
Case Study: Kilombero Sugar Company Ltd. in Tanzania

Prepared for
Landesa's Responsible
Investments in
Property and Land
Project

Landesa – February 2017



**Case Study: Kilombero Sugar Company Ltd. in Tanzania. Prepared for
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Disclaimer: The authors' views expressed in this report do not necessarily reflect the views of the Department for International Development, Kilombero Sugar Company Ltd., or Illovo Sugar Group. Contact Lukasz Czerwinski at lukaszc@landesa.org with any questions.



Landesa is a U.S.-based international NGO that partners with governments, local organizations, and corporations to improve land laws, policies, and practices, with the primary goal of improving land tenure security, especially for the rural poor. Landesa specialists have land property rights experience in over 50 countries throughout Africa, Asia, Latin America, the Middle East, Eastern Europe, and the former Soviet Union.

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TABLE OF CONTENTS

Executive Summary 3

Background on the Responsible Investments in Property and Land Project.....3

Tanzania Case Study: Kilombero Sugar Company Ltd.....3

Key Findings.....3

Case Study Background..... 5

Methodology 6

Key Findings 9

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.....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.....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.....21

Conclusion 26

Annex I: Tanzania Context..... 27

Annex II: Illovo Sugar Group and Kilombero Sugar Company Ltd30

Annex III: Key Informants Consulted35

ACRONYMS

ABF	Associated British Foods
AU	African Union
BRN	Big Results Now
CBO	Community Based Organization
(C)CRO	(Certificates of) Customary Rights of Occupancy
COLANDEF	Community Land and Development Foundation
CSA	Cane Supply Agreement
DANIDA	Danish International Development Agency
DFID	Department for International Development
FPIC	Free, Prior, and Informed Consent
GDP	Gross Domestic Product
GoT	Government of Tanzania
GRO	Granted Right of Occupancy
KSCL	Kilombero Sugar Company Ltd.
LEGEND	Land Governance for Economic Development
LTSP	Land Tenure Support Program
NGO	Nongovernmental Organization
RIPL	Responsible Investments in Land and Property
SAGCOT	Southern Agricultural Growth Corridor of Tanzania
SBT	Sugar Board of Tanzania
SIDA	Swedish International Development Cooperative Agency
TNRF	Tanzania Natural Resource Forum
VGGT	Voluntary Guidelines on the Governance of Tenure (of Land, Fisheries and Forests)
VLUP	Village Land Use Plan

EXECUTIVE SUMMARY

Background on the Landesa's Responsible Investments in Property and Land Project

Landesa's Responsible Investments in Property and Land (RIPL) project, with funding from the UK Department for International Development (DFID), is an initiative to support communities, governments, and investors in realizing socially responsible land-related investments. By developing Guidebooks on socially responsible investments, RIPL will contribute to ongoing global efforts to support the implementation of the African Union's *Guiding Principles on Large Scale Land Based Investments in Africa (AU Guiding Principles)*, the *FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT)*, and other international standards and principles. The primary output of the RIPL project will be Country Guidebooks in two focus countries (Tanzania and Ghana) relevant to each key stakeholder group (communities, investors, and government) as well as Model Guidebooks that can be used as templates in other country settings.

Tanzania Case Study: Kilombero Sugar Company Ltd.

This is the second¹ in a series of case studies intended to inform RIPL Guidebook content and structural framework. The case studies provide an opportunity to gather information about the key stakeholders (communities, investors, and government), and increase the RIPL team's understanding of key issues facing each stakeholder during land-based investments. Because this case study examines an investment in Tanzania, it will directly inform the content of the Tanzania-specific Guidebooks.

The findings are generally written with an investor audience in mind. However, the team understands that government and communities have an important role to play throughout the process. Therefore, subsequent research and findings carried out in Tanzania will focus directly on these two stakeholder groups.

Landesa conducted this study in cooperation with Illovo Sugar Group (Illovo) and its joint venture subsidiary, Kilombero Sugar Company Ltd. (KSCL), operating in the Kilombero and Kilosa districts of the Morogoro Region in Tanzania. In addition to the objectives above, an additional aim was to identify key land-related challenges facing KSCL and determine how they relate to Illovo's Guidelines on Land and Land Rights. The research team presented this information separately to Illovo and KSCL senior management.

Key Findings

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,

¹ The first case study was carried out in Malawi, focusing on the operations of Illovo Sugar Ltd., the land disputes it has faced in Malawi, and the company's effects on and relations with other stakeholder groups. See Landesa, *Malawi Case Study: A Case Study for the RIPL Project* (2015).

including those of women. Investors should manage those risks in their 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).

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.

Key Finding #3: Information on the differences between women and men 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. This 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.

CASE STUDY BACKGROUND

The African Union’s *Guiding Principles on Large Scale Land Investments in Africa*, the FAO *Voluntary Guidelines on the Responsible Governance of Tenure*, and other standards and principles guide the international community’s commitment to improving policy and practice around socially responsible land-related investments. Global attention is now focused on the implementation of guidance to improve land governance and investment practices. DFID, with its Land Governance for Economic Development (LEGEND) Program, is engaging directly with policymakers and private sector actors around the world to help women and men, communities, governments, and investors realize socially responsible land-related investments.

As part of LEGEND, Landesa’s four-year RIPL Project is contributing to these ongoing global efforts by developing practical, country-specific “how-to-guides,” called Guidebooks. The intention is for stakeholders (governments, investors, and communities) to use these Guidebooks to facilitate investments in land in a manner that complies with internationally recognized standards, principles, and best practices. Importantly, the project is committed to facilitating gender equitable investments in land to ensure that women and men are not harmed by such investments and that they share equally in investment benefits. Based on country-specific research and Guidebook development in Ghana and Tanzania, a Model Guidebook is being created for adaptation and use in other country and investment contexts.

To inform specific aspects of the Guidebooks as they are being designed and developed, RIPL is carrying out a series of case studies. The first study examined Illovo Sugar Group’s operations in Malawi to inform the initial Guidebook development methodology, and validate and improve the team’s understanding of key issues and challenges faced by investment stakeholders. The current case study on KSCL, Illovo’s joint venture subsidiary in Tanzania, has two main objectives:

1. Further inform the content and structural framework of the Tanzania, Ghana, and Model Guidebooks, as well as increase the RIPL team’s understanding of key issues and findings from the perspective of both women and men, and;
2. Provide guidance to companies looking to invest in land by way of smallholder benefit-sharing schemes or to acquire an established local company.

METHODOLOGY

The RIPL team aimed to identify an investment that was not only relevant to Tanzania, but also applicable to other developing country contexts, and made its selection based on two criteria. First, the team sought to study a situation where the company invested in government-held land, as this type of investment is common in many emerging markets. Second, it was also deemed important to examine a business model that includes both a company-owned estate (often called a “nucleus farm”), and local out-growers that are participating in a benefit-sharing scheme. Some policymakers and companies increasingly favor estates and associated mills and production facilities that source crop inputs from contracted out-growers because the business arrangement diversifies supply while also addressing the livelihood needs of smallholders.

KSCL, with operations in Kilombero and Kilosa Districts of Tanzania, satisfied both these criteria. The land and facilities were acquired by KSCL from the Tanzanian government (a KCSL partner) in the 1990s. KSCL also uses an estate-out-grower model; two plantations and approximately 8,000 growers represented by 19 different grower associations comprise the KSCL operation.

Illovo Sugar Group, KSCL’s primary and operating partner, recently joined several other multinational food and beverage companies in making explicit commitments to protect land rights in its operations. In early 2015, Illovo issued its Guidelines on Land and Land Rights (Land Guidelines),² in which it adopts a zero tolerance policy for land grabs throughout its operations. To implement this commitment, the company formulated a Road Map on Land Rights (Road Map),³ and established a Land Policy Roundtable Committee to advise Illovo in implementing its Land Guidelines, promoting transparency, and sharing knowledge about its zero tolerance policy for land grabs in all six of its country operations.

As a member of Illovo’s Land Policy Roundtable Committee, Landesa supported the development of the Road Map and continues to work with company officials to implement it. Given Illovo’s desire to transition its land commitments into practice, along with a positive experience working with Illovo in Malawi, the Landesa RIPL team was confident that KSCL would be a transparent and accommodating partner for implementation of this case study. KSCL has cooperated in the development of this case study by permitting engagement with staff, cane growers and their associations, and other stakeholders.

The KSCL case study included the following activities:

² Illovo Group Guidelines on Land and Land Rights, *available at* <https://www.illovosugar.co.za/Group-Governance/Group-Guidelines-on-Land-and-Land-Rights>

³ Illovo’s Road Map on Land Rights, *available at* <https://www.illovosugar.co.za/UserContent/documents/Announcements/Road-Map-on-Land-Rights-6Nov2015.pdf>

1. Development of the case study methodology: logical framework, fieldwork approach, topical focus, and schedule, including the integration of the RIPL gender strategy into the case study framework.
2. Desk research into KSCL land-related operational and policy documents; other sugar industry operational and policy information; applicable Tanzanian policies, laws, and regulations; international policies and standards of socially responsible agricultural investment; and other good/better/best practices documentation.
3. Consultations with Illovo and KSCL management to explain RIPL goals and activities, discussion of findings from the Illovo-Malawi Case Study, and gathering of information necessary to inform the KSCL-Tanzania case study.
4. In-person meetings with regional government officials in Morogoro, commissioners in the districts of Kilombero and Kilosa, and local leaders in each respective village to explain the RIPL project and the goals of the study, and organize key informant interviews and focus group discussions.
5. Two weeks of fieldwork carried out in March 2016 across the villages of Kitete and Kielezo located in Kilosa District as well as Kidatu B and Msolwa villages in Kilombero District.

