant to be developed by village residents through facilitated, participatory processes (URT 1998). It is anticipated that their wider implementation will help clarify land rights and resolve / reduce related conflicts (e.g., Milder et al. 2012, Interviews with Wildlife Division representative and CSO representatives – July 2017). Not all villages in Kilombero Valley have been surveyed and certified (e.g., AMBERO Consulting 2017), and only about one-third of villages had land use plans as of 2013 (Milder et al. 2013). However, in Kilombero District at least, VLUPs have been increasing under the ongoing Land Tenure Support Programme ([LTSP](#)). This program is currently being implemented in Kilombero District and two others in the region. It seeks to expand surveys and titling "in order to ensure that current and future demand for land leads to beneficial and equitable outcomes for Tanzania's rural populations, while at the same time continuing to attract and support high quality investment" (LTSP [webpage](#)). Currently, 64 of Kilombero District's 99 villages have VLUPs, 16 of which were facilitated under the LTSP (discussions with Kilombero District officers – October 2017).

CCRO issuance is also increasing, including in Kilombero District under the LTSP. Currently, two of the 16 villages with new VLUPs have had CCROs issued for all or most village residents, while in the remaining 14 villages surveying is largely done and certificates are being issued (discussion with Kilombero District officers, October 2017). CCROs are also seen by many as a way of increasing tenure security and access to credit, as compared to undocumented rights of occupancy and VLUPs alone. However, recent research also raises questions about CCROs. Stein et al. (2016) find that CCRO issuance is timely and costly and, to date, is not enhancing farmers' access to credit in practice, including because the certificates are not being accepted as collateral. Further, Maganga et al. (2016) raise concerns that widespread issuance of individual CCROs can entrench inequality (by favoring wealthier, powerful landholders and making the rights of others less visible) and increase (rather than decrease) conflict. The focus on individual titling may also reduce options for adaptive, collective self-determination in land within and across villages (Maganga 2017). At the same time, UCRT and partners in northern Tanzania have found *group* CCROs to be an "effective tool for strengthening community land rights and securing communal lands" including in predominantly pastoralist communities (UCRT 2014:1). Their experience could be further explored for lessons in Kilombero.

Implementation of statutory CBNRM arrangements has been slow, and in practice often involves technically, socially, and politically complex processes, but progress continues.

All of the CBNRM approaches mentioned above are established and/or being pursued in the Kilombero Valley. Implementation has been slow, however, as it often requires complex and costly processes (e.g., Kashaigili et al. 2014: 160,161). The complexity of establishing WMAs, in particular, is pointed to as an implementation barrier throughout Tanzania (e.g., Swiderska and Maganga 2008:93, Kashaigili et al. 2014:66). Lack of VLUPs has also been an obstacle to CBNRM implementation, as a VLUP must generally precede other plans (e.g., Kashaigili et al. 2014:161). Further, such arrangements often require substantial coordination between, among others, village, district, and ministerial authorities.

While CBNRM rules and processes are fairly formalized, community members, in practice, also rely on dynamic (customary) rules to make decisions about the use and distribution of natural resources at the local level (e.g., Harrison and Mdee 2017:409, Maganga et al. 2004). Further, the implementation of CBNRM schemes is political and social, not just technical, including playing out complex power struggles between parties at multiple levels (e.g., Makatta et al. 2015, Smucker et al. 2015:42). For example, the 2009 Wildlife Conservation Act is viewed by many as a move towards greater central government control over wildlife and some communities are rejecting WMAs (Benjaminsen et al. 2013, TNRF 2011).

Despite these challenges, the implementation of PFM, WUAs, BMUs, and WMAs continues to progress in Kilombero. In many cases, this is being done with facilitation from conservation-focused NGOs and ministry projects. For example, in Kilombero, a core part of the SUSTAIN project is facilitating WUA formation ([webpage](#)). CBFM support is also a major component of KILORWEMP (Interviews with Wildlife Division representative and CSO representatives – July 2017).

Tenure rights and devolution in the SAGCOT Initiative...

... In policy and guidelines

There is no separate policy for SAGCOT regarding tenure as partners are meant to adhere to existing laws.

... In implementation processes

There are tenure rights concerns that can arise in the process of securing village land for commercial investment.

Implementation and enforcement of rules governing village land transfer for investment are particularly relevant for the SAGCOT initiative, as village land is the largest category in Tanzania and constitutes the land from which most large-scale investments will be acquired (e.g., German et al. 2011:15). A foreign company cannot hold village land. However, village land can be transferred to general land (held by the Commissioner of Land) and then granted to a foreign company. This is generally facilitated by the Tanzania Investment Corporation (TIC). Several potential concerns with this process have been noted, including:

- High risk borne by the community; if the deal falls through, the land designed for investment generally stays categorized as general land rather than reverting to village land (ERM 2013, Rukuni et al. 2013)
- Limited TIC capacity (Interview with SAGCOT Centre representative – July 2017)
- Lack of payment of agreed compensation (Kironde 2009; Makwarimba and Ngowi 2012)
- Limited negotiation power on part of villages (ERM 2013) and conflicts of interest of those designated to support them; for example, district officers are designed to help villages negotiate land deals (Interview with SAGCOT Centre representative – July 2017) but may also receive greater tax revenue as a result
- Barriers to village residents in accessing grievance processes (Kironde 2009; Makwarimba and Ngowi 2012)

Concerns about TIC's capacity to administer an increased volume of land deals is one reason the private SAGCOT Centre was established (Interview with SAGCOT Centre representative – July 2017), though precisely how the Centre will perform this role in Kilombero remains to be seen. There does not appear to be a clear account of land holdings in SAGCOT (e.g., Oakland Institute 2015).

For a domestic company (including some acting in joint ventures with foreign entities) there is no requirement for village lands to be transferred to general lands before being granted to an investor. This is significant because, according to interviews with a SAGCOT Centre representative (July 2017) the bulk of new interest in SAGCOT is from domestic companies. A village may still negotiate through the central government (in which case many of the same concerns apply). However, it can also choose to negotiate directly with a potential investor. While this avoids certain risks, it can also raise other concerns, particularly where village authorities and/or residents do not have sufficient information about their rights (e.g., Kashaigili et al. 2014:168).

SAGCOT governance involves many government, commercial, and funding partners, but there is currently little devolution to local actors in Kilombero.

The SAGCOT initiative is very dispersed in the sense that it is comprised of partnerships between multiple ministries, companies, NGOs, and others. Nonetheless, its overall governance is quite centralized in the SAGCOT Centre. Information from civil society and others is meant to flow upward to the SAGCOT Centre via advisory bodies, as discussed under the section on inclusive decision making. However, as cluster-level institutions are developed in Kilombero, there may be more devolved governance of some aspects. For example, a cluster-level Green Reference Group has been established for Ihemi (the cluster currently being prioritized).

The Greenprint document suggests that SAGCOT partners should work closely with community-based organizations (CBOs) and non-governmental organizations (NGOs) and “invest in local organizations and local leadership (including farmers associations, savings and credit cooperatives, and other groups) as key catalysts capable of disseminating [Agriculture Green Growth] AGG best practices and linking smallholder farmers to

markets” (Milder et al 2012: iii). Nonetheless, to date, SAGCOT generally appears to focus on high-level and industry-led determination of investments. These may not match what works best for community members, including for women. (Interviews with CSO representatives – July 2017)

Vision and direction, including with diverse cultural and knowledge systems

This section considers two NRGF principles:

- **Strategic Vision and Direction:** “...sets the direction for mobilizing action and achieving change. In the context of the NRGF, strategic vision includes the precautionary principle against taking on risks of environmental harm. strategic vision also entails considering the wider environment and society that the governance system is located in and can impact. Adaptability, resilience, and actions to build and share knowledge are also important to ensure that strategic vision and direction are responsive to needs and changing conditions, and incorporate reflection and ongoing learning.” (Springer 2016:9)
- **Embracing Diverse Cultures and Knowledge Systems:** “...highlights the value of bringing diverse - including traditional- knowledge, practices and innovations to bear on adaptive processes of natural resource management. ... Embracing diversity means acknowledging and supporting the multiple values that motivate women, men, indigenous peoples and local communities to engage and contribute to the stewardship of nature. A focus on diversity also promotes mutual respect among all actors and for cultural rights, in keeping with a rights-based approach.” (Springer 2016:9)

Focal issues include:

- The overall vision for natural resources governance and related rights in the Kilombero Valley and SAGCOT
- Whether and how these give space for diverse (knowledge or cultural) approaches
- Whether and how these visions can adapt or respond to new information and changing conditions

Summary: Vision, Direction, and Diverse Cultural and Knowledge Systems	
Landscape	SAGCOT Initiative
Law, Policy and Strategy	
<ul style="list-style-type: none"> - Some sector regulations, including water, aim to incorporate customary and statutory systems. - VLUPs and bylaws are legal tools that can help define local vision and direction. 	<ul style="list-style-type: none"> - SAGCOT documents offer distinct visions – from large-scale commercial growth (in the Blueprint) to more smallholder-focused “inclusive green growth” (in the Greenprint).
Implementation processes and practice	
<ul style="list-style-type: none"> - Whether VLUPs reflect local knowledge systems and different group’s rights depends in part on who participates in their development, and how. - VLUPs could be strengthened in several ways including regarding adaptability, enforcement, and integration across the landscape. 	<ul style="list-style-type: none"> - The SAGCOT vision is contested, including whether it can be “inclusive and green.” - Large-scale investments based on monocrops are unlikely to be locally adapted or responsive to changing conditions, though SAGCOT documents indicate intent to incorporate local knowledge.

Vision, Direction, and Diverse Cultural and Knowledge Systems in the landscape...

... In law and policy

There are different visions and directions across natural resource sectors. Several sectors, including water, are also pluralistic, and rules aim to integrate elements of customary and statutory systems.

While the Environmental Management Act (2004) broadly envisions environmental management for sustainability and conservation, there are somewhat distinct (and in some cases unaligned) visions for specific natural resource sectors – e.g., from forestry to agriculture. Some sectors, including water, are also pluralistic, with rules that aim to integrate elements of customary and statutory systems (e.g., Maganga et al. 2004, Maganga and Juma 2000),

though doing so in ways that are equitable and acceptable to customary rights holders has been difficult in practice (e.g., Juma and Maganga 2005, Maganga and Juma 2000).

Broadly, law and policy support locally defined visions for management and use of natural resources on village land... with limitations. VLUPs and bylaws can help define this vision.

As discussed in the section on tenure and devolution, on the whole, Tanzanian law and policy support a still evolving system of decentralization that is meant to enable the development and implementation of local visions, including for the sustainable use and management of natural resources (e.g., Massoi and Norman 2009). At the same time, there is a tension between this vision and continued central governance control, including in reserved land and over high value resources like wildlife and minerals.

VLUPs and village bylaws can be important legal tools in defining local visions. The guidelines for participatory land use planning emphasize an inclusive process that should consider the rights and interests of all village residents – e.g., women, men, youth, pastoralists,¹⁶ fishers, farmers, hunter-gatherers, others – in addition to natural resource management and conservation priorities (URT 1998).¹⁷

... In implementation processes

Whether VLUPs reflect local knowledge systems depends in large part on who participates and how.

In some cases, VLUPs have been found to be powerful tools for self-determination (e.g., UCRT 2014). At the same time, this is not guaranteed, and depends in large part on how they are facilitated and who defines and has power in that process. This includes outside organizations (such as NGOs) who may be supporting or facilitating planning.

VLUPs could be strengthened in several ways including regarding their adaptability, enforcement, and integration across the landscape.

Several aspects of VLUPs could be strengthened, including their adaptability to changing circumstances (Milder et al. 2012) and implementation and enforceability (AMBERO Consulting 2017, Interviews with CSO representatives - July 2017). For example, a recent land diagnostic study in the Kilombero Valley called for VLUPs as the key to restoring the functions of the floodplain. However, the study also notes that existing land use plans are not being enforced. (AMBERO Consulting 2017)

Further, VLUPs in Kilombero are typically not coordinated across the landscape. This reduces their ability to address the tenure/ access rights of different communities, including mobile pastoralists, and to ensure integrated management of ecosystem services. (Drawing on interviews with CSO representatives - July 2017, discussions with Kilombero District Officers – October 2017, and Maganga 2017). A District Land Use Framework for Kilombero was recently completed and is expected to be publicly available shortly. However, it appears that the framework was constructed largely as a compilation of existing and projected VLUPs and reserved land maps, rather than integrated landscape-level planning (discussion with Kilombero District officers, October 2017).

Outside of village land, more information is needed to understand whether and how management plans incorporate local/ traditional knowledge. Interviews suggest that consultation with community members is sometimes undertaken to incorporate their knowledge in local management plans but that, overall, traditional knowledge is being largely overlooked and 'lost' within natural resource management plans. (Interviews with Wildlife Division representative and CSO representatives - July 2017).

Vision, Direction, and Diverse Cultural and Knowledge Systems in the SAGCOT Initiative...

... In policy and strategy

SAGCOT documents offer distinct visions – from large-scale commercial growth (in the Blueprint) to more smallholder-focused “inclusive green growth” (in the Greenprint).

The SAGCOT vision articulated in the Blueprint is one of leveraging large-scale agricultural investment for development, consistent with other national agricultural policies and initiatives (e.g., Kibugi et al. 2015, SAGCOT 2011a, Sulle 2015). The later-developed SAGCOT 'Greenprint' recognizes that “environmental considerations are

not peripheral to SAGCOT or its farmers” and aims to “refine the SAGCOT strategy to ensure that development in the Corridor is environmentally sustainable, socially equitable, and economically feasible” (Milder et al. 2012: ii). Specifically, the Greenprint lays out a strategy for implementing Agriculture Green Growth (AGG) to sustainably intensify agriculture for all farmers while conserving natural resources (Milder et al. 2012: ii). It puts greater emphasis on, and gives specific suggestions towards, the “inclusive” and “green” elements of SAGCOT’s visions (Milder et al. 2012, Scherr et al. 2013).

Key aspects of the Greenprint vision appear incompatible with the Blueprint. In recognition of this, in a joint submission on the draft Greenprint, CSOs strongly recommend that the two documents be ‘harmonized’. They note specifically that “the Blueprint advocates streamlining national laws covering compulsory acquisition, while the Greenprint advocates participatory land use planning...” (ActionAID Tanzania et al. 2012:3).

... In implementation processes

The SAGCOT vision of development through large-scale agricultural investment and growth is contested – including in terms of whether it can deliver on being “inclusive and green”.

The SAGCOT Centre generally recognizes that – given the broad range of actors with what are in some cases inherently competing interests – a consensus in vision will be difficult to reach (Interview with SAGCOT Centre representative – July 2017, SAGCOT 2011a - Annex1:10).¹⁸ It does not make clear which aspects of the visions take priority (e.g., Byiers et al. 2016:22). Interviews with civil society representatives (July 2017) highlight concerns that greater emphasis is being given to enabling investment at this stage.

The development vision based on attracting (and easing access for) large-scale agribusiness is highly contested (e.g., Byiers et al. 2016:24, Harrison and Mdee 2017:408, Smucker et al. 2015:40, Sulle 2017). The Executive Director of Mviwata (a national network of smallholder farmers) said in 2013:

“Frankly speaking, most initiatives like the SAGCOT target large-scale farmers and probably profit-oriented foreign companies operating in the country. Smallholder farmers are always losers in most government initiatives.”¹⁹

SAGCOT’s vision is based in part on the notion that there are large amounts of ‘unused’ or ‘untapped’ land in the corridor and room for intensification with expanded irrigation (Kashaigili et al. 2014). However, there are ongoing disputes and reported scarcity and competition for land and water (e.g., Landesa 2017, URT 2016b:23) as well as degradation of critical biodiversity (Kashaigili et al. 2014). In this context, the premise that there is a wealth of ‘unused’ land is highly questionable.

The Greenprint views land and water use planning as a key mechanism for realizing greater inclusion and sustainability in land management (Milder et al. 2012). It is not clear whether existing barriers to equitable, integrated planning can be overcome in advance of irrigation expansion and new / expanded investments. However, the Greenprint does recognize many of the challenges in such planning (Milder et al. 2012:46).²⁰

Large-scale investments based on monocrops are unlikely to be locally adapted or responsive to changing conditions, though SAGCOT strategies and tools indicate some commitment to incorporating local knowledge.

The Greenprint envisions that, in AAG implementation, farming systems would be “adapted to each local context” and that “[e]xtension should spend a high proportion of their time in the field, helping farmers use local knowledge to decide how to fine-tune practices to local conditions” (Milder et al. 2012:39). A recently approved “Investor Checklist” for “Environmental and Social Compliance in SAGCOT Partnerships” also includes a question on “[c]onsider[ing] cultural, traditional and local knowledge in investment operationalization”, as discussed further under section on accountability.

More information is needed regarding whether traditional knowledge would be incorporated in ways that ensure respect for knowledge holders’ rights. The SAGCOT Vulnerable Groups Planning Framework (VGPF), which will pertain to World Bank funded and co-funded projects within the initiative, specifies that without free, prior and informed consultation “leading to broad community support”, projects should not “commercially develop socio-economic resources and knowledge” of vulnerable groups (URT 2016b:25). However, other SAGCOT documents do not appear to speak to ethical standards regarding use of or benefit from traditional knowledge.

Inclusive decision-making

This section considers the NRGF principle of:

Inclusive decision-making – especially increasing voice and participation of youth, women, indigenous peoples and local communities- “Inclusive decision-making is grounded in the principle of participation ...but aims to avoid weaker interpretations of participation by emphasizing the central role of people with particular rights and/or reliance on natural resources in decision-making. Inclusive decision-making implies a horizontal process in which power dynamics are re-balanced and the views of groups at risk of marginalization are clearly taken into account in decisions regarding natural resource governance, including through appropriate representation. While the need for inclusive decision-making is most often highlighted in relationships between local people and the state, principles of inclusive decision-making are also relevant within communities - e.g., in relation to the views and interests of women, youth, and other groups- and between local people and businesses, NGOs and other non-state actors. Inclusive decision-making requires strong organizational representivity as well as Free, Prior, and Informed Consent where activities take place on the lands, waters or territories of indigenous peoples or other customary rights-holders, may have negative impacts on their rights, resources or livelihoods, or involves use of their traditional knowledge or cultural heritage.” (Springer 2016:8)

Focal issues include understanding who has rights to participate, what the nature of those rights are, and whether those with governing authority remain open to their inclusion and voice. With regard to SAGCOT, it also considers who has voice in defining implementation decisions.

Summary: Inclusive Decision-Making	
Landscape	SAGCOT Initiative
Law, policy, and strategy	
<ul style="list-style-type: none"> - Laws for inclusive-decision making beyond village boundaries (where central or district government has jurisdiction) are quite limited. - Laws for inclusive-decision making about natural resources within village boundaries are fairly strong (with above noted limitations). 	<ul style="list-style-type: none"> - There are SAGCOT agreements and guidelines on aspects of community participation. However, their strength and scope vary and most appear focused on participation in activities (vs. broader decision-making processes).
Implementation processes and practice	
<ul style="list-style-type: none"> - Community participation in NRG decisions beyond village land varies, but is generally very limited or case-specific. - Participation in decision-making differs among communities in Kilombero, with some socially marginalized groups, including pastoralists and women, tending to participate less. 	<ul style="list-style-type: none"> - To date, there appears to be very limited direct community participation, though such opportunities may open up as SAGCOT implementation continues at the cluster-level. - Environmental and Social Feeder Groups and the GRG may provide important entry points for civil society voice, though currently their inclusiveness and effectiveness appear limited.

Inclusive decision-making in the landscape...

... In law and policy

Legal support for inclusive-decision making beyond village boundaries (where central or district governments hold jurisdiction) is limited.

Broadly, the Constitution underpins the right to public participation. However, ‘participation’ in national environmental law is often framed in terms of facilitating people’s contributions to conservation rather than empowering community member decision-making per se.²¹ The Environmental Management Act (2004) includes more specific provisions on participation and involvement²², primarily through Environmental Impact Assessment (EIA) and Auditing, which are required for any substantially sized projects not already covered by an assessment of the same or greater requirements.²³ According to EIA guidance:

“Within a decision-making process, the involvement of individuals and groups would include NGOs, community organizations, women groups, traditional and village institutions that are both positively or negatively affected by a planned intervention (e.g. a project, a program, a plan, a policy) or are interested in it.” (NEMC 2005:35)

There is no general legal requirement for communities’ free, prior, and informed consent for decisions that impact their natural resources or related rights, though village governments (including village assemblies) do have rights to accept or decline most activities on village land, as discussed above in relation to tenure. EIAs and audits do not guarantee consent, as decisions still ultimately lie with the government, but they can result in projects being amended or even cancelled (Assey et al. 2007). For example, amendments were made to the SAGCOT endorsed Bagamoyo EcoEnergy project due to concerns raised about its EIA (though this was not in the Kilombero Cluster). FPIC may be sought within the context of specific projects, where implementing organizations opt to make that commitment. For example, the Tanzania Forest Conservation Group (TFCG) has indicated it will seek FPIC in implementing a planned PES project in the Kilombero Cluster (Interview, CSO representative – July 2017).

There is strong legal support for inclusive-decision making about natural resources within village boundaries.

As noted in the section above, national laws support a substantial degree of village member participation in village-level decision-making, including as part of village assemblies. The Constitution and laws, including the Village Land Act, prohibit gender-based discrimination and other forms of discrimination and local government laws specify minimum ratios of women’s representation.

... In implementation processes and practice

Community participation in natural resource governance decisions beyond village land and at the policy level varies, but is generally limited or case-specific.

Sectoral policies, which define the scope and substance of what can be decided by people at the village and landscape level, are typically developed with limited community involvement, though there may be zonal consultations. Conservation NGOs and donors may also organize their own consultation processes. (Swiderska and Maganga 2008:106) Communities also often lack access to day-to-day decision-making processes for resources outside of village land, including protected areas (Swiderska and Maganga 2008), though community members may be consulted in some cases (Interview with Wildlife Division representative – July 2017).

Participation in decision-making differs among communities in Kilombero, with some socially marginalized groups tending to participate less, including pastoralists and women.

The SAGCOT Vulnerable Groups Planning Framework (VGPF) finds that, while both agro-pastoralist and pastoralist communities have in-migrated to Kilombero in recent decades, agro-pastoralists have generally been better able to integrate into communities and participate in local decision-making bodies and CBOs. Pastoralist people, in contrast, have often been less able to do so, due in part to their greater mobility (URT 2016b:11).

Likewise, women’s leadership and participation in decision-making about natural resources is often limited, unless given specific focus, for both practical and power/ political reasons (Dancer and Sulle 2015, Landesa 2017:23, URT 2016b). Generally, women participate in community meetings in lower numbers, and, when present, their voice and effective representation is limited (Massay 2016:1).²⁴ In Kilombero, Landesa (2017:12) found that “female heads of household ...have less time than men to attend and engage in community meetings and gatherings, and are therefore less able to participate in community and land-related decision making.” At the same time, the SAGCOT VGPF suggests that, despite this time burden, women in women-headed households, as the primary decision-makers, are more likely to participate in meetings and associations (URT 2016b:13). Landesa (2017:12) also notes that existing gender disparities in participation may be exacerbated by increasing land scarcity in Kilombero.

Inclusive decision-making in the SAGCOT Initiative...

... In policy and strategy

There are SAGCOT agreements and guidelines on aspects of community participation. However, their strength and scope vary, with many appearing to be focused on participation in activities (vs. decision-making processes).

The power differentials between those engaged in and impacted by SAGCOT will make effective participation highly challenging. Byiers and Rampa (2013) raise concerns about whether a model of development driven by powerful international agribusiness can indeed lead to the kinds of inclusive and equitable benefits that SAGCOT aims for. While SAGCOT's objective explicitly includes *inclusive* growth, it generally appears focused on engaging farmers as implementing partners more than as empowered decision-makers (e.g., Greenprint 2012). There are, however, agreements and strategies that support inclusive decision making to varying degrees. For example:

- In 2014, SAGCOT signed a Memorandum of Understanding (MoU) supporting “farmers’ participation in the design and implementation of the SAGCOT” together with agricultural associations²⁵ (SAGCOT Centre 2014b).
- The recently approved Commercial Investment Guiding Tool for environmental and social compliance and an accompanying Investors Checklist includes investor questions about “ensur[ing] community involvement in the planning and operationalization of an investment.”²⁶
- The first of SAGCOT’s five [Partnership Principles](#), which all members are meant to commit to, includes “incorporat[ing] emergent and small-scale farmers and their interests into [members’] operations” (SAGCOT Centre 2014a:5), though it does not explicitly commit to their active participation.
- The SAGCOT Vulnerable Groups Planning Framework ([VGPF](#)) includes provisions for the identification and consultation of such groups in specific SAGCOT sub-projects.
- The SAGCOT Greenprint highlights the importance of shared decision making about how AGG interventions are implemented on the ground (Milder et al. 2012).

There is no clearly articulated commitment to FPIC within SAGCOT, though the Greenprint suggests that it be included as part of Investor Guidelines (Milder et al. 2012). (Whether or not such guidelines have been developed is unclear, as discussed under accountability). Further, the 2013 SAGCOT SRESA (ERM 2013) recommended that SAGCOT commit to compliance with the FAO Voluntary Guidelines, which would provide for FPIC in the case of impacts on the land rights of “indigenous peoples and other communities with customary tenure systems” (FAO 2012:15,16). World Bank funded and co-funded projects within SAGCOT are required to incorporate free, prior, and informed *consultation* resulting in ‘broad community support’ (URT 2016b).

