



Contesting village land

*uranium and sport hunting in Mbarang'andu Wildlife
Management Area, Tanzania*

Christine Noe

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Abstract

The continuing struggles for land in Africa and the recent and dynamic academic debates about conservation as land grabbing calls for the critical analysis of the complexity besieging land deals that disempower local resource owners in different social-economic and political settings. This paper considers Wildlife Management Areas (WMAs) in Tanzania as a new category of protected areas with potentially continuing effects on rural community land rights. Using an example of uranium mining and hunting concessions in the Mbarang'andu WMA in Namtumbo district, the paper demonstrates how WMAs have served to release village lands for different kinds of private sector investments in both nature-based and extractive industries. Conceptually, the paper draws from the body of literature on idle/waste land and the power relations to demonstrate how the existing legal framework and the relations of power work to the detriment of local land users. Qualitative techniques were the main thrust of data collection both in Dar es Salaam and during the fieldwork in Namtumbo district. The main argument of the paper is that the change of village land into conservation has entailed an irrevocable change of land and other resource tenure. Yet, the use of WMAs and the economic gains from investments in them are not determined by community members, but the relations of power at higher levels – the government ministries, investors (who are often foreign to the community) and local elites. In particular, the circumstances in Mbarang'andu suggest that the mining law lacks complete recognition of WMAs, which pre-empts any possibility for negotiations for community rights to mining investments or the associated social-economic impacts. Instead of empowering local communities, therefore, WMAs may continue to serve the interests of those with the necessary capital and political influence, which engenders new social regimes of power and inequality.

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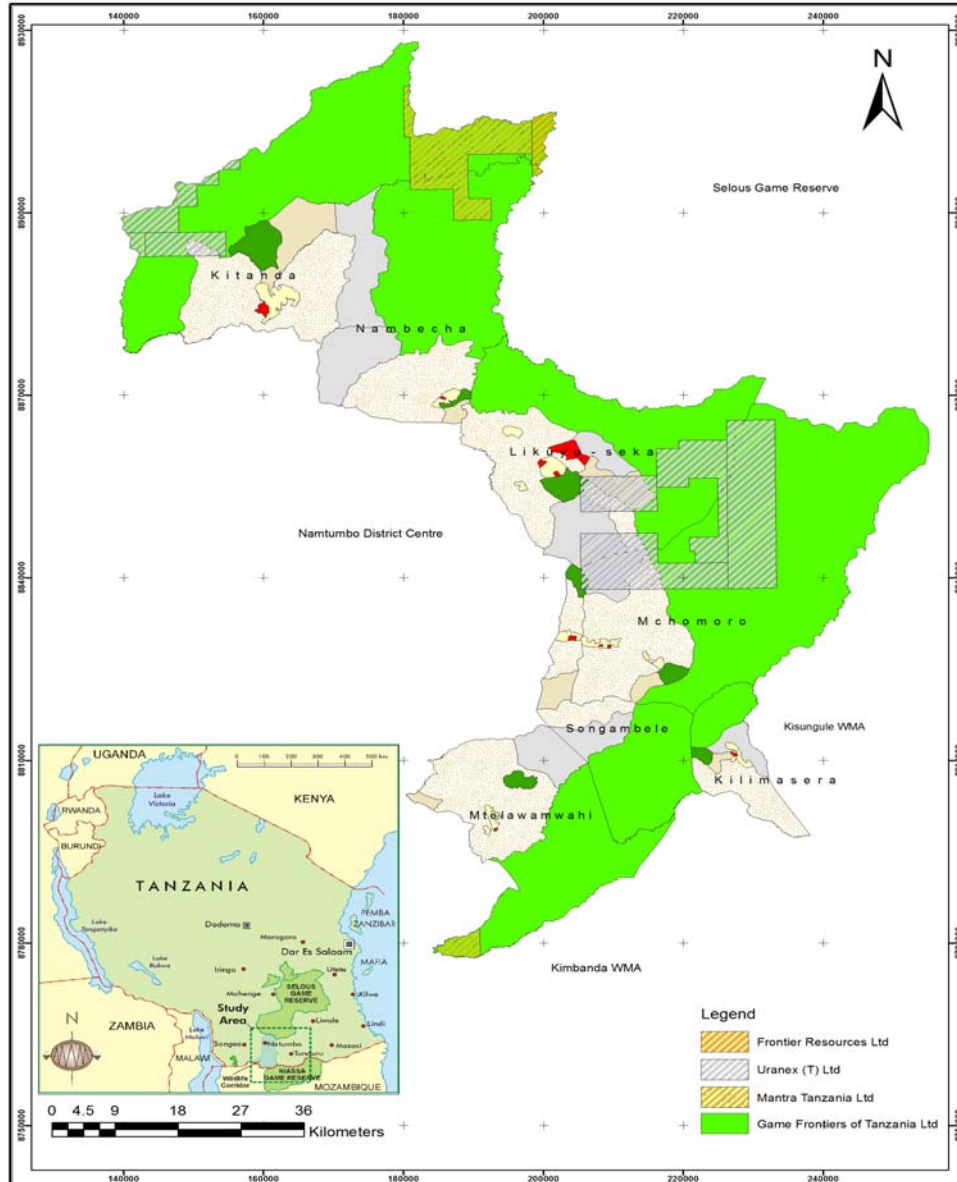
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1 Introduction