Villages selected for this research were those: (a) with a high concentration of growers supplying sugarcane (“cane”) to KSCL; (b) with villagers that shared boundaries with KSCL’s property and who may have experienced boundary disputes; and (c) that had not previously been visited by other researchers. The research team conducted 20 key informant interviews and 22 focus group discussions (FGD) across these areas.

Key informants primarily included: KSCL staff; district government officials; local government officials; and other local leaders. The eight KSCL staff members were chosen based on their senior positions within the company and regular engagement with out-growers and community leaders. In addition to the key informant interviews, two small focus group discussions (one group of three and one group of four) were also held with lower level estate managers who often interact with out-growers while carrying out their duties. All KSCL interviewees were male.⁴

Three district-level government officials were interviewed who held positions within the local land administration office; were familiar with KSCL’s operations; had experience in supporting communities with the Village Land Use process; and were available during the time at which the field research was undertaken. Village-level officials and local leaders were selected with broader

⁴ According to Illovo’s report on their operations in Tanzania, KSCL employs a total of 409 women (16% of the company’s workforce) across a range of roles from senior managers to cane cutters. The company notes that gender diversity and equality remains an ongoing challenge for the company and the agricultural industry generally in Tanzania. During fieldwork there was one female senior management team member, but the team was unable to interview her because she was on leave.

consideration of their knowledge of the local community, although the above criteria were also taken into consideration as relevant. All government and local leader interviewees were male.

Twenty-two FGD were conducted across each of the four villages, and included a total of 79 out-growers, 14 cane grower association leaders, and 20 local authorities/leaders. The groups were intentionally composed of men and women, and included married and unmarried growers. Because women are sometimes marginalized in group conversations that include both men and women, women and men were convened separately to promote women's participation. Approximately 45% of FGD out-grower participants were women and 55% were men, which is over-representative of the approximate 35%/65% women to men composition of all growers in the region. As a reflection of the predominantly male leadership, 90% of all grower association and local leaders were men. Further details on the key informants and focus group discussion participants can be found in Annex III.

KSCL staff provided introductions to key regional and district level government officials, village leadership, and out-grower associations. However, KSCL employees did not attend the interviews. The RIPL team organized its own transportation and hired professional interpreters from Dar es Salaam.

A few notes on challenges encountered in the research process:

- Government officials in Kilosa district were difficult to interview because of a series of meetings taking place in Morogoro, the regional administrative headquarters. Kilosa and Kilombero districts are reasonably similar, but the case study is not able to directly reflect perceptions from Kilosa district officials.
- It was also difficult to convene married women in focus group discussions. In Kitete, for example, a funeral for a notable community member made it difficult for married women to participate in focus group discussions because they had significant, time-consuming roles in the funeral. In Kielezo, married women needed permission from husbands to attend the focus group discussions. To the extent possible, the study team did ask female heads of households to share their gendered perspectives. However, the team recognizes that the study does not fully reflect the perspectives of married women.
- Finally, the team was unable to interview CBOs or NGOs because very few local organizations operate in the area and no representatives were identified.

As is often the case with fieldwork, the team's efforts would have benefited from more time spent interviewing community members, especially women, CSOs, and local government officials to gather more nuanced and diverse information and to validate findings. Still, the RIPL team is reasonably confident that it was able to collect sufficient information to formulate findings and to meet the case study's objectives.

KEY FINDINGS

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 their 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).

Having identified the Kilombero Valley as a zone of high agricultural potential to increase production of sugarcane, the national government in the 1960s and 70s consolidated scattered household land holdings in the valley and created new settlements to establish a parastatal sugarcane plantation. KSCL was designated to operate as a nucleus estate surrounded by out-growers that would sell cane directly to the company.⁵ In 1998, as a part of its national Liberalization, Marketization, and Privatization Policy, the government responded to the decline in output by growers and increasing operational costs by converting KSCL into a joint venture, with 55% ownership by Illovo; 25% by the government; and the remaining 20% by ED&F Man Group, a London-based commodities group.⁶

KSCL sugar production under Illovo's leadership accounted for around 43% of national production, and contributed nearly 0.5% to Tanzania's GDP, or about 1.8% of the country's agricultural sector in 2012-13.⁷ Out-grower farmers have been able to use sugarcane proceeds to

⁵ Rebecca Smalley, Emmanuel Sulle and Lameck Malale, "The Role of the State and Foreign Capital in Agricultural Commercialisation: The Case of Sugarcane Out-growers in Kilombero District, Tanzania" at 21 (2014), available at http://www.plaas.org.za/sites/default/files/publications-pdf/FAC_Working_Paper_106.pdf.

⁶ "About Us: Tanzania," Illovo Sugar Ltd., <https://www.illovosugar.co.za/About-us/Tanzania> (last visited on August 11, 2016).

⁷ Corporate Citizenship, *Illovo Sugar: Tanzania Socio-Economic Impact Assessment Internal Management Report 2* (2014), available at <https://www.illovosugar.co.za/UserContent/Documents/Illovo-Tanzania-Socio-Economic-Impact-Assessment-12May14.pdf>.

fund new homes, other crops, childhood education, and other livelihoods improvements.⁸ As part of its philanthropy and corporate social responsibility outreach, the company has provided support to local communities “through rural road development, health, education, [out-grower] support, and environmental and conservation initiatives.”⁹

Increase in Land Scarcity

However, research into Tanzania’s Morogoro region, where KSCL operates, reveals that the region is currently suffering from rising land scarcity. For example, there were reports from interviewees that land scarcity has led to squatters risking arrest to develop homesteads in the wildlife corridors of the Kilombero Valley, where clearing forests is prohibited. Furthermore, landless women and men are being forced to relocate to Dar es Salaam and other cities to seek alternative livelihood opportunities. In general, there does not seem to be enough land in the region for its current occupants to cultivate new crops – sugarcane or otherwise. In fact, although the number of parcels used to grow sugarcane may increase in the future, this will more likely occur through the subdivision of existing parcels than through the dedication of new acreage for sugarcane production.

The limited availability of land for both cash crop and consumptive farming appears to stem from several factors. First, the Morogoro region has fixed boundaries for the expansion of crop production, as it is bounded by three national game reserves. Second, population growth in the Kilombero Valley has increased the demand for land and natural resources.¹⁰ Third, as detailed in Annex II, KSCL has a reputation for providing long-term livelihoods improvements and attractive employment opportunities for out-growers, which has resulted in farmers migrating to the region from around the country. Fourth, several sources indicated that parcel fragmentation has intensified as land is passed down to children, increasing the number of parcels of sub-optimal size for growing sugarcane. These four factors taken together have increased pressure on land and natural resources in the region.

Findings revealed that most KSCL contract farmers have equal access to land, regardless of gender. However, in study villages, women-headed households were consistently identified as households with smaller and/or fewer plots. Farmers also reported that women, in particular, are adversely affected by the transition of available land from subsistence farming into crop production, sugarcane or otherwise. For example, farmers reported that as trees are cleared to make way for crop production, women must now walk longer distances to collect firewood from neighboring villages, as opposed to from their own land. Furthermore, villagers—including both married couples and women-headed households—are leasing land in distant villages to grow additional food crops necessary for meeting their livelihood needs. This causes family members

⁸ Future Agricultures and PLAAS, *Opportunities and Challenges in Tanzania’s Sugar Industry: Lessons for SAG COT and the NEW Alliance 3* (2014), available at http://www.plaas.org.za/sites/default/files/publications-pdf/Policy_Brief_076.pdf.

⁹ The Acts are based on the 1995 Land Policy, which was adopted to safeguard villagers from losing land to investors. The Strategic Implementation of Land Laws (SPILL) was later designed to facilitate the implementation of the new land laws (Tenga and Kironde, 2012).

¹⁰ See Smalley, et. al., *supra* note 5.

to be separated for long periods of time, which is particularly burdensome for women-headed households in which women may not be able to find caretakers for their children. Women-headed households that are growing sugarcane also have less access to inputs such as fertilizer; limited labor and lower productivity on account of being unable to share the workload with a spouse; fewer leadership opportunities; and, in some situations, suffer malnutrition.

In general, in the Morogoro region, women may inherit land from their parents and husbands, and it is common practice for both women and men in the region to inherit land from their parents. Respondents stated that, upon the death of a husband, a married woman will inherit land with minimal interference from her male in-laws. Furthermore, upon a widow's death, land passes to both her son(s) and daughter(s) equally. Although it is worth noting that amongst Muslim families who practice Sharia Law, women and men do not inherit equally, as sons typically inherit larger amounts of land than daughters. That being said, due to land scarcity, fewer children are inheriting land than did previous generations. For example, parents reported that they regretted not having enough land to pass down to their sons and daughters, while those parents that did have available land explained that their parcels were small, making it difficult for inheriting women and men to independently grow enough sugarcane and food crops to support their families.

It is likely that as the population in the area continues to increase, competition amongst community members over already-limited land will escalate. The scarcity and resulting increases in value may prompt both new and latent boundary disputes between neighboring farmers and KSCL, as well as accusations of "land grabbing" on the part of the company and others. Both men and women respondents believe that the government's acquisition of land to establish KSCL's predecessor in interest was plagued by resettlement and compensation issues that were never addressed. Other researchers have also noted grievances stemming from the privatization of the KSCL land, which included the government earmarking land beyond the original concession for KSCL's use, and fast-tracking the privatization approval process without sufficiently engaging with communities.¹¹ Although no current land user said that his or her tenure security is currently threatened by KSCL, some respondents appeared to be resentful about the historic acquisitions. Some still perceive that "land grabs" occurred under the government when it operated the KSCL predecessor, or by KSCL after Illovo acquired its majority stake in KSCL and became its lead operator. Even though no respondent expressed anger towards KSCL, the risk of future conflicts among and between growers and KSCL is important to note. As the demand for land increases and the population of "have nots" looks to KSCL and its contract farmers as a privileged few, public perception of KSCL could deteriorate, causing the company to be criticized as a "land grabber" (or at least as benefiting from a land grab).