In the Kilombero Cluster, KSCL (which is not an official SAGCOT member) is meant to comply with [Illovo Group](#) policies and guidelines. Their [Guidelines on Land and Land Rights](#) include “respecting internationally recognised human rights” and “the principles of Free, Prior and Informed Consent (FPIC) in relation to [their] dealings with our local communities... extend[ed]... to [their] suppliers”. These Guidelines also say that “[t]he participation of affected communities will be sought in relation to any assessment process, and in order to facilitate the process, the appropriate assessment documentation will be made readily available to the affected people.”²⁷

... In implementation and practice

There appears to be very limited direct community participation to date, including for smallholders, women, fishers, and pastoralists. The Green Reference Group and Environmental and Social Feeder Groups could become conduits for inclusion, but do not appear to be fully serving this function currently.

As SAGCOT Centre acknowledges (SAGCOT 2011b - Annex1:10), ensuring that communities and local government authorities are able to effectively participate in cluster development requires dedicated, qualified, and experienced staff. These institutional resources do not yet appear to be in place (Interviews with CSO representatives – July 2017). More information is needed to understand whether and how the above-mentioned agreements and strategies are being implemented.

The national level SAGCOT Green Reference Group (GRG) is a multi-stakeholder body that advises the SAGCOT Centre on issues concerning ‘inclusive green growth’. It includes fairly high-level representatives from government, the private sector, and civil society (Interview with CSO representative – July 2017). There is also a more recently established Ihemi GRG, which includes representation of farmers’ groups, among others, suggesting that perhaps more space for producer group participation will be possible in Kilombero going forward.

The national level GRG is being advised by, among others,²⁸ ‘Feeder Groups’ on environmental and social issues. The Environmental Feeder Group objectives are “to ensure strong advocacy for environmental considerations to be integrated into the SAGCOT Initiative, promoting green growth through representation on the Green Reference Group (GRG) and other related relevant mechanisms” including by (Environmental Feeder Group Terms of Reference):

- “Prepar[ing] for GRG meetings and debrief[ing] outcomes”
- “Discuss[ing] key points and establish[ing]”
- “Shar[ing] information and experience”

The group’s principles are to be inclusive, with “no legitimate organization ... turned away”, as well as being open and transparent, consensus-based, advisory and advocacy focused, and collaborative (Environmental Feeder Group Terms of Reference). Currently, however, the Environmental Feeder Group is comprised primarily of prominent international and national NGOs. Its “representative organization” (which organizes Feeder Group meetings and represents the group in the GRG) is WWF. This is meant to be an annually rotating position, though that is not yet happening, due to lack of volunteers. IUCN, TNC, TFCG, and Shahidi wa Maji (Water Witness) are also currently active members, among others. The representative organization for the Social Feeder Group is currently CARE International. The dominance of such NGOs may raise questions about the legitimacy / representativeness of the Feeder Groups as a voice for broader civil society in Tanzania. The reasons for low participation among more national / sub-national NGOs and CBOs is not clear. Meetings are primarily in Dar es Salaam, which may be a barrier. Feeder Groups are also not currently funded by SAGCOT, but fund raising may be possible if needs are identified. Some groups also have concerns about being formally associated with SAGCOT. (Interviews with CSO representatives – July 2017 and Environmental Feeder Group Terms of Reference) More information is needed to understand whether Environmental and Social Feeder Groups coordinate with one another to jointly address issues of mutual concern, such as land rights. However, there appear to be tensions between the groups on their advocacy agendas (Interviews with CSO representatives, July 2017).

There are other formal and informal forums that could potentially create space for community engagement if dedicated resources and support were provided, such as the Landscape Dialogues and SAGCOT Partnership Forum.

Accountability, rule of law, and access to justice, including for vulnerable people and environments

This section considers four NRGF principles:

- **Social and environmental accountability:** “Accountability may be defined simply as the requirement to accept responsibility and answer for actions. ...Accountability in natural resource governance concerns both environmental and social impacts, and requires that structures and capacities are in place for people to hold governments, the private sector and other actors with roles and authority for natural resource governance responsible for their actions. Accountability is closely related to transparency, because open and accessible information regarding the actions of relevant authorities is so important to holding them to account...” (Springer 2016:9)
- **Rule of law:** “.... means that both the laws (or rules) themselves and their application are fair, transparent and consistent, especially as they affect youth, women, indigenous and local communities and natural resources. In particular, rule of law requires that those with decision-making authority do not apply laws arbitrarily. Rule of law also implies the elimination of corruption and illegality.” (Springer 2016: 10)
- **Access to justice on natural resource issues, including to resolve natural resource conflicts:** “.... concerns the ability of people to seek and obtain remedies for grievances in accordance with human rights standards. Access to justice may involve formal, indigenous and traditional and/or other informal judicial institutions. In the context of natural resource governance, access to justice is required to resolve conflicts over land and natural resources, as well as to prevent or remedy environmental damage.” (Springer 2016:10)
- **Special attention to the vulnerable:** “Sustaining nature and promoting equity require specific attention to how natural resource governance decisions or changes could affect environments and species that may be particularly vulnerable and people who may be marginalized in economic, social or political terms. Such attention often takes the form of social and environmental safeguards requiring specific steps to ensure that impacts are understood, avoided or minimized to the extent possible, and agreed with affected people, in accordance with human rights standards. This principle also implies a need for differentiated actions that respond to the specific situations of vulnerable groups.” (Springer 2016:10)

Effective monitoring and accountability for meeting SAGCOT’s promises and avoiding its risks to local communities and the environment will not be a simple feat (e.g., Oxfam 2014:28).²⁹ Nonetheless, given the irrigation and

resources needed for further agricultural investments, existing land scarcity, undocumented customary rights, and concerns about land acquisition for investment, it is clear that accountability is a key issue for SAGCOT's implementation in the Kilombero Valley. Focal issues include whether there are (effective, accessible) systems in place to:

- Hold governing actors in Kilombero and the SAGCOT initiative accountable for their impacts, including on vulnerable people and environments.³⁰
- Raise and resolve natural resource related disputes.

Summary: Accountability, rule of law, and access to justice, including for vulnerable people and environments	
Landscape	SAGCOT Initiative
Law, Policy, and Strategy	
<ul style="list-style-type: none"> - EIA and Audits are important legal tools for environmental and (to a lesser degree) social accountability. - Accountability structures vary by level, with village councils generally being most directly accountable to rights-holders. However, the division of responsibilities among governing actors is complex, which poses challenges for demanding accountability in NR sectors. - There is a system for seeking resolution of land disputes, beginning at the village level. For other natural resource sectors, most grievances have to be raised to the ministry or other relevant government authority. This can create conflicts of interest. 	<ul style="list-style-type: none"> - There is no single body to ultimately hold accountable given the many partners involved. - There are various accountability frameworks and tools which, if taken together and fully implemented, could help ensure social and environmental accountability in implementation.
Implementation processes and practice	
<ul style="list-style-type: none"> - EIA implementation has been limited, though has been effective for demanding project amendments in some cases. National plans include a focus on strengthening their enforcement. - The system for land dispute resolution can be slow and difficult to navigate. - Limited access to information, including about laws and rights, is an obstacle to transparency, accountability, and rule of law. - CSOs play important roles in demanding accountability from duty-bearers, but also vary in their own accountability to rights-holders. 	<ul style="list-style-type: none"> - Investor Checklist content is commendably broad. However, the description of its objectives and intended use raises concerns about whether it can, in practice, be used to hold investors accountable. - There is little information available to date on how grievance mechanisms and monitoring systems work in practice.

Accountability, rule of law, and access to justice, including for vulnerable people and environments in the landscape...

... In law and policy

EIA and Audits are pointed to as key legal tools for environmental and (to a lesser degree) social accountability.

The 2004 Environmental Management Act creates the legal requirement for:

- Strategic Environmental Assessment (SEA) for major new government policies and programs;
- Environmental Impact Assessment (EIA) for medium and large-scale projects; and
- Environmental auditing for ongoing monitoring of certain projects.

EIAs are often viewed as key legal tools for accountability regarding environmental and (to a lesser degree) social impacts of projects. There are some notable limitations to the scope and application of EIAs, however, including that they are not required for smaller scale activities. While results are reviewed by the National Environment Management Council (NEMC) and a Technical Advisory Committee, EIAs are typically undertaken by consultants hired by the project proponent, which may raise questions about independence. Further, while socio-economic impacts are considered to a degree, they lack the specificity and clarity that would be required for full social accountability in line with a rights-based approach. With regard to both environmental and social concerns, EIA is primarily concerned with avoiding and mitigating adverse impacts (e.g., Campese 2012).

EIA and Audit findings are meant to be publicly available (though not necessarily in Kiswahili). As summarized by Kibugi et al. (2015: ix) “EIA and Audit Regulations have established that any project brief, environmental impact statement, terms of reference, public comments, report of a person presiding at a public hearing, decision letter or any other information submitted to ...NEMC [] are all public documents accessible to all” but that this access is “subject to conditions that maybe imposed by NEMC.” Likewise, SEAs are meant to be public documents, such as the Strategic Regional Environmental and Social Assessment (SRESA) undertaken for SAGCOT (see ERM 2013).

Accountability structures vary by level, with village councils generally being most directly accountable to rights-holders. However, the division of responsibilities among governing actors in the landscape is complex, which poses challenges for demanding accountability.

In terms of formal structures, village councils and committees are meant to be directly accountable to local rights-holders via the village assembly. District councilors are elected by residents in the ward they represent, and so also have a degree of accountability. However, district senior staff are generally appointed by, and answerable to, central government. In this sense, accountability of district staff to village residents is more limited, though the law does encourage districts to hold public forums and to involve local people in overseeing service provision.³¹ Central ministries governing reserved lands are not directly accountable to surrounding village residents.

The discrete lines of responsibility between levels of government and actors in the landscape are complicated, which can be a barrier to understanding who is meant to be responsible and how they should be held to account. In a study of local governance accountability, Mdee et al. (2017:1) note that “responsibility for public services are highly blurred and contested in Tanzania” including with regard to issues concerning land, livelihoods and resources.

There is a pluralistic system for seeking resolution of land disputes, which begins at the village level.

The Land Disputes Settlement Act (2003), Village Land Act (1999), and a handful of other national laws and policies mandate a system for the resolution of land disputes at the local level involving village land councils, village adjudication committees, ward land tribunals, and district land tribunals. At the village level, land disputes can also, under the village land act, be resolved by clan and/or village elders (see summary in URT 1998:18).

For other natural resource sectors, most non-trade related grievances have to be raised to the ministry or other relevant government authority (rather than the courts). This can create accountability / conflict of interest concerns.

Disputes about tenure or access in other natural resource sectors generally have to be brought to the relevant ministry, rather than being resolved in courts. This can create accountability and conflict of interest concerns. In Kilombero, for example, the River Basin Office is the adjudicator/regulator of water resources and at the same time issues water user permits, making it both ‘judge and jury’ (Interview with CSO representative – July 2017). However, there are exceptions and variations. Forestry legislation, for example, allows aggrieved parties to appeal to the high court regarding national forest reserve declarations. The forest, wildlife, and fisheries legislation also all allow for high court appeals for issues concerning trade disputes. Fisheries legislation also allows appeals to the court when fines go unpaid. The wildlife legislation allows companies whose hunting block allocation has been revoked to appeal to the high court.

... In implementation processes

EIA implementation has been limited in practice, though has been effective for demanding project amendments in some cases. The current national plan includes focus on strengthening their enforcement.

While there are detailed guidelines available, limited capacity for the implementation and enforceability of EIA and follow-up audits have been identified as a concern (URT 2016a; Kibugi et al. 2015). NEMC specifically notes low institutional capacity for EIA implementation as a rationale for developing implementation guidelines (NEMC 2005:vi) though capacities have presumably changed since these guidelines were developed.

While not specific to the natural resources, the current National Five-Year Development Plan (FYDP) includes a strong focus on reduced corruption (primarily within the infrastructure sector) and strengthened EIA enforcement. Regarding governance generally, the FYDP focal issues include “effective use of the rule of law” and “good corporate governance” (URT 2016a:49). (Lack of accountability, including outright corruption and failure to follow through on duties, was raised as a key concern in meetings with communities and other stakeholders in October 2017, as described below).

The question of EIA effectiveness in Kilombero and SAGCOT projects requires more information to assess. However, as noted above, amendments were made to the SAGCOT endorsed Bagamoyo EcoEnergy project due to concerns raised about its EIA.

The system for land dispute resolution can be slow and difficult to navigate.

The SAGCOT VGPF notes that approximately 75% of the legal cases handled by the Tanzanian Legal and Human Rights Centre are related to land and that it often takes a long time to resolve them (URT 2016b:13). One constraint is that the village land council can mediate between parties but does not have the legal authority to make rulings (Rukuni et al. 2013, Makwarimba and Ngowi 2012). The land dispute resolution bodies also fall under multiple ministries, making coordination difficult. In Kilombero, local government bodies do not, in many cases, appear to have the capacities and resources they need to effectively carry out or enforce land dispute resolution, and some local adjudication bodies have not been established or are not currently functioning (Landesa 2017:12, Interview with Wildlife Division representative - July 2017). The reliability of the land court system, in terms of ensuring access to justice and rule of law, varies. Askew et al. (2013), for example, find that Tanzanian land courts are sometimes used by powerful actors to try to unfairly obtain land, though they are not always able to do so.

Limited access to information, including about laws and rights, appears to be an obstacle to transparency, accountability, and rule of law.

Awareness of land and other natural resource laws and rights; transparency and openness of decision-making processes at all levels; accessibility of information for marginalized groups, including non-literate people and non-English speakers; and limited resources and capacity on the part of both rights-holders and duty-bearers are all identified as accountability and transparency concerns in the corridor (e.g., ERM 2013:iv, Kibugi et al. 2015, Rukuni et al. 2013, Interviews with CSO representatives - July 2017).

In their assessment of land governance in the corridor, Rukuni et al. (2013:39) find that “the legislative framework is weak in clearly defining and widely publicizing policies, laws and procedures in applicable languages, and widely publicizing decisions in applicable languages and in formats accessible to all”, though do note that “the radio has been identified as the most effective source of land policy information, especially for rural populations.” They further note that “other than overall constitutional provisions, Tanzania does not have specific legislation on the freedom to access various types of information that could reinforce this need for greater public awareness”. The Environmental Management Act (2004), however, provides for “freedom to access publicly held information relating to the implementation of this Act and to the state of the environment and actual, and future threats to the environment, including any emissions to water, air or access to environmental information land as well as the disposal and storage of hazardous waste”, subject to regulation (Section 172). EMA also includes an overarching principle of “access to environmental information, which enables citizens to make informed personal choices and encourages improved performance by industry and government” (Section 7(3)(f)).

Transparency and accountability in land acquisitions and investments are also concerns, as noted above under the section on tenure. Kibugi et al. (2015:55) point, in particular, to performance waivers and other land investment incentives that can be granted by the government. They also note, however, that similar legal mechanisms, such as granting companies ‘national strategic investor’ status, can be used to enhance accountability when tied to good performance.

It can also be difficult to distinguish between outright corruption / rule-breaking and perceived corruption arising from lack of access to information or misinformation. For example, a 2017 diagnostic study of fisheries in Kilombero notes that fishers believe that fishery officers are corrupt and that there is little transparency in the issuing of licenses. Fisheries officers claim that the process is open and that anyone who pays the license fee of TZS 40,000

is eligible. The study suggests that lack of cooperation and mutual understanding between fishers and fisheries officers is the major constraint to smoothly operating fisheries. (Kolding et al. 2017)

NGOs play an important bridging role in accountability. However, NGOs vary in their own accountability to rights-holders. Further, the Tanzanian government can limit NGO action, including for rights-advocacy.

NGOs often take action to advance accountable implementation of natural resources policy, including by sharing information and supporting communities in claiming and advocating for resource related rights. The Tanzania Land Alliance ([TALA](#)), for example, is a network of organizations that have collectively and individually reported on and advocated for people's land rights. Within the conservation sector, a number of recent NGO programs have also focused on legal literacy and accountability, e.g., the TFGC/ MJUMITA [Forest Justice Project](#) and the [Mama Misisi Campaign](#).

Accountability and transparency of NGOs themselves also varies, however, including whether they are accountable to communities they work with and impact. There are also complicated power relationships between NGOs and the government, communities, and one another, including at the intersections of land/ resource rights and biodiversity conservation. According to Swiderska and Maganga (2008:106) "A few civil rights groups in Dar es Salaam (e.g., LEAT – the Lawyers Environmental Action Team) are actively seeking to influence conservation policy to reduce the social impacts of protected areas. However, civil rights groups tend to have less influence over policy than conservation NGOs since vocal organizations risk being sidelined from policy processes." At the same time, there are organizations and coalitions that bridge these gaps, including the Tanzania Natural Resources Forum (TNRF) and several of its CSO working groups.

Swiderska and Maganga (2008:106) also note important limitations to NGO advocacy powers, as "[u]nder the 2002 NGO Act, advocacy organizations which become too active risk being de-registered. The act is seen by many as an attempt by the government to assert powers of registering and de-registering NGOs according to its wishes."

Accountability, rule of law, and access to justice, including for vulnerable people and environments in the SAGCOT initiative...

... In policy and guidance

There is no single body to be held accountable given the many partners involved. However, there are various frameworks and tools to help ensure social and environmental accountability, including for vulnerable groups.

For example, all SAGCOT sub-projects funded by the World Bank will be required to undergo screening to see whether or not vulnerable groups are present and, if so, to prepare and implement a Vulnerable Groups Plan before project implementation (URT 2016b:35). VGP implementation is then meant to be monitored using participatory methods (URT 2016b:33). Several other accountability-related SAGCOT frameworks and tools are described below

There are complaints mechanisms that can be used under certain circumstances within the SAGCOT initiative.

According to the SAGCOT Centre, "if partnership members have substantial concerns or complaints about the Centre's actions or the way in which it is operating, they can formally register them in writing to the Chairman of the Boards of either SAGCOT Centre Ltd. or the SAGCOT Catalytic Fund Ltd. These will then be discussed at the next Board Meeting for any appropriate action" (SAGCOT Centre Ltd. 2014:7). Cane growers associations have the option of directing certain complaints to the National Sugar Board, including those concerning sucrose measurement (Landesa 2017). For World Bank funded and co-funded projects under SAGCOT, there will be a grievance redress mechanism available to project-affected people, including:

"... parties who have grievances or are not satisfied with the project's handling of adverse impacts, benefit-sharing, and/or the resettlement and compensation process. These grievances could relate to adverse impacts on communities and/or VGs, the adequacy of consultations, issues related to project benefits, the valuation of assets, amount of compensation paid, level of consultation, non-fulfilment of contracts, and timing of compensation, amongst others." (URT 2016b:26)

As noted above, Illovo (majority owner of the large KSCL sugar plantation) is required to comply with [Illovo Group](#) policies and guidelines. The [Illovo Group Guidelines on Land and Land Rights](#) indicate non-compliance "may be

reported through local grower forums and other communication and engagement structures, or directly to the Illovo Group Managing Director, or via the group's independent tip-off reporting processes" (Illovo [webpage](#)).

... In implementation processes and practices

Monitoring systems for SAGCOT have been established.

One of the SAGCOT Centre's core functions is monitoring and evaluation (SAGCOT Centre 2015a:9). Towards this, a SAGCOT Monitoring and Evaluation Framework was established in 2015 (SAGCOT Centre 2015a:7), including for "assessing impact (both positive and negative) and value added on investments" (based on [TORs](#) for its development). The SAGCOT Centre also cites the Partnership Accountability Committee (PAC) as important to its accountability (SAGCOT Centre 2015a:7). The PAC is the country-level group monitoring and reporting on the New Alliance, of which SAGCOT is a component. It is chaired by the Prime Minister's Office and includes (as of 2014) the Ministry of Agriculture, Food Security and Cooperatives, DFID, USAID, the SAGCOT Centre Ltd, the Agricultural Council of Tanzania, and the Agriculture Non-State Actors Forum (ANSAF). The PAC also coordinates three working groups, including one on land policy, which aims to address issues such as "unclear land administration processes, long process[es] for investors to obtain titles, high potential for land conflicts, [and] high and unequal land rents" ([presentation](#) by the SAGCOT Centre Head of Policy – Lugangira 2017). More information is needed to assess whether these mechanisms are (or could be used) by communities to hold SAGCOT partners accountable for social and environmental impacts. However, the PAC focus appears to be, at least in part, accountability to commitments made to investors (based on analysis of the PAC 2014 Annual Report and Lugangira 2017).

A new Investor Checklist is meant to be used for all new investments. While its content is commendable, the descriptions of its objectives and intended use raise concerns about whether it can hold investors accountable.

A SAGCOT "Commercial Investment Guiding Tool" (including "Inclusive Green Growth Sustainability Principles") and an accompanying "Investor Checklist" have been developed and recently approved by the SAGCOT Centre and partners. They are intended to be applied to all new investments (Interview with SAGCOT Centre representative - July 2017). More information is needed to understand whether this Guiding Tool serves as the 'Investor Guidelines' called for in the Greenprint (Milder et al. 2012) and CSO recommendations on the same (ActionAID Tanzania et al. 2012). In terms of content, the scope of the tool is quite broad, including:

- Inclusive green growth sustainability principles (inclusivity, environmental management, and sustainable business strategy)
- Avoidance of negative and maximization of positive impacts on people and communities
- Impacts on the environment and provision of ecosystem services, including EIA and Audit compliance³²
- Alignment with Government of Tanzania priorities and national or sub-national government policies and laws

Checklist questions make specific reference to ensuring respect for rights, inclusion, and benefit-sharing, asking about (SAGCOT 2017:3)

- "Identification and recognition of legitimate land rights holders and potential direct and indirect impacts on tenure rights "
- "Commitment to comply with national and international laws on human rights"
- "Ensure presence of internal protocol that respect rights of freedom of assembly, speech and non-discrimination..."
- "Inclusion of and benefit to women, youth and vulnerable groups."

However, the Checklist's objectives and user guidance raise concerns about whether it can, in practice, be used by rights-holders or allied organizations to hold investors accountable. The Checklist aims to "help investors to increase alignment with the Tanzania national laws and regulations in relation to environmental and social safeguards [and] help to reduce complications on investment setup and operationalization" (SAGCOT 2017:1). It specifies that "[i]nformation collected will be treated confidential and shall be used only for intended purpose..." (SAGCOT 2017:1). There are several open questions about the way the tool is to be applied, including:

- What process should be followed in developing responses? The checklist appears to elicit investor self-assessment,³³ which would raise questions about its reliability.
- What level of detail and supporting evidence would be required in responses?
- What actions would be required where responses are not sufficient, and who decides this?

- Will there be compliance/ impact monitoring following this up-front screening?

The World Bank Vulnerable Groups Planning Framework and other Bank safeguards (excluding for Indigenous Peoples) will apply to the sub-set of SAGCOT projects they will fund.

SAGCOT partners are responsible for compliance with some donor-specific mechanisms. For example, World Bank funded/ co-funded projects will have to comply with most of the Bank's Operational Policies.³⁴ As funds are not yet being dispersed, these safeguards are not yet operational, though anticipation of their implementation has reportedly helped ensure continued protections for the puku antelope in the Kilombero wetlands (Interview with a Wildlife Division representative (July 2017).

Of particular relevance is the Vulnerable Groups Planning Framework (VGPF). The Tanzanian government was required to develop the VGPF in lieu of compliance with the WB Indigenous Peoples Policy, based on the Bank's acceptance of their waiver application. As explained in the [World Bank SAGCOT Fact Sheet](#):

"... the GoT requested a waiver to the application of the World Bank Indigenous Peoples Policy (OP 4.10) stating that the policy was inconsistent with the Tanzanian Constitution which emphasizes unity and calls for equal treatment of all ethnic groups by not giving special preference to individual ethnicities. The waiver requested was approved by the Bank's Board of Executive Directors. A ...VGPF... has been prepared to guide project implementation and includes measures to ensure that such groups would be involved in a process of free, prior and informed consultation; any adverse impacts on such groups are mitigated; that the groups benefit from the project in a socially appropriate manner; and a process for grievance redress is available to them. The VGPF includes monitoring and evaluation to assess the project's impacts on and benefits for vulnerable groups. The World Bank's standard accountability mechanisms remain unchanged, including access to the Inspection Panel, the independent complaints mechanism for people and communities who believe they have been, or are likely to be, adversely affected by a World Bank-funded project."

This decision has raised concerns about whether the rights of traditional and self-identifying indigenous peoples in Tanzania will be respected in SAGCOT implementation. It has been criticized by Indigenous Peoples' organizations and allied organizations because of concerns about both SAGCOT itself and the precedent that such a waiver may set (e.g., May 2017 [Joint Statement](#) to the UN Permanent Forum on Indigenous Issues – IWGIA et al. 2017).