This paper examines the role of Wildlife Management Areas (WMAs) in releasing village lands for different kinds of large-scale investments in Tanzania. It uses the case of Mbarang'andu WMA in Namtumbo district where seven villages were, since the early 1980s, facilitated through a Community-Based Conservation (CBC) program to put aside about 2,318.28 km² of their land in order to qualify for legal wildlife user rights. On the 29th March 2010, the Mbarang'andu Community Based Organization (CBO) (hereafter the Authorized Association (AA)) received a three-year certificate of wildlife user rights (No. 00000567) (from the Ministry of Natural Resources and Tourism-Wildlife Division (MNR-WD)). Whereas these rights are renewable every three years, they are limited to tourist hunting, photographic tourism, beekeeping and fishing. This makes the Mbarang'andu AA a legal grantee of wildlife user rights of the said area for 2010/2013 period. However, the area is also a hunting block currently listed as Mbarang'andu Open Area by the Wildlife Division. A year before the Division granted wildlife user rights to the AA, it had leased the block to the private hunting company – Game Frontiers of Tanzania Ltd (GFT) – for the 2009/2012 period. This makes the GFT another legal grantee of wildlife in the same area for the mentioned period, which overlaps with that of the Mbarang'andu AA.

Land and community wildlife user rights are complicated further by the recent discoveries of 'world-class uranium deposits' in the Selous ecosystem of which Mbarang'andu is part (Uranium One Inc., 2012). With the discovery of about 53.9 million pounds of uranium oxide in the area, Tanzania stands to become one of the major uranium producers in the world (Mining review, 28/10/2011). Of interest for this discussion is the fact that the WMA is at the core of these discoveries making Mbarang'andu the first WMA in the country to have mining activities of this scale formally approved. Mineral resources are not under the ministry of natural resources, but the Ministry of Energy and Minerals (MEM). Currently, over ten private foreign companies have active prospecting and mining licenses from the MEM for the 2011/2016 period. Of these, three companies namely, Mantra Tanzania Ltd (of Canada), Uranix (T) Ltd (of Australia) and Frontier Resources Ltd (of Australia) had activities on the ground by the time of fieldwork in May 2012. Figure 1.1 captures the location of these concessions with the green shade standing for both the WMA and a hunting block. The map indicates how village lands are annexed to create the WMA. It also points to the overlap and incompatibility nature of land uses that have been the cause for tensions as community land and wildlife rights are re-allocated to private investors.

Figure 1 The Mbarang'andu WMA/hunting block and mining concessions



Data for this study was collected in May and June 2012 in Dar es Salaam and Nantumbo districts using four main techniques: face-to-face interviews, group discussions, observations and the use of Geographical Information System. Government offices in Dar es Salaam, particularly the Wildlife Division and the MEM were important sources of data. Whereas several rounds of interviews were conducted with officials in the Wildlife Division, the MEM provided maps for mineral concessions, which were used together with those of conservation to locate WMA areas that are currently leased as mining and hunting concessions. At the district level, interviews involved the district officials particularly those in the department of natural resources. Detailed discussions were held with leaders of the Mbarang'andu AA (the chairperson, secretary and the treasurer) both individually and in a group. Interviews were also held with members of village council in two villages of Likuyu and Mchomoro. The main reason for choosing the two villages among the seven that form the WMA is that the mining and hunting companies had ongoing activities in these villages during the field visit. Other interviews were held with representatives of conservation organizations including the WWF and GTZ, which support conservation activities in the area.

As the rest of the paper will show, WMAs in Tanzania are a new category of protected area with potentially continuing effects on community land rights. To set aside village lands for wildlife conservation started when Tanzania did not have a legal framework to guide major transformations in the inherited colonial tenure system¹. With heavy reliance on external funding and technical support, the first wildlife policy (1998) aimed to empower local communities to manage and utilize wildlife resources in village lands by creating WMAs as a way of making conservation a competitive land use and local livelihood option (United Republic of Tanzania (URT), 1998). Today there are fourteen such WMAs formally designated countrywide with a total of over 22,067 km² of conservation areas in communal lands of about 137 villages. There are twenty-two more WMAs in different stages of establishment across the country. These WMAs are neither homogeneous across the country nor specific to Tanzania. Initiatives similar to WMAs exist in southern and Eastern Africa, some of them well published as successful models in reversing the fortress conservation approach. Important to mention here is the Communal Area Management Program for Indigenous Resources (CAMPFIRE) of Zimbabwe, which has been widely emulated in the region and beyond. The cornerstone of CAMPFIRE was the devolution of rights to manage, use and benefit from wildlife resources by local communities. Rural District Councils were mandated to market wildlife to safari operators on communal land on behalf of communities. In turn, communal lands have attracted wildlife-based investments, especially in photographic safaris by foreign sport hunters and eco-tourists (Frost and Bond, 2008). Elsewhere in the region, the government of Namibia adopted the communal conservancy model from the early 1980s. Like it is for the CAMPFIRE, conservancies are designed to encourage communities to incorporate their land into conservation as a means of gaining ownership rights and benefits from resources in such lands. Harring and Odendaal (2012) demonstrate how communal conservancies provide income – sometimes large amounts – into isolated rural communities through big-game hunting concessions, local crafts, game viewing tourism and NGO contributions.