Other research suggests that as land scarcity intensifies, community grievances may be directed at community members who are out-growers with larger sugarcane fields.¹² Land scarcity may trigger conflicts between small- and larger-scale growers, which could disrupt cane growing activities and livelihoods in the villages around KSCL. This risk is especially notable when

¹¹ Tenga and Kironde, *supra* note 9, at 139.

¹² See e.g., *id.*

considering that the district government lacks sufficient resources to timely and effectively resolve land disputes or to enforce its decisions.

Experience in other countries also demonstrates that as land scarcity increases, more powerful members of the community may begin to assert claims over the land of the less powerful, such as female heads of household. Land scarcity could also further hinder the inclusion of women in evolving village civil discourse and by-laws that could have the potential to strengthen women's land rights and increase their participation in decision-making processes. Local Kilombero government officials indicated that the inclusion of women in governance frameworks is already a challenge. Similarly, inheritance practices often evolve to adapt to changing contexts; land scarcity could reduce women's inheritance of land, as men may seek to manage fragmentation of land by limiting inheritance to male children. This points to a need for taking measures to increase the participation of women and to protect their rights in order to mitigate future impacts related to increasing land pressures. This conclusion was also supported by the field research, during which female heads of household reported that they 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.

Formalization of Rights

In situations of such land scarcity, gender-sensitive land use planning and rights formalization can clarify land rights and thereby reduce the risk of disputes and increased transaction costs for all stakeholders, including investors, government, and communities. In Tanzania, the Village Land Act (the Act) governs village land use planning and rights formalization by empowering each Village Council to undertake village land use plans (VLUPs) and then formalizing rights by issuing Certificates of Customary Rights of Occupancy (CCROs). According to the Act, both individuals and families of African descent can hold CCROs.¹³ The Village Council is required to treat all applicants equally, regardless of gender, and is prohibited from adopting discriminatory practices or attitudes toward women.¹⁴ When resolving disputes related to occupying, using, or holding interests in land, the Act further requires the Village Adjudication Committee to treat the rights of women as equal to the rights of men. Under the Act, these committees must also treat the rights of pastoralists as equal to the rights of agriculturalists.¹⁵ Lastly, the Act prohibits villagers from transferring their CCROs if the transfer would interfere with the right of any woman.¹⁶

However, while Tanzania has robust laws and policies on land use planning and rights formalization, they remain largely unimplemented. For example, villages in the study area did not have VLUPs, and out-growers did not have formal rights to their parcels. Village leaders and cane growers who were interviewed, including married men and women and female heads of households, said they recognized the value of land use planning and formalization. For example,

¹³ Village Land Act (1999).

¹⁴ Jennifer Duncan, "Women's Land Rights Guide for Tanzania" (Landesa 2014), available at <http://www.landesa.org/wp-content/uploads/LandWise-Guide-Women%E2%80%99s-land-rights-guide-for-Tanzania.pdf>.

¹⁵ *Id.*

¹⁶ *Id.*

village leaders responsible for land-related matters within their villages stated that formal documents would enable them to better manage and administer land, while out-growers said that having formal documentation would provide them with the confidence to make additional investments needed to improve their land and increase cane production. In fact, some respondents believe that the demarcation of boundaries by the government in villages bordering KSCL, such as Ruhembe and Kielezo, had to some extent eased disputes between villagers and national parks, creating a greater sense of security. This is important to note because a greater sense of security could incentivize growers to invest more in sugarcane production and produce higher quality cane.

Any land formalization in Tanzania must recognize and record women's rights. Across Sub-Saharan Africa, in the rare cases where rights have been formally recorded for married households, land rights are often not registered jointly under the names of both spouses (thus ensuring that women's land rights are recorded). Similarly, the individual rights of women, whether primary or secondary, are not always recorded and protected. Plus, any registration process should also record communal or secondary land use rights of other vulnerable groups, including youths, elders, settlers and migrants, pastoralists, and others with seasonal rights.

Lessons for KSCL

The land scarcity and lack of formalized rights yields lessons that might be useful to KSCL. First, scarcity will increase land disputes, particularly in an environment that lacks formalized rights and the certainty and protection they afford. A higher incidence of disputes could occur between KSCL and adjacent land users, between cane growers, and between cane growers and other land users. KSCL should anticipate and plan for the costs inherent in more disputes. Support for land formalization, by way of encouraging national, district, and village government to focus on this issue, would be a useful signal to send. Second, the viability of out-grower cane production could be affected by scarcity and disputes. By implication, viability of grower livelihoods may be affected by scarcity, insecurity of tenure, and land disputes, which also could have a direct impact on cane production. KSCL should view grower tenure security and livelihoods as an ongoing factor in assessing and refining its business model and operations. Tenure security and sustaining livelihoods are, in fact, core prerequisites for a sustainable cane supply scheme. KSCL would be well served from a risk perspective to better understand grower land tenure security and the related livelihoods situation. KSCL may want to commission or itself carry out land and livelihoods assessments. By assessing the potential livelihood impacts of land scarcity and the lack of formalized land rights, KSCL could better mitigate the risks of future land disputes and elite capture of land. Mitigation strategies and investment approaches developed based on these assessments should support gender-sensitive land use planning and increased land tenure security.

Implications for the RIPL Project and Guidebooks

Some agribusiness investors are showing interest in best practices in land rights identification and formalization, as a means of limiting disputes and the related risks. They have sought specific guidance on how to coordinate with communities and local government—generally responsible for rights identification and formalization but often lacking the capacity to meet its

obligations—to support implementation of such processes in a gender-sensitive and effective manner. At the inception of an investment, when an investor is acquiring land at scale or entering into a benefit-sharing scheme with smallholders, it is critical that the investor, supported by an experienced, impartial third party, work hand-in-hand with local government officials, community leaders, and smallholders to create a long-term gender-sensitive plan to identify and formalize rights. Also, at that time, a system should be developed that captures subsequent transactions.

To be relevant to a range of land governance environments, the Guidebooks must provide investors context-specific guidance on working and engaging with local government and communities on land use planning and rights formalization, as well as on establishing systems that ensure that subsequent transactions are captured and registered. For example, successful operations like KSCL's in the Morogoro region should expect a growing population and an active land market, which could result in the subdivision of individual farmland holdings and subsequent lease or sale of the subdivided parcels to incomers looking to take advantage of the investment. A successful operation could lead to the consolidation of farmland parcels, as farmers seek to increase the size of their holdings. An operation could also observe a mix of both scenarios, as they are not mutually exclusive. Regardless of the outcome, a system that captures subsequent transactions and has up-to-date documentation of land holdings will help to clarify land rights in communities and prepare them to identify both potential risks and future business and livelihood opportunities. By contrast, informal, unrecorded land transactions undermine tenure security, making it more likely for disputes to arise, especially where land scarcity is an issue. Furthermore, if documentation is done in a manner that recognizes and prioritizes women's rights, both cultural and formal, women will begin to receive incremental protection against the inequitable practices that can divest them of those rights.

The Guidebooks must suggest that investors from the start of the project, as well as regularly during its life, assess, monitor, and evaluate legal, environmental, and social/livelihoods impacts resulting from and affecting their operations. Such issues as land scarcity and disputes can affect business operations and the livelihoods of those participating in benefit-sharing schemes. Because out-grower crop production is a part of many business models, these impacts are ultimately business impacts. Consequently, they need to be regularly assessed and considered, and then be permitted to shape operations.

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.

Best practices suggest that robust and sustained communication and engagement with out-growers are essential for an investor to establish and maintain an equitable and mutually agreed upon benefit-sharing scheme. This kind of communication and engagement is central to earning and maintaining social license with both out-growers and the broader community. Plus, this bi-lateral dialog serves to elicit and secure participant buy-in to changes to the land-related benefit-sharing compacts entered into by investors and smallholders. The KSCL approach to benefit sharing with smallholders – its extensive out-grower scheme – is information-intensive, and that information is central to the smallholder growers’ most productive and advantageous use of their land. Both KSCL and the growers would benefit from increased communication and engagement.

Overall, KSCL’s direct communication with growers is limited, and there are few mechanisms in place to enable growers and other community members and leaders to initiate dialogue with the company. By design, KSCL spends significantly more time communicating with the grower associations. Beyond some limited agricultural extension and communication with growers, there were no reports of KSCL representatives attempting to meet directly with growers and/or other community members.

Out-growers do not have individual contracts with KSCL; they must instead join grower associations. As such, associations, rather than KSCL, are largely responsible for communicating contract terms and other information to out-growers. The compensation structure is complicated and can be difficult to explain and understand because the payment calculation is based on the tonnage and sucrose level of the sugarcane delivered by each out-grower and also directly related to the market price for sugar and KSCL’s annual sales. Not surprisingly, the most contentious out-grower issue identified during the case study was the misunderstanding of and dissatisfaction with the sugarcane payment calculation and terms in the Cane Supply Agreement (CSA), which governs the relationship between KSCL and all the grower associations.

At the beginning of the harvesting season, KSCL determines a provisional price for sugar based on the market and sets an average level of sucrose content (referred to as a “rendement”) that the company believes growers can achieve during the season. When cane is delivered, it is weighed and its sucrose content is measured to estimate price per ton to determine the payment against the provisional price of sugar and the rendement. Within 30 days, KSCL sends to the grower a payment voucher that includes the tonnage and sucrose level, and remits 90 percent of the due payment directly to the grower’s bank account. KSCL withholds the remaining 10 percent as a buffer to cushion itself against fluctuations in the market place. At the end of the year, the company reconciles actual revenues against the provisional rate and rendement. Depending on the market and overall quality of the cane, growers will typically receive some portion of the 10 percent balance. The CSA also passes on some processing costs to growers, such as packaging for refined sugar, which are deducted from the final payment by KSCL.