The VGPF itself does not define specifically who is considered 'vulnerable'. Rather, it states:

"Determination of which groups in Tanzania are recognized as vulnerable is being done on a project by project basis...according to the following criteria: those that may be below the food poverty line and lack access to basic social services. – (including those that are geographically isolated), and are not integrated with society at large and its institutions due to physical or social factors." (URT 2016b:5)

However, the social assessment undertaken for VGPF development did identify several vulnerable groups in the corridor based on these criteria, including "women-headed households, the elderly, disabled, youth, children, refugees, persons with HIV/AIDs, and any disadvantaged communities who fit the criteria ..." (URT 2016b:6) noting elsewhere that this in some cases includes pastoralists and small farmers. The VGPF also identifies several risks related to the rights and livelihoods of small farmers and pastoralists in Kilombero, which may be exacerbated by SAGCOT, including reduced access to and increased conflicts related to land and water (URT 2016b:10,11,23). The report (drawing on stakeholder consultations) recognizes that vulnerable groups are engaged in wide range of livelihood activities in the corridor, which could be taken into account in investment project planning (URT 2016b:17). It recognizes the risk of SAGCOT sub-projects (and other developments) resulting in vulnerable groups' "rights and access to land and other resources be[ing] further pressured" (URT 2016b:23).

There is little information to date on how grievance mechanisms work in practice.

Regarding the SAGCOT grievance mechanism (i.e., writing to the requisite board), more inquiry is needed to understand who, in practice, can use it and whether it is effective. The option of raising complaints to the Sugar Board appears to be difficult for growers associations to use in practice, including because people do not know it is an option or how to exercise it (Landesa 2017:17). The grievance mechanism for WB funded sub-projects is more clearly articulated, and summarized in the VGPF (URT 2016b:26, 27),³⁵ though this mechanism will not be active until World Bank funding for SAGCOT has been released. More information is also needed to know how the Ilovo reporting process works in practice and whether outgrowers know about it.

Extent of SAGCOT commitment to relevant international guidelines is not yet clear.

The SAGCOT SRESA recommended that the Government of Tanzania commit to and establish implementation and monitoring mechanisms ensuring that SAGCOT is aligned with key international guidelines including the Principles for Responsible Agricultural Investment (PRAI)³⁶ and the FAO Voluntary Guidelines on the Responsible Governance of Tenure or the Tanzanian equivalent (ERM 2013). Doing so could substantially strengthen the initiative's social and environmental accountability. There are SAGCOT and partner documents that imply an intent to comply with SRESA (URT 2016b:7,8) and to 'take account of' and pilot these international guidelines (G8 Cooperation Framework 2012:3).³⁷ However, the extent and practical implications of these commitments are not yet clear. Rukuni et al. (2013:37) found very low awareness about the Voluntary Guidelines, including among the officials meant to be implementing them, though this may have changed since 2013.

Sustainable and Fairly Shared Resources for Livelihoods and Nature

This section considers the NRGF Principle of **sustainable resources and livelihoods**, which "integrates a number of related concepts One is the need for a stream of resources or revenues as a basis for the financial sustainability of the people and actions required to manage and conserve natural resources. Another is equitable benefit sharing – itself a broad term encompassing ideas about the need for incentives for actions that contribute to sound natural resource governance, compensation for losses stemming from governance restrictions, and various forms of equity in how benefits are distributed among stakeholders." (Springer 2016:9) The section looks broadly at the generation and distribution of benefits and costs from natural resources management, including in current outgrower arrangements in Kilombero.

Summary: Sustainable and Fairly Shared Resources	
Landscape	SAGCOT Initiative
Law, Policy, and Strategy	
<ul style="list-style-type: none"> - Equitable benefit sharing can be established (though is not guaranteed) under village law. It is generally harder to achieve under laws governing other land categories, though there are CBNRM options that aim to do so. 	<ul style="list-style-type: none"> - The Greenprint focuses in part on recognizing costs for and sharing benefits with all smallholders (not only outgrowers).
Implementation Processes and Practice	
<ul style="list-style-type: none"> - Conservation / land management options pose substantially different costs and benefits for local communities and groups (e.g., CBFM vs. annexing forests to national parks). - VLUP can help realize fairer distribution, but there are political and technical obstacles to doing so in practice. 	<ul style="list-style-type: none"> - There are substantial potential costs for pastoralists, women, farmers with the least land, and others in Kilombero if SAGCOT implementation does ensure fair distribution. - Outgrowers' benefits and costs can be affected by the power and functioning of growers associations.

Sustainable and fairly shared resources in the landscape...

... In law and policy

Equitable benefit sharing can be established (but is not guaranteed) under village laws. It is generally harder to achieve under laws pertaining to other land categories.

At the village level, laws and policies generally leave room for (though do not guarantee) fairly shared benefits. The distribution of resources and revenues from village forest reserves, for example, can be determined by the village assembly and written into village plans and bylaws. In other land categories, there are fewer options for achieving fair sharing, though some CBNRM arrangements, including JFM, aim for it.

... In implementation processes

Conservation and land management options pose substantially different potential costs and benefits for communities and groups within them.

Various options have been suggested to address the pressing conservation concerns in Kilombero, while ensuring livelihoods are not undermined, including in the valley's wildlife corridors (e.g., Kashaigili et al. 2014, Milder et al. 2013). The relative benefits and costs for communities (and sub-groups within them) of different conservation and land management options require careful consideration. For example, while some access to national forest reserves is allowed, JFM agreements have been found to generate few benefits for participating communities (e.g., Persha and Meshack 2016). This may be a concern in the case of Magombera Forest in Kilombero, which is in the process of being transferred from land held by Illovo. Designation as a national forest reserve managed under a JFM agreement is being explored, including in partnership with SUSTAIN. Annexation to a village as a village land forest reserve could also be explored and prioritized, given the greater potential benefit for communities. Similar considerations should be taken into account when considering WMAs in wildlife corridors in Kilombero. Evidence from Kilombero and the broader corridor suggests that very few WMAs are generating income. In the SAGCOT area, only Idodi-Pawaga, in Iringa District, had generated any significant revenue as of 2012 (WWF 2014).³⁸ In all cases, community members should have full information about the range of CBNRM and land use / management options, with decisions based on FPIC.

Village land use planning can be a powerful tool for ensuring fairer distribution, but there are political and technical obstacles to doing so in practice.

In VLUP development guidelines (URT 1998:4), anticipated results of participatory land use planning include that:

"Natural resources are managed in a more efficient, equitable and sustainable way, leading to a higher production in agriculture and other land uses, and improved standards of living, particularly for those whose positions are most at risk, such as pastoralists, women and youth" and that "land disputes are minimised and the interests of the various stakeholders (men, women, youth, crop producers, pastoralists, etc.) are likely to be balanced and respected, since the plans have been created through dialogue."

While VLUPs can be a powerful legal tool for more sustainable and fair resource sharing (e.g., UCRT 2014) there is also evidence that the increasing pressure and competing claims in places like Kilombero make such planning more technically and politically challenging. Smucker et al. (2015:42) note that "[w]here it has been carried out, village land use planning alone has the potential to mediate, resolve, or exacerbate resource-related conflict and, ultimately, to substantially rework access to natural resources." One solution may be more integrated planning, through which benefit and cost distribution across landscapes can be better understood.

Sustainable and fairly shared resources in the SAGCOT Initiative...

... In policy and strategy

The most relevant SAGCOT guidance document appears to be the Greenprint, which considers benefits for and (to some extent) costs to smallholders, whether or not they are registered outgrowers. In a review of opportunities and challenges for AGG Kilombero and other clusters, Milder et al. (2013:6) note that:

"any of the benefits of development activities related to the wetland and floodplain are being externalized or diverted from the smallholders who manage much of the wetlands and forests in the region. Internalizing the costs and finding ways to compensate residents for wise management of natural resources could be an important part of developing the valley."

... In implementation processes

There are substantial potential costs for pastoralists, women, farmers with the least land, and others in Kilombero if the SAGCOT initiative is not designed and implemented in ways that ensure fair sharing.

It is difficult to determine positive and negative results of large-scale PPPs like SAGCOT (e.g., Oxfam 2014). However, based on what is known to date, the SAGCOT SRESA (ERM 2013:vi) concludes that:

“The short-term economic impacts of SAGCOT investments will be significant and positive. However, until clear mechanisms for ensuring fair compensation and sustained smallholder and community benefits have been designed and implemented, the benefits of these positive impacts will not accrue equitably to the various stakeholders and interest groups. Those who may not receive benefits may include pastoralists, unless they are included in land use planning and decision-making.”

Research on existing outgrower arrangements in Kilombero and more broadly in the corridor provide important lessons that could help guide future investments in the cluster. These include that:

- **Benefits and costs are not equitably distributed.** While some individuals and families have seen economic gains (Sulle 2015:4), substantially more benefits accrue to larger landholders or others in positions of greater power or privilege (e.g., Oxfam 2014, Sulle 2017). Women are often more adversely affected than men when scarce land shifts from subsistence to commercial crop production, including because women-headed households around KSCL typically have among the smallest landholdings (Landesa 2017) and women may lack secure tenure (despite having land rights in current law) (Oxfam 2014). Women also tend to have lower access to commercial agriculture inputs such as fertilizer (Landesa 2017). With more land used for commercial crops, women have to walk longer distances to grow food and access natural resources for home use, causing disruptions to family life (Landesa 2017, Sulle 2015). Women and men also tend to grow different crops, and rice and sugar may not be the ones that would most benefit women (e.g., Oxfam 2014). Particular attention (and more information) is also needed on how existing and proposed commercial agricultural projects in Kilombero would impact pastoralists, fishers, and farmers who are not participating outgrowers. However, some evidence (e.g., Oxfam 2014:26) and discussions during scoping meetings indicate that competition for land and water access are being exacerbated by expanding commercial agriculture in the valley.

“Empowerment of rural women in Africa requires investment of political capital in the establishment of rights-based legislation on land, as well as investment in tailored solutions that can help women in production and marketing. This includes support to informal production groups; a focus on commodities such as fruit, vegetables and tree-based products; and the development of high-value local and national markets. Mega-PPP arrangements are currently unlikely to deliver these types of investment, and could exacerbate rather than alleviate gender inequality.” (Oxfam 2014:23)
- **There often are un-recognized costs.** KSCL, for example, diverts river water for its two estates (Sulle 2017: 524,525). Pollution impacts on people and environments are also be substantial (e.g., Oakland Institute 2015).
- **The flows of resources and revenues are not constant.** Food and livelihood security are concerns for outgrowers and other community members, e.g., where land for food crops or grazing is reduced or when outgrowers have bad years (Sulle and Smalley 2015, Sulle et al. 2014. See also Suich and Maganga 2017 for a more detailed summary). This can be compounded where there is little value-chain development, or where outgrowers only have the option of selling single crops to single buyers (Oxfam 2014), as with KSCL.
- **Farmers bear substantial financial risk, and exit is difficult.** Outgrowers risk of crops failing or prices falling. While some extension services / capacity building support from KSCL and others have been available, it has varied and is not guaranteed (Sulle et al. 2014). Sustainability of outgrower engagement in the absence of donor support may be uncertain (Oxfam 2014). Once small farmers have started outgrowing, it is also difficult to return to (or integrate) different crops, including because of debt incurred (Oakland Institute 2015) and, with respect to sugar, introduction of pests that make other crops harder to maintain (Sulle et al. 2014).

Outgrowers’ benefits and costs can be affected by the power and functioning of growers associations.

Growers associations are the main representative bodies for outgrowers who sell to KSCL.³⁹ Outgrowers are required to join a growers associations (in addition registering with the National Sugar Board) to sell cane to KSCL. Individual (one on one) contracts with the company are not allowed, and members are not allowed to sell to other buyers (Sulle et al. 2014:5). Given this, the governance and functioning of growers associations have direct implications for the generation and distribution of benefits (and costs) for outgrowers.

Associations typically have responsibility for:

- Negotiating and signing three-year contracts with KSCL
- Communicating with members, including about contract terms and KSCL operations⁴⁰

- Setting and collecting fees for association membership (Sulle 2015:6)

Growers associations are generally accessible for those who want to grow and sell cane to KSCL. Farmers must have access to at least a small amount of land and meet some start-up costs. Financing is often available from donor funds or loans for those who need it (Sulle et al. 2014:3) though incurring start-up debt can be a substantial financial risk, particularly for small farmers (Oxfam 2014:22). Concerns about the associations and their governance include the following:

- Associations' negotiating / bargaining power and capacities are critical, given their role and the high-stakes for outgrowers. Payment structures for cane are complicated (e.g., Landesa 2017:15) and returns are not guaranteed (Rukuni et al. 2013:35). Outgrowers' bargaining power may be weakened because associations have become fragmented (increasing from two in 1998 to 15 in 2014) (Sulle 2017:528).
- Contract terms are complicated, and may not be clearly communicated (Landesa 2017:15) or even available in Swahili, though there are ongoing efforts to address this (Sulle 2015).⁴¹
- Outgrowers report concerns with association transparency, accountability, and performance (Landesa 2017:16, Sulle et al. 2014:6).
- Sulle (2017:532) finds that larger land holders generally lead associations and benefit more from outgrowing.
- While the number of women registered as sugarcane outgrowers has increased substantially in recent years, women hold very few leadership roles in associations (Dancer and Sulle 2015:18,26).

Concerns with cane association governance in Tanzania are not new, and there have been a number of recommendations made for their improvement. In 2010, for example, REPOA recommended that area-based trusts be established (Sulle et al. 2016:7). KSCL is also seeking funding to strengthen association capacity (Sulle et al. 2016:7) and is making efforts to communicate more directly to outgrowers (Landesa 2017). The SUSTAIN project (via AWF) in Kilombero is also working with associations, including on governance and coordination issues. There are different types of producers' organizations in Tanzania, with diverse strengths and challenges (e.g., Uliwa and Fischer 2004). Farmers should have information about their options, and the relative benefits and risks.

Empowerment and capacities for coordinated action

This section considers two NRGF Principles:

- **Empowerment** - "... all actors have the capacities and support they need to contribute effectively to decision-making, claim rights, and/or meet responsibilities. This principle picks up on the elements of capacity and performance frequently found in governance frameworks, while emphasizing rights and responsibilities and overcoming power disparities, in keeping with the NRGF Values." (Springer 2016:9)
- **Coordination and Coherence** - "... the need for actors involved in natural resource governance to come together around a coherent set of strategies and management practices. Coordination and coherence may be "vertical" where it concerns links across multiple levels of actors with some role in the governance of the same ecosystem or resource. It may be "horizontal" where it concerns collaboration and consensus across different sectors operating in or with effects on the same geographical space." (Springer 2016:9)

Coordination and coherence across NR sectors are noted as major challenges, including in Kilombero (ERM 2013: iv, Kashaigili et al. 2014, Kibugi et al. 2015, Swiderska and Maganga 2008:99). This section aims to summarize some of these challenges and highlight examples of how coordination is achieved despite them.⁴²

Summary: Empowerment and capacities for coordinated action	
Landscape	SAGCOT Initiative
Policy, law, and strategy	
- The Tanzanian natural resource governance system requires coordination across multiple levels and sectors.	- Coordination is at the heart of the SAGCOT initiative ... but to date coordination does not seem strongly focused on socially and

	environmentally sound outcomes. There is potential for this to shift going forward.
Implementation and practice	
<ul style="list-style-type: none"> - Limited coordination and coherence appears to impede natural resources governance at the local and landscape levels. - Water governance shows the importance and challenge of integrating customary and statutory systems. - Technical and institutional capacities of governing bodies are critical... though capacity is often closely linked to power and information. - Despite challenges, community organizations often take action to claim rights. 	<ul style="list-style-type: none"> - SAGCOT governing bodies face an enormous coordination task. It does not appear that sufficient capacities and structures are in place. - Negotiation and capacity needs of smallholders and other rights-holders require more attention.

Empowerment and capacities for coordinated action in the landscape...

... In law and policy

The Tanzanian natural resource governance system requires coordination across multiple levels and sectors.

As summarized in the SAGCOT VGPF:

“Tanzania governance structures for decision making are vertically structured, with horizontal linkages across various government departments. At the national level, there are various Ministries, followed by Regional Secretariats, while at the District level, administrative roles are executed by the District Commissioner and District Administrative Secretariat. The Local Government level is handled by LGA Directors ... Under the LGA Director, there are several heads of departments who are supporting the Directors (i.e. planners, engineers, community development, water, natural resources, land etc.). At the community level, the governance is under Village Council/Mtaa, whereby administrative roles are executed by Village/Mtaa Executive Officer.” (URT 2016b:32)

.... In implementation processes

Limited coordination and coherence appears to impede NRG at local and landscape levels.

Limited co-ordination and coherence between sectors is an obstacle to CBNRM implementation, including PFM (Blomley 2006, Swiderska and Maganga 2008) and WMAs (Rukuni et al. 2013:38). This includes conflicting laws across natural resource sectors (e.g., Kashaigili et al. 2014:159) and inconsistent or unclear institutional mandates (ERM 2013). Ministries separately develop laws, though their mandates may overlap. For example, as of October 2017, there are separate Ministries of Natural Resources and Tourism, Agriculture and Food Cooperatives, Livestock and Fisheries, Energy, and Minerals. Aligning regulations and processes between departments in single ministries is also a challenge (Swiderska and Maganga 2008:99, citing Blomley and Ramadhani 2006). Kashaigili et al. (2014:161) note that:

“Parallel policy and legal processes in the forestry and wildlife sectors have resulted in complex and overlapping procedures relating to the establishment of these two processes. Currently there is also lack of clarity regarding institutional responsibilities for the management of wetlands issues, with both Wildlife Division and VPO-DoE claiming it falls within their legal mandate. This conflict is creating confusion at the local government level.”

There is sometimes little clarity about how such conflicts can be resolved. On environmental matters, the 2004 Environmental Management Act generally has statutory authority over other sectoral laws. However, Kibugi et al. (2015:39) note that “certain sectoral legislation (notably mining) will often prevail over other sectors and EMA, where the interests of the state are at stake. ...Mining legislation enables the government to circumvent important safeguards to security of land tenure, on behalf of mining investors.” This is a potential concern for NRG in the Kilombero Valley, given [planned oil and gas exploration](#).

As a signatory to the [Ramsar Convention](#), Tanzania has a commitment to ensure conservation and ‘wise use’ of the wetlands in Kilombero Valley, an internationally recognized Ramsar site. Coordination is required to meet these commitments. As summarized by Milder et al. (2013:14):

“Land use in the valley remains complicated by competing demands by agriculture, forestry, water and wildlife sectors. Official oversight through RAMSAR is provided by the Ministry of Natural Resources and Tourism. However, this ministry can only establish policies on wildlife use and management, not for the other competing uses which, by Tanzania law, are under the jurisdiction of other ministries.”

Arrangements for fisheries management in the Kilombero Valley illustrate the complexity of vertical and horizontal coordination. Fishing activities in the Ramsar site are meant to be monitored and coordinated by actors at the village, district, and ministry level. A recent fisheries diagnostic study found that, in Kilombero, fisheries management is mainly implemented by district fisheries officers and other district and ward officials, including game officers, as well as a Network of Water Resource Users of the Kihansi Sub-basin (JUWAMAKI). Game Scouts from the Wildlife Division and TANAPA, of the Ministry of Natural Resources and Tourism, are also involved in patrolling and restricting fishing activities within Ndolo Swamps in the KGCA. Staff from Kilombero North Safaris, a hunting company operating in KGCA, also participate in controlling fishing within their concession area. (Kolding et al. 2017)

Water governance highlights the importance and challenge of integrating customary and statutory systems.

Research over the last 15 years highlights the complex ways in which customary and statutory institutions interact to govern water access and rights in Tanzania (e.g., Franks et al. 2013, Lecoutere 2010, Maganga 2002, Maganga 2003, Maganga et al. 2004). Based on a case study in the Rufiji River Basin, Magana (2003:1) highlights that:

“The Integrated Water Resources Management (IWRM) paradigm, which underpins current water reforms in Tanzania, focus on the use of statutory legal systems to regulate the use of water resources. However, Tanzania operates under a plural legal system, where the diverse customary systems are relied upon in the implementation of IWRM. Very few human activities are regulated by statutory laws alone. Neglect of customary laws may cause IWRM implementation to fail, or will have negative consequences for individuals and groups who were better served by customary-based systems.”

Governing these relations may become more complicated as land-based investments grow and water rights ‘formalization’ efforts continue to expand (Harrison and Mdee 2017:409, Lecoutere 2010). These considerations appear critical for water governance in the Kilombero Valley, given its status as a Ramsar site, the existing land scarcity and conflicts, and potential irrigation expansion under the SAGCOT initiative. In scoping meetings for this assessment, participants spoke about increasing competition for river access in the area, as commercial crops expand. This highlights the importance of having a nuanced understanding of customary and statutory systems when facilitating the formation of water governance bodies such as WUAs (e.g., Harrison and Mdee 2017).

Despite the challenges, horizontal and vertical coordination for NRG can and does happen in Kilombero... sometimes according to defined pathways, and sometimes based on personal relationships and alternative pathways (drawing on interviews with CSO and Wildlife Division representatives - July 2017).

Technical and institutional capacities of governing bodies in Kilombero are critical... though capacity is often closely linked to power and information.

Literature (e.g., Cunliffe et al. 2017, ERM 2013, Rukuni et al. 2013, Kashaigili et al. 2014) and interviews revealed concerns with the technical and institutional capacity of governing bodies at all levels in Kilombero, from ministries to VNRCs. At the same time, ‘capacity’ is often not a matter of technical training alone, but also of power, information access, and other factors. For example, one reason that BMUs in the Ramsar site may struggle to control access to fisheries is that they have authority to control access at the launching point, but not further up and downstream (interview with Wildlife Division representative, July 2017). Reviewing recent literature on decentralized environmental governance in Tanzania, Smucker et al. (2015:43) find:

“... substantial challenges for the effective performance of formal institutions in addressing existing environmental and development priorities and future adaptation efforts. As the centerpiece of decentralized government, village councils embody the best intentions of democratic, downward accountability to village assemblies, though they are under-resourced in their pursuit of locally-sensitive development. Village councils carry the additional burden of upward accountability to district, regional, and national governments, whose power trumps that of village councils in key resource management domains. Thus, the capacity of formal institutions to address adaptation needs—both in terms of equitably guiding resource access and enabling innovation sensitive to local needs—appears to be severely constricted.”

Limited information about related rights and laws are a constraint to legally-recognized CBNRM implementation, including PFM (e.g., Blomley and Iddi 2009). While this is widespread, including among some district and NGO staff meant to support implementation (Swiderska and Maganga 2008:99, citing Blomley and Ramadhani 2006), there are also power disparities in who has access to information. For example, looking at PFM implementation across Tanzania, Robinson and Maganga (2009) find that village residents have far less (and less accurate) information than other stakeholders, and that women are less to have information than men.

There are examples of empowering natural resource legal literacy and information campaigns in Tanzania (e.g., Mama Misitu Campaign), including via radio, which has been found to be particularly effective (e.g., Rukuni et al. 2013). Similar approaches may be effective in Kilombero. At the same time, there may be substantial barriers to substantive empowerment, e.g., where “those responsible for disseminating and implementing the laws, such as district and technical staff, may be unwilling to divest power to villagers” Swiderska and Maganga (2008:99).

Despite challenges, community organizations often take action to claim rights.

This can be seen, among others, in resistance displacement of people living on land given to Ilovo when KSCL was privatized. This land transfer resulted in a long-standing land dispute that still informs some community perceptions of KSCL. (Sulle 2017:531) Many people are also accessing legal avenues to resolve land disputes (which is another way to interpret the fact the 75% of LHRC’s cases pertain to land, though it does not negate the lengthiness and difficulty of the process). Sulle (2017:531) finds that, overall, “local communities have strengthened their resistance to land acquisitions for large-scale investments that displace them.”

Empowerment and capacities for coordinated action in the SAGCOT initiative ...

... In policy and guidance

Coordination is at the heart of the SAGCOT initiative ... but to date that coordination does not seem strongly oriented towards socially and environmentally sound outcomes. This may shift going forward.

The SAGCOT initiative is largely focused on coordination. Jenkins (2012:4) describes SAGCOT as “a platform that allows a large network of stakeholders to coordinate their investments and interventions to address multiple bottlenecks in agriculture within a well-defined geographic area – enabling the whole system to work better.” Byiers et al. (2016:19) summarize SAGCOT as “essentially aim[ing] to overcome coordination failures in investment in agriculture.” In particular, coordination and facilitation are the core responsibilities of the SAGCOT Centre. Given this, a key question is *with who, and in whose interests, is coordination being done?*

The focus to date appears to be coordinating commercial investment, with less focus on meeting responsibilities to rights-holders and the environment (Interviews with CSO representatives – July 2017). The SAGCOT Partnership Principles, which each “partnership member will be required to accept” (SAGCOT 2014) are largely focused on coordination but, as noted by Byiers et al. (2016:22), they “cannot prevent issues around land management, environmental and social risks.” SAGCOT’s Agriculture Green Growth strategy, however, recognizes that “support[ing] such coordinated investment requires strong planning, decision-making, and governance frameworks that give voice to local communities while facilitating timely and predictable decision processes for investors” (SAGCOT 2011:1). The SAGCOT Centre indicates that it is trying to strike a balance between competing interests and visions, including those of civil society actors interested in environmental conservation and social justice (Interview with SAGCOT Centre representative, July 2017).

... In implementation processes

SAGCOT governing bodies are facing an enormous coordination task. It does not appear that capacities and structures for this are yet in place.

SAGCOT governing bodies are, in sum, meant to facilitate and coordinate a multi-partner group of government and non-governmental actors (with distinct and in some cases conflicting agendas) on a joint initiative to translate agricultural investment across nearly one-third of the Tanzanian landscape into environmentally sustainable and socially equitable growth. Given this, their capacity needs are likewise enormous.