Although the CBC programmes in southern Africa are hailed internationally as among the innovations of the 21st century that reversed the impacts of fortress conservation, experience shows that the legal status of land in communal areas has remained complicated across countries. Research confirms that CBC has mainly legalized the return on wildlife in communal areas where communities are not motivated to claim property interest in the land or other valuable resources such as minerals, but rather in the wildlife resources produced on such lands (Moyo, 2000, Wolmer et al., 2004, Harring and Odendaal, 2012). Conversely, some communities have registered benefits from restricted legal user rights of wildlife but others have been disempowered on many levels by the government's denial of the existence of traditional land rights. Harring and Odendaal (2006; 2012) support this view through the analysis of how the San community in Namibia has gained some control and access to conservancy funds indifferently with others losing both the land rights and access to financial and natural resources in such conservancies. These disempowering aspects of CBC have met critical scholarship which has characterized the return of wildlife in communal lands in different parts of the world as inclusion (into the neoliberal capitalist economy) (Shivji, 2009, Kelly, 2011, McCarthy et al., 2012) and exclusion from land-based subsistence (Benjaminsen *et al.*, 2011, Fairhead *et al.*, 2012, Seagle, 2012, Woodhouse, 2012), new tendencies of enclosure (White et al., 2012) and green grabbing (Benjaminsen and Bryceson, 2012, Fairhead et al., 2012).

The rest of this paper proceeds in four main sections. The first focuses on the review of the idle land thesis as a basis for understanding how Tanzania land tenure and other natural resource laws legalized the transfer of village agricultural lands into conservation areas that are later made available for private investments. The second section applies the literature on power, particularly,

¹ The country maintained colonial natural resource policies and laws with some minor reforms until the 1990s. The first land policy was formulated in 1995 followed by the Land Act (1999) and the Village Land Act (1999). Likewise, the first wildlife policy was adopted in 1998, as were those of other resources such as forests (1998) and minerals (1997).

Foucault's thesis on 'the subject and power' to provide nuanced explanations for the willing participation of villages in setting aside their lands for wildlife and why they may not have any basis for revolting. The third section uses an agreement signed by the private investors for the use of the Mbarang'andu WMA with no regard to the existence of the community legal wildlife user rights. The last section provides the conclusion.

2 The idle land thesis and Tanzania resource tenure

The 'idle land' thesis which is used to characterize land as marginal, vacant, open or wasteland has recently dominated international debates and rationalized the transfer of rural landscapes into new frontiers of investments. However, the contemporary practices of land re-categorization and transfer are not new. Geisler (2012) associates them with an old doctrine, *terra nullius* (meaning the land of no one), which justified land annexation missions in the past. The *terra nullius* is reassert and reference is made anew to the low density of Africa's rural population, its land and labor under-utilization, tenure ambiguity and its 'arrested' civilization all to justify the current north-south land relations (Geisler, 2012: 15). Accordingly, Nalepa and Bauer (2012) demonstrate how geospatial technologies such as remote sensing and Geographic Information Systems (GIS) have recently become useful tools for characterizing tracts of land in Africa as marginal, hence rendering them unsuitable for food crops and other competitive productive purposes. Although the characterization of marginality using geospatial technologies has proved ineffective in capturing the shifting character of what constitutes marginality in an economic sense, lands that are labeled marginal are made available for the production of bioenergy feedstock for export (Nalepa and Bauer, 2012).

Counter-narratives of the idle land thesis provide mounting evidence to support that *terra nullius*, past and present, has ignored local indigenous tenures and property right dynamics (Hall 2011, Alden Wily, 2012, Cotula, 2012, Geisler, 2012). Since the assessment of land availability has mainly reflected the productivity, rather than the existence of traditional uses such as shifting cultivation and dry-season grazing (Cotula et al., 2009, Shivji, 2009), land transfers in Africa have, almost without exception, involved squeezing of some existing customary rights, especially where investments target agricultural higher-value lands (Willy, 2012, Cotula, 2009). The existing land uses and claims go unrecognized as land users are marginalized from formal land rights and access to the law and institutions (Cotula, 2012). It is noted, however, that most of the present land deals are legitimized albeit through legal manipulations (Willy, 2012). As African indebted governments agreed to the World Bank's structural adjustment conditions, they also consented to free up markets in land and create conducive environments for foreign land ownership and large-scale land-based investments. These conditions drove the land reforms of the 1990s. Among other things, new and modified laws provided for de facto expropriation of customary land rights by re-defining most untitled (but traditionally occupied and used) lands, reinforcing that the state, by default, be their legal owner and by creating investment friendly promotion laws (Shivji, 1998, Alden Wily, 2011). Against this background, land tenure systems in Africa are fine-tuned to support the ongoing transformation of rural landscapes.