Out-grower associations charge a number of additional fees to out-growers, including the costs for daily labor to burn, cut, load, haul, and deliver cane to KSCL; upkeep of local roads between villages and out-growers; purchase of equipment, internal administrative and management services that support association operations; and, in some cases, social services projects. Fees are not consistent in their nature or application across associations. Many out-growers expressed frustration with association deductions and fees. For example, one out-grower complained that 50 percent of her sugarcane proceeds were absorbed by association charges and fees. Representatives from associations confirmed that a variety of deductions and fees are charged but asserted that they are articulated in their governing bylaws. However, very few out-growers reported having seen a copy of their association’s governing documents, and no interviewed out-grower possessed a copy of such documents.

Some out-growers also expressed dissatisfaction with associations’ lack of transparency in a number of other areas, such as the logistics and prioritization of sugarcane cutting and hauling, training opportunities, expenditures of association funds, and KSCL’s interactions with the associations. Some out-growers stated that they suspect that association management is engaged in self-dealing and favoritism.

KSCL representatives explained that they meet annually with association representatives to discuss the market price of sugar for the upcoming year, as well as inform them of the provisional rate for sugar and rendement. The expectation by company officials is that association management will then update their respective growers and provide education them on the payment structure for the year.

Cane is harvested once a year and farmers receive the 90-percent payment as a once-yearly lump sum, upon which many households solely depend to meet their livelihood needs for the year. Consequently, the certainty and amount of this onetime payment is critically important to all out-growers. For example, if the payment is lower than expected, households – particularly female headed households that have both income generation and childcare responsibilities – reported having a difficult time covering their children’s school and health fees, repaying loans, and setting money aside for the funding of next season’s crop. Out-growers accordingly care immensely about the weight and sucrose levels of their sugarcane.

Several out-growers shared that they do not believe KSCL is performing accurate weight and sucrose measurements, and KSCL acknowledged that this is an ongoing sentiment, notwithstanding efforts to provide clear information to associations. Others said that the complexity of the payment calculation methodology serves as a barrier to their understanding of their compensation. Furthermore, almost all out-growers explained that they were dissatisfied with a lack of transparency and accountability, as neither out-growers nor grower association representatives are allowed to be present during the weighing and testing of sugarcane. Out-growers also vary in their understanding of what farming and harvesting techniques lead to the highest sucrose levels.

Some of these issues were particularly worrisome for women farmers, for whom disadvantageous access to harvest services and limited recourse for addressing complaints can lead to particularly significant consequences. Women out-grower heads of household were vocal in their general distrust of association management, especially around the agreed upon schedule for harvesting sugarcane. Some reported stories of association leaders receiving bribes to cut the sugarcane of elites at the most advantageous times, while others scheduled for cutting were accommodated late or not at all. Some women said this preferential treatment of elites resulted in women's sugarcane being left uncut or not being collected and hauled. This is a crippling outcome for any out-grower's livelihood, and several women running their own households stated that they had specifically suffered over the past year from such an experience. Redress for these grievances are difficult because, although the Sugar Board of Tanzania is supposed to address complaints such as these, few out-growers knew that the Board theoretically performed this function.

Out-grower reports on the prospect and viability of block farming also exemplified communications and information management challenges. These reports were linked to KSCL piloting a block farm model in Mwsola Village. Rightly, out-growers view the prospect of block farming as a fundamental revision to their benefit-sharing compact. Born out of a desire to address coordination and communication issues, increase yields, and reduce transaction costs, block farming involves neighboring farmers consolidating their parcels and managing one 'block farm' under shared ownership. Block farming approaches assume out-growers would be able to take advantage of economies of scale by reducing fixed costs of infrastructure and managing the cultivation, irrigation, fertilization, and harvesting of sugarcane collectively. Male out-growers from Kidatu, reflecting rumors emanating from out-growers near the Mwsola project, reported that they had learned of problems with the approach and said there seems to be growing resistance to this configuration. The Kidatu respondents reported that they had heard that the pilot project was experiencing a variety of unspecified problems. They said they were consequently not interested in changing their out-grower business model. Some said they preferred to farm individual parcels because there are fewer challenges to maintaining and keeping their individual parcels in the absence of formal documentation. Others noted that there are lingering sensitivities around consolidation of parcels, given the history of the area and government expropriation of land for scale farming by investors. Some respondents voiced a wariness expressly linked to the original acquisition of the land that now forms the KSCL estates.

Of the minimal reported instances of direct communication between the company and growers, such efforts were generally seen as positive. But, growers consistently indicated that greater interaction between the two parties would be beneficial. Opinions about KSCL, from both male and female growers, were understandably on a spectrum. At one extreme, respondents said their relationship with the company had gone from “bad to worse.” Some respondents saw KSCL as “exploiting” growers. At the other extreme, respondents described their relationship with the company as positive. Overall, most respondents held opinions that fell somewhere in the middle; they held both positive and negative impressions of KSCL. No respondent described KSCL as a “land grabber,” “encroacher,” nor with other labels that would have suggested immediate fears of tenure insecurity born of company actions or designs.

Importantly, KSCL has previously identified limited direct engagement with growers as an issue worthy of attention. Indeed, the company has made some improvements. For example, the company related that during the 2014 season it communicated directly with growers by sending text messages to remind farmers to apply fertilizer. Both KSCL and growers reported that this was a useful and inexpensive way to engage. As another example, KSCL farm managers engaged in agricultural extension directly with some growers on several occasions, providing information on techniques aimed at increasing yields. There indeed appears to be a demand for such extension; women growers at a FGD suggested that an increase in agricultural extension, even if minimal, would be seen as a good way to increase communication and strengthen the relationship between the community and the company. The team also learned that KSCL farm managers had begun to meet monthly with local authorities at selected villages where there were a higher frequency of disputes (and estate cane fires) with growers. The meetings reportedly provided an important opportunity for KSCL and growers to discuss pressing issues, as well as for village government to share information and outcomes with growers. Meetings typically lasted two to three hours, with minutes recorded, and include agenda items to address supply problems and infrastructure issues, as well as other operational news. Although it was reported that the meetings could have benefited from more transparency and follow-up, villagers’ reactions to the relayed information was generally positive.

Lessons for KSCL

The information collected by the case study team suggests that improved consultation and engagement directly with growers would yield rewards. Moving toward a goal of equity, buy-in, and ongoing, beneficial participation, best practices suggest that out-growers should be engaged and on an “equal footing” with investing companies throughout the life of an investment. This requires an investor to operate transparently, ensure that out-growers are informed, and have full knowledge of evolving contract terms and conditions. The case study team offers a few suggestions toward these ends.

First, grower associations are poor communicators, and their failure to share complete and accurate information with growers could disadvantage KSCL. For example, associations collect a variety of fees from growers, and the fee structures and uses are generally not well understood by them. Growers complain about excessive fees and mistrust associations about the use of these fees. Associations have an incentive to muddle growers’ understanding of all cane-related payment issues, intertwining grower misconceptions and confusion about association fees with

uncertainties linked to how KSCL structures compensation for cane. Associations have minimal incentive to educate growers on cane compensation procedures and principles as the existing confusion and mistrust of these procedures tends to divert attention from the associations' fee collection and use. Despite the fact that such deductions and fees are the responsibility of the associations, if the grower places blame on KSCL for deductions from proceeds, there is not necessarily incentive for the association to take responsibility; growers could impute fault to KSCL. This is particularly true where growers cannot differentiate between deduction of costs and services fees made by KSCL per the CSA, and fees and charges imposed by the associations. Similarly, on a broader level, associations have little incentive to correct or change growers' negative perceptions of KSCL so long as those growers' attitudes deflect attention from the associations. In relying on the grower associations to indirectly convey information to growers, the company misses an opportunity to establish and maintain clear communications with them. Direct communication between KSCL on cane compensation would dispel grower suspicions about KSCL's behavior on all levels. By directly communicating the details of the cane purchase contract provisions, KSCL could mitigate (and perhaps productively redirect) grower misunderstanding and dissatisfaction.

Second, KSCL's out-grower cane purchase is a long-term benefit sharing scheme that has a significant and ongoing impact on the livelihoods of the participating smallholders. Best practices for socially responsible investment in land suggest that benefit-sharing schemes should be subject to ongoing consultation, engagement, and participant buy-in. Revisiting and refining the structure of such schemes is seen as key to ensuring an equitable outcome to all the parties. The interests of the participants should not be relegated to agents or proxies (i.e. the associations) that the beneficiaries did not appoint and, in many cases, do not trust. In short, KSCL should communicate deeply and frequently with growers, and should solicit and consider grower input in much the same way that it does with its other business partners. Plus, ongoing consultation and engagement, along with permitting gathered input to shape the benefit-sharing approach, will yield benefits not only to the growers, but also to KSCL in the form of a renewed and strengthened social license. It is important to note that not a single grower believed that they were the recipient of too much information. No grower reported that they believed their input was unimportant. No grower complained of too many opportunities to contribute to a dialog about their livelihood. It is a fact that no benefit-sharing scheme can be sustained if the investing partners do not profit from the deal. KSCL does not operate its business as a donor or a social benefit investor that enjoys concessionary capital or subsidized inputs. Growers will better understand this fact if KSCL communicates more directly and often, and explains how grower input (and business realities) has shaped the ongoing relationship between KSCL and its growers.