Not surprisingly, while progress is being made and some institutional measures to support ‘inclusive green growth’ are in place (e.g., SAGCOT Centre Annual Report 2015 on GRG and Feeder Group establishment) several institutional capacity limitations have been noted (ERM et al. 2013:10, Interviews with CSO representatives – July 2017). Recent research under SUSTAIN finds that SAGCOT does not yet have the structures in place to safely manage pesticide use (Lahr et al. 2016). Further, there does not appear to be a public sector (government) representative from the national resource/ environmental sector formally included in SAGCOT’s coordination mechanisms. The [SAGCOT List of Partners](#) (as of May 2016) does not include any natural resources ministries or divisions aside from the Ministry of Agriculture. However, there does appear to be less formalized, periodic coordination between environmental ministries / programs and SAGCOT Centre, e.g., with KILORWEMP (Interview with Wildlife Division representative - July 2017).

SAGCOT is still developing and capacity challenges are acknowledged. The Greenprint states that “[t]he Government is committed to building its capacity, and those involved in the SAGCOT program, to meet[] this challenge” (Milder et al. 2012). Support for institutional capacity strengthening is being sought (e.g., URT 2016b:21).

There appears to be little support for community negotiating power and capacity.

Some SAGCOT sub-projects will focus on inclusion of small farmers. For example, one aim of World Bank funding for SAGCOT is to “support innovative strategies for generating agricultural growth and poverty alleviation through building successful partnerships between smallholder communities and agribusiness investors” (URT 2016b:5). What is less clear is who has responsibility for supporting community capacity to negotiate and claim rights, where such support is needed. The SAGCOT Center suggested that district officers will assist villages in land negotiations (Interview with SAGCOT Centre representative, July 2017). This raises a potential conflict of interest as the district government may benefit from investments. Landesa (2017) suggests that investors should play a key role in supporting land planning and titling, which also raises concerns about potential conflicts of interest. The Greenprint points to CSOs to help implement agricultural green growth (Milder et al. 2012). Many may be able to effectively do so as community partners, but as discussed above, CSOs vary in their accountability to community interests. The question of how communities can be appropriately supported in strengthening negotiating power and capacity requires more detailed attention going forward.

3. Governance Strengths and Challenges – Participant Assessment

This section summarizes the results of assessment meetings with community members from villages in lower Mngeta and with NGO and government stakeholders held in Dar es Salaam (3 - 10 October). Meeting objectives were to share results from background studies (PiN and NRGF) and invite feedback (questions, additions, corrections); collaboratively assess key governance strengths and challenges; and collectively identify recommendations to improve governance.

Community meetings were held with (1) farmers, (2) fishers and traders, (3) pastoralists and agro-pastoralists, and (4) representatives of village councils, village environmental committees, and water user associations based in different villages in the ward.⁴³ Within each meeting, discussions were held in small focus-groups organized by participants' gender, age, and/or livelihood/ institution. Following discussion of research results, groups were asked about key strengths, challenges, and recommendations for improving the governance of resources important to them.⁴⁴ Participation levels were generally high, with about 20 to 40 people per meeting. However, relatively few women participated, with the exception of the meeting with farmers. The meeting in Dar es Salaam included representatives from a small group of national and international conservation /natural resource governance NGOs (MJUMITA, Shahidi wa Maji/Water Witness, TNRF, and WWF), and the Ministry of Agriculture, Environmental Management Unit.⁴⁵ Following discussion of the PiN SA and NRGF framework and background study, participants discussed strengths, challenges, and recommendations for improved natural resource governance.

The table below summarizes key issues raised by participants. Community meeting summaries include both points raised by several groups and points raised by only one or a few groups, with the latter noted as such. Points where participant views/ experience differ from one another or from what was found in literature review are also noted.

Respect for Tenure Rights and Devolution
<p>Summary feedback from community meetings:</p> <ul style="list-style-type: none"> - Some feel tenure security is increasing (including some, though not all, women). There are also many tenure disputes and concerns that they will grow. More land surveying and certificate issuance is taking place now and several participants indicated that they see this as increasing tenure security, including some women.⁴⁶ Other women reported their land access being contingent on their spouse. Ongoing tenure disputes were also noted (including between investors and communities, farmers and pastoralists, farmers and other farmers, fishers and pastoralists, and protected area authorities and communities). Several people raised concerns that these conflicts will increase and grow harder to resolve because land is already scarce, the population is growing, and more investment is anticipated. - The right to form local bylaws concerning natural resources is generally seen as a governance strength. However, their implementation is a challenge. Sometimes implementing steps are not taken. Village residents who take bylaw enforcement action sometimes also face political or social retaliation, such as being criticized by those who are not following bylaws or being voted off of village committees. Lack of enforcement is also seen as being connected to corruption and lack of coordination.
<p>Summary feedback from meeting with other stakeholders:</p> <ul style="list-style-type: none"> - Laws supporting CBNRM are an important opportunity, but require substantial resources and local awareness to be implemented. These laws vary substantially by sector. For instance, communities have very little power over governance of minerals, and laws for WMAs are restrictive and challenging to implement. In practice, power is often not devolved to village level, but is rather held at the district level. - Water use rights, while possible to obtain, are difficult to secure in practice, particularly for smallholders. The process can take several years.
Vision and direction, diverse cultural and knowledge systems
<p>Summary feedback from community meetings:</p> <ul style="list-style-type: none"> - The fact that villages can make land use plans, and that an increasing number are, was generally reported as a strength of local governance. Several participants reported having been able to participate in the land planning process, though some noted that this was before the land became scarce. Several groups raised concerns that VLUPs are outdated and/or not being enforced. One group noted that many people have moved into their village since the plan was created and that, even if the plan were to be updated, it will be challenging because the population has increased but the amount of land has stayed the same. Several groups noted that people have established farms or residences in land demarcated as forest.

<p>Summary feedback from meeting with other stakeholders:</p> <ul style="list-style-type: none"> - Villages can develop their own natural resource management plans, which is a strength, but in practice these plans are sometimes pro-forma documents, written by district and used in multiple villages, rather than really reflecting a local vision. - There is insufficient baseline knowledge (especially about water) and insufficient monitoring of environmental and social impacts. EIA is used, but is often limited and not followed up with auditing. Strategic Environmental Assessment could inform integrated resource management.
Inclusive Decision-Making
<p>Summary feedback from community meetings:</p> <ul style="list-style-type: none"> - Many women and men reported being able to participate in village decisions, including bylaws formation. At the same time, many reported that participation feels ineffective because decisions are not implemented or enforced. Reports about overall levels of participation varied. Village chairs report high levels of women's participation in village meetings about land. VEC representatives report low turnout for meetings about environmental issues in general. Some participants also reported that participation is becoming more difficult as land scarcity increases, including because decision-makers share less information. Reporting from village government is often either not done or is not easy to understand, including reports on budgets and expenditures related to natural resources. Information about and participation in district government decisions is often very limited.
<p>Summary feedback from meeting with other stakeholders:</p> <ul style="list-style-type: none"> - The law supports participation (including women). Community members are engaged and demand rights where they are aware of them. There are also barriers to participation in practice. Pastoralists can be marginalized. Whether women are respected and listened varies and needs to be understood in the cultural context. Communications between village government and residents is often weak – e.g., reporting may not happen or may be difficult to understand. (This is related to transparency and accountability). - There are inequitable power relations and limited civil society and community engagement in SAGCOT, but there is potential for change. SAGCOT Feeder Groups could be an opportunity for better engaging civil society, though currently participation in the Environmental group remains low and the groups' effectiveness/ power to make changes is not yet clear. There is no clear avenue for community voice/ participation in SAGCOT. The power imbalance between investors and village residents threatens rights, including where smallholders are not consulted or fairly compensated and where investors have greater influence on political decisions that influence people's resource use and rights.
Accountability, rule of law, and access to justice (including for vulnerable)
<p>Summary feedback from community meetings:</p> <ul style="list-style-type: none"> - There is perceived corruption and lack of transparency and accountability at multiple levels. This is an obstacle to fairly enforcing natural resource laws and management plans. Examples were given both of laws being arbitrarily/ unfairly enforced and of not being enforced due to corruption. Some villages currently have district-appointed (acting) chairs as elected village chairs stepped down. They have to wait for the next election cycle, and there are concerns about the accountability of these appointees. There is also concern that land is being allocated to those with more money or power, and that adequate compensation is often not delivered. However, village level institutions (VGS, VNRCs) were generally reported as being reliable in trying to enforce bylaws and management plans. Some participants also pointed out instances in which collective voice by the village assembly has been effective in demanding accountability.
<p>Summary feedback from meeting with other stakeholders:</p> <ul style="list-style-type: none"> - Corruption and lack of accountability to citizens is a threat at multiple levels, e.g., in land rights security. - There is very little information about SAGCOT, particularly for community members and smallholders.
Sustainable and Fairly Shared Resources
<p>Summary feedback from community meetings:</p> <ul style="list-style-type: none"> - Related to the points above on respect for tenure, adequate and fairly shared land and water access was raised as a concern in several groups, including grazing land, though the water irrigation sharing scheme was generally reported as working. Some see increasing scarcity as leading to increasing corruption and lack of transparency. There are concerns that village /district governments are setting aside too much village land in reserve for potential investments (vs. immediate needs).

Summary feedback from meeting with other stakeholders:

- **Power imbalances between investors and communities are an obstacle to fairness.** SAGCOT is likely to increase the existing challenges if these issues are not addressed. SAGCOT is also leading to increased use of pesticides and fertilizers that are a threat to water, land, and public health.

Empowerment and Capacities for Coordinated Action

Summary feedback from community meetings:

- **Vertical coordination is a major challenge.** For example, the 'chain' of responsibilities between village game scouts (VGS), village government, and district government is often broken, so that when VGS attempt to enforce bylaws or management plans, their efforts are undermined by inaction at higher levels. People are unsure or have different views on whether the cause of inaction is low capacity, poor coordination, and/or corruption. This 'broken chain' can demotivate local level institutions responsible for implementation.
- **Coordination and accountability were noted as being closely related.** For example, in one forest a village executive is trying to enforce forest reserve boundaries that were not being respected by the primary village or district authorities. This executive is unable to do so on their own and is therefore not meeting their responsibilities. They are unable to be accountable without better coordination.
- **Local level institutions responsible for NRM do not get the technical, political, or material support they need from district or central government,** including for communication with village residents. Village government officials also reported having limited governance power in practice, including because of district control over village decisions and a lack of voice in establishing reserved land boundaries with villages.

Summary feedback from meeting with other stakeholders:

- **Limited capacity of duty-bearers is an obstacle.** Government technical capacity for facilitating integrated and participatory processes at all levels is limited. Within SAGCOT there is insufficient institutional capacity to implement its vision and commitments to inclusive and green growth, though capacity is developing.
- **Limited coordination across sectors and levels is a major obstacle to resource rights and sustainability – including for land and water. At the same time, the law enables coordination where there is political will and resources to see it through.** The importance and challenges of coordination are well illustrated in IWRM. Water law supports multi-level coordination but seeing it through in practice is hard.

4. Conclusions and Recommendations

Conclusions

Tanzanian law and policy generally allow for collective and individual tenure, devolved natural resource management, locally informed vision, and women's and men's participation in decisions about village land, with some notable limitations. Outside of village land, there is far less legal support for these considerations, though the Environmental Management Act supports some participation. Legally-recognized CBNRM options differ in their relative costs and benefits and the degree to which they enable empowered community decision-making. Laws concerning dispute resolution vary; there is a multi-level court process with appeal for land disputes, but generally not for other natural resources. While implications of the revised National Land Policy are not yet fully known, concerns have been raised about certain provisions, including resettlement from areas facing 'acute land shortage'.

Implementation and enforcement of these laws and policies are substantial challenges for natural resource governance and rights in the Kilombero landscape, including regarding village land use plans, bylaws, management plans, and CBNRM. The nature of participatory processes vary in practice, and certain community members tend to have less access, including some women and pastoralists. Land (and in some cases water) disputes are widespread. A mix of inter-related factors appear to contribute to these challenges, including:

- Increasing land scarcity
- Power inequities, including between communities and investors and between village and district authorities
- Lack of accessible and timely information about natural resources rights, governance, and management
- Weak accountability at multiple levels – including allegations of corruption and lack of follow-through
- Limited coordination across and between levels, exacerbated by contradictions between some sector laws
- Insufficient capacities and resources to claim rights and meet responsibilities

Village land use plans are widely seen as key to addressing competing resource rights and interests and resolving and preventing conflicts. In Kilombero District, VLUPs are increasing under the ongoing Land Tenure Support Programme (LTSP). However, many factors that make VLUPs important (biodiversity, scarce land, power imbalances, competing claims and interests, accountability concerns, etc.) also make it challenging to ensure their fair development and effective implementation. There appears to be little landscape level or inter-village planning.

There is also strong focus on issuing certificates of customary right of occupation (CCRO). CCROs are seen by many as contributing to tenure security, and as particularly important given anticipated increases in land-based investment. However, other research points to risks (including for collective self-determination and adaptability) and practical limitations to CCROs. Group certificates might address some, though not necessarily all, concerns with individual CCROs.

Civil society organizations (CSOs) often help enhance information access, implementation of natural resource policies, and respect for related rights. However, CSOs also hold substantial power in some cases (e.g., where facilitating VLUP development) and vary in their capacity and accountability to local rights-holders.

The SAGCOT initiative could exacerbate several of the challenges described above, including land scarcity and its implications for the rights of women, pastoralists, smallholders, fishers, and those without land or income, if governance issues are not addressed. The environmental and social considerations in the Greenprint are important, but it is not yet clear if and how they will be seen through in practice, including where they are in conflict with the Blueprint vision of large-scale commercial investments. There are a number of safeguards being rolled out in the coming months, but there are questions about their reach (e.g., World Bank safeguards are only required for projects they fund) and reliability (e.g., if the Investor Checklist is implemented as a confidential self-assessment, rights-holders may not be able to use it to hold duty-bearers accountable). To date, empowered community and CSO participation in the design and implementation of SAGCOT has been very limited. The Social and Environmental Feeder Groups may be able to support broader engagement, but their composition and effectiveness need further consideration.

Ideas for Ongoing Learning and Action

Overall, the assessment points to the importance of an integrated and rights-based approach to natural resource governance in the Kilombero landscape and SAGCOT, including a nuanced understanding of the rights, vulnerabilities, capacities, and powers of communities and groups within them. More specific recommendations are below. They reflect participant analysis and suggestions, with some complementary inputs from the background research. In all cases, activities impacting community members should be taken only with their FPIC and empowered participation. (Additional recommendations from other sources are in Annex 3.)

All actors:

Strengthen capacity for improved governance and RBA in the long- and short-term, including through:

- Establishing processes for continued learning and action on natural resource governance, such as holding regular forums to hear from rights-holders, using governance score cards, or incorporating governance and rights considerations into monitoring systems.⁴⁷
- Ensuring the people and institutions governing natural resources have the skills and resources they need to do so fairly. This may require capacity building, such as training in RBA, participatory processes, and FPIC for government and CSO staff. Working with rights-focused organizations could also enhance capacity.
- Continue research and consideration of key issues, including the implications of widespread CCRO issuance.

Civil society (including SUSTAIN and partners):

Enhance accountability of CSOs working on natural resources/ conservation, including, as needed:

- Making organizational commitments to a rights-based approach, including FPIC.
- Establishing accessible, effective grievance mechanisms for CSO projects.
- Ensuring these commitments and mechanisms are clearly communicated to rights-holders and partners.

Implement targeted activities with interested communities and governing bodies for improved transparency, accountability, and capacity for coordinated NRG. This could be organized as a collaborative initiative (similar to the Mama Mitsu Campaign). Specific activities could include:

- Training and technical support for participatory development *and implementation* of integrated and gender-sensitive land use plans, bylaws, and management plans for land and water.
- Holding both community-level and multi-stakeholder dialogues on key NRG issues. Sufficient and appropriate resources (time, funding, facilitation, translation, etc.) should be allocated to ensure that community members, including vulnerable or marginalized groups, are able to fully and effectively participate.
- Sharing information in accessible formats (e.g., radio, briefings, posters, etc.) on land and water rights, including the revised National Land Policy; CBNRM options and their relative benefits and limitations; opportunities to participate in and access information about EIA; and opportunities to participate in decisions about reserve and general lands.
- Supporting enhanced village to district coordination and accountability, e.g., participatory mapping of coordination processes so that rights-holders and duty-bearers have sufficient information about rules and responsibilities. Illustrative examples could be documented and shared for learning, e.g., from IWRM.

Support strengthened community and civil society voice and power in SAGCOT implementation. Specific activities could include, working in coordination with the SAGCOT Centre:

- Strengthening inclusiveness and effectiveness of Feeder Groups, including to expand membership to more CBOs, associations, and rights/ advocacy-focused organizations. This may require further examining and addressing the current limitations of Feeder Groups and, e.g., holding regional meetings or securing funding.
- Sharing accessible information with communities, including vulnerable groups, about SAGCOT, land-based investments, and accountability / grievance mechanisms.
- Working with communities to advocate for diversified, appropriately-scaled investments that recognize and respect their rights and interests, including women and pastoralists (see also Milder et al. 2012).
- Providing negotiation support for community members and their associations, including for decisions about land-based investments and contracts with investors.
- Supporting farmers' associations in enhancing transparency, accountability, and equal opportunities for members, including women (see also Sulle 2015).

Government (multiple levels):

Increase transparency and accountability for natural resource decisions and actions, including through:

- Undertaking leadership and accountability training for government officials dealing with natural resources.
- Improving consistency and accessibility of reporting to village residents from village, district, and central government bodies responsible for natural resource management. This should include financial reporting (as required by law) and additional reporting on natural resource policy, practice, and progress.
- Funding interim village government elections, when needed.
- Supporting community monitoring of government performance on natural resource governance responsibilities.

Improve inclusiveness of decision-making across land-categories and communities, including through:

- Enhancing communication with and support for participation of vulnerable groups in NR decision making, including women, pastoralists, and those without land title.
- Enabling participation of village officials and residents in decisions about general and reserved land resources that may impact their rights and interests.

Working with appropriate technical support/ partners, continue to **strengthen village land use planning and its potential to support integrated resource management, tenure security, and equitable conflict resolution**. This can include piloting more participatory planning at the village and landscape level and clarifying processes for updating plans when needed. (See also Milder et al. 2012)

Enhance coordinated implementation of village plans and rules for natural resources, including through:

- Ensuring district officials play a support role while respecting village self-determination.
- Providing sufficient technical and financial support to local level institutions for inclusive development *and implementation* of plans and bylaws, including through Village Environmental Committees.

SAGCOT and partner investors:

Strengthen community voice and power in SAGCOT decision making, including through:

- Providing regular, accessible information about SAGCOT to rights-holders and LGAs.
- Supporting empowered rights-holder engagement in positions of power such as SAGCOT Boards.
- Dedicating resources to support full and effective participation of community representatives.

Enhance accountability and transparency of SAGCOT initiative, including:

- Clarifying relationship between / reconciling Blueprint and Greenprint (see also ActionAID Tanzania et al. 2012).
- Strengthening SAGCOT safeguards, including for activities not subject to World Bank safeguards. This may include revisiting the Investor Checklist to ensure that the process is participatory, results are transparent, and rights-holders can hold investors to account. Implementation and compliance with safeguards, including the VGPF, should also be monitored and evaluated.
- Clarifying whether the Investor Checklist constitutes investor guidelines (as recommended in Milder et al. 2012 and ActionAID Tanzania et al. 2012) and adding a provision for FPIC.
- Communicating about and strengthening grievance mechanisms (for projects not funded by the World Bank).
- Identifying what land (if any) in Kilombero Cluster has been identified for investment.
- Strengthening rights and governance considerations in EIA and Audits under SAGCOT.
- Establishing mechanisms for inter-sectoral coordination at the cluster level, as implementation scales-up.

Take proactive measures to ensure respect for rights and fair sharing of benefits with communities and vulnerable people within them. Recognize and address current land tenure risks/ weaknesses in the context of SAGCOT related investments. As SAGCOT is implemented in Kilombero, prioritize investments and activities consistent with Agriculture Green Growth, including integration of community knowledge and visions; diverse investments that benefit women, pastoralists, and small farmers, whether or not they are outgrowers; and robust and community-informed extension service. (See also recommendations in the Greenprint, SRESA, and VGPF.)

References

- ActionAID Tanzania, Agenda Participation 2000, Environmental Protection and Management Services (EPMS), Haki Ardhi, International Union for Conservation of Nature (IUCN), Journalists' Environmental Association (JET), Katiba Initiative (KAI), Lawyers Environmental Action of Tanzania (LEAT), Legal and Human Rights Center (LHRC), Mtandao wa Jamii wa Usimamizi wa Misitu Tanzania (MJUMITA), Njombe Agriculture Development Organization (NADO), Parakuiyo Pastoralists Indigenous Community Development Organization (PAICODEO), Participatory Ecological Land Use Management (PELUM), Policy Forum Research on Poverty Alleviation (REPOA), Rural Livelihood Development Company (RLDC), Rural Urban Development Initiative (RUDI), Tanzania Forest Conservation Group (TFCG), Tanzania Forest Industries Federation (SHIVIMITA), Tanzania Network for Indigenous Pastoralists (TANIPE), and World Wide Fund for Nature (WWF). October 2012. Feedback and recommendations from Civil Society Organisations for the "Greenprint" strategy of the Southern Agricultural Growth Corridor of Tanzania Initiative. Available at: <https://tnrf.org/Greenprint.pdf>
- AMBERO Consulting. 2017. Land Diagnostic Study: Technical Advisory Services for Biodiversity Conservation and Wetland Management in Kilombero Valley Ramsar Site. KILORWEMP. Tanzania.
- Askew, K., F. Maganga and R. Odgaard. 2013. Of land and legitimacy: a tale of two lawsuits. *Africa* 83 (1): 120-141.
- Assey, P., S. Bass, B. Chche, D. Howlett, G. Jambiya, I. Kikula, S. Likwelile, A. Manyama, E. Mugurusi, R. Muheto, and L. Rutasitara. 2007. Environment at the heart of Tanzania's Development: Lessons from Tanzania's National Strategy for Growth and Reduction of Poverty – MKUKUTA. Natural Resources Issues Series No. 6. IIED, London.
- Balama, C., S. Augustino, S. Eriksen and F. Makonda. 2016. [Forest adjacent households' voices on their perceptions and adaptation strategies to climate change in Kilombero District, Tanzania](#). SpringerPlus. 5:792.
- Balama, C., S. Augustino, S. Eriksen, F.S.B. Makonda and N. Amanzi. 2013. [Climate Change Adaptation Strategies by Local Farmers in Kilombero District, Tanzania](#). Ethiopian Journal of Environmental Studies and Management Vol. 6 Supplement.
- Benjaminsen, T., M. Goldman, M. Minwary, and P. Maganga. 2013. [Wildlife Management in Tanzania: State Control, Rent Seeking, and Community Resistance](#). *Development and Change* 44(5): 1087–1109. DOI: 10.1111/dech.12055
- Blomley, T. 2006. "Mainstreaming participatory forestry within the local government reform process in Tanzania". Gatekeeper Series 128. IIED, London.
- Blomley, T. and H. Ramadhani. 2006. Going to scale with participatory forest management: early lessons from Tanzania. *International Forestry Review* 8(1), 2006.
- Blomley, T. and S. Iddi. September 2009. [Participatory Forest Management in Tanzania: 1993 – 2009 Lessons learned and experiences to date](#). Report prepared for United Republic of Tanzania Ministry of Natural Resources and Tourism Forestry and Beekeeping Division. Dar es Salaam, Tanzania.
- Byiers, B., S. Große-Puppenthal, H. Huyse, A. Rosengren and S. Vaes. July 2016. [Principles for public-private partnerships – towards sustainability? Lessons from SAGCOT, healthcare in Lesotho, and Better Factories Cambodia](#). Discussion Paper no. 194. European Centre for Development Policy Management. Maastricht, Netherlands.
- Byiers, B. and F. Rampa. 2013. [Corridors of power or plenty? Lessons from Tanzania and Mozambique and implications for CAADP](#). ECDPM Discussion Paper, No. 138, European Centre for Development Policy Management.
- Campese, J. 2011a. [Integrating REDD+ Social and Environmental Safeguards and Standards in Tanzania](#). TFCG Technical Report 32. Pp 1 – 65. Dar es Salaam, Tanzania.
- Campese, J. 2011b. [Gender and REDD+ in Tanzania: An overview of key issues](#). Tanzania Natural Resource Forum (TNRF). Dar es Salaam, Tanzania.
- Campese, J., B. Nakangu, A. Silverman, and J. Springer. 2016. The NRGF Assessment Guide: Learning for Improved Natural Resource Governance. NRGF Paper. IUCN and CEESP. Gland, Switzerland.