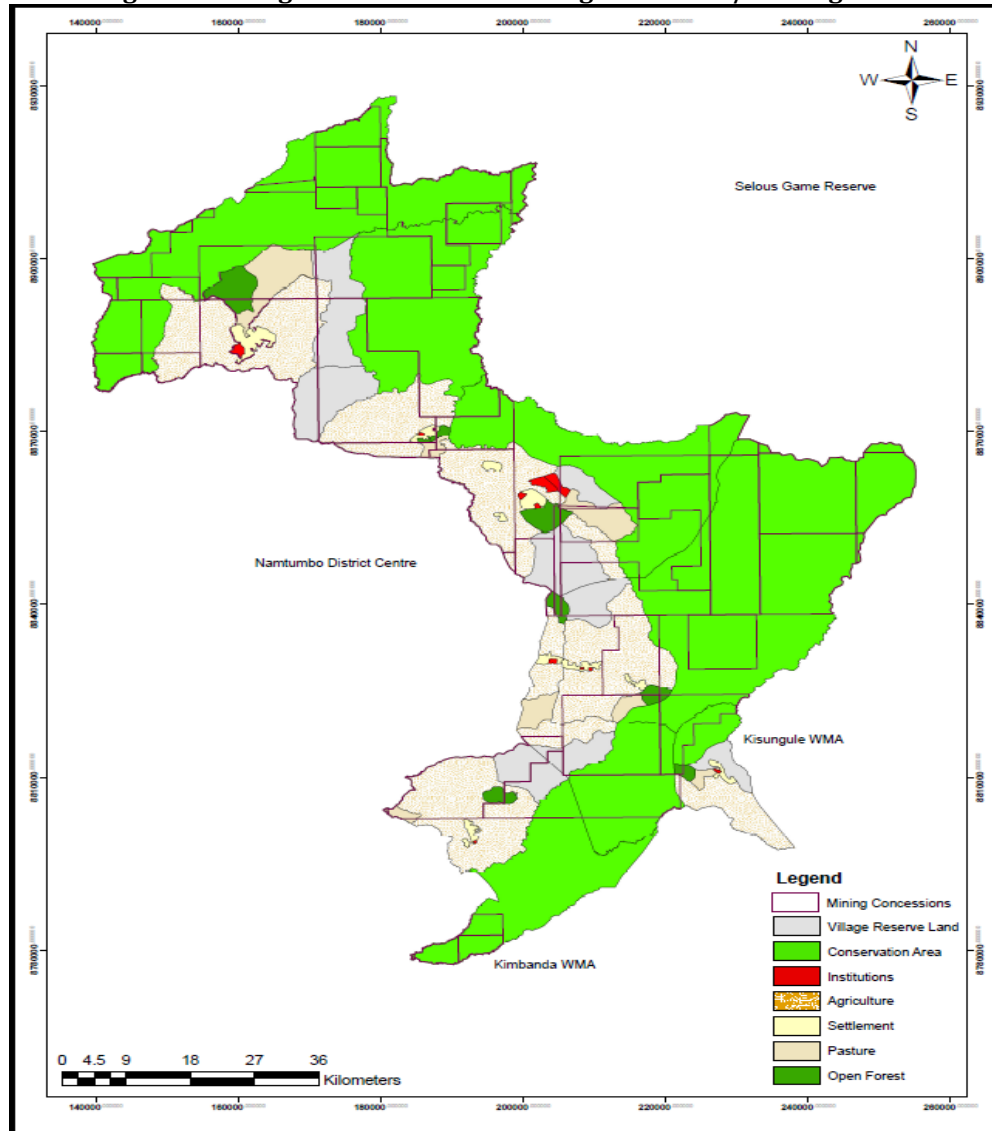
In Tanzania, land trusteeship (as it is for wildlife and mineral resources) is granted to the President, while citizens are granted land occupancy rights. This makes it possible for the state to claim any lands within the villages which are not actively used. The Land Act of 1999 and the Village Land Act of 1999 are the principal laws that govern the use and management of land in urban areas and private estates and in villages respectively. The Land Act divides the land into three categories: *general*, *reserved* and *village land*. 'Reserved lands' are defined as the land set aside for special purposes, including national parks, game reserves and forest reserves, which are established under different sectoral pieces of legislation (URT, 1999a). 'General lands' are all public lands which are neither reserved nor in village lands (URT, 1999a) while 'village lands' are the areas in which the boundaries have been demarcated as village land under any law or administrative procedure in force

(URT, 1999b). Section 8(1) of the Land Act empowers village councils to manage and administer land and by the virtue of section 8(4) of the Act, village councils can establish committees to advise and make recommendations on the management of its land. The Village Land Act reinforces the village council's responsibility for the management of village land (Section 8(1)). However, the Village Land Act empowers the President to redistribute land considered as open land. The act complies with Section 3(1) of the Land Act that seeks '*to ensure that land is used productively and that any use complies with the principles of sustainable development*'. Consequently, Section 4 (1) of the Village Land Act states that '*where the President is minded to transfer any area of village land to general or reserved land for public interest, he may direct the Minister to proceed in accordance with the provisions of this section*'. Section 4 (2) of the Act clarifies further that public interest in this case shall include '*investments of national interest*'.