Finally, to ensure that both women and men out-growers as well as those within affected communities participate and benefit from these communications and engagement efforts, KSCL needs to proactively consider and accommodate the different opportunities and means by which men and women receive and convey information. It is particularly important that investors design communication strategies that specifically target married women and female heads of household. Strategies must also accommodate the time and cultural constraints women face in

accessing information, participating in community gatherings, and assuming leadership positions.

Implications for the RIPL Project and Guidebooks

This case study affirmed the findings from the team's earlier study of Illovo's operations in Malawi. Both demonstrate that, to establish and maintain a social license to operate, investors must facilitate clear, scripted, well-planned, and frequent engagement and consultation with beneficiary-scheme stakeholders and other community members. The case studies also show that an investor's communication strategy should include communication methods and channels that are context-specific. The Guidebooks will need to provide investors with numerous options for developing touch points of communication with village authorities, grower associations, individual growers, other growing entities (i.e. trusts, cooperatives), women's groups, and other stakeholders. Best practices and guidance must also be used to ensure that communications are accessible, including using language understandable to all stakeholders, identifying gender-sensitive means of disseminating information and other techniques.

The KSCL operation provided several useful examples of good communication and engagement that will be used when developing the Guidebooks. First, the team learned how engagement between lower-level employees and village authorities through semi-structured forums can be useful in mitigating issues between a company and a local community, resulting in the strengthening of a company's social license. In order to build greater trust between investors and communities, the medium, content, and location of communications must be accessible and demonstrate that company representatives will not infringe upon or override the interests of villagers. Forums for communication and engagement must also ensure the inclusion and representation of women and other vulnerable populations by determining how best to solicit and address their input. Second, the team learned that communicating via text message can be an affordable and efficient way to communicate; however, it will likely not suffice as the only communication path. Third, agricultural extension services proved to be an effective means for increasing communication and strengthening the relationship between and investor and a community. Indeed, extension agents are often the most trusted government representatives in local communities;¹⁷ by effectively providing agricultural extension services directly, investors can tap into this credibility to improve their standing in the community.

Any change in a business model that affects land allocation, access, or use during the life of an investment should be accompanied by dialog and require buy-in from women and men out-growers. Block farming is an example. Such fundamental changes to a benefit-sharing compact require extensive consultation and engagement with those that could be immediately affected. Wider communication is recommended as a means of maintaining a broader social license with other growers and the community. Special care should also be taken to ensure that women receive information about an investment project, as women are often users and beneficiaries of land even when they may not be contract farmers or have ownership rights to land.

¹⁷ Andrew Robertson, United States Institute of Peace, *Enabling Agricultural Extension for Peacebuilding* 3 (2012).

The Guidebooks must also address how investors can and should engage and monitor grower associations. In general, investors will have incentives to leverage associations, cooperatives, or trusts to achieve economies of scale and reduce the financial burden of having to directly engage with every individual contract farmer. This incentive should be tempered. If managed or monitored poorly, important communication from investors may not reach growers, compromising the investor's social license to operate.

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.

The case study team found that some women appear to benefit from a significant degree of land tenure security in the Morogoro region. However, studies of other regions in Tanzania have shown a high prevalence of discriminatory, patriarchal customs that limit women's tenure security.¹⁸ Many of the land use and tenure practices observed in this case study appeared to be relatively equitable in their treatment of women. Despite these relative strengths as compared to elsewhere, there are still some barriers to realizing gender equality with respect to land.

This relatively positive variance may be attributable to Kilombero settlement patterns; in the 1960s, the government began allocating two acres of land to every man and woman who migrated to Kilombero as an incentive to settle and grow sugarcane. Officials explained that this policy caused the villages in the study area to be settled by members of different ethnic groups from across the country, resulting in a diverse region not dominated by any single customary

¹⁸ Helen Dancer and Emmanuel Sulle, "Gender Implications of Agricultural Commercialisation: The Case of Sugarcane Production in Kilombero District, Tanzania (2015), available at <http://www.future-agricultures.org/publications/research-and-analysis/1955-gender-implications-of-agricultural-commercialisation-the-case-of-sugarcane-production-in-kilombero-district-tanzania/file>.

group.¹⁹ Customary norms limiting women's rights to land may have thereby been disrupted, giving way to more gender-equitable arrangements in the region.

In addition, the case study findings may have been a product of the limited sample of women with whom the team was able to meet. Due to several factors, it was difficult to convene married women in focus group discussions. Notably, in the village of Kitete, women were unable to engage in discussions because they needed to prepare food for a funeral for a notable community member. Women's limited participation may also have been due in part to patriarchal customs. For example, in the village of Kielezo, married women needed permission from their husbands to attend the focus group discussions. Therefore, the case study information may not actually reflect the views of all or most of the women in the study area.

In general, Tanzania's national laws and policies call for gender equality in the distribution of and access to land. Specifically, the Village Land Act recognizes customary land rights so long as women are not denied ownership rights, use rights, or the right to occupy land. Of course, there is a significant gap between the content of national laws and their practical implementation. Even though the legal framework generally protects women's rights to land, men are *de facto* heads of households in rural areas and have greater rights to land than women.²⁰ This means that women have a limited role in decision making regarding the use of land, and may therefore be more vulnerable to losing their rights to land.

Limited documentation of village land overall posed an additional barrier to assessing women's formal rights to land; most villages in the study area did not possess VLUPs or CCROs. At least one village had begun a VLUP process, although it had been in hiatus for many months because of limited government capacity to bring it to conclusion. However, a number of the women and men respondents in the study villages where CCROs have not been issued did say that both married women and men jointly "own" land under the existing informal situation, and that women and men jointly make decisions related to land and income. The team did find examples of married women owning and using land within sugarcane growing households for subsistence cropping. Yet, findings indicated that women typically owned or had access to smaller and/or fewer plots than did men. Female heads of household commonly own and rent land informally, and they reported receiving little interference from male in-laws about their informal ownership and receipt of compensation for their productive use of the land.

There was also general agreement among most respondents, including government officials and women and men respondents, that married women inherit land following the death of their husbands, with little interference from their in-laws. Of course, this inheritance is not formally recorded, and the land rights passed to the surviving spouse endure only informally. In the Kitete village, for example, women described it as "very common" for widows to inherit land from their husbands. Both single female heads of households and married women also reported that uncles and brothers-in-law rarely interfere in decisions regarding their households and farms, and daughters and sons inherit land equally from their mothers. Notably, however, government representatives reported that traditional perspectives on gender and the roles and

¹⁹ Despite this diversity, the team found no reports of tribal or religious tension or disputes.

²⁰ Duncan, *supra* note 14

rights of women make implementing laws and policies on gender equality challenging. Furthermore, laws requiring gender equitable inheritance practices exempt Muslim families who practice a form of Sharia Law favoring men over women in land allocation. The team did not conduct a study of Muslim households.

However, the case study team did confirm that individual cane growing parcels must be registered with the Sugar Board. From a land perspective, the registration is not on an administrative equivalent with a land registration, which results from VLUP and issue of a CCRO. Because both men and women can inherit land from their parents, spouses may register their respective parcels separately as out-growers. This can result in a married couple having multiple grower registrations, with some in the name of the husband and some in the name of the wife. In cases where households only own a single parcel, however, the couple typically chooses to register the parcel in the husband's name. Even so, male respondents maintained that their wives continue to be growers even if they are not registered with the Sugar Board. Indeed it is reportedly common practice for both male and female surviving spouses to continue as the registered grower upon the death of the other spouse. It does not appear that there is an administrative process that prompts a surviving spouse to transfer the Sugar Board registration (and inherent land registration) to the surviving spouse. Such a process would be advisable.

Findings also indicated that some girls face risks linked to certain agricultural land practices. In the village of Kidatu, for example, when parents travel to tend food crops usually located away from their homes and sugarcane fields (so-called "commuter farmers"), they leave their daughters at home and in many cases unattended. There have been some instances of girls being sexually assaulted when left at home while their parents are away. However, the prevalence of this form of sexual violence is not widely known in the community, because such incidents are rarely reported on account of social stigma. There were also some reports of girls engaging in transactional sex to obtain discretionary spending money.

Reliable data on women out-growers was not available from district government officials, village leaders, or KSCL, making it difficult to consider and address inequality that women may face in the study area. District government officials, KSCL staff, and grower association representatives were not aware of the current number of female growers in their communities or the number of women-headed households that are out-growers.²¹ In addition, KSCL does not gather gender-disaggregated data about sugarcane measurement and payment. Such basic information is critical to understanding the existing challenges for men and women, anticipating impacts that are likely to arise as a result of the investment, and developing proactive strategies to ensure that women are not harmed by and equitably benefit from the company's operations.

There also appears to be a lack of leadership opportunities for women in the study area. The case study team encountered a few women serving on village councils and village land councils as well as a part of the management of some grower associations, but it was unclear how many women hold leadership positions in the region. The overall absence of community-based organizations (CBOs) may also contribute to a lack of opportunities for women to play active

²¹ Kitete village leaders estimated that there are approximately 100 women growers in the village area, though it is difficult to assess the accuracy of that estimate without having an idea of the total number of growers in the area

roles in community leadership; indeed, some female respondents were not familiar with the concept of a CBO.

Lessons for KSCL

In sum, as women are significant participants in the KSCL benefit-sharing cane out-grower scheme because Tanzania's national laws call for gender equality around land rights, and due to the fact that women may face inequalities born of household and village social realities, it would be useful to have additional and gender disaggregated information on the marital status, land holdings, and households of cane growers. As well, it would be useful for the Sugar Board to disaggregate grower registration data and to have processes in place that would prompt registration updating when a spouse dies and land is passed to others. This data would be useful in shaping shared-benefit out-grower schemes that treat women more equally and better ensure the equitable distribution of benefits.