- Corporate Citizenship. April 2014. [Illovo Sugar Tanzania Socio-Economic Impact Assessment Internal Management Report](#). Corporate Citizenship.
- Cunliffe, R., F. Mombo, B. Temu, and Q. Nyanghura. 2017. Pastoralism Diagnostic Study: Technical Advisory Services for Biodiversity Conservation and Wetland Management in Kilombero Valley Ramsar Site. KILORWEMP. Tanzania.
- Dancer, H. and E. Sulle. 2015. [Gender Implications of Agricultural Commercialisation: The Case of Sugarcane Production in Kilombero District, Tanzania](#). Future Agricultures. Working Paper 118.
- Duncan, J. 2014. [Women's Land Rights Guide for Tanzania](#). Landesa. Washington, D.C.
- Environmental Resources Management (ERM). 2013. [Southern Agricultural Growth Corridor of Tanzania \(SAGCOT\) - Strategic Regional Environmental and Social Assessment \(SRESA\)](#). Prepared by Environmental Resources Management Limited (ERM) on behalf of the Government of Tanzania.
- FAO. 2012. [Voluntary Guidelines on the Responsible Governance of Tenure at a glance](#). FAO: Roma, Italy.
- Fiedler, Y. and J. Karlsson. 2016. [Home country measures that promote responsible foreign agricultural investment](#): Evidence from selected OECD countries. FAO Commodity and Trade Policy Research Working Paper. No. 52. FAO. Rome.
- Fjeldstad, O., L. Katera and E. Ngalewa. 2010. [Planning in Local Government Authorities in Tanzania: Bottom-up Meets Top-down](#). REPOA. Dar es Salaam, Tanzania.
- Franks, T., F. Cleaver, F. Maganga, and K. Hall. 2013. Water Governance and Livelihoods: Outcomes for Smallholders on the Usangu Plains, Tanzania. Water Resources and Rural Development.
- [G8 Cooperation Framework](#) to support the “New Alliance for Food Security and Nutrition” in Tanzania. 2012.
- German, L., G. Schoneveld, and E. Mwangi. 2011 [Contemporary processes of large-scale land acquisition by investors: case studies from sub-Saharan Africa](#). Occasional Paper 68. CIFOR. Bogor, Indonesia.
- Graef, F., I. Schneider, A. Fasse, J.U. Germer, E. Gevorgyan, F. Haule, H. Hoffmann, F.C. Kahimba, L. Kashaga, L. Kissoly, C. Lambert, M. Lana, H.F. Mahoo, B. Makoko, S.H. Mbaga, A. Mmbughu, S. Mkangwa, L. Mrosso, K.D. Mutabazi, L. Mwinuka, H. Ngazi, E. Nkonya, C. Reif, S. Said, A. Schaffert, M.P. Schäfer, J. Schindler, S. Sieber, M. Swamila, H.M. Welp, L. William and Y.M. Yustas . 2015. Natural resource management and crop production strategies to improve regional food systems in Tanzania. Outlook on Agriculture. Vol 44, No 2.
- Graham, J., B. Amos and T. Plumptre. June 2003. [Governance Principles for Protected Areas in the 21st Century](#). Prepared for the Fifth World Parks Congress Durban, South Africa. In collaboration with Parks Canada and the Canadian International Development Agency.
- Harrison, E. and A. Mdee. 2017. 2017. Successful small-scale irrigation or environmental destruction? The political ecology of competing claims on water in the Uluguru Mountains, Tanzania. Journal of Political Ecology 24: 406-424.
- Hess ,T.M., J. Sumberg, T. Biggs, M. Georgescu, D. Haro-Monteagudo, G. Jewitt, M. Ozdogan, M. Marshall, P. Thenkabail, A. Daccache, F. Marin, and J.W. Knox. [A sweet deal? Sugarcane, water and agricultural transformation in Sub-Saharan Africa](#). Global Environmental Change. 39 (2016) 181–194
- Illovo. (no date). [Illovo Group Guidelines on Land and Land Rights](#). Available on Illovo website.
- Illovo. 22 June 2017. [Update on Illovo's Land Rights Initiatives](#). Illovo. South Africa.
- IUCN. 2005. Governance of natural resources for conservation and sustainable development. Res. 3.012 in Resolutions and Recommendations from World Conservation Congress Bangkok, Thailand 17–25 November 2004. https://cmsdata.iucn.org/downloads/wcc_res_rec_eng.pdf
- International Work Group on Indigenous Affairs (IWGIA), Forest Peoples Programme (UK) and Tebtebba Foundation. 2017. [Joint statement](#) to the UN Permanent Forum on Indigenous Issues, Eleventh Session 16th session New York, 24 April – 5 May 2017 Agenda Item 12.
- IWGIA. 2016. [Tanzanian Pastoralists Threatened: Evictions, Human Rights Violations and Loss of Livelihoods](#). IWGIA Report 23. Edited by IWGIA, Carol Sørensen and Diana Vinding. IWGIA with PINGO's Forum, PAICODEO and UCRT.

- Jenkins, B. 2012. [Mobilizing the Southern Agricultural Growth Corridor of Tanzania](#). The CSR Initiative at the Harvard Kennedy School. Cambridge, MA.
- Juma, I. and F. Maganga. 2005. Current reforms and their implications for rural water management in Tanzania. International workshop on 'African Water Laws: Plural Legislative Frameworks for Rural Water Management in Africa', 26-28 January 2005, Johannesburg, South Africa.
- Kangalawe, R. and E. Liwenga. 2005. Livelihoods in the wetlands of Kilombero Valley in Tanzania: Opportunities and challenges to integrated water resource management. *Physics and Chemistry of the Earth*. 30 (2005) 968–975
- Kashaigili, J., M. Mdemu, and R. Kadigi. 2014. Situation analysis for SUSTAIN-Africa Programme. Draft final report, August 2014.
- Kibugi R, Wardell DA, Cordonier Segger MC, Haywood C and Gift R. 2015. [Enabling legal frameworks for sustainable land-use investments in Tanzania: Legal assessment report](#). Working Paper, no 191. CIFOR. Bogor, Indonesia.
- Kironde, J.M. 2009. Improving Land Sector Governance in Africa: The Case of Tanzania. Ardhi University, Dar es Salaam
- Kolding, J., F. Mombo, B. Temu, Q. Nyanghura, and R. Cunliffe. 2017. The Kilombero Fishery Diagnostic Study: Technical Advisory Services for Biodiversity Conservation and Wetland Management in Kilombero Valley Ramsar Site. KILORWEMP. Tanzania.
- Lahr, J., R. Buij, F. Katagira and H. van der Valk. 2016. [Pesticides in the Southern Agricultural Growth Corridor of Tanzania \(SAGCOT\): A scoping study of current and future use, associated risks and identification of actions for risk mitigation](#). Wageningen, Wageningen Environmental Research, Report 2760. 72 pp.; 4 fig.; 22 tab.; 88 ref.
- Landesa. February 2017. [Case Study: Kilombero Sugar Company Ltd. in Tanzania. Prepared for Landesa's Responsible Investments in Property and Land \(RIPL\) Project](#). Landesa
- Lugangira, N (SAGCOT Head of Policy). 2017. [Progress in Agriculture Policy Reforms](#). Presentation.
- Maganga, F. 2017. "Briefing: The Second Tanzania Land Use Dialogue". Unpublished issues briefing prepared for PiN and NRGF research teams, drawing on findings of the ongoing 'Transformations in Poverty and Property Rights' Research Project presented to the Land Tenure Support Programme in January 2017.
- Maganga, F., K. Askew, R. Odgaard, and H. Stein. 2016. Dispossession through Formalization: Tanzania and the G8 Land Agenda in Africa. *Asian Journal of African Studies* Vol.40. August 2016
- Maganga, F., H. Kiwasila, I. Juma, and J. Butterworth. 2004. Implications of customary norms and laws for implementing IWRM: Finding from Pangani and Rufiji basins, Tanzania. *Physics and Chemistry of the Earth*, 29 (1335-1342).
- Maganga, F. 2003. Incorporating customary Laws in Implementation of IWRM: Some Insights from Rufiji River Basin, Tanzania. *Physics and Chemistry of the Earth*. 28 (2003) 995–1000.
- Maganga, F. and I. Juma. 2000. From Customary to Statutory Systems: Changes in Land and Water Management in Irrigated Areas of Tanzania: A Study of Local Resource Management Systems in Usangu Plains, Report Submitted to ENRECA.
- Makatta, A., F. Maganga, and A. Majule. 2015. [A Hidden Pitfall for REDD: Analysis of Power Relation in Participatory Forest Management](#) on whether it is an Obstacle or a Reliever on REDD Pathway. *International Journal of Forestry Research*. V. 2015.

- Makwarimba, M. and P. Ngowi. 2012. [Making Land Investment Work for Tanzania: Scoping Assessment for Multi-Stakeholder Dialogue Initiative](#). Final Report. TNRF, IIED, and REPOA. Dar es Salaam, Tanzania.
- Massay, G. 2016. [Engendering the Mainstream through Village Bylaws: A Case of Tanzania](#). Landesa.
- Massoi, L. and A. Norman. 2009. [Decentralisation by devolution in Tanzania: Reflections on community involvement in the planning process in Kizota Ward in Dodoma](#). Journal of Public Administration and Policy Research Vol. 1(7) pp. 133-140 November 2009
- Mbilinyi, M. 2016. [“On My Mind: Questions about the National Land Policy, 2016”](#) The Citizen. Tuesday, November 22, 2016.
- Mdee, A., R. Hayman, P. Tshomba, and S. Bridonneau. May 2017. [Exploring development and accountability: laying the basis for a local governance performance index in Tanzania](#). Briefing Paper. Economic and Social Resource Council.
- Milder, J., A. Hart, and L. Buck. 2013. [Applying an Agriculture Green Growth approach in the SAGCOT Clusters: Challenges and opportunities in Kilombero, Ihemi and Mbarali](#). SAGCOT Centre. Dar es Salaam, Tanzania.
- Milder, J., L. Buck, A. Hart, and S. Scherr. August 2012. [A Green Growth Investment Framework for SAGCOT: The SAGCOT Greenprint](#). SAGCOT Centre. Dar es Salaam, Tanzania.
- Mirza, H., W. Speller, and G. Dixie. 2014. [The Practice of Responsible Investment Principles in Larger-scale Agricultural Investments](#): Implications for Corporate Performance and Impact on Local Communities. Agriculture and Environmental Services Discussion Paper. No. 08. World Bank. Washington, D.C.
- Mombo, F., Speelman, S., Van Huylenbroeck, G., Hella, J., Munishi, P., Moe, S., 2011. Ratification of the Ramsar convention and sustainable wetlands management: situation analysis of the Kilombero Valley wetlands in Tanzania. Journal of Agricultural Extension and Rural Development 3 (8), 102–112.
- MJUMITA and TFCG. 2014. [Policy Brief: Monitoring village forest governance with the MJUMITA dashboard tool](#). Dar es Salaam, Tanzania.
- Mukama, K., I. Mustalahti, and E. Zahabu. 2012. [Participatory Forest Carbon Assessment and REDD+: Learning from Tanzania](#). International Journal of Forestry Research Volume 2012, Article ID 126454, 14 pages.
- National Environmental Management Council (NEMC) - GoT. March 2005. [Environmental Impact Assessment Training Manual in Tanzania](#). Revised Version 4. Dar es Salaam, Tanzania.
- Nawe, J. and H. Hambati. 2014. [Integrating Traditional and Modern Knowledge Systems in Improving Agricultural Productivity in Upper-Kitete Village, Tanzania](#). REPOA. Dar es Salaam, Tanzania.
- Oakland Institute. 2015. [Irresponsible Investment: Agric’s Broken Development Model in Tanzania](#). The Oakland Institute, Greenpeace Africa, and Global Justice Now. Oakland.
- Overseas Private Investment Corporation (OPIC) of the United States government. 2015. [Information Summary for the Public regarding Kilombero Plantations Limited](#).
- Oxfam. September 2014. Moral Hazard? [‘Mega’ public-private partnerships in African agriculture](#). OXFAM Briefing Paper 188
- [Participatory Forest Management and REDD+ in Tanzania](#). 2014. Issues Briefing.
- Partnership and Accountability Committee (PAC). 2014. [Tanzania: Progress in Public Private Partnership in Agriculture Transformation](#). Dar es Salaam, Tanzania.
- Persha, L and C. Meshack. 2016. A triple win? [The impact of Tanzania’s Joint Forest Management programme on livelihoods, governance and forests](#). 3ie Impact Evaluation Report 34. New Delhi: International Initiative for Impact Evaluation (3ie)
- Policy Forum. September 2017. [“Tanzania’s Draft New Land Policy 2016: A need for specific attention to gender inclusiveness to guarantee women’s rights to own and make decisions on land”](#). Summary of a Policy Forum Breakfast Debate on the Draft New Land Policy. Dar es Salaam, Tanzania.
- Policy Forum. 2016. [Impact of Social Accountability Monitoring on Participatory Forest Management – The case of Lindi and Nachingwea](#). Policy Forum, Mama Misitu Campaign and MJUMITA. Dar es Salaam, Tanzania.

- Robinson, E. and F. Maganga. 2009. The implications of improved communications for participatory forest management in Tanzania. *African Journal of Ecology* 47(s1):171 - 178 · February 2009
- Rukuni, M., C. Kambanje and G. Matondi. November 2013. [Assessment of the Impact of Voluntary Guidelines on the Responsible Governance of Tenure \(VGS\) on Environmental and Social Safeguards in SAGCOT Region](#). AWF Case Studies on Food Security and Conservation. AWF. Tanzania.
- SAGCOT Centre Ltd. 2017. Commercial Investment Guiding Tool. Dar es Salaam, Tanzania
- SAGCOT Centre Ltd. 2015a. [SAGCOT Annual Report 2015](#). Dar es Salaam, Tanzania
- SAGCOT Centre Ltd. 2015b. [SAGCOT Annual Forum Report: Ihemi Cluster](#). Dar es Salaam, Tanzania
- SAGCOT Centre Ltd. 2015c. [SAGCOT Partnership Forum - Report Assessing and Growing Our Impact](#). Dar es Salaam, Tanzania.
- SAGCOT Centre Ltd. 2014a. [Partnership Principles and Obligations](#). Dar es Salaam, Tanzania.
- SAGCOT Centre Ltd. 2014b. Farmers associations strengthen voice in SAGCOT. SAGCOT News 17.02.2014. <http://www.sagcot.com/newsdetails/article/farmers-associations-strengthen-voice-in-sagcot/>
- SAGCOT Centre Ltd. December 2012. [SAGCOT Investment Partnership Program Opportunities for Investors in the Livestock Sector](#). Presentation.
- SAGCOT. 2011a. [Investment Blueprint](#). Dar es Salaam, Tanzania.
- SAGCOT. 2011b. [Greening the Southern Agricultural Growth Corridor of Tanzania](#). Briefing. SAGCOT Center. Dar es Salaam, Tanzania.
- Scherr, S., J. Milder, L. Buck, A. Hart, and S. Shames. 2013. [A vision for Agriculture Green Growth in the Southern Agricultural Growth Corridor of Tanzania \(SAGCOT\): Overview](#). Dar es Salaam: SAGCOT Centre.
- Science for Nature and People Partnership (SNAPP). October 2016. [Encouraging Green Agricultural Development in the SAGCOT Region of Tanzania Research Findings and Related Decision Support Tools](#). A Final Report Submitted to SAGCOT Centre. Dar es Salaam, Tanzania.
- Smaller, C., and W. Speller, with H. Mirza, N. Bernasconi-Osterwalder, and G. Dixie. 2015. [Investment Contracts for Agriculture: Maximizing Gains and Minimizing Risks](#). World Bank Group, United Nations, and the International Institute for Sustainable Development (IISD). Washington, D.C., New York, and Winnipeg.
- Smucker, T., B. Wisner, A. Mascarenhas, P. Munishi, E. Wangui, G. Sinha, D. Weiner, C. Bwenge, and E. Lovell. 2015. Differentiated livelihoods, local institutions, and the adaptation imperative: Assessing climate change adaptation policy in Tanzania. *Geoforum*. 59.
- Speller, W., H. Mirza, A. Giroud, J. Huaman, G. Dixie, and A. Okumura. 2017. [The Impact of Larger-Scale Agricultural Investments on Local Communities](#): Updated Voices from the Field. Food and Agriculture Global Discussion Paper 12. World Bank. Washington, D.C.
- Springer, J. 2016. [Initial Design Document for a Natural Resource Governance Framework](#). NRGF Working Paper No. 1. IUCN and CEESP. Gland, Switzerland.
- Stein, H., F. Maganga, R. Odgaard, K. Askew, and S. Cunningham. 2016. The Formal Divide: Customary Rights and the Allocation of Credit to Agriculture in Tanzania. *The Journal of Development Studies*, 52:9, 1306-1319, DOI: 10.1080/00220388.2016.1146701
- Suich, H and F. Maganga. 2017. The People in Nature situation analysis. Kilombero Valley, Kilombero Cluster, Southern Agricultural Growth Corridor of Tanzania. Report prepared for CEESP and IUCN.
- Sulle, E. 2017. Social Differentiation and the Politics of Land: Sugar Cane Outgrowing in Kilombero, Tanzania. *Journal of Southern African Studies*, 43:3, 517-533.
- Sulle, E., E. Lekaita, G. Massay, A. Ndiko, B. Baha, P. Kitua, and O. Minani. 2017. [Making Tanzania's National Land Policy inclusive and people centred](#). Posted by Rosa Luxemburg Stiftung – East Africa Regional Office.
- Sulle, E. 2015. Land Grabbing and Agricultural Commercialization Duality: Insights from Tanzania's Transformation Agenda. In Davide Chinigo (ed.). *The New Harvest. Agrarian Policies and Rural Transformation in Southern Africa*.

Sulle, E. and R. Smalley. 2015. 'The State and Foreign Capital in Agricultural Commercialization in Tanzania: The Case of Kilombero Sugar Company', in R. Hall, I. Scoones and D. Tsikata (eds), *Africa's Land Rush: Implications for Rural Livelihoods and Agrarian Change*. Oxford. pp. 114–31

Sulle, E., R. Smalley and L. Malale. July 2014. [Opportunities and Challenges in Tanzania's Sugar Industry: Lessons for SAGCOT and the New Alliance](#). FAC Policy Brief no. 76. Future Agricultures Consortium and the Institute for Poverty, Land and Agrarian Studies (PLAAS). South Africa.

Swiderska, K. and F. Maganga. Tanzania. 2008. A case study in: Krystyna Swiderska with Dilys Roe, Linda Siegele, and Maryanne Grieg-Gran. [The Governance of Nature and the Nature of Governance: Policy that works for biodiversity and livelihoods](#). IIED. London, UK.

Tanzania Natural Resource Forum (TNRF). 2014. [Land and investment laws: How can communities influence investment models and get a better deal](#). TNRF and IIED.

TNRF. 2011. *Wildlife for Communities in Tanzania: Taking stock of governance of wildlife by communities*. Roundtable Report.

TechnoServe and the International Fund for Agricultural Development (IFAD). 2011. [Outgrower Schemes—Enhancing Profitability](#). IFAD. Rome.

UCRT (Ujamaa Community Resource Team). 2014. *Securing communal land tenure in northern Tanzania using Certificates of Customary Rights of Occupancy*. UCRT: Arusha, Tanzania. http://www.ujamaa-crt.org/uploads/1/2/5/7/12575135/ucrt_ccro_brief_2014.pdf

UCRT. 2010. *Participatory Land Use Planning as a tool for community empowerment in northern Tanzania*. Gatekeeper No. 147. IIED: London, UK. <http://pubs.iied.org/pdfs/14608IIED.pdf>

Uliwa, Peniel and Dieter Fischer. February, 2004. [Assessment of Tanzania's Producer Organizations Experience and environment USAID Tanzania Economic growth office](#). Dar es Salaam, Tanzania.

United Republic of Tanzania (URT) - Ministry of Finance and Planning. 2016a. [National Five-Year Development Plan 2016/17 – 2020/21](#): Nurturing Industrialization for Economic Transformation and Human Development. Tanzania.

URT - Prime Minister's Office. 2016b. [Updated Vulnerable Groups Planning Framework \(VGPF\) to the SAGCOT Environmental and Social Management Framework \(ESMF\)](#). Dar es Salaam, Tanzania.

URT - Ministry of Water. 2013. [Water Resources Management – Strategic Interventions and Action Plan for Climate Change Adaptation](#). Tanzania.

URT - MKUKUTA Secretariat. 2010. [MKUKUTA II](#). Tanzania.

URT. 2009. *Wildlife Conservation Act*.

URT. 2005. [Environmental Impact Assessment and Audit Regulations](#). Dar es Salaam, Tanzania.

URT. 2004. *Environmental Management Act*

URT. 2002. *Forest Act*.

URT. 1999. *Land Act*.

URT. 1999. *Village Land Act*.

URT (Ministry of Lands and Human Settlements Development). 1998. [Guidelines for Participatory Village Land Use Management in Tanzania](#). National Land Use Planning Commission. First Edition. Tanzania.

URT. 1995. *National Land Policy*.

URT. 1997. *National Fisheries Section Policy*

URT. 1982. *Local Government Service Act*.

World Bank. March 2017. [Southern Agricultural Growth Corridor of Tanzania \(SAGCOT\): Fact Sheet](#). WB website.

WWF. 2014. *Tanzania's Wildlife Management Areas: A 2012 Status Report*. WWF, Dar es Salaam

Interviews and Meetings

(NB: A series of community focus groups were also held in October 2017 and directly inform the assessment. Community meeting participants are not noted to respect anonymity, as agreed with participants. See details in Section 3.)

Organizations / agencies represented in interviews (Dar es Salaam, July 2017)	
1	WWF – Tanzania Country Office
2	Shahidi wa Maji (Water Witness)
3	BTC / KILORWEMP
4	The Nature Conservancy
5	CARE International
6	Tanzania Forest Conservation Group
7	SAGCOT Center

Consultations with Kilombero District Officers (Kilombero District, October 2017)	
1	District Officer working with the Land Tenure Support Programme
2	Kilombero District Town Planner
3	Kilombero Land Officer

Organizations / agencies represented in consultation (Dar es Salaam - October 2017)	
1	AWF
2	Independent - subject matter expert participating in personal capacity
3	IUCN
4	Shahidi wa Maji/Water Witness
5	Ministry of Agriculture, Food Security and Cooperatives – Environmental Management Unit
6	Mtandao wa Jamii wa Usimamizi wa Misitu Tanzania (MJUMITA)
7	Tanzania Natural Resources Forum
8	World Wide Fund for Nature (WWF) – Tanzania Country Office (WWF – TCO)

Annexes

Annex 1: Examples of SAGCOT Principles, Recommendations, and Tools Related to Natural Resource Governance

“Inclusive Green Growth Sustainability Principles” and other components of the “Commercial Investment Guiding Tool”

Source: “Commercial Investment Guiding Tool: Environmental and Social Compliance in SAGCOT Partnership”

“Inclusive Green Growth Sustainability Principles Inclusivity

- Involvement of local government authorities on investment planning and operationalization
- Ensure community involvement in the planning and operationalization of an investment
- Empowerment of local communities to benefit and voluntarily participate in the investment
- Identification and recognition of legitimate land rights holders and potential direct and indirect impacts on tenure rights
- Commitment to comply with national and international laws on human rights
- Ensure compliance of food security regulations and public health
- Inclusion of and benefit to women, youth and vulnerable groups
- Consider cultural, traditional and local knowledge in investment operationalization
- Adherence to good governance and transparency principles of SAGCOT partnership
- Corporate Social Responsibility
- Employment of local community (50%)”

“Environmental Management

- Avoidance of natural habitat conversion (native/natural forests, water catchments, wetlands and protected areas)
- Responsible management of water, land, agrochemicals to ensure environmental and social safeguard.
- Avoidance of all types of pollution (water, air, land, noise and light)
- Pursuit of resilient systems and practices consistent with challenges of climate change
- Use of environmentally friendly energy sources
- Comply with environmental regulations in respective sector of investment
- Focus on efficient use of water resources to ensure long environmental flow in the ecological. 2.3 Sustainable business strategy
- Pursuit of efficient and sustainable use of natural resources
- Support for smallholders business linkages and engage them in sustainable practices
- Invest on capacity building to farm as a business to stakeholders along the value chain
 - Consider environmental friendly innovative technology in the value chain
- Invest on Corporate Social Responsibility as best investment practice...”

“Avoidance of Negative and Maximization of Positive Impacts on People and Communities

- Develop plan for stakeholders engagement for identifying, informing and consulting around land tenure issues and risks in relation to the investment by using Land Act No.4 of 1999
- Develop compensation plan in case of direct or indirectly need of displacement of any member(s) of community based on Village Land Act No. 4 and 5 of 1999
- Develop internal control and monitoring strategy to ensure there is no use of child or forced labor based on Employment and Labor Relation Act No. 6 of 2004
- Ensure presence of internal protocol that respect rights of freedom of assembly, speech and non-discrimination based on Employment and Labor Relation Act No. 6 of 2004
- Implement employment plan to include opportunities for members of the local community, including expectations about number and types of employment and inclusion of women and youth based on Employment and Labor Laws No. 9 of 2015
- Demonstrate investment effect on welfare of the local community as best investment practice
- Adhere to Food Security and Nutrition based on Food and Nutrition Policy of 1992 ,Food Security Act No. 10 of 1991
- Develop plan to involve local community to engage on protection of natural resources for improvement of ecosystem services around investment area”

“Impacts on the Environment and Provision of Ecosystem Services ...”