The transfer of village land into conservation categories (such as WMAs and wildlife corridors) is justified in terms of its role in securing critical biodiversity habitats from misuse while also contributing to the economic empowerment of the communities. Using the provisions of the land laws, the MNRT-WD published regulations and guidelines for the designation of WMAs in 2002. Detailed procedures for doing so starts with community awareness rising on economic costs and benefits of wildlife, the identification of village areas fit for wildlife, getting villager's consent through the village assemblies and the submission of applications to the ministry for approval of the designation of land of two or more villages as a WMA (URT, 2002). With the support of different donors and international conservation NGOs, villages adjacent to protected areas have been facilitated to implement these procedures across the country (for more details see Ramutsindela and Noe, 2012). Ultimately, the current wildlife act recognises WMAs as '*a means of effecting community-based wildlife conservation outside core protected areas, which are used by local community members and within the village land*' (Section 31(1)) (URT, 2009: 31(1)).

Whereas the wildlife act provides for some wildlife user rights to the AAs that manage WMAs, mining is technically a restricted type of resource utilization in WMAs (URT, 2002). Mineral prospecting and mining are subjected to the current Mining Act (2010). As other laws, this act empowers the Minister for minerals to designate '*any vacant area*' as an area exclusively reserved for prospecting and mining operations, if he determines that it would be in the interest of the development of the mining industry in Tanzania (URT, 2010:20-21). The law defines the vacant area as an area of land that is not the subject of mineral right, a processing area or a pending application for a mineral right (of which may include any area of the village). This has meant that mining licenses can be given for areas where people live and have customary rights to the land. Figure 1.2 confirms what this has meant for the case of Mbarang'andu. As pointed out earlier, the Mbarang'andu WMA (and other village areas) is leased to over ten mining companies for as far as the year 2016. The map shows how these mining concessions override pre-existing land uses including the WMA itself, settlements and farm plots of villagers.

Figure 2 Mining Concessions in Mbarang'andu WMA/hunting block



Source of data: Ministry of Energy and Minerals, (2012)

The foregoing discussion underscores the use of the state power in framing market-led land deals in Africa as legitimate (Geisler, 2012). In conservation projects, the concept of market environmentalism is used to emphasize the ways in which the commodification of nature is a practical means of achieving sustainable development. This has made conservation-business-oriented partnerships increasingly popular with local communities integrated as partners who must contribute towards capital generation – mainly through releasing their land for conservation. It is argued, however, that nature commodification is a strategy of accumulation by dispossession which has required states to collude with capital to pillage nature and the commons (Harvey, 1996). Indeed, the current trend in redefining local land rights has often involved the transfer of such rights from the rural poor (or everyone including the poor) into the hands of the powerful (Castree, 2008, Kelly, 2011, Corson and MacDonald, 2012, Fairhead *et al.*, 2012).

3 Subjective power and the WMA regime

Power is recognized as an important organizing concept in any social scientific inquiry. Michel Foucault's thesis on 'the subject and power' overstates the importance of analyzing power not as a plain oppression of the powerless by the powerful but the way it operates in day-to-day interactions

between people and institutions and the extent to which individuals could be 'subjected' to the influence of power (Foucault, 1982). Subjective power is conceived as transformation capacity of human agency or the capacity of the actor to intervene in a series of events so as to alter their course (Schulz and Northridge, 2004). The subjectivist insight analyses how various institutions exert their power on groups and individuals, and how the latter affirm their own identity and resistance to the effects of power (Kepe et al., 2000). Accordingly, power applies itself to immediate everyday life which categorizes individuals, marks them by their own individuality, attaches them to their own identity, imposes a law of truth on them which they must recognize and which others have to recognize in them (Foucault, 1982: 781). This form of power makes individuals subjects. Two meanings of the word 'subject' are suggested; first, subjecting to someone else by control and dependence and, second, tying to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power, which subjugates and makes subjects.

The subjective view of power is applied here to think through the process that solicits villager's participation and consent in setting aside large tracts of their land for conservation. Unlike in the previous section where the state exercises its powers to legalize village land transfers, subjective power is used in CBC to ensure long-term support of community members in wildlife protection (Formo, 2010). This way of thinking encourages problematization of the concept of community empowerment which is an important aspect of the CBC. It is crucial to note that although Foucault's thesis is concerned less with the oppressive aspect of power but more with the resistance of those the power is exerted upon, Stewart (2001) as well as Schulz and Northridge (2004) warns that oppression and domination in relevant senses need neither to involve physical violence nor an overt threat. Instead, coercive power expresses itself in the ability of advantaged groups to shape the agenda of public debate and decision making in such a way that disadvantaged constituencies are denied a voice (Miraftab, 2004, Schulz and Northridge, 2004). At a deeper level, dominant groups can mold people's perceptions and preferences in such a way that they do not have any serious grievances. This power to shape people's thoughts and desires is considered the most effective kind of power; it preempts conflicts and even awareness of possible conflicts leading to the kind of oppression whose forms are systematically reproduced in major economic, political and cultural institutions (Young, 1990, Miraftab, 2004).