Implications for the RIPL Project and Guidebooks

For an investment to be socially responsible, both women and men should benefit equally. To accomplish this, investors must take a “gender-sensitive” approach to designing and sustaining the investment. Such an approach pays attention to the differences between men and women and includes gender perspectives—what women and men do and the resources and decision-making processes they can access—in all project development, research, advocacy, implementation, and monitoring.²² For investments that involve out-grower benefit-sharing schemes, this would include creating a management information system that captures gender and marital status of each grower, and determining the number of married women who are registered growers as well as the number of women growers who are heads of households. Such gender-disaggregated data will allow the investor to compare outcomes such as productivity of male and female growers, and to pay attention to how gender impacts various factors of the production and sale of produced crops.

To be effective, the Guidebooks will need to instruct investors, governments, and communities on how to create engagement and communication strategies that specifically target married women and female heads of household. Such strategies will need to include instructions on how to accommodate the constraints women face in participating and assuming leadership positions. It will also be important for investors and host governments to remain cognizant of and accommodating to women's time and cultural constraints to ensure that activities and initiatives are held at times and at locations where women can attend.

The Investor Guidebook should suggest that company staff that serve as land, livelihoods, or communication specialists should be trained in the land and livelihoods issues that affect women, men, and vulnerable populations differently. Such differences will almost always call for discrete and customized measures. Furthermore, there should always be a designated gender specialist on staff, which could be a staff member that receives specialized training. A gender specialist should ensure that gender-related issues and measures are included within management structures, as well as operations planning and implementation that do not in and

²² Recommended as a good practice pursuant to the RIPL Gender Strategy (2015).

of themselves (by virtue of their organizational definitions) call for inclusion of a gender lens. Overall, land and livelihoods gender specialists should have access and admission to most aspects of a company's management and operations planning and implementation. Without an explicit gender-sensitive approach, efforts will tend to disproportionately benefit men, even if unintentionally.

CONCLUSION

Overall, KSCL is an example of a stable, longstanding investment that has challenges that are not uncommon for large concessions surrounded by large, mature out-grower benefit-sharing schemes. These challenges shed light on how investors can and should adopt measures to ensure that land rights and livelihoods in the affected area are protected, and that investor business operations, which include the associated benefit-sharing schemes, are sustainable in the near- and longer-term.

The Government of Tanzania, like many other governments, views land-based agricultural investments as an important tool for reducing poverty, spurring economic growth, and improving food security. To create a healthier, enabling environment, policymakers have adopted a robust but largely untested legal framework that is aimed at strengthening land governance, improving the investment environment, and protecting both investors and villagers. However, incomplete implementation of the framework makes it difficult to realize the policy goals behind its design. Plus, a lack of access to information and limited technical capacity of local governments, smallholders, and communities makes it difficult for these stakeholders to negotiate with investors, make informed decisions, and monitor compliance of agreements. These gaps conversely pose challenges to investors seeking to realize socially responsible land-related investments.

Government capacity challenges at the district level have generated a situation where rural communities look to investors like KSCL to provide social services and infrastructure that would typically be the responsibility of the government. These challenges hinder the ability of all parties to structure and implement investments that reduce financial risk for all, respect the formal and customary land rights of all villagers, and allow men and women smallholders to benefit equitably. A large portion of the burden can therefore fall on the investor to ensure that best practices are achieved.

This lack of governmental capacity creates the need for investors to work more closely with local government officials and village leaders—with the support of experienced, impartial third parties—to support land use planning and land rights formalization processes, particularly where land is increasingly scarce. The study further demonstrates that clear, continuous, and inclusive communication between investors, benefit-scheme participants, and communities is essential for maintaining the investor's social license to operate. Finally, despite legislation supporting women's land rights in Tanzania, women still face constraints in having their land ownership and use rights recognized. This highlights the importance of investors incorporating a gender-sensitive lens in the design of their investments and the ongoing business operations.

The RIPL Guidebooks will reflect and incorporate these findings and conclusions. The Guidebooks will support investment stakeholders in identifying primary and secondary land rights holders (both formal and informal, and both men and women) and developing sustainable agricultural partnerships between smallholders and investors. They will support the integration of gender strategies to protect and promote women's rights to land, resources, and economic participation to ensure that investments mitigate negative impacts and benefit women and men equitably.

ANNEX I: TANZANIA CONTEXT

Tanzania's economy is largely driven by agriculture, which constitutes about one quarter of its GDP and employs about three quarters of all Tanzanian workers.²³ During the past few years, Tanzania has enjoyed a steady annual GDP growth above five percent, but it has had minimal effect on the welfare of rural Tanzanians. In 2015, around 12 million Tanzanians lived below \$1.25 per day and 80 percent of the country's poor lived in rural areas working as small-scale farmers dependent on subsistence agriculture.²⁴ Against this background, the Government of Tanzania (GoT) has launched a series of national and regional development initiatives to build the capacity of small-scale farmers and boost agricultural productivity and food security. At the national scale, the Tanzania Development Vision 2025 provides a framework for economic growth and poverty reduction with a goal of transforming Tanzania into a middle-income country by 2025. Vision 2025 is in turn supported by other national development programs such as "Big Results Now" (BRN), which identifies agriculture as a priority sector for economic growth and poverty reduction. The GoT also recently launched the Southern Agricultural Growth Corridor of Tanzania (SAGCOT) initiative to enhance agricultural productivity by linking small-scale farmers and large-scale rice and sugarcane farming in south-central Tanzania.

To address potential land tenure risks for villages and smallholder farmers, the GoT also recently launched the Land Tenure Support Program (LTSP) with support from the Department for International Development (DFID), Swedish International Development Cooperation Agency (SIDA), and Danish International Development Agency (DANIDA). The LTSP was established as part of the Tanzania-G7 Land Transparency Partnership to support a more transparent, efficient, and better resourced land sector 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 land-based investments.²⁵

Legal and Institutional Framework

Tanzania's land and natural resources are governed by a series of policies and laws that evolved from the colonial British legal system that prevailed in the country from 1919 until independence in 1961. Two important laws—the Land Act of 1999 and Village Land Act of 1999 (hereafter referred to as The Acts²⁶)—are central in the administration and management of land in the country.²⁷ Land Regulations and Village Land Regulations provide additional guidance on

²³The World Bank, *Raising the Game: Can Tanzania Eradicate Extreme Poverty?* (2013), available at <http://documents.worldbank.org/curated/en/184561468172136503/pdf/831720REVISED000FINAL0Decembo2013.pdf>

²⁴The World Bank, *Tanzania Mainland Poverty Assessment* (2015), available at <http://www.worldbank.org/content/dam/Worldbank/document/Africa/Tanzania/Report/tanzania-poverty-assessment-05.2015.pdf>.

²⁵ Land Tenure Support Program Project Brief, Accessed May 17, 2016 from <http://lands.go.tz/>.

²⁶ Tenga and Kironde, *supra* note 9, at 139.

²⁷ Other laws relevant to land and natural resources include the Forest Act, 2002; Land Use Planning Act, 2007 (No. 6 of 2007); The Courts (Land Disputes Settlements) Act, 2002; The Local Government (District Authorities) Act, 1982; The Tanzanian Investment Act, 1997; and the Land Acquisition Act, 1967.

the interpretation and implementation of the land laws. The Village Land Act provides a legislative framework for community-based land administration and management, which delegates authority over land administration, land management, and dispute resolution to the community level.²⁸ The Land Act guides the administration and management of lands which are not village lands including urban areas and estates.

Methods of Establishing Land Rights

In Tanzania, all land is considered public or state land held by the President on behalf of all Tanzanians. The Acts recognize two forms of land tenure: Granted Right of Occupancy (GRO) and Customary Right of Occupancy (CRO), the latter of which includes the deemed right of occupancy.²⁹ Individuals and groups may hold land titles in general/urban land and village/rural land, and the general form of land tenure in Tanzania is known as the Right of Occupancy.³⁰ The Right of Occupancy regime is centered on the notion that all land in the country is owned by the state, and individuals and groups have the right to occupy and use land but they may not be considered land owners. Under the land laws, Tanzanian citizens of African descent generally hold land under the customary or deemed right of occupancy.

In Kilombero District of Morogoro Region, research conducted by Emmanuel Sulle and others found that villagers have acquired farmland in a variety of ways and continue to increase or decrease their holdings in an active rental market.³¹ The study found six ways in which village participants acquired land: clearing bushland; allocation by the village government, the national government, or an employer; inheritance; acquisition from a living family member; purchase from the village government or an individual; or lease.³² The same study also found that farmers have acquired land through multiple channels to build a portfolio of holdings, noting that most villagers in the area do not have formal documents showing rights, and informal rental of small sugarcane plots has become commonplace. Historically, though, villagers around the sugarcane estates in Kilombero acquired land mainly through allocation from village authorities under the customary system.³³

Women's Land Rights

Tanzania's 1999 Land Act expressly states that women shall have equal rights to obtain and use land, and that customary law cannot be used to discriminate against women.³⁴ To protect

²⁸ Liz Alden Wily, "Community-based Land Tenure Management: Questions and Answers about Tanzania's New Village Land Act, 1999" at 26 (2003), available at <http://pubs.iied.org/pdfs/9295IIED.pdf>.

²⁹ *Id.*; R.W. Tenga and J.M. Kironde, *Study of Policy, Legal and Institutional Issues Related to Land in the SAGCOT Project Area* (2013).

³⁰ Wily, *supra* note 28; Tenga and Kironde, *supra* note 9.

³¹ Smalley, et al., *supra* note 5.

³² *Id.*

³³ Ruth Hall, Ian Scoones, and DzodziTsikata, "The Contexts & Consequences of Africa's Land Rush" (2015), available at http://www.plaas.org.za/sites/default/files/publications-pdf/IntroChapLandRush_o.pdf.