“Environmental Impact Assessment or Auditing Adherence Procedures in relation to Environmental Management Act (EMA) 2004

- Contract an Environmental Expert/EIA Consultant to conduct Environmental Impact Assessment
- The consultant should register investment project to NEMC
- Investor receive project screening decision from NEMC within 45 days from the day of submission (the following follows if project is subjected to EIA/EA study)
 - A consultant prepares a Scoping Report and Terms of Reference (TORs) for conducting the Environmental Impact Assessment (EIA) and submits to NEMC for review and approval (within 14 days from the day of submission) before the commencement of the EIA study.
 - A consultant conducts EIA study according to the approved TOR and adheres to the Environmental Management Act Cap. 191 and The Environmental Impact Assessment and Audit Regulations of 2005
 - Consultant submits Environmental Impact Statement (EIS) or Environmental Impact Assessment (EIA) Report and EIS submission form to NEMC for review (60 days following submission of EIS carry as per Section 87(1) of EMA Cap. 191).
 - Within the review period before Technical Advisory Committee (TAC) meeting, NEMC and key stakeholders from relevant sectors (depending on the type of project) may visit proposed investment site for verification of issues that may have been raised on the EIS. Costs for review process and transport arrangement for field visit will be incurred by the investor.
 - The consultant incorporates improvements of the EIS based on recommendations raised by the Technical Advisory Council.
 - The consultant submit improved (final) version of the EIS to NEMC for final scrutiny. NEMC will forward recommendations to the Minister for Environment for final approval.
 - Upon successful approval (within 30 days upon receiving recommendation from NEMC per Section 92(1) of EMA Cap. 191) by the Minister for Environment investor receives Environmental Impact or Audit Certificate attached with the General and Specific conditions that must be adhered to by the investor.
- Investor must submit annual self-assessment report based on approved EIS to Director General NEMC
- Based on the approved EIS NEMC are obliged to conduct regular monitoring as they see it fits to ensure that the specified conditions are followed.”

“Environmental and Climate Change Impact Management ...”

“Water and Irrigation Practices”

- Develop innovative and efficient irrigation system to ensure sustainable use of water resources based on National Irrigation Regulations of 2015, National Irrigation Policy of 2010 and Act of 2013.
- Apply and secure water use and/or discharge permit based on National Water Policy 2002, Water Resources Management Act No. 11 of 2009 and Water Supply and Sanitation Act No. 12 of 2009
- Abstain from conducting any activity within sixty meter from the water bodies for conservation and avoidance of siltation problems.”

“Natural Resource Conservation Practices

- Ensure adherence to plans and regulation on conservation and management of natural resources based on Wildlife Conservation Act No. 5 of 2009, Forest Act No.7 2002, Water Resource Management Act No. 11 of 2009 and Water Supply and Sanitation Act No. 12 of 2009
- Ensure soil conservation and protection of surface and groundwater by adherence to Integrated Soil Nutrient Management (INM) principles”

“Agricultural Environmental Issues based on Agriculture Sector Environmental Impact Assessment Guidelines of 2013

- Development of detailed agricultural land use management to avoid degradation of agricultural land • Levelling of agricultural land to avoid salinization and waterlogging
- Make use of Agriculture Sector Environmental Impact Assessment Guidelines to avoid loss of Biodiversity in agricultural investment
- Dispose agricultural wastes based on respective material safety datasheet
- Participate in awareness creation on environmental related issues to the communities surrounding to the investment area.”

“Agriculture Resilience to Climate Change: investments should align with:-

- National Climate Change Strategy of 2012
- Agriculture Climate Resilience Plans of 2014
- Climate Smart Agriculture Guideline of 2017 5.2.5 Best Agricultural Practices on Investment based on Ministry of Agriculture Livestock and Fisheries Recommendations
- Integrated Pest Management (IPM) principles
- National regulations on handling, storage and management of agrochemical
- Integrated Soil Fertility Management (ISFM) principle”

“Alignment with Government of Tanzania priorities: SAGCOT partnership agree to support SAGCOT’s mission to enhance food security, transform agriculture and improve the livelihoods of smallholder farmers, while protecting the natural environment in line national government priorities. Demonstrate investment alignment with Government priorities such as:-

- Development Vision 2025
- Agricultural Sector Development Program II
- National Determine Contribution (NDC) to United Nations Framework Convention for Climate Change (UNFCCC) Paris Agreement
- Sustainable Development Goals (SDG)”

“Compliance with national or sub-national government policies and laws ...”

SAGCOT Partner Principles

Source: SAGCOT Centre Ltd. 2014:4,5

“Each SAGCOT Partnership member will be required to accept five Partnership Principles:”

“i. *Agreement on the overall SAGCOT Objectives* –sharing the SAGCOT objectives for responsible commercial growth and poverty reduction. This includes the need for commercially viable agricultural businesses to incorporate emergent and small-scale farmers and their interests into their operations.”

“ii. *Agreement to work with other members to promote a harmonized approach and strategy* – so that within their own particular sphere of activities, each member will cooperate with the overall, coordinated SAGCOT programme of planning, investment, implementation and policy reform.”

“iii. *Agreement to engage with the partnership, maintain communication and support the SAGCOT Centre* – to support the SAGCOT Centre in its work. Until such time as the benefits become evident, the underlying trust and intrinsic goodwill of each member will be essential to maintain progress.”

“iv. *Agreement to contribute to the resolution of policy and infrastructure constraints* – by bringing to the attention of the SAGCOT Centre their own concerns about specific factors that currently hinder local and national development of commercial agriculture. Members at all levels must be prepared and able to contribute to identifying these impediments, each according to their role and capacity.”

“v. *Agreement to consider new and innovative financing mechanisms* – which are aimed at catalyzing additional private investment in SAGCOT in ways that ensure that major benefits also accrue to smallholder farmers. This will require creative investment, and the willingness of farmers and agri-business to accept new types of risk and modifications to traditional practices.”

SAGCOT Vulnerable Groups Planning Framework “Step by Step Process for the Fund Manager and the Matching Grant Recipient for Inclusion of VGs”

Source: URT 2016b:31 (Table 5)

“Sub-project Stages”	“Procedures”	“Process and outcome Indicators”
“Sub-project identification and planning stage”	“1. Screening: a. Identify locations of the VGs in sub-projects sites b. Whether the VGs (those that may be below the food poverty line, lack access to basic social services, including those that are geographically isolated, and are not integrated with society at large and its institutions due to physical, social, or cultural factors are present in the sub-project area c. Identify vulnerable community stakeholders (committees)”	“i. TORs for a consultant to facilitate the sub-project identification and planning stage ii. Consultant identified iii. Consultant hired and contract completed and signed iv. VGs screening checklist v. List and description of all the VGs in the sub-project area vi. List and assessment of the social and environmental issues in the sub-project areas vii. List of safeguard measures viii. List of sub-projects activities”
	“2. Social Assessment, if VGs are present a. Social assessment of the sub-projects’ potential positive and adverse effects on the VGs b. Identification of environmental and social issues affecting VGs and possible impacts c. Identification of appropriate gender and intergenerational inclusive framework that provides opportunities for consultation”	
	“3. Free, prior and informed consultations and participation of the VGs through focus groups discussions on: a. Interventions measures and likely impacts and safeguards measures to be incorporated in the sub-projects b. Whether the VGs broadly support the sub-project”	
	“4. Involve VGs in finalizing sub-project plans”	
“Implementation stage”	“Implementation of safeguards measures”	“Safeguards measures implemented as per the safeguards framework”
“Post-implementation”	“Evaluation of safeguards undertaken”	<input type="checkbox"/> Indicators developed for evaluation of sub-projects impacts <input type="checkbox"/> Listing of modified tasks to be implemented for improving VGs living standards/livelihoods.”

SAGCOT Vulnerable Groups Planning Framework – Vulnerable Groups Impact Screening Checklist

Source: Annex 15 of SAGCOT VGPF (URT 2016b:59)

“PART A: Key information

1. Name (s) of vulnerable groups (VGs) in the area:
2. Total number of VGs in the area:
3. Percentage of VG population in the area:
4. Number of VG households to be affected by the sub-project:”

“PART B: Details of Sub-project”

“S/No”	“KEY CONCERNS”	“YES”	“NO”	“REMARKS”
1.	“ARE THERE PHYSICAL, SOCIO-ECONOMIC GROUPS IN THE SUB-PROJECT AREA WHO MAY BE CONSIDERED AS VGS?”			
2.	“ARE SUCH GROUPS EXCLUDED FROM THE LARGER COMMUNITY OR SOCIETY DUE TO PHYSICAL AND SOCIAL FACTORS?”			
3.	“HAVE SUCH GROUPS BEEN SOCIALLY AND ECONOMICALLY MARGINALIZED, DISEMPOWERED AND/OR EXCLUDED?”			
4.	“WILL THE SUB-PROJECT DIRECTLY OR INDIRECTLY BENEFIT OR TARGET VGS?”			
5.	“WILL THE SUB-PROJECT AFFECT THE LIVELIHOOD SYSTEMS OF VGS? E.G. FOOD PRODUCTION SYSTEM, NATURAL RESOURCES MANAGEMENT, EMPLOYMENT STATUS”			
6.	“WILL THE SUB-PROJECT BE IN AN AREA OCCUPIED, OWNED OR USED BY VGS?”			

Excerpts from SAGCOT Greenprint

Source: Milder et al. 2012 (various pages as cited)

This is a sub-set of recommendations in the Greenprint, focusing on those most directly relevant to natural resource governance.

Greenprint Priority Actions (Milder et al. 2012: iii, iv)

“The Greenprint identifies five priority actions to create “fertile ground” for AGG:

- 1) A systematic program of agricultural extension for AGG should be designed and deployed, with the aim of reaching at least 70% of the Corridor’s farm households by 2030. This program will draw from proven participatory extension methods already in use in the Corridor and integrated the latest research on context-appropriate AGG practices.
- 2) The SAGCOT partners should invest in local organizations and local leadership (including farmers associations, savings and credit cooperatives, and other groups) as key catalysts capable of disseminating AGG best practices and linking smallholder farmers to markets.
- 3) A new approach to planning and allocating land and water should be designed and adopted to reconcile the objectives of optimizing economic returns from available land and water resources, ensuring equitable land allocation and land rights, and creating a transparent and streamlined process for identifying new sites for investment. This approach can build strongly on existing planning processes in place, but will require some critical new coordination functions.
- 4) A set of SAGCOT Investment Guidelines should be put into place to help steer investors toward AGG practices with broad social and environmental benefits. These Guidelines would enhance, but not duplicate, environmental and social safeguards put in place through other mechanisms.
- 5) AGG should be mainstreamed into the SAGCOT Investment Generation Programme to position the Southern Corridor as a place that attracts “best in class” investors and innovators that integrate sustainability into their business plans.”

Recommended Three-Part Planning Process for Land and Water Planning in the Corridor (Milder et al. 2012:47)

1. “[A] systematic assessment of economic, agricultural, and environmental constraints and opportunities should be conducted at the district and/or cluster scale”
2. “[U]se this integrated planning foundation as input to developing specific plans in concert with key sets of stakeholders”
3. “[R]oll up’ village and sectoral plans into an integrated district or cluster plan, and to use this plan as a basis developing supportive policies and for monitoring progress over time”

Recommended “Specific Needs and First Steps” to Implement Three-Part Planning: (Milder et al. 2012:49)

“1. **Develop an in-country Green Growth data facility:** Currently, data and spatial information relevant to Green Growth and investment planning is scattered cross many ministries, NGOs, and universities. Creating an integrated data facility would enable planners, communities, and leaders at all levels to use the best available information to make decisions. New technologies allow for efficient, user-friendly management and use of such key information.”

“2. **Increase capacity for district- or cluster-level planning:** District and clusters are often the scale at which it is most important to address key conflicts and synergies. Investment in increased professional capacity to implement the three-part planning process described above will benefit communities, investors, and conservation interests alike.”

“3. **Establish a functioning land bank:** A centrally administered land bank should be established and professionally maintained to link investors to suitable sites in an efficient, transparent, and equitable manner. In the immediate term, the land bank may be populated with several sites under government

ownership that have clear title and status. Basic information about all sites in the land bank should be publicly available on a GoT or SAGCOT website, and can also be incorporated into investor outreach efforts such as the SAGCOT Investment Generation Programme.”

“4. Support mainstreaming of VLUP throughout the Corridor: Village land-use planning is a key mechanism by which land is formally identified and designated for community use and investment. Yet, such planning is relatively costly given that there are thousands of villages in the Corridor. One approach is to set up a VLUP Revolving Fund, which would initially be seeded with some of the resources earmarked for land planning support as an ancillary part of the World Bank’s SAGCOT Catalytic Fund investment. Through the VLUP process, lands suitable for investment are identified and placed in a Corridor-wide (or national) investment land bank. As investors decide to acquire and develop available sites from the land bank, they pay a fee in consideration of the pre-acquisition costs already incurred for planning and site identification. This fee is returned to the revolving fund to enable VLPU to be conducted in new areas. In this way, the planning process is de-coupled from the pressured context of site identification for specific investors (who often fund the VLUP processes in hopes of acquiring suitable sites). Communities (in consultation with districts) can identify investment sites in a pro-active manner, while investors can immediately see the full portfolio of available sites and choose a suitable site with no need for time-consuming and uncertain negotiations with communities. (Of course, investors should still expect to negotiate with communities in relation to benefits, profit-sharing, or cooperation.) The first tranche of resources from the VLUP Revolving Fund should be used to conduct planning in clusters of contiguous villages within investment-ripe portions of the priority clusters.”

“5. Formalize the rights and procedures associated with VLUPs: To take full advantage of the planning that is conducted, a streamlined process for implementing spatial plans through the designation of individual, communal, and investment lands should be developed and applied as the final step in the VLUP process. This process should be designed with the aim of increasing land security for small-scale farmers and communities, while recognizing that formalization does not always equate to increased security. Experiences from implementation of the Strategic Plan for implementation of the Land Laws (SPILL) will be instructive in this regard. In addition, a formal set of guidelines should be developed for revising VLUPs that are already in place. While it is reasonable that plans will need to be modified over time, it is important that the amendment process not provide an easy vehicle for investors or other powerful interests to supersede the legitimate self-determination of local communities.”

“6. Use the VLUP process to resolve reconcilable conflicts: In the past, issues such as boundary disputes between adjacent villages have inhibited effective planning or implementation of plans. Efforts to identify and address such conflicts should be part of the VLUP process, particularly given that planning will be conducted simultaneously in groups of adjacent villages that may share common interests as well as some areas of conflict.”

“7. Establish a strong mandate for inter-sectoral coordination: A planning process for cluster development will be most effective if sectoral planners and policy makers are willing to consider information, plans, and priorities from other sectors, through the process of information sharing and coordination described above. For instance, if spatial priorities for irrigation development, wetland conservation, and wildlife habitat are considered together, investment in all three areas can be better aligned, while some win-win solutions (such as investment in increased water use efficiency for agriculture) may be identified and deployed. To the extent that such coordination requires shifting how Tanzania’s ministries operate, there must be high-level commitment to do so.”

“This is not an exhaustive list of needs related to land and water planning but rather a set of top priorities to put in place a set of processes that support AGG. Complementary sets of recommendations on land issues are provided in the Blueprint and in the SRSEA.”

Recommendations on SAGCOT Investor Guidelines (Milder et al. 2012:49-51)

“Investment Guidelines: ... There are two key dimensions to attracting investment that is widely beneficial and equitable. The first is to affirmatively identify and seek out desired categories of investors, and to create for them a clear and predictable procedural roadmap for investment. The SAGCOT Centre is already pursuing this tack through its Investment Generation Programme (IGP) and collaboration with the GoT to identify and address key policy and administrative barriers. (Priorities for mainstreaming Green Growth into the SAGCOT IGP are discussed in the next sub-section.) The second dimension is

to prevent investment that is unlikely to provide high levels of community and national benefit, sustainability, and equitability. Ideally this is done by guiding such investors toward more desirable forms of investment. To ensure that investment in SAGCOT is broadly beneficial and equitable, a set of SAGCOT Investment Guidelines should be formulated and applied. These Guidelines serve as an outward-facing statement that the Southern Corridor is a place that attracts innovators and best-in-class businesses to invest in agriculture and ecosystems. The Guidelines also make clear that SAGCOT will not seek to compete with corrupt regimes that facilitate land grabs, in what may be described as Africa's 'race to the bottom' for investor dollars. Finally, the Guidelines provide a set of Green Growth principles and outcome targets for companies that invest in land and agriculture. In short, Tanzania should not seek to "roll out the red carpet" for any investor that comes calling. Rather it should "roll out a green carpet" that invites and facilitates investment that provides social and environmental as well as economic benefits to the nation and its people."

"The Guidelines would encompass investment developed through the SRSEA process, including on issues related to equitable land access and community impacts, such as best practices related to free prior informed consent and resettlement. However, these "do no harm" principles would be supplemented with guidelines about the way in which agriculture, forestry, and other land-based activities are conducted to achieve AGG. These include:

- 1) Development of a community benefit-sharing plan that includes sharing of future revenue streams, whether through an equity stake or another mechanism;
- 2) Requirement for commercial agriculture enterprises to support nearby small-scale farmers (in a number proportional to the size of the enterprise) through mechanisms such as outgrower schemes, extension services, or access to reliable input supplies and post-harvest markets;
- 3) Development of a sustainable intensification plan indicating the types of practices that will be adopted to achieve a high level of water use efficiency, minimize erosion, enhance soil health and fertility, and reduce greenhouse gas emissions; and
- 4) An environmental assessment of the regional context for the agriculture or forestry operation, including issues of water supply, water pollution, wildlife habitat and movement, deforestation, and indirect effects of any displacement of existing resource users; and
- 5) A plan for mitigation and/or compensation for impacts identified through the assessment process. The process of fulfilling the Investment Guidelines is intended to be a constructive one in which investors are educated on potential AGG practices that may simultaneously meet the criteria and enhance the enterprise's bottom line. Already, a number of voluntary systems and management tools have been established to enable agricultural enterprises to conduct self-evaluations to identify ways in which they may increase efficiency, profit, and sustainability. Such tools could be adapted to the SAGCOT context to assist farm managers in decision-making during both the start-up and operation phases. Ideally, the SAGCOT Investment Guidelines would be fully harmonized with any other regulations or conditions already in place—such as Tanzania's environmental impact review process and conditions attached to the Catalytic Fund—and combined into a single review process. This design would minimize unnecessary regulatory burden for investors while still requiring that they fulfill substantive criteria for responsible investment."

"The SAGCOT Investment Guidelines should apply to all proposed investments that exceed a threshold of land area (e.g., 200 hectares) or a corresponding anticipated annual sales figure. As such, the Guidelines may apply to some projects that are not currently required to undergo environmental review. Projects that fall beneath the size threshold (including most investments by farmer associations, local Tanzanian businesses, and emergent farmers) will still be strongly encouraged to fulfill the Guidelines."

"The Southern Corridor will be known as a place that attracts innovators and best-in-class businesses to invest in agriculture and ecosystems. It will not compete in Africa's race to the bottom. Along with the initial administration of the SAGCOT Investment Guidelines, a fair and systematic process for monitoring and enforcement of any conditions placed on specific investments must be established and adequately supported in perpetuity."

Annex 2: “Illovo Group Guidelines on Land and Land Rights”

Source: Illovo Group Guidelines on Land and Land Rights, available on Illovo [website](https://www.illovosugarafrica.com/Group-Governance/Group-Guidelines-on-Land-and-Land-Rights)
(<https://www.illovosugarafrica.com/Group-Governance/Group-Guidelines-on-Land-and-Land-Rights>)

1. “ILLOVO’S POSITION ON HUMAN RIGHTS

- 1.1 In line with the United Nations Global Compact (UNGC) and the United Nations Guiding Principles on Business and Human Rights (UNGPR), Illovo is committed to respecting internationally recognised human rights and has adopted policies and practices to protect against human rights abuses, including land rights. These are encapsulated in the Illovo Group Code of Conduct and Business Ethics (“Code of Conduct”), which is available on our website at www.illovosugar.com.
- 1.2 In terms of our Strategic Intent, we aim to be welcomed in the communities in which we operate, without whose support our businesses would not be sustainable. As the leading manufacturer and supplier of sugar and downstream products in Africa, we are cognisant of the impact that our businesses have on the local communities, and the need to enrich these communities through job creation and poverty alleviation.
- 1.3 These guidelines complement our Strategic Intent and Code of Conduct, underpinning our approach to land and land rights in the areas in which we operate.
- 1.4 We require that all our businesses, as well as those of our suppliers, contractors, service providers, representatives and other persons contracting with us (“Suppliers”), are conducted in a manner that is socially responsible and reflects sound environmental, social and governance practices, and comply with the principles set out in our Code of Conduct.
- 1.5 We are also committed to conducting businesses in compliance with local legislative frameworks and internationally accepted best practice standards, recognising in particular, the rights to land and natural resources of the communities in the areas in which we operate, and who may be impacted by our business activities.”

2. “ILLOVO’S POSITION ON LAND, LAND RIGHTS AND SUSTAINABLE FARMING PRACTICES

- 2.1 The Illovo Group adopts a zero tolerance approach to land grabs and requires that all its Suppliers do likewise.
- 2.2 Recognising that there is growing pressure on land, leaving local communities vulnerable, we acknowledge our responsibility to take action and to use our influence to protect the land rights of the communities in the areas in which we operate.
- 2.3 We endeavour to ensure that impacts on the land and livelihood of local communities resulting from our activities, and those of our Suppliers, are minimised and that any unavoidable impacts are managed for the mutual benefit of all stakeholders in an effective and timely manner.
- 2.4 Mechanisms to achieve this objective include:-
 - 2.4.1 assessing the social, economic and environmental impact of our activities to ensure that our projects and other business activities are in line with, and are assessed according to, accepted international standards;
 - 2.4.2 stakeholder engagement with local communities and public authorities on matters affecting their land ownership and land use rights;
 - 2.4.3 implementing and providing technical and facilitating financial support to local communities, farmers and small grower schemes, in collaboration with reputable non-governmental organisations, development organisations and banks; and
 - 2.4.4 initiating and actively participating in programmes for the redistribution of land to previously disadvantaged communities.
- 2.5 We have implemented a process to identify, and on an on-going basis we will continue to assess, through stakeholder engagement and other mechanisms, any negative impacts on land and land rights in the areas in which we operate.
- 2.6 Where appropriate, we will endeavour to mediate or otherwise attempt to assist in the resolution of disputes involving competing land rights claims between the local communities and/or between local communities and local government.
- 2.7 In relation to small grower development and other projects involving the development of local farm land, we will carry out a due diligence investigation in relation to land rights in order to identify any competing land claims, or other land rights issues, and will seek to address these insofar as possible.
- 2.8 Since the bulk of our raw material (sugar cane) comes from the land surrounding our factories, we are mindful of the need to implement sustainable farming practices, both in relation to our own operations and those of the growers who supply sugar cane to our factories. Programmes are implemented

by our operations to embed these sustainable farming practices. In addition, we collaborate with organisations and private sector initiatives which focus on food security, biodiversity and responsible land practices.”

3. **“ILLOVO’S POSITION ON LAND ACQUISITIONS**

- 3.1 Historically, Illovo has not engaged in agricultural land acquisitions. Our business practices seek to avoid the transfer of land rights away from local communities and national governments and we prioritise alternative models of investment, such as the development of small grower farming operations in the areas in which we operate, rather than acquiring their land for our own development.
- 3.2 We are guided by the UNGC principle that, before buying, renting, acquiring or otherwise accessing land or property, it is necessary to ensure that all affected owners and users of the relevant land or property have been adequately consulted and compensated.
- 3.3 Accordingly, in relation to any green-field or other project involving land acquisitions we will conduct detailed environmental and social impact assessments, engage with all affected stakeholders, and as a first priority, avoid the displacement of any persons from the land, or where displacement cannot be avoided, ensure that the free, prior and informed consent of all the affected persons is obtained and that the appropriate and agreed compensation is paid.
- 3.4 Likewise, any leases of agricultural land from members of the local community will only be concluded with the free, prior and informed consent of all the affected persons.”

4. **“STAKEHOLDER ENGAGEMENT**

- 4.1 Working with stakeholders, including local and national government agencies and NGO’s in the countries in which we operate, we will promote the adoption of responsible land rights practices (including those of the UNGC and the UN Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security) in our countries of operation.
- 4.2 Stakeholder engagement with local communities and other stakeholders must be conducted in a structured and culturally appropriate manner, taking into account the risks and impacts, the issues involved, the language preferences of the people affected and their decision-making processes as well as the needs of disadvantaged and vulnerable groups.
- 4.3 We will consult with the local communities in which we operate in relation to any new project or major changes in our operations which may adversely impact upon them.
- 4.4 The stakeholder engagement process must be free from external manipulation, interference, coercion and intimidation.
- 4.5 Reputable grievance reporting mechanisms (such as Deloitte Tip-Offs Anonymous) are implemented to receive and facilitate the resolution of concerns and grievances in an efficient and timely manner.”

5. **“FREE, PRIOR AND INFORMED CONSENT**

- 5.1 In line with our Code of Conduct, Illovo adheres to the principles of Free, Prior and Informed Consent (FPIC) in relation to our dealings with our local communities. This requirement extends to our Suppliers, who are also required to adopt a similar approach throughout their supply chains.
- 5.2 The implementation of FPIC in our business practices includes:-
 - 5.2.1 transparency when contracting with local communities;
 - 5.2.2 resolution of disputes involving land use or ownership rights via the existing company grievance mechanisms or other voluntary processes; and
 - 5.2.3 an enhanced awareness creation drive to encourage communities to use existing communication channels to raise issues or disputes (eg, Deloitte Tip-Offs Anonymous and internal channels).”