In the community development context, empowerment is variously defined but includes the creation of sustainable structures, processes and mechanism over which local communities have an increased degree of control, and from which they have a measurable impact on public and social policies affecting them (Craig, 2002). Accordingly, empowerment is the expansion of freedom of choice and action. However, based on some observable trends, studies have documented some cases of disempowerment as community empowerment practices have worked to handicap local communities in making decisions about their basic rights to land and its resources (see for example Ashley et al., 2002, Formo, 2010, Benjaminsen and Bryceson, 2012). It is therefore suggested that if the ultimate aim of community empowerment is truly to empower, then all roles undertaken in this guise must also be subjected to the lens of its opposite effects – that of disempowerment (Williams, 2004, Toomey, 2011). The sub-section that follows applies this literature to show how the community empowerment practices in Mbarang'andu ended in subjecting villagers to environmental norms that transformed them into conservationists hence endorsing their land for wildlife protection.

Making conservation subjects in Mbarang'andu

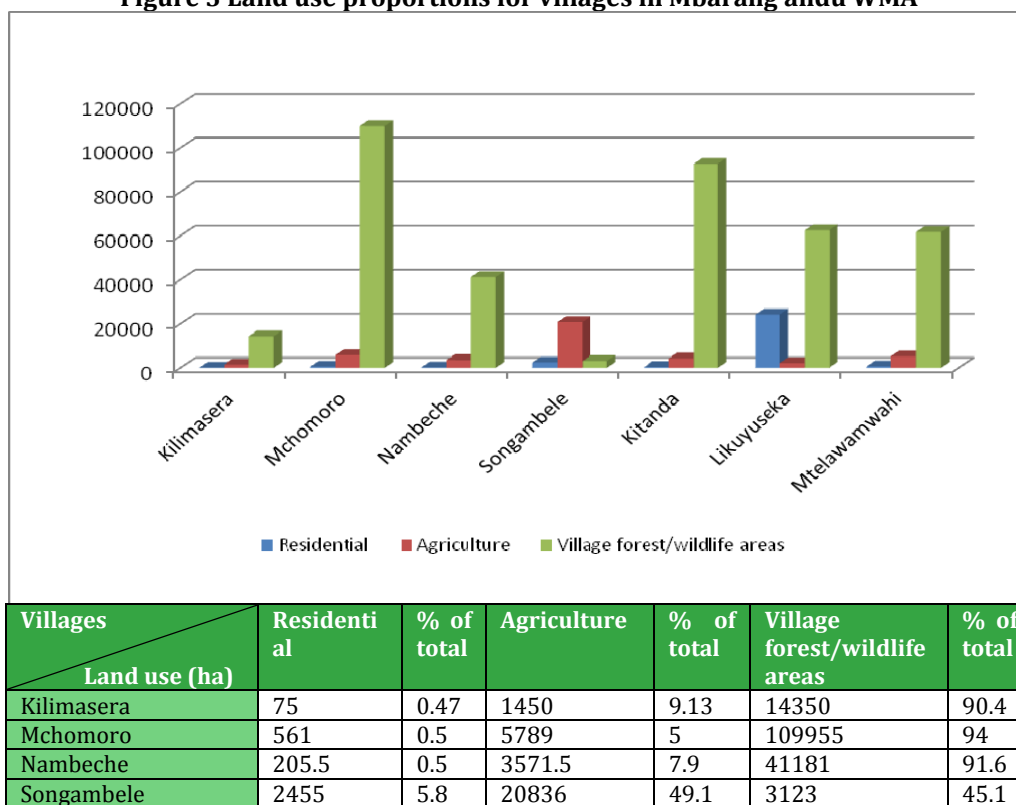
Like in most other parts of the world, the science-policy discourse that produces scarcity and fear of loss of biodiversity was the basis for the introduction of CBC in Tanzania. Different studies established the increasing movement of wildlife in village lands and the rate at which these areas were losing their ecological importance (Beresford and Phillips, 2000, Kikoti, 2001, Mpanduji and

Ngomello, 2007). In the case of the study area, the government in collaboration with the German Technical Agency (GTZ) introduced the Selous Conservation Program in villages that surround the Selous game reserve, hence the project name GTZ/Selous Conservation Program (hereafter the GTZ/SCP). The project ran between 1988 and 1998 with a particular focus on establishing wildlife buffer zones using village lands adjacent to the reserve (GTZ, 1998, Hahn, 2001, Junge, 2002). In the span of ten years, Mbarang'andu had become one of the first few pilot cases in the country where communities had accepted conservation as the main land use, even though crop farming remained the main livelihood activity. This study considers the GTZ/SCP as the starting point towards making conservation subjects. In demonstrating how subjection unfolded in Mbarang'andu, I use two aspects of the program: the village land use planning exercise and the success story of turning poachers into conservators.