³⁴ USAID, *Tanzania Land Tenure Profile* (2010), available at http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Tanzania_Profile.pdf.

women whose rights are traditionally recognized through male kith and kin, the Village Land Act prohibits discrimination in customary tenure on the basis of gender.³⁵ However, as in many sub-Saharan African countries, customary patrilineal practices that restrict woman's access to land and property rights are still widespread in Tanzania.³⁶

Despite significant legislative pronouncements and programmatic efforts, women hold only an estimated 20 percent of the land registered in Tanzania, and the percentage of women holding primary rights to use and control land under customary law is likely far lower.³⁷ In rural areas in particular, knowledge of land laws is not widespread, and even where the formal laws are known, customary law and religious practices continue to govern how land is accessed and transferred.³⁸ Other studies have noted that strong provisions and quotas on gender in the legislative framework have not strengthened women's land rights, as women are still largely left out of village- and land-related investments decision-making processes.³⁹ Unfortunately, despite the positive potential of the Village Land Act and Land Act, recent agricultural development programs such as Kilimo Kwanza, BRN, and SAGCOT do not contain strong gender integration strategies or commitments.

In contrast to villages in most parts of Tanzania, customary systems of land tenure and inheritance practices are not a central land holding feature in some Ujamaa⁴⁰ or former collectivist villages of Kilombero District.⁴¹ In former Ujamaa villages, land acquisition through purchases and village allocation are just as common as land access through inheritance.⁴² Significantly, the legacy of the Ujamaa period has continued as both men and women generally have equal access to land and household resources in those villages.

³⁵ *Id.*; Tenga and Kironde, *supra* note 9.

³⁶ USAID, *supra* note 34.

³⁷ *Id.*

³⁸ *Id.*

³⁹ LEAT, "Land Acquisitions for Agribusiness in Tanzania: Prospects and Challenges" (2011), *available at* <http://landwise.resourceequity.org/record/380>.

⁴⁰ During the Ujamaa period, men and women were allocated land on an equal basis.

⁴¹ Dancer and Sulle, *supra* note 18.

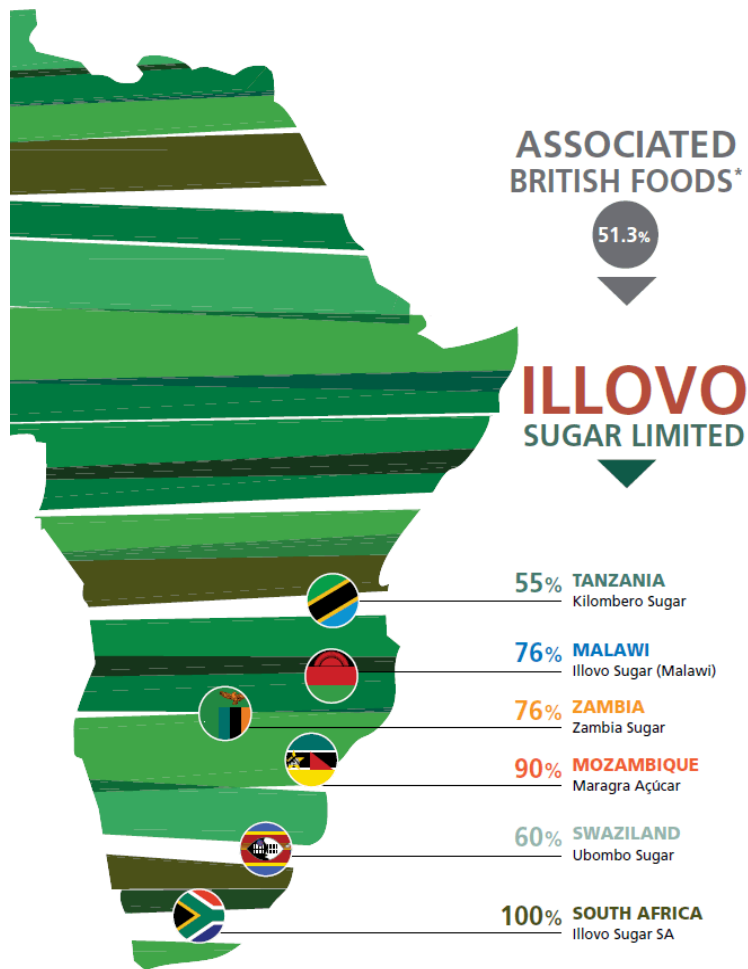
⁴² From 1969 onwards, President Nyerere's socialist Ujamaa policy began to take effect. The first step was to restructure settlements and create new villages. Chiefdoms were abolished and scattered residents were encouraged, and later forced, to relocate to central villages. *Id.*

ANNEX II: ILOVO SUGAR GROUP and KILOMBERO SUGAR COMPANY LTD.

Illovo Sugar Group

Illovo Sugar Group (Illovo) is Africa's biggest sugar producer and has a total of sixteen agricultural and manufacturing operations in Malawi, Mozambique, South Africa, Swaziland, Tanzania, and Zambia.⁴³ Illovo is a wholly owned subsidiary of Associated British Foods (ABF), one of the world's largest food companies, with annual sales of £12.8 billion.⁴⁴ It produces both refined and raw sugar for consumer and industrial markets domestically in each of its countries of operation and exports sugar and specialty products to UK and US markets.⁴⁵ The company sources its sugarcane from its own agricultural operations, as well as from independent growers that supply cane to Illovo mills.

In the 2013–14 season, Illovo produced 6.1 million tons of sugarcane. The company employs 12,000 permanent employees and 18,000 seasonal workers.⁴⁶ In total, Illovo holds approximately 64,000 hectares of land and receives sugarcane from independent out-growers occupying 112,000 hectares of land.⁴⁷ Illovo's own land is held under either deed or long-term lease, while land cultivated by small-scale growers is held under customary/tribal tenure or is part of government-controlled land distribution systems.⁴⁸



ILOVO SUGAR GROUP OPERATIONS

Source: Illovo Group Integrated Annual Report 2015

⁴³ "Group Overview," Illovo Sugar Ltd., available at <https://www.illovosugar.co.za/About-Us/Group-Overview> (last visited on August 11, 2016).

⁴⁴ "About Us," Associated British Foods, available at http://www.abf.co.uk/about_us/our_group/overview (last visited on August 11, 2016).

⁴⁵ "Group Overview," Illovo Sugar Ltd., *supra* note 43.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

Illovo's parent company, ABF, is among ten companies highlighted by Oxfam's [Behind the Brands campaign](#), an initiative launched in February 2013 that ranks the world's ten largest food and beverage companies on a range of issues, including land rights. In March 2015, Illovo released its [Group Guidelines on Land and Land Rights](#) ("The Guidelines") affirming the company's commitment to respecting international human rights and protecting against human rights abuses, including land rights violations.⁴⁹ The Guidelines lay out a zero tolerance policy for land grabs and outline the company's intention to work with communities to establish secure land rights, commitment to Free, Prior, and Informed Consent, and aim to resolve land disputes in its supply chain.

The Guidelines pertain to all six countries of the company's operations and are to be implemented through a phased approach under a "Road Map" that was initiated at a workshop held at company headquarters in Durban in May 2015. This Road Map includes specific steps and sequencing plans that the company is now following, such as:

- Establishing a Land Policy Roundtable consisting of Illovo key personnel and external experts from NGOs, international donors, and other development organizations.
- Performing land situation assessments at each of Illovo's operations, with the assistance of external experts where necessary.
- Developing a strategy for the resolution of consequently identified areas of concern, along with timelines, resource requirements, and budgets.
- Developing a communications plan to facilitate stakeholder engagement on the proposed actions.
- Developing an operation-wide (but locally appropriate) grievance and dispute resolution procedure for stakeholders, including communities and out-growers.
- Internally integrating the land guidelines within Illovo's operations and management approaches.
- Continuously engaging with international forums, civil society, and other organizations in relation to land-related matters in the areas in which Illovo operates.

Kilombero Sugar Company Limited (KSCL)

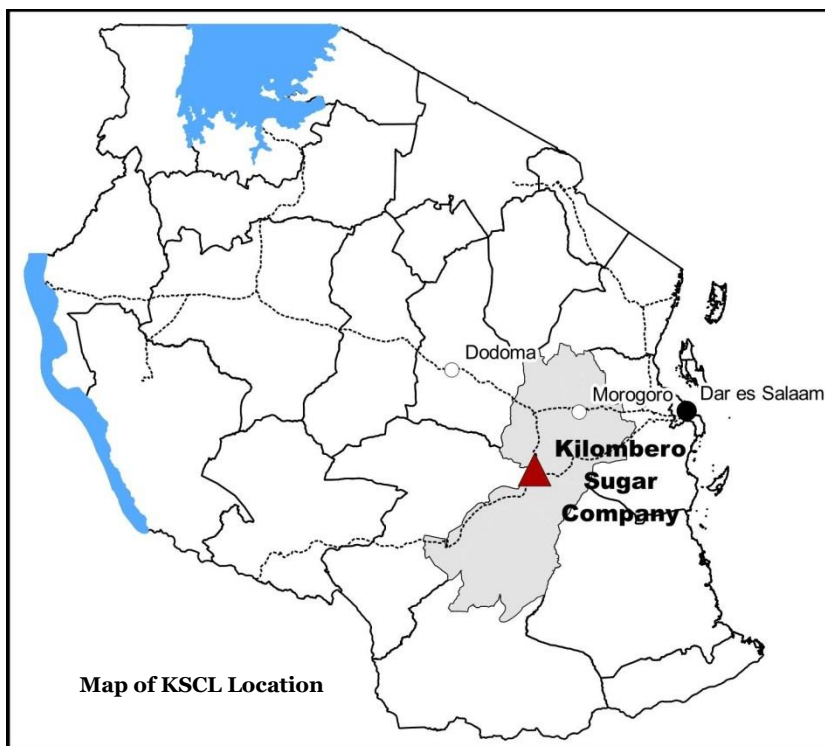
About 350 miles west of Dar es Salaam, the Kilombero Valley is in the districts of Kilosa and Kilombero of the Morogoro Region. It is located in the upper section of Tanzania's largest river basin – Rufiji Delta– and bound by the Udzungwa Mountains National Park to the west, and Mikumi National Park and Selous Game Reserve to the east.⁵⁰ Local residents meet their livelihood needs by farming both cash and food crops – mainly sugarcane, rice, maize and vegetables –and some grazing of cows, goats, and sheep.⁵¹

⁴⁹ Illovo Sugar Ltd., "Illovo Sugar Limited Launches its Group Guidelines on Land and Land Rights," news release, March 19, 2015 (last visited on August 16, 2016), https://www.illovosugar.co.za/UserContent/Documents/Announcements/Illovo-Launches-Group-Guidelines-on-Land-and-Land_Rights.pdf .