6. **“EMBEDDING COMPLIANCE ACROSS OUR SUPPLY CHAIN**

- 6.1 In order to qualify as a supplier of goods and services to the Illovo Group, all Suppliers are required to commit to adherence to the principles of Illovo’s Code of Conduct.

- 6.2 We also seek to promote awareness of the principles in our Code of Conduct amongst our other stakeholders, including the farmers who supply sugar cane to our factories, inter alia, by:-
 - 6.2.1 publishing, and where applicable, providing training on our Code of Conduct and human rights related guidelines;
 - 6.2.2 collaboration with internal and external stakeholders, encouraging them to adopt complementary practices and sustainable solutions;
 - 6.2.3 contractual undertakings from our Suppliers to adhere to the principles in our Code of Conduct;
 - 6.2.4 implementing monitoring and assurance processes, including assessments which require disclosure of the extent of our Suppliers' adherence to the UNGC principles; and
 - 6.2.5 working with Suppliers to align sustainability goals and practices in accordance with internationally recognised standards and, where applicable, setting joint targets.
- 6.3 We will not source goods and services from business enterprises that are involved in human rights abuses.
- 6.4 We will be vigilant in assessing Suppliers operating in countries where land tenure security cannot be assured, or where there is poor land governance, and will prioritise these for human rights due diligence assessments."

7. **"ASSESSMENTS**

- 7.1 Our businesses are required to conduct periodic assessments to monitor environmental, social and human rights risks and impacts in relation to their own operations as well as those of their Suppliers. In particular, these assessments must be carried out prior to embarking on any new projects.
- 7.2 These assessments will also address compliance with internationally accepted standards and relevant country laws and include the measuring and monitoring of key risks and impacts on employees, local communities, the natural environment, land rights and land conflicts.
- 7.3 The participation of affected communities will be sought in relation to any assessment process, and in order to facilitate the process, the appropriate assessment documentation will be made readily available to the affected people.
- 7.4 Where appropriate, management, training and guidance programmes will be provided to our supply chain (especially to small grower operations), to educate and provide guidance on the implementation of internationally accepted business practices (including those related to land, the environment and the effects of climate change).
- 7.5 Our assessments, which will become more comprehensive in a phased process, will be implemented, inter alia, through:-
 - 7.5.1 a detailed analysis of our business practices against the requirements of the UNGC principles, conducting a gap analysis across all our operations, and implementing the appropriate remedial measures; and
 - 7.5.2 assessments of our Suppliers' business practices, and where they are found to be non-compliant, implementing a remedial process where this is possible, or where this is not possible, terminating the business relationship.
- 7.6 In addition, we will engage reputable and independent third party experts to carry out socio-economic assessments and assurance processes on the social, economic and environmental aspects of our businesses, including factors relating to human rights impacts. Where these action plans involve the local communities and/or other stakeholders, they will be consulted.
- 7.7 The results of our monitoring, assessment processes and action plans will be made available on the Illovo website and in our integrated annual reports."

8. **"MONITORING, ASSURANCE AND NON-COMPLIANCE**

- 8.1 Illovo reserves the right to verify compliance with our Code of Conduct by its Suppliers. Where a review or audit demonstrates shortcomings, or if Illovo becomes aware of any act or omission in breach of our Code of Conduct, Illovo reserves the right either to request that corrective actions be taken, or to terminate its agreement with the Supplier concerned.
- 8.2 Non-compliance with these guidelines may be reported through local grower forums and other communication and engagement structures, or directly to the Illovo Group Managing Director, or via the group's independent tip-off reporting processes managed by Deloitte Tip-Offs Anonymous at 0800 455 686, email: illovo@tip-offs.com or Freepost KZN 138, Umhlanga Rocks 4320"

Annex 3: Recommendations and Lessons from Other NRG Related Research on SAGCOT

Recommendations from SAGCOT Situation Analysis prepared for the SUSTAIN project

Source: Kashaigili et al. 2014 : vii, viii

“Based on the above issues, the Situation Analysis identifies a series of priority areas for action by SUSTAIN-Africa programme. These are:

- Identify and develop an adequate data collection and monitoring system... for hydrological data... land use land cover, exploitation rates and geographical change that are pre-requisite for the development of land use planning and monitoring. The system should also be capable of identifying water demands and environmental flow requirements within the SAGCOT, and be able to assess and gauge the underlying social and economic causes of environmental degradation and resource over-exploitation.
- Support the establishment and strengthening of local water management groups, committees and association. Currently, such institutions are very few in the corridor and many of the existing ones are very weak. Training to build the capacity of these institutions can help improve their ability to manage resources. This should be extended beyond the boundaries of water resources management to other aspects (e.g. establishment and strengthening of Producer Marketing Groups (PMGs) and cooperatives). These groups can be used as a platform to address many of the key pillars of SUSTAIN-Africa (e.g. water security, land resources and food security, business partnerships, as well as issues of environmental sustainability and climate resilience).
- Work closely with the Ministry of Lands, Housing and Human Settlements and other stakeholders to fast track the training of Participatory Land Use Plan Management Teams and support the preparation of Village Land Use Plans in the clusters of interest in order to minimize natural resource related conflicts.
- Work hand in hand with key stakeholders in the health sector, like the Ministry of Health and Social Welfare and NGOs and FBOs dealing with health issues in the corridor. The possible area to work with these stakeholders is awareness creation (e.g. conducting awareness campaigns and training on major killer diseases like HIV/AIDS and Malaria).
- Work with key stakeholders in the agriculture sector as identified in our first report on stakeholder analysis and mapping to promote private and public partnerships, preferably by strengthening the synergies between large scale farmers and investor with smallholder farmers. It is important to enable farmers to have a greater share in the value addition that comes from processing of agricultural produce rather than simply providing the raw product, usually immediately after harvest for a low price, to immediate buyers.
- Work together with the extension arm of the Local Government Authorities to introduce good agricultural practices and increase productivity preferably using the concepts of FFS and farmers' platforms which promise to work well in the rural areas.
- Work closely with other key stakeholders in the livestock sub-sector to sensitize and support livestock keepers to establish a sound operational livestock account to cater for animal health needs.
- Promote and support efforts to improve fishing gears and crafts while at the same time addressing the issue of illegal fishing. The latter issue may need significant engagement in sensitization and awareness creation.
- Promote environmental friendly production and processing technologies including the use of fuel saving stoves and alternative sources of energy (e.g. biogas and other renewable sources of energy) and afforestation activities to curb the problem of deforestation. It is also important that the programme works to promote income generation activities which do not compromise with aim of sustainable management of ecosystems, like beekeeping and ecotourism. Also initiate and support payments for ecosystem services.
- Facilitate climate proofing (resilience building) of people and their natural resource dependent livelihoods from climate related disasters through appropriate adaptation measures.
- Facilitate in addressing the obstacles through design of properly coordinated implementation of the policies, laws and regulations at cluster levels.
- Support and promote use of water efficient agricultural production technologies (e.g. adopting a system of rice intensification – SRI for paddy production).
- Improve enforcement of laws against settling and grazing near water catchments.
- Promote infrastructure improvement to facilitate access to agriculture inputs and markets.”

Recommendations from Tanzanian CSOs on SAGCOT Greenprint Draft

Source: ActionAID Tanzania et al. 2012:2

(These are summary recommendations. The complete document contains more specific recommendations, some of which are reflected in this assessment report, as cited.)

- "The exact content of the Investment Guidelines should form the subject of a wide ranging consultative process. The guidelines should also adhere to FAO's Voluntary Guidelines/best agricultural investment guidelines."
- "SAGCOT should give specific consideration to the needs of small and medium scale investors in the agricultural and livestock sectors, as these will remain the guarantors of food security and the majority of livelihoods in Tanzania for the foreseeable future. Specifically, detail should be provided on SAGCOT modalities for securing access to land, markets, technical advice and capital for small and medium scale producers."
- "Village Land Use Planning processes in SAGCOT clusters should be monitored by an independent body with members drawn from civil society, government, academia and the private sector and funded from outside the SAGCOT envelope."
- "Lands made available for investment under SAGCOT should remain categorised as village lands and should not be re-gazetted as general lands, or should be guaranteed to return to village lands at the end of the investment period or following the failure of the investment."
- "Villages making land available for agricultural investments should receive expert independent assistance, financed from outside the SAGCOT envelope, to determine the value of the land for various types of agricultural and other enterprises."
- "SAGCOT should not approve projects that involve resettlement. However, if small scale resettlement is to take place we recommend that the proposed Resettlement Planning Framework should be subject to review and agreement by all stakeholders."
- "All planned SAGCOT developments should be predicated on the production of a hydrological survey and a high quality integrated water resource management plan which ensures that the environment in the development area is conserved and enhanced."
- "SAGCOT investment guidelines should include targets for large commercial irrigated enterprises regarding the extension of irrigation schemes to neighbouring smallholders and communities."
- "Irrigation enterprises adhere to agreed targets for water use and soil salinity should be continuously monitored."
- "The proposed EIA regulations/guidelines for the agricultural sector should undergo a public review process in order to ensure the inclusion of thorough assessments of the impact of the enterprise on local and national food security, water use, potential for salinisation through irrigation, fertiliser and pesticide use and the potential for erosion. Social and economic aspects must be included, in line with the NEMC principles and guidelines. This process needs the involvement, oversight and approval of NEMC."
- "That SAGCOT should promote the capacity of local Tanzanian research institutions and companies, to collaboratively develop and distribute improved and appropriate seed varieties so as to meet local demand and increase food security. We recommend avoiding investments proposing to use genetically modified seeds likely to create farmer dependency on these and associated inputs."

Recommendations on Improving Sugarcane Outgrowing Arrangements Based on Study of KSCL

Source: Sulle 2015:9)

“1. The Tanzanian parliament and district and village councils should do more to monitor the performance of civil servants, from national level to village level. This will help to ensure that the country’s laws for the sugar industry are enforced.”

“2. The provision of extension services and training to outgrowers should be increased. The company, the government and donors should work together to improve farmers’ knowledge about smut disease and sucrose.”

“3. Associations, the company and other industry members should work together to create better systems for weighing outgrowers’ deliveries, measuring sucrose content and calculating payments. The company could carry out research into sucrose levels across the operation and publish the results, to regain outgrowers’ trust in the system and identify possible reasons for low results.

“4. The Cane Supply Agreement and outgrowers’ pay slips should be made easier to understand. The Cane Supply Agreement should be translated into Swahili and distributed among outgrowers. The company should make it clear if outgrowers are receiving profits from sugar, molasses, bagasse and ethanol. Associations should explain to outgrowers the legal consequences from factory disruptions and payment delays.”

“5. Associations, contractors and the company should be more accountable to outgrowers. New penalties and incentives might be needed to ensure that the sugar business operates fairly, efficiently and openly. For example: a. Associations should increase their capacity to carry out the scheduling process and their overall responsibility for delivering the cane of their members. Associations should employ qualified managers to run the operational parts of their mandates. b. Consider ways to make association leaderships more representative of their members, including female outgrowers and small-scale outgrowers. c. Outgrowers, the company and other industry members should discuss ways to stop harvesting schedules being disrupted by cane fires and bribery. d. The company should enforce the rules in the Cane Supply Agreement regarding the condition of haulage trucks. e. Consider incentives or penalties to avoid delays in delivery and crushing of cane. f. Donors such as the EU should closely monitor their projects such as road improvements and block farms.”

“6. The government and donors should provide sufficient public and private investment under strict and transparent management for construction and maintenance of roads, water irrigation canals and water drainage systems.”

“7. The company, donors and industry members need to improve the planning, management and monitoring of outgrower production. There is a need for discussions involving outgrowers and other local residents about the future of sugarcane outgrowing in the area. Possible areas of work: a. Investigate reported problems with block farms. Research whether block farms in future could be a way to support small-scale outgrowers and protect their participation within schemes. b. Hold discussions on long-term solutions to the problem of over-production at Kilombero. Options may include decreasing associations’ quotas and introducing incentives, assurances and penalties to increase the efficiency and capacity of milling factories. Carry out initiatives to raise local awareness of the production risks of sugarcane outgrowing and plan for zones for both cane and food crops in the supply areas. Provide multi-stakeholder planning and support for small-scale farmers who wish to exit sugarcane and transition to another crop, and consider measures to bolster small-scale rice and other food-crop production and marketing more generally, including beyond the outgrower zones.”

“8. The government and members of the Tanzanian sugar industry should improve the process for issuing sugar import licences and permits. They should introduce measures to help sugar companies manage disruptions to cash flow caused by importation. They should also introduce measures to avoid costs being passed on to outgrowers and other vulnerable groups such as cane-cutters.”

“9. To help achieve the above, it might be useful to organise a forum for outgrowers, associations, the company and industry officials to get together and discuss challenges and opportunities. It would be useful to invite representatives of outgrower associations from other countries in Africa to discuss how their schemes operate and what challenges they have faced.”

“10. Beyond sugarcane, there needs to be more support for maize and paddy farming in the area, such as better roads and storage. Donors and farmer groups such as Mviwata should work with land officials and representatives of SAGCOT to identify the most pressing needs in the area and the changes that would make the biggest difference to livelihoods in the area.”

Recommendations on Land Governance Prepared for AWF and the African Biodiversity Collaborative Group

Source: Rukuni et al 2013:10 (Box 1: Summary of Recommendations)

“RECOMMENDATION 1: The AWF, ABCG members and USAID need to craft and implement a collective campaign to raise awareness of VGs and F&Gs among government officials, investors, NGOs, community leaders and SAGCOT executives. Such a campaign would be more effective if a series of activities were planned jointly by representatives of government, SAGCOT staff, investors, NGOs and community leaders. Some of the activities may include:

- Simplifying the VGs and the AU’s F&Gs and bringing them to the people who are implementing various investment initiatives;
- Using VGs to prepare investment guidelines specific to SAGCOT;
- Using F&Gs to interrogate land policy and legislation, identify needed reforms; and,
- Using experience and lessons learned to date in strengthening the guidelines and their implementation with special respect to inclusive business models, social protection, and biodiversity.”

“RECOMMENDATION 2: Given the limitations with which foreign NGOs and donors can engage and/or influence legislative and regulatory processes, AWF, ABCG members and USAID could invest more into local NGOs working on land governance. Support is needed in:

- Consolidating legislative reform proposals that address overlap, contradictions and loopholes;
- Preparing and proposing simplification of regulations applied especially to Village Land;
- Strengthening capacity of community participation in the mutation of land allocation, especially from village to general land; and
- Capacitation of local village level institutions.”

“RECOMMENDATION 3: AWF and its partners must promote efforts to enhance transparency of land allocation processes. This is desirable for both communities involved and investors. Both groups look for predictability and security and in general this requires processes to be more transparent.”

“RECOMMENDATION 4: AWF and its partners on biodiversity issues identify or craft a partnership between the environment ministry, AWF and SAGCOT Office in a capacity needs assessment and capacity development effort in enforcement of environmental impact assessment requirements and recommendations with respect to agricultural investments in SAGCOT. There is a need to prioritise such oversight and enforcement so as to minimise loss.”

“RECOMMENDATION 5: AWF should explore and/or craft local partnerships in SAGCOT aimed at capacity development of selected WMAs. Emphasis should be on proofing the concept of WMAs as a viable community-based natural resources management basis.”

“RECOMMENDATION 6: The AWF should partner with WMAs in wildlife related businesses and strengthen them in the process.”

“RECOMMENDATION 7: AWF and its partners should identify and promote inclusive business models pushing the emerging successful models of investment which take the community along with them such as the hub and spoke model. This entails promoting a more patient organic and evolutionary approach to investments which take the community along with them as opposed to a quick-returns approach to investments which exclude the majority of the community.”

Key Findings and Recommendations for Investor from Landesa Case Study of KSCL

Source: Landesa 2017 (various pages, as cited)

“Key Finding #1: Land scarcity in the investment region highlights the need for gender-sensitive land use planning and land rights formalization, and suggests that tenure insecurity and disputes may begin to adversely affect the nucleus estate and out-grower scheme.

- Investors should recognize the risks inherent to operating in regions scarce in land and natural resources, such as the increased likelihood of land-related disputes and the weakening of all land rights, including those of women.
- Investors should manage those risks in thier business operations, including in the ways they shape and refine their benefit-sharing out-grower schemes.
- Investors should be aware of and support land use planning and rights formalization efforts of local government and communities, as such mechanisms can alleviate land-related disputes and provide greater land tenure security for investors and smallholders (both women and men).” (Landesa 2017:9)

“Key Finding #2: Direct, inclusive, and continuous communication and engagement with out-growers and the community are needed to sustain an equitable benefit-sharing scheme and to broadly maintain a social license to operate.

- To sustain an equitable out-grower benefit-sharing scheme and to maintain a social license to operate, investors must establish multiple channels of two-way communication to facilitate clear, well-planned, and frequent consultation and engagement. This communication should address how women face particular barriers to accessing information and participating in consultations.
- Investors should use such good communication to sensitize participants in any benefit-sharing scheme to proposed changes and to obtain needed buy-in.
- Investor communication with the broader community can help to sustain a social license to operate.” (Landesa 2017:15)

“Key Finding #3: Information on the differences between women and men as regards land uses and rights should be used to shape shared-benefit out-grower schemes that treat women more equally and better ensure the equitable distribution of benefits.

- Future information gathering should collect gender disaggregated data and target women- including married women and female heads of household; the data can help investors accommodate the constraints women face in participating in benefit-sharing schemes, participating in community meetings, assuming leadership positions, and having their ownership and land use rights recognized.
- When engaging with scheme participants and communities, investors should recognize and accommodate women’s time and cultural constraints to ensure activities and initiatives are held at times and locations that women can attend.
- Investor staff that serve as land, livelihoods, or communication specialists should be trained in how those issues affect women, men, and vulnerable populations differently.” (Landesa 2017:21)

“Analysis of the application of the principles of the [FAO] Voluntary Guidelines in the SAGCOT”

Source: Rukuni et al. 2013:38,39

“Principle”	“Legal Framework”	“Implementation”	“Findings”
“Human dignity”	“Available”	“Weak”	“The legal framework (Land Acts and Constitution of the republic of Tanzania) recognize the inherent dignity and the equal and inalienable human rights of all individuals. Enforcement of legal framework as well as monitoring is weak due to limited resources and capacity and in some cases limited involvement of local communities. There is loss of key livelihood assets which preserve dignity for instance the case of Kilombero rice estate in which displacement of the Masaai pastoralists and loss of livelihoods of these traditional herders symbolises a loss of inherent dignity.”
“Non-discrimination”	“Available”	“Weak”	“The legal framework (Land Acts and Constitution of the republic of Tanzania) has potential to ensure that no one is subject to discrimination under law and policies as well as in practice. However, implementation is threatened by lack of capacities by local communities who are often less informed than government and investors. The laws do not discriminate, but in practice, the discrimination may be in the form of non-involvement of smallholder farmers and pastoralists as well as women.”
“Equity and Justice”	“In place”	“Overshadowed by different interests”	“Land legislation is in place which has potential to ensure that equality between individuals may require acknowledging differences between individuals, and taking positive action, including empowerment, in order to promote equitable tenure rights and access to land. Implementation of justice may potentially be overshadowed by elite power with the elites, who are able to use their power and connections to gain more equity ahead of villagers and pastoralists. Evidence of displacements of villagers and pastoralists (such as in Kilombero and Kapunga) can be a good indicator of lack of justice for women and men, youth and vulnerable and traditionally marginalized people, within the national context.”
“Gender Equality”	“In place”	“There are Challenges”	“The legislation particularly the Village Land Act is explicit in removing gender related discrimination on access and control over land, especially the customary practices that discriminated against women. Implementation of the equal rights of women is threatened by the customary law. There are potential challenges to the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equality when necessary. This is mainly because of the cultural norms and customary laws which place men ahead of women in making key decisions a on assets and key livelihoods for the household. It is not very clear whether women participate adequately for instance at village level meetings where decisions on allocation of key resources are made.”
“Holistic and sustainable approach”	“Fragmented”	“Weak”	“Legislation appears to be fragmented to deal with the interconnectedness of natural resources, and adopting an integrated and sustainable approach to their administration (land laws, wildlife laws, forestry, etc). Implementation of an integrated approach threatened by institutions that reside in different ministries and are poorly coordinated for instance, the provisions of different land acts and wildlife management acts. The 3 relevant pieces of legislation, namely the Village Land Act of 1999, the Land Act of 1999, and the Environmental Management Act and have areas of overlap and conflict in interpretation and implementation. These regulate village land, general land (commercial) as well as reserved land and WMA respectively. An analysis of the legislation shows fragmentation of both the legislation and regulation that are used to implement on the ground.”
“Consultation and participation”	“Available”	“Difficult”	“The legal framework sets out the processes for engaging with and seeking the support of those who, having legitimate tenure rights, could be affected by decisions. Framework is difficult to implement because of resource limitations. In some cases, the processes are too long and winding which causes investors and people seeking land to take shortcuts which are not always transparent. Where conflict has been identified, for instance at Kapunga rice, there was failure to involve the community in land acquisition process.”

			Problems appear also to come when consultations are done not prior to decisions being taken, and responding to the community's contributions but rather for window dressing."
"Rule of law"	"Available"	"Difficult"	"The legislative framework is not quite clear on adopting a rules-based approach through laws that are widely publicized in applicable languages, applicable to all, equally enforced and independently adjudicated, and that are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. Whilst laws are known (land acts) mainly at higher levels of society (by the more literate) Regulations and procedures especially for land acquisition are not widely publicised. Land laws are not interpreted in vernacular languages, neither are they simplified for the lowest level of community to interpret. The lack of publication of regulations and procedures results in lack of knowledge among various actors including the investors who end up taking less transparent shortcuts and the villagers losing out because of lack of information."
"Transparency and accountability"	"Weak"	"Weak"	"The legislative framework is weak in clearly defining and widely publicizing policies, laws and procedures in applicable languages, and widely publicizing decisions in applicable languages and in formats accessible to all. Implementation is challenged by a number of reasons for this including, but not limited to: availability of financial and material resources, capacity of human resources, complex procedures and multiple reporting lines reducing effective oversight and control. A significant risk to land rights is weak governance in land administration at all levels but particularly at local level; lack of transparency and accountability within institutions and decision-making processes; corruption at various levels."

“Key lessons for investors, host governments and other stakeholders” from updated UNCTAD – World Bank Survey of Responsible Agricultural Investment

Source: Speller et al 2017:7 – 10, updating and drawing on UNCTAD-World Bank Survey of Responsible Agricultural Investment Database

“SELECTED KEY LESSONS FOR INVESTORS

“Communication and transparency

- Consultations were a key step in developing a strong relationship with local communities.
- Initial consultations were time consuming and expensive, particularly for new investments.
- Consultations were most effective when investors took primary responsibility; instead of “outsourcing” to host governments or land agents.
- A lack of transparency could generate fear and uncertainty about investor intentions and also open the door for unfounded criticism.
- Formal grievance mechanisms contributed to better relations with local communities.
- *Resettlement management process could benefit from robust communication, consultation and transparency about the process.*
- *Management of expectations was crucial, such as with regard to job creation.*
- *Unfulfilled commitments and unmet expectations were particularly damaging for relations with communities.”*

“Due diligence and business planning

- Business plans provided by a host government instead of an investor were often based on unrealistic assumptions and weak assessments of environmental factors.
- Some problems were foreseen if findings from impact assessments and community consultations were properly incorporated into business plans.
- Some investors had success in phasing their investment. That is, obtaining a small land area initially and only seeking more land once the first allocation is running successfully.”

“Financial and operational success

- *Agricultural investments that were financially and operationally successful were more likely to be well-regarded by local communities.*
- *Patient sources of capital and financial backers who were cognizant of the difficulties of running an agribusiness were more reliable.”*

“Land rights and resettlement

- Many investors were expending significant resources dealing with disputes over access to land.
- It was unrealistic for the investor to assume that the land acquired was free from any existing land disputes or land legacy issues.
- A fair and transparent process for negotiation and compensation helped to minimize the negative impact of resettlement.
- Some investors found that the best solution was to leave communities in situ and work with or around them, rather than undertaking difficult resettlement procedures.
- Failure to develop the land in accordance with expectations was a significant source of tension between investors, local communities and host governments.”

“Environmental impact

- Environmental impact assessments led to poor outcomes when they were conducted by host governments or land agents on the investor’s behalf.
- Impact assessments were too often “box-ticking” exercises, for local legal compliance, and not incorporated into the business operations.
- More assessment and monitoring was needed for the impact of the investment on water resources.
- *Some investors took on responsibility for raising local awareness of environmental issues.”*

“Social development programmes and financially inclusive business models

- Social or rural development initiatives produced better outcomes if they were agreed on through an inclusive, consultative approach to understand local development visions.
- *Programmes that were fully funded and not dependent on profitability of the investor were most successful.*

- Financially-inclusive business models were successful in forging partnerships with local communities.”