3.1 Village land use planning

Getting villages to accept wildlife conservation and participate in planning their land uses was crucial for putting 'unused' village lands under control without much resistance. With the guidance of GTZ/SCP, each village agreed to set aside its conservation area among other uses. According to the Mbarang'andu official files, village land use plans were carried out by villagers who endorsed that all areas five kilometers away from the village centre in all directions should be given for wildlife and forest conservation. Figure 1.3 is derived from land use planning for 2003-2013 that endorsed wildlife areas in the seven villages that form the WMA. Practically, the five kilometer radius would be an area for residence and farms and that was officially recorded as the border between conservation and other land uses. The figure confirms that wildlife and forest areas, which are combined to form wildlife habitats, occupy more than 90 percent of the total area in almost every village while agricultural land is only less than 10 percent. By early 2000, conservation areas of the seven villages had been merged to form a pilot wildlife reserve (currently confirmed as a WMA) (Mbarang'andu, 2003). As the data indicates, 84 percent of the total land is firmly put under conservation against 9.5 percent for agriculture and 6.3 percent for residence and other community uses.

Figure 3 Land use proportions for villages in Mbarang'andu WMA



Kitanda	378.7	0.4	4275	4.4	92688	95.2
Likuyuseka	24251.6	27.3	2156	2.4	62485	70.3
Mtelawamwahi	642.5	1	5216	7.7	61685	91.3
Total	28569.3	6.3	43293.5	9.5	385468	84.2

Source of data: Mbarang'andu (2003): Village land use plans (2003–2013)

An earlier study that involved village elders who participated in land use planning documented villagers' complains and disappointments that the aim of planning and its long-term implications were not clearly communicated. As captured in the quotation below, these villagers complain that the five kilometers radius is by no means enough for the present and future human needs because both the human and wildlife populations are growing:

'...we did not know how that could soon affect us... Wahifadhi (GTZ/SCP conservationists) came and asked us indirectly... how many miles do you walk to your farm? Most of us said five without knowing why we were asked. The five miles are now set as borders for agriculture and wildlife in every direction... wildlife postings were put everywhere around the village and these were included in their maps. We remain a small island in an animal ocean. As we speak, animals are everywhere in these farms because we invited them and they do not know these borders. Surprisingly, conservationists are not bothered about our safety and the crops...'

Noe, 2009: 181

During this study, a group discussion with members of Mchomoro village council confirmed their participation in setting aside land for conservation but expressed how land scarcity for crop cultivation has recently become their major livelihood threat:

'...yes we participated and willingly gave our land for conservation. There are good things about it but we did not know that these decisions would become a law. We gave more than 70 percent of our land to wildlife and this village contributed more than any of the seven... if anyone is to help us, let that person carve out a piece of land for agriculture... there are no prospects for these animals to feed our children' .

Interview, Mchomoro village council, 28/6/2012)

Although few community members realize the WMA land use conflict as a future predicament, others consider it as something they could legally break should they not benefit. Yet, the registration of the Mbarang'andu CBO is accompanied by the certificate of incorporation under the Trustee's Incorporation Ordinance (Chapter 375) which states that; *firstly, such body corporate (Mbarangandu CBO) shall not, without obtaining consent from the Administrator General of Trustees in writing, acquire any estate or interest in land. Secondly, such body corporate shall not, without consent, use or permit use of any land vested in it otherwise than in direct fulfillment of the trust for which the body corporate was established.* This section of the certificate confirms that the land set aside as WMA shall not be influenced by village needs anymore and that it is a permanent and irrevocable change in land tenure.

3.2 Turning poachers into conservators

Precisely in 1995, the first and so far the only Community-Based Conservation Training Centre (CBCTC) in the country was established in Likuyu village. The main objective of the center was to equip villagers with basic knowledge and skills on wildlife conservation and the laws governing the practices. The centre targeted leaders of the surrounding villages, members of village natural resource committees and youth who were to become village game scouts. The scouts were particularly prepared to ensure effective control of illegal wildlife use, protection of people and property and by implication, the use of arms and ammunitions. Overall, the CBCTC trained over 300 game scouts and members of environmental committee from around the villages who took primary

responsibility for monitoring wildlife in village lands (Baldus et al., 1994). Upon being instructed and equipped, scouts conducted patrols that led to the arrest of traditional hunters/poachers and confiscation of their weapons. Methods used in confiscation varied from fearful surrender and incentives that were provided to community members who facilitated the identification of poachers.

Conceptually, community members were not forced but persuaded to embrace conservation. In this case there cannot be any direct claims for a dominating relationship, hence possible resistances are preempted. Yet, subjecting people to limited options was to make them to either be friends or enemies of conservation at a time when almost every household had a game scout or a member of village environmental committee. Whereas today the CBCTC celebrates a successful creation of a large conservation army (Pers. comm., 3/6/2012), game scouts are disappointed that there is neither formal employment offered by the government, nor do they qualify for jobs outside their communal areas. Little did they know that the center aimed to cater to local demands and not, for that matter, encourage formal certification, which could promote labor outflow (Interview, Principle of CBCTC, 29/5/2012). Hence, village game scouts become a *'willing submissive workforce'*. Even though this workforce is still working on a voluntary basis, the prospects that the AA will generate enough money to cater for the salaries seem remote, which has caused some unrest among the scouts and the community at large.