⁵⁰ Dancer and Sulle, *supra* note 18.

⁵¹ *Id.*

Until the 1960s, sugarcane was grown marginally by families in the Kilombero Valley.⁵² Having identified the valley as a zone of high agricultural potential, overseas banks and development institutions financed the establishment of a 1,700 acres sugarcane plantation and a factory known as Kilombero 1 (K1).⁵³ The plantation was designed to operate as a nucleus estate surrounded by out-growers. Under the *ujamma* policy of villagization, the government consolidated scattered household land holdings and created new settlements to increase production of sugarcane. To achieve the *ujamma* goal of full



Source: Smalley, Sulle, and Malale, “The Role of the State and Foreign Capital in Agricultural Commercialisation” (2015)

collectivization, the government introduced block farming models and schemes called *bega kwa bega* by allocating farmers two acre plots adjacent to each other.⁵⁴ This resulted in communal and private farmers that were less scattered and easier to reach, but also created disparities in sugarcane quality since smallholders preferred to invest time and resources in their own farms.⁵⁵ By the 1970’s, GoT received additional capital to increase the acreage of the KSCL estate and establish a second factory, Kilombero 2 (K2).⁵⁶

Due to the decline of output by growers and increasing operational costs, the government as a part of its Liberalization, Marketization, and Privatization policy decided to privatize KSCL in 1998, which was partially acquired by Illovo.⁵⁷ Today, KSCL is owned 55% by parent company Illovo, 25% by the GoT, and 20% by ED&F Man Group, a London-based commodities group.⁵⁸ KSCL is the largest of Illovo’s operations and the company views itself as being the most reputable sugar producer in Tanzania, mostly producing raw sugar.⁵⁹ Its sugar production

⁵² Smalley, et al., *supra* note 5.

⁵³ *Id.*

⁵⁴ Eckhard Baum, “Land Use in the Kilombero Valley: From Shifting Cultivation Towards Permanent Farming,” in *Smallholder Farming and Smallholder Development in Tanzania: Ten Case Studies* 21–50 (Hans Ruthenberg ed. 1968).

⁵⁵ Smalley, et al., *supra* note 5.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ “About Us: Tanzania,” Illovo Sugar Ltd., available at <https://www.illovosugar.co.za/About-us/Tanzania> (last visited on August 11, 2016).

⁵⁹ *Id.*

accounted for around 43% of national production, and contributed to nearly 0.5% of Tanzania's GDP, or about 1.8% of the country's agricultural sector in 2012-13.⁶⁰ The company operates two mills (the K1 Msolwa factory and K2 Ruhembe factory), leasing 12,000 hectares of land from the GoT.⁶¹ K1 produces brown sugar and K2 is the only known factory in Tanzania that produces refined white sugar.⁶² The company has 870 permanent employees with 2,073 seasonal agricultural workers at peak periods.⁶³

The business model is a combination of estate and small-scale out-growers who are contractually obligated to sell cane only to Illovo. In 2015, the company had contracted with over 8,000 out-growers (data is not disaggregated by gender) that farmed over 16,000 hectares, producing approximately 45% of the sugarcane. According to KSCL, out-growers are roughly classified as: (1) 6,300 small-scale growers, with less than 5 hectares of land under sugarcane; (2) 1,700 medium-scale growers, with between 5 and 50 hectares under sugarcane; and (3) 13 large-scale growers: commercial farmers with over 50 hectares under sugarcane. The small-scale growers produce about 70 percent of the total out-grower cane, while the medium- and large-scale growers produce about 19 percent and 11 percent, respectively. Out-growers must register with the Sugar Board of Tanzania (SBT) and, irrespective of location, sign an annual contract with one of the 19 grower associations.

Land and Livelihood Issues in the Kilombero Valley

KSCL operations have provided a number of livelihood benefits to residents of the Kilombero Valley, with many families using sugarcane proceeds to fund new homes, other crops, and childhood education.⁶⁴ As part of its philanthropy and corporate social responsibility outreach, the company has provided support to local communities “through rural road development, health, education, [out-grower] support, and environmental and conservation initiatives.”⁶⁵ But despite the benefits and positive impacts from KSCL's business, the Kilombero Valley is still experiencing some land issues that affect local populations, and many villagers continue to face livelihoods challenges.

As noted by this study and other research,⁶⁶ access to land is a growing concern in the Kilombero Valley. Residents, out-growers, and the company are surrounded by three conservation areas, limiting the amount of available land to meet the needs of a growing population. Farmers and individuals seeking employment are migrating to the area because the company is seen as improving the long-term livelihood of local inhabitants. From a livelihoods

⁶⁰ Corporate Citizenship, *Illovo Sugar: Tanzania Socio-Economic Impact Assessment Internal Management Report 2* (2014), available at <https://www.illovosugar.co.za/UserContent/Documents/Illovo-Tanzania-Socio-Economic-Impact-Assessment-12May14.pdf>.

⁶¹ *Kilombero Sugar Company Limited (KSCL)*, available at http://www.rug.nl/research/portal/files/10467698/06_c6.pdf (Last visited on August 11, 2016).

⁶² *Id.*

⁶³ “About Us: Tanzania,” Illovo Sugar Ltd., *supra* note 58.

⁶⁴ Future Agricultures and PLAAS, *Opportunities and Challenges in Tanzania's Sugar Industry: Lessons for SAG COT and the NEW Alliance 3* (2014), available at http://www.plaas.org.za/sites/default/files/publications-pdf/Policy_Brief_076.pdf.

⁶⁵ Tenga and Kironde, *supra* note 9, at 139.

⁶⁶ See Smalley, et. al., *supra* note 5.

perspective, this is beginning to impact the ability of families to access firewood, grow and sell food crops, and graze livestock.⁶⁷ These issues—if not carefully monitored and mitigated—could potentially have more significant adverse consequences for household food security and nutrition.⁶⁸

As competition among community members over limited land increases, new and latent boundary disputes will likely emerge. The area has a history of the government acquiring land and relocating communities without parsing rights and surveying and demarcating boundaries, and of a lack of enforcement of dispute resolution decisions related to land. Many locals believe that the concessions originally made to establish the estates (K1 and K2) were fraught with resettlement and compensation issues that were never appropriately resolved.⁶⁹ Other researchers have noted grievances stemming from privatization by the company that included earmarking land beyond the original concession and fast-tracking the approval process without sufficiently engaging with communities.⁷⁰ The RIPL study team also heard reports of unresolved boundary issues between villagers and the conservation and game reserve authorities. Because the local government lacks sufficient resources to timely and effectively resolve land disputes or enforce decisions, conflict over land may escalate, particularly in light of rising land scarcity.

Most residents in the Kilombero Valley do not have formal documented rights to the land they hold. For the few that do have certificates (such as in parts of Msowla⁷¹), there is no system in place to accommodate subsequent transactions. Land “sales” and “leases” are common in the Kilombero Valley but in many cases are not documented. Land use planning and rights formalization can provide certainty that can reduce these tenure insecurity risks for women and men, particularly in areas of rising land scarcity. It is also important that sporadic subsequent transactions are recorded and registered, otherwise the certainty of land records will become suspect, tenure security will erode, and disputes will likely increase.

⁶⁷ Dancer and Sulle, *supra* note 18.

⁶⁸ *Id.*

⁶⁹ Haki Ardhi and LHRC, *Facts Finding Mission Report on the Prevailing Land Dispute at Namwawala Village in Kilombero District, Morogoro Region 3* (2009).

⁷⁰ Tenga and Kironde, *supra* note 9, at 139.

⁷¹ Dancer and Sulle, *supra* note 18.

ANNEX III: KEY INFORMANTS CONSULTED

Persons and Organizations Consulted Tanzania Case Study

Organization/Community	Position
KSCL	Managing Director Corporate Affairs General Manager Operations Director Manager Land Preparation Out-Grower Services Manager Continuous Improvement Manager Cane Supply Manager Agriculture Manager
Ifakara, Kilombero District	Chairmen of District Land Tribunal District Land Officer Director of District Land Department
Kitete Village, Kilosa District	Village Executive Officer Village Chairman Clinical Officer School Principal
Kidatu Village, Kilombero District	Village Executive Officer Ward Executive Officer School Principal
Kidatu Cane Growers Association	Committee Member
Sugar Board of Tanzania, Dar es Salaam	Regulatory Services Manager

District	Village	# of FGDs	Total # of female growers	Total # of male growers	Total # of local leaders	Total # of association leaders	Total participants per village
Kilombero	Kidatu	7	13	8	10	1	32
	Msolwa	1	3			4	7
Kilosa	Kitete	10	12	22	10	9	53
	Kielezo	2	8	13			21
Total (All Villages)		20	36	43	20	14	113