“Employment and working condition

- There was a pressure to employ local people; doing so contributed to better working relationships, but it could be challenging due to skills gaps.
- *Training programmes which helped integrate local communities into the workforce were highly valued by employees.*
- Some investors were paying inadequate wages and offering unacceptable working conditions, leading to tension between staff and the investor.
- There was a gender imbalance in most investments, *though some investors have taken actions to improve the situation.*
- *Investors often start businesses in areas where formal employment and the contracting process is not known or well-established.*
- Investments could be a catalyst for social transformations, especially of women’s and youth’s place in society by providing employment opportunities.
- Some investors had increased women’s integration into the workforce through preferential hiring, training and internal promotion programmes.
- *Having been employed and gaining income, some women could increasingly contribute to the family budget and activities such as education.*
- *Some investments attracted educated young professionals from outside of the area as well as retained those originally from the area who otherwise might have migrated to the cities to find a job.”*

“Outgrower schemes

- Outgrower schemes were most successful when the business model was defined before outgrowers were introduced.
- A lack of transparency and inclusivity of outgrowers in the pricing mechanisms for their crops hindered the successful operation of outgrower schemes.
- Marginalised groups and women, were less likely to participate in outgrower schemes.
- *Funding and partnerships with various stakeholders such as local governmental agencies or experienced NGOs played an important role.”*

“Food Security

- The main positive contribution to food security was through direct employment and outgrower schemes.
- The main negative aspect was deemed to be through reduced access to land.”

“Technology transfer

- *Technology transfer occurred primarily through training, particularly of outgrowers.*
- *The impact varied substantially from site to site, depending on the business model, crop and other factors.”*

“B. SELECTED KEY LESSONS FOR GOVERNMENTS”

“Prescreening and selection of investors

- In many cases, prescreening of foreign investors could be improved to increase the prevalence of investors likely to make a positive contribution to the host country.
- More foreign investors were adopting social development programmes or financially-inclusive business models. Host governments would be advised to seek commitments on such aspects in advance.”

“Conduct of consultations, impact assessments and business plans

- The conduct of consultations, impact assessments, due diligence and the creation of business plans were most effective when primarily the responsibility of the investor instead of the government.”

“Phasing of investors and approvals

- Many investors were not putting their land allocation to full use. It would have been advisable for governments to consider to phase a project and seek commitments from investors about the pace at which the operation would have developed.
- Large land allocations, particularly to investors introducing new crops, could be fairly risky. Investors could have been required to phase their programmes in stages.
- Some governments had allowed foreign investment in agriculture to proceed at a faster pace than their capacity to realistically assess and monitor the investors”

“Ongoing monitoring of investors

- Ongoing monitoring of investments could be strengthened.
- The better approaches were not solely productivity-focused, but more intensive and including monitoring of the socioeconomic impacts of an investment.
- Monitoring of investors' environmental impact, including use of water resources, and adherence to environmental regulations was in most cases inadequate."

"Operating environment

- *A stable host country operating environment is a key determinant of investors' success. Sudden, drastic changes in the host country operating environment, especially trade legislation could be particularly damaging."*

"Land rights and resettlement

- A clear regulatory framework for land acquisition approvals and a formalization of local communities' tenure rights under a registry system contributed to reducing the risks of land disputes.
- *Unclear land laws create situations of conflict over land rights especially where customary land was concerned.*
- Business models with low land needs, such as processing operations, could provide important employment and development benefits.
- *Resettlement processes should be handled adequately, with communication, consultation and transparency about the process for resettlement.*
- Clear, transparent procedures to follow and standard valuations for compensation in the case of resettlement could be developed. Adherence needed to be monitored effectively."

"Employment and contribution to rural livelihoods

- Governments should have considered more thoroughly which investors and business models were likely to maximize direct and indirect employment.
- Large land allocations did not necessarily create the most jobs per hectare.
- Outgrower schemes could be effective in supporting livelihoods while allowing people to retain their most valuable asset—their land.
- Governments should have considered the whole value chain and promoted the downstream value addition of the raw materials produced from land made available, thereby maximizing employment and other benefits.
- *With the arrival of an investment, many communities underwent a period of rapid transition with potential for both positive and negative consequences.*
- *There could be redistributive effects and a creation of insider-outsider status as some people would benefit from the investment but others may not, and may indeed create difficulties due to impacts such as rising prices.*
- *The extent of positive economic spillovers from large-scale investments varied widely and depended on the investor's business model and procurement plans.*
- *Governments should recognize the risk that the employment benefits may diminish over time as production becomes more mechanized."*

"Transparency

- In general, there was an insufficient amount of publicly available information to ensure the fully transparent and accountable conduct of agricultural investment."

"Technology transfer

- Technology transfer was by no means an assured benefit.
- Appropriate, proven and customized use of innovation in new crops, business models, and techniques should have been encouraged to reduce risks.
- *The types of technology transferred should be contextualized to fit with available levels of finance, skills, equipment or experience/capabilities."*

"Social and infrastructure service

- *Even though investors may provide and support social services to the communities, governments need to maintain the primary responsibility in social and infrastructure services provision."*

"C. SELECTED KEY LESSONS FOR LOCAL COMMUNITIES AND CIVIL SOCIETY"

"Consultations between investors and communities

- Representatives of civil society played a useful role in monitoring consultations and could work with investors to ensure that all relevant communities and stakeholders were included within the consultation process.
- There were instances where agreements were not documented, leading to confusion and disputes. While recognizing a capacity gap, local communities should have ensured that all agreements and commitments made through consultations were documented.
- Investors said it was easier to include local communities which were well-organized. NGOs could assist local communities in this regard."

"Monitoring investors

- Civil society could play a role in monitoring conflicts between investors and stakeholders or instances where an investment was degrading natural resources, e.g., in making those issues public or known to relevant authorities.
- Monitoring led to positive outcomes when conducted in a constructive, rather than antagonistic, fashion."

"Engagement with investors

- Civil society could forge partnerships with the private sector to stimulate responsible inclusive investments that gave due consideration to reduction of rural poverty and more equitable benefit sharing with farmers and the local communities.
- *The most successful social development programmes were those that were done in collaboration with NGOs or other organizations (e.g., workers unions) who were able to directly connect these programmes with local needs."*

"Marginalised communities and groups

- *NGOs could play a key role in helping investors to forge partnerships with marginalized groups including women and youth, for example: help them link with outgrower schemes, strengthen their technical and production capacity, advocate that their needs were considered when deciding social development programmes."*

"Land rights and resettlement

- Some NGOs were effective in raising community awareness regarding their rights and how to exercise them, as well as ensuring that people had a realistic assessment of the value of their land in the case of resettlement."

"Rural livelihoods

- *Civil society could partner with investors to provide trainings such as financial literacy or vocational training, to enable communities to benefit from new opportunities."*

"Technology transfer

- *Civil society could facilitate partnerships with investors to provide vocational training to assist communities, especially outgrowers, with the adoption of new technology and inputs."*

Recommendations from Oxfam Review of ‘Mega-PPPs’ including SAGCOT

Source: Oxfam 2014:31-34

“1. Revitalize public investment in African agriculture targeted at the needs of small-scale producers and women

- African governments should urgently prioritize a target-based timeline and mechanism for monitoring progress towards meeting and then *exceeding* the Maputo Declaration 10 per cent spending target on agriculture within national budgets, which was reiterated at the AU Summit in June 2014. Mega-PPPs cannot replace this urgently needed public investment agenda.
- Government investment priority areas should include agricultural R&D that is appropriate for small-scale farmers; extension services that are tailored to the needs of women; subsidies for inputs such as credit and fertilizers and marketing boards to support trade in rural areas.
- Governments and donors should place the economic empowerment of women at the heart of the agricultural development agenda. This should involve supporting informal women’s production groups and the development of local and national markets in crops that are prioritized by women.
- Donors should ensure that ODA supports this publicly-led vision for agricultural development and adheres to development effectiveness principles outlined at Busan of national ownership; a focus on results aimed at poverty eradication; promotion of inclusive partnerships; and transparency and accountability.”

“2. Protect the land rights of local communities

- Governments should ensure that land legislation and policies, and implementation capacity are in place to protect the rights of local communities prior to the initiation of any investment programme (the Voluntary Guidelines on Responsible Governance of Tenure and the African Union Land Policy Framework should be used for guidance).
- Governments should pay particular attention to strengthening women’s land rights, and support interventions that can promote joint or sole land registration and tenure for women. This can reduce the risks to this group of the negative impact of land acquisitions for investment.
- All parties should avoid any large-scale transfer of land away from farmers or local communities within investment programmes unless absolutely necessary. In addition, governments and donors should put in place independent grievance mechanisms for those communities affected by land dispossession as a result of large-scale investment projects through public–private partnerships.
- When investing in land, all parties should adhere to the principle of Free Prior and Informed Consent (FPIC) for communities prior to any investment. Businesses should also ensure consistency with internationally recognized standards of responsible investment – such as the UN Principles on Business and Human Rights and the OECD Guidelines on Multinational Enterprise.”

“3. Unlock the potential of domestic and regional markets and small-and medium-sized enterprises to deliver for African agriculture

- Governments and donors should not support PPPs where they could stifle competition or support the creation of a monopoly or monopsony position in the market. Rather, governments and donors should provide support for producer organizations and informal producer groups through business training and basic infrastructure, as well as the expansion of banking services, credit and insurance in rural areas – particularly those that can be accessed by women. This could form part of a more inclusive PPP agenda.
- Governments should introduce (or enforce) competition policy to prevent the creation of dominant market positions by larger private sector players, break up existing cartels, and remove barriers to national trade – such as the multiple taxation points for cooperatives.
- Governments and donors should invest in infrastructure such as feeder roads that can link rural areas and small-scale electrification to provide opportunities for local private sector actors to develop. PPPs could also be used to create processing and value addition facilities for rural communities – thus building local and national markets.
- Donor support towards private sector development should focus on unlocking the constraints faced by local small- and medium-sized enterprise – such as the expansion of credit and education and business training rather than support to companies based in home markets.”

“4. Promote climate and environmental resilience for rural communities

- All parties should conduct and publish third party environmental impact assessments, ensuring that climate risks and environmental impact for local communities are incorporated and counter-measures are outlined prior to any large-scale investment programme.
- Governments and donors should review and publish the opportunity-cost of water and land use when assessing investment applications from the private sector in relation to investment programmes.
- Governments and donors should train technical advisers and extension agents on ecological farming and on sharing this approach, and support the farmer-to-farmer sharing of ecological approaches.”

“5. Guarantee fairness, transparency and accountability within current mega-PPP arrangements

- Within PPP arrangements, all parties should ensure that both governments and local communities act as key partners and principal agents in planning to avoid a situation of moral hazard (where PPP actors are willing to take risks in the knowledge that the negative consequences will be felt elsewhere, notably by local communities).
- Governments and donors should ensure a clear separation of powers between the institutions that sponsor mega-PPPs, those that identify land for investment, and those that negotiate with local communities over land transfers.
- Donors should support the capacity of producer organizations or apex groups to negotiate on behalf of smallholder farmers when engaging with governments and larger companies in PPP arrangements.
- When allocating land within PPPs, governments should earmark a larger amount to small-scale and family farmers than to plantation estates – thus tipping the incentives for larger operators to work with smallholders without the need for donor subsidies.
- All actors within mega-PPPs need to urgently revisit the governance, transparency and accountability of current mega-PPP arrangements – with a particular focus on increasing participation from small-scale producers and local communities, full disclosure of investments and stringent monitoring and evaluation of impact (see Box 7). This transparency and accountability agenda should be applicable to all investors, both public and private, international and national within mega-PPP investment vehicles.”

Notes

¹ Adapted from the working NRGF Assessment Guide (Campese et al. 2016), including adaptations to align with PIN Situation Analysis process

² Citing Shayamsundar, Priya 2008. Decentralization, Devolution, and Collective Action – A review of international experience. In Promise, Trust and Evolution Managing the Commons of South Asia, by Rucha Ghate, Narpal Jodha, and Pranab Mukhopadhyay. Oxford University Press.

³ The legal framework for land ownership in Tanzania is based on the National Land Policy (1995 – currently under revision), the Land Act (1999), the Village Land Act (1999), the Land Acquisition Act (1967), and the Land Use Planning Act (2007). Constitutionally, the president is entrusted with all lands, which are publicly owned, for the benefit of present and future generations.

⁴ Granted Rights of Occupancy (GRO) of up to 99 years can be granted for surveyed general or reserved land, based on the Land Act (1999) and related regulations.

⁵ Registration is done with PMO-RALG. This is an administrative act that does not necessarily require a detailed land survey.

⁶ Land surveys are recorded with Ministry of Lands, Housing and Human Settlements Development. This step helps ensure that village boundaries are clear.

⁷ In accordance with the Village Land Act (1999, Sec. 12)

⁸ The Environmental Management Act requires that there be a VEC. Many VNRCs are the de facto VEC's for their villages. But not all villages have VNRCs, which are not legally defined.

⁹ Customary rights on reserved or general land can also be recognized in some cases.

¹⁰ The VLA (1999) states in Section 4 that no village land shall be transferred until the type, amount, method and timing of the payment of compensation has been agreed upon between the village council and the commissioner. If agreement cannot be reached, it is referred to the court for determination.

¹¹ KILORWEMP is a 6 year (2012/13 – 2017/18), € 4million, Belgian and EU funded project that aims to implement CBNRM in three districts (Kilombero, Ulanga, and Rufiji) in SAGCOT.

¹² Under the terms of the Forest Act 2002

¹³ Under the terms of the Forest Act 2002. CBFM and JFM together constitute Participatory Forest Management (PFM).

¹⁴ Under the 2003 Fisheries Act. BMUs can be established by individuals and communities deriving their livelihood from nearby fisheries. There is no legal requirement that the fishery is on village land.

¹⁵ Under the Wildlife Conservation Act (2009, as revised from the 2002 version)

¹⁶ The VLA (1999) does not recognize grazing land as a separate category, but pastoralists can assert customary rights of occupancy to grazing land and apply for a CCRO. There are also provisions under Section 11 of the VLA (1999) to enter into Joint Land Use agreements where a resource is shared.

¹⁷ These guidelines were updated in the last decade but a copy of that version is not available online and was not obtainable in the course of this research. The VLUP guidelines are currently being revised again and a draft is expected to be shared with stakeholders in late November 2017.

¹⁸ "Coordination requires managing the expectations of everyone involved in the process, publicizing everyone's roles, and promoting common interests and opportunities. In an operation as large and complex as SAGCOT, it is probable that an overall consensus on some issues will not be achieved. In such cases an 'agree to differ' compromise will be reached. It is important this is recognized as an acceptable solution to certain contradictions." (SAGCOT Blueprint 2011 - Annex1:10)

¹⁹ Mwiwata Executive Director Mr Steven Ruvuga, quoted in Tanzania's *The Citizen* (7 August 2013), available at <http://farmlandgrab.org/post/view/22401-tanzania-smallholder-farmers-lose-in-mostgovt-Programmes>, and cited by Sulle (2017:531)

²⁰ "Land allocation, land use planning, and land tenure in Tanzania are complex issues with strong historical, cultural, and political dimensions that have long resisted simple solutions. Yet, Green Growth—indeed, any far-reaching economic growth program—cannot be realized without efforts to plan and allocate land more rationally, more equitably, and more transparently. Water planning and allocation issues have not generated as much public attention as land issues, but are also critical, and likely to become more so as population growth and economic development increase water demand and shift Tanzania into the realm of water-scarce nation." (Milder et al. 2012:46).

²¹ The National Fisheries Section Policy (1997), for example, states that: "Given the situation that the majority of the people in Tanzania lives in the rural areas and are poor, the role of the government is to assist the local communities to become aware of their own situation and support them to become responsible for their own destiny by making better use of the fishery resources" (URT, 1997:5). The National Environmental Policy (1997, para 35-38) speaks to the importance of the participation of all individuals and institutions in environmental action (including through environmental education), though does not speak strongly to rights and responsibilities for community member inclusion in *decision-making* itself. This policy also recognizes the importance of women's empowerment in engagement in "increased environmental action" though again does not speak specifically to their empowered participation in decision-making per se (para 43 – 48).

²² NEMC guidance differentiates between public 'participation' and 'involvement' in EIA and its follow up in the following way: "Public involvement refers to the inclusion of „public" stakeholders in the preparation and implementation of project/activities whereas public participation simply means actively inviting the public to decision making, educating the public about the project, seeking their input to foster justice, equity and collaboration during project preparation and implementation. The timely and appropriately planned and implemented public involvement plans will contribute to most successful EIA studies and designs, implementation, operation and management of proposals. Specifically, public involvement is a valuable source of information on key impacts, potential mitigation measures and the identification and selection of alternatives. It also ensures that the EIA process is open, transparent and robust, characterized by defensible analysis." NEMC 2005:35

²³ EMA para 82(2) stipulates that: "Where the law requires environmental impact assessment to be done in respect of any project or undertaking and the manner in which such environmental impact assessment is to be done, then it shall not be necessary to apply standards stipulated in the regulations made under this Act unless the standard prescribed under such law does not meet minimum standards necessary for the conduct of such environmental impact assessment." This suggests that if other policies (e.g., those of SAGCOT) include and/or go beyond EIA provisions required under EMA, a separate EIA would not be required. (drawing on Campese 2011:26,27)

²⁴ For additional reference, Massey here is drawing on:

Pedersen, R and Haule, S (2013). *Women, Donors and Land Administration: the Tanzania Case*. DIIS Working Paper No 19.

Dancer, H. and Tsikata, D (2015) *Researching Land and Commercial Agriculture in Sub-Saharan Africa with a Gender Perspective: Concepts, Issues and Methods*. FAC Working Paper 132, Brighton, UK.

Salcedo-la Vina, C and Maitri Morarji (2016). *Making Women's Voices Count in Community Decision-Making on Land Investments*. WRI. Washington DC.

Kisambu, N (2016). *Mainstreaming Gender in Tanzania's Local Land Governance*. IIED, London.

²⁵ Co-signatories are the Agriculture Council of Tanzania ([ACT](#) - an umbrella organization of Tanzania's agricultural private sector), the Agricultural Non-State Actors Forum ([ANSAF](#) – a forum of organizations and individuals from commercial, non-governmental, and farmers' groups), and the Tanzania Horticulture Association ([TAHA](#) – an umbrella organizations for the private sector)

²⁶ These tools were collaboratively developed by SAGCOT stakeholders (Interview with SAGCOT Centre representative – July 2016) and are based in part on a an [Environmental and Social Performance Investment Screen](#) tool, developed for SAGCOT by the Science for Nature and People Partnership (SNAPP) in 2016.

²⁷ The Guidelines in full are available at: <https://www.ilovosugarafica.com/Group-Governance/Group-Guidelines-on-Land-and-Land-Rights>

²⁸ The GRG is also advised by private sector and donors, via the Development Partners Group for Environment (DPGE) and a group representing the private sector.

²⁹ "Accountability is weak within mega-PPPs. Due to their scale, theories of change around mega-PPPs are broadly defined, with a top-line focus on increasing investment and a poor measurement of poverty or food security. ...Arrangements of this type face serious challenges in reporting and accountability due to the differing goals and objectives of the actors involved, 'public' funding components being held by donors rather than governments, and commercial confidentiality concerns, all of which create inherent complexity. Accountability issues are compounded by a lack of comprehensive policy, legal or institutional frameworks providing clear guidelines on PPPs in low-income countries. Perhaps as a result, the sharing of best practice on monitoring and evaluation for pro-poor PPPs is limited." (Oxfam 2014:28)

³⁰ Mutual accountability between all actors is also an important aspect of governance. However, a full assessment is beyond the scope of this report. Further, this assessment does not specifically address accountability and vulnerability in inter-related sectors, including labor, education, health, or violence prevention. Vulnerability of specific ethnic groups is not addressed in the context of this assessment, due to lack of disaggregated/ differentiated information. Finally, it is noted that the narrative around 'vulnerabilities' is viewed by some as problematic, as it can mask the many forms of power that people to have, including to resist marginalization. This framing is not intended to diminish or ignore these powers, and to the extent possible the assessment attempts to note some of the nuanced responses people have to different forms of marginalization.

³¹ Local Government Act 1982, as amended

³² While EIAs should apply to larger-scale investment projects within SAGCOT, small scale projects, including many of those taken by and with growers' associations, would not be subject to EIA, as noted in the SAGCOT Greenprint. For this reason, Milder et al. 2012 recommend that the SAGCOT Investment Guidelines be widely applied, including presumably to smaller scale initiatives.

³³ The checklist does say "based on SAGCOT Partnership agreement it is highly recommended that all partners involved in the assessment" but the intent of this statement is not clear.

³⁴ To enable compliance with these safeguards, GoT completed an Environmental and Social Management Framework (ESMF), a Strategic Regional Environmental and Social Assessment (SRESA), a Resettlement Policy Framework (RPF), and a Vulnerable Groups Planning Framework (VGPF) between 2012 and 2016. The ESMF (and SRESA and VGPF that accompany it) are meant to apply to investments that are supported by the WB SAGCOT Investment Project under the Catalytic Fund. The RPF "will establish the resettlement objectives and principles, organizational arrangements and funding mechanisms for any resettlement operation as part of direct World Bank financing. The extent and location of resettlement will only be identified when sub-projects are being assessed" ([Public Notice](#) from the Prime Minister's Office).

³⁵ "In order to address grievances, a Grievance Committee will be formed for dealing with any grievances as they arise. The Committee ... will include a representative of the District lands Department, a representative of the Village Council, a representative of the investor's resettlement team, as well as a representative of the PAPs. It should also include an independent valuer if the grievance is in relation to compensation amounts. The grievance procedure will be simple and will be administered as far as possible by the Grievance Committee at the District and Village level.... The procedure for handling grievances should be as follows. 1) The affected person should file his grievance in writing, to the Village Leader. The grievance note should be signed and dated by the aggrieved person. Where the affected person is unable to write, he should obtain assistance to write the note and emboss the letter with his/her thumbprint. 2) The Village Leader should notify the Grievance Committee and respond within 14 days during which any meetings and discussions to be held with the aggrieved person should be conducted. 3) If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time, s/he may lodge his/her grievance to the District Administration. 4) The Grievance Committee will then attempt to resolve the problem (through dialogue and negotiation) within 14 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint can be taken through the formal court process.... The Grievance Committee will produce a Report containing a summary of all grievances and will make this available to the SAGCOT Management Team on a quarterly basis." (URT 2016b:26, 27).

³⁶ Jointly developed by UNCTAD, [FAO](#), [IFAD](#) and the [World Bank](#), available at <http://unctad.org/en/Pages/DIAE/G-20/PRAI.aspx>

³⁷ The Vulnerable Groups Planning Framework (developed in 2016 after the other WB compliance safeguard instruments) states "the GoT has agreed with the World Bank that it shall ensure that the SAGCOT Investment Project is carried out in accordance with the provisions set out in the SRESA...." (URT 2016b:7,8). The G8 Cooperation Framework (2012:3, emphasis added) states that: "The G8 members, the Government of Tanzania and the private sector, confirm their intention to *take account* of the Voluntary Guidelines ... as well as the Principles of Responsible Agricultural Investment (PRAI) ...In addition, they intend to work together specifically to develop pilot implementation programs for the Voluntary Guidelines and the PRAI in Tanzania."

³⁸ WMA Regulations require that investors pay the government, rather than the AA, which has resulted in delayed transfers from government to AAs. Further, the requirements for revenue sharing do not necessarily ensure sufficient funds are available to AAs. (WWF 2014)

³⁹ KSCL is not an official SAGCOT member, though are listed as among investment opportunities on SAGCOT's cluster map. Nonetheless, as a major landholder working with contracted outgrowers, their experiences are relevant in their own right and illustrative more broadly for the cluster. KSCL and Growers Associations are also discussed in the PiN Situation Analysis (Suich and Maganga 2017).

⁴⁰ This may shift to some extent in the future. Landesa is working with KSCL on its outgrower scheme. As part of this, Landesa has recommended that KSCL communicate more directly with individual outgrowers, and the company is taking some measures towards this end. (Landesa 2017)

⁴¹ Perceived fairness in distribution is also related to accountability, trust, and accountability. A recurring issue in Kilombero is outgrowers' distrust of KSCL-managed sucrose measuring, which is part of how farmers' payments after harvest are calculated (e.g., Sulle et al. 2015, Sulle 2017, Landesa 2017, personal communication from outgrower during site visit). At the same time, this is a long-standing issue, reported even before KSCL was privatized (Sulle 2017:526). Further, there are many factors that impact sucrose levels, including the harvesting process (time between harvesting and delivery) and outgrower capacity.

⁴² As assessment of coordination between the environmental / natural resources and other sectors, such as health and education, is beyond the scope of this report, though it is noted that such coordination is also an important consideration.

⁴³ At the outset, the facilitator explained that no report would list participant names, and that participation is entirely voluntary, with no obligation to share information and with the right to leave the meeting at any time.

⁴⁴ In some meetings participants were asked to consider, in particular, inclusive decision-making, accountability, and coordination. There was not sufficient time to separately discuss all six clusters of principles during small group sessions, based on experience in the first day of meetings. The NRGF team selected these three clusters as focal points for the discussion because they had arisen as the key issues in research and in the meeting on the first day. However, questions and discussion in the focus group were also broad enough that participants raised issues that related to the full range of principles. Specific questions about SAGCOT governance were not asked as its implementation is currently not widespread in Kilombero, cluster-level institutions have not yet been established, and people have relatively little information about it.

⁴⁵ Invitations were made to a wider group of civil society organizations, government ministries, and the SAGCOT Centre, but, while many expressed interest, a number of coinciding events made participation difficult.

⁴⁶ Discussions with District Officers indicate that the increase in titling in Kilombero is related to the ongoing Land Tenure Support Program. As noted above, other research raises questions about the practical value and possible risks of widespread individual CCRO issuance. District Officers indicated that group CCROs can be issued under the LTSP.

⁴⁷ Similar tools have and are being developed and used elsewhere in Tanzania. SUSTAIN and partners can seek to learn from and work with existing resources where possible.