The foregoing discussion points to the efforts made to change behavior of individuals and local institutions, which in the empowerment discourse are considered a prerequisite for sustainable development (Kepe et al., 2000, Dobson, 2007). In the context of this paper, however, these moves constitute a clear attempt to discipline local communities by instilling new norms of environmental conduct and constructing a new subjectivity based on environmental citizenship (Darier, 1996, Formo, 2010). Once in place, WMAs have proved to be contested spaces where rights and interests of investors override those of the local communities. Using a deal signed by the hunting and mining investors, the following section demonstrates how the WMA is currently a contested space far from the reach of the community.

4 Uranium and sport hunting deal: the friendly foes of Mbarang'andu

It is to be recalled that the field work was conducted at the time when the government had leased the WMA as a block for sport hunting to the GFT (2009/2012), but also granted wildlife user rights to the Mbarang'andu AA (2010/2013). In addition, over ten mining companies were given prospecting and mining licenses of the same area for up to the year 2016. Of these mining companies three had ongoing activities in the area. These are Frontier Resources Ltd, Uranium Resources PLC (URA) and Western Metals Ltd (WMTL). These concessions are clearly conflicting, not only because they are granted for the same piece of land, but also due to the nature of land use incompatibility. For the Mbarang'andu AA, leaders are caught up unprepared as the certificate of user rights expires unutilized due to the conflicting rights. The words of secretary general of the AA capture this confusion and the resulting tensions on the ground,

'...this certificate is toothless; it does not give us rights over those already given to the investors. For these three years, we have user rights that we cannot use because the area is a hunting block for the investor. We do not know where the government is taking us...'

Interview, 30/6/2012

In March 23rd 2007 private investors signed an agreement to cooperate in undertaking their activities in Mbarang'andu property. Precisely, two mining companies (URA and WMTL and their successors and assigns) pays the GFT to access the property (from 1st January – 30 June for two years)

and to compensate for any loss of business due to the mining operations. Table 1.1 summarizes some clauses of the agreement that are relevant for this discussion.

Table 1 Payment agreement for subleasing the Mbarang'andu property

i.	The URA/WMTL agrees to pay the GFT a sum of USD six million (6,000,000) in two equal installments, the first being upon the commencement date of production of uranium on block PLR3185/2005
ii.	The URA/WMTL shall make a one-off payment to the GFT of USD two hundred and fifty thousand (250,000) upon defining its economic deposit within the prospecting license and upon securing funding to develop a commercial mining operation
iii.	The URA/WMTL shall pay an annual amount of USD fifty five thousand (55,000) to the GFT as compensation for all loss of business and inconveniences incurred as a result of disruption to it, the clients and business
iv.	The URA/WMTL shall fund an annual sum of USD ten thousand (10,000) each year to be distributed to the local communities who will be affected by the mining activities. The sum shall be distributed as agreed by the companies in their joint name- later agreed to be the ' <i>Friends of Mbarang'andu</i> '

Even though the certificate of user rights (No. 00000567) granted to the Mbarang'andu AA is a legal document, the AA is not party to the above deal. The agreement provides evidence for the exchange of millions of dollars between private investors and, by any standards, an overly low amount for the community. Whereas the legality of sub-letting the block for uranium mining in village land is debatable, questions arise on the role of the government in creating conditions for conflicts and community oppression. In the meantime, the investors are masking the oppression and counteracting possible resistance by calling themselves the '*Friends of Mbarang'andu*', the name that has become a locus of high level corruption involving government officials and local elites. There are two examples that suggest acts of corruption; the first involves the chairperson of the Friends of Mbarang'andu, also the Managing Director of the GFT – Dr. Moshen Shein – who promised to the Mbarang'andu AA a one-off cheque of USD 62,000) in November 2011. In addition to the cheque, he delivered a tractor and a truck to aid anti-poaching activities of the AA. Even though this could be part of the amount agreed upon in the agreement in 2007, the AA had neither accessed it nor used the tractor/truck because these were to be handed over officially in the presence of the Minister of Natural Resources and Tourism and with sufficient media coverage (Pers. Comm., Anonymous, 29/5/2012). The sudden cabinet reshuffle in May 2012 interfered with this plan, hence the un-ceremonial handing over on the 10th June 2010 (*Daily News*, 11/6/2012). Obviously, the publicity was to suppress any opposition from the AA and villagers, particularly on block allocation decisions.

The second example of acts of corruption implicates the Namtumbo Ward Councilor, who is claimed to have received financial support from the hunting investor for the recent election campaigns that came just ahead of the meetings that discussed wildlife-based investors for the coming hunting block allocations (2013-2018). Although unlawful, the Councilor serves in the central committee of the Mbarang'andu AA as a treasurer. This has assured the outgoing investor an influential position in the decisions made by the AA on the investments (Interview, anonymous informant, 2/6/2012). Indeed, of all the hunting blocks that were advertised on the 13th May 2012, the Mbarang'andu Open Area was not in the list because the decision had been made internally that the outgoing investor would be retained (*Daily News*, 15/6/2012). This decision does not only obstruct the AA

from getting an investor of their choice but also breaches the procurement procedures for investments in WMAs.

Different respondents held different views when asked about the future of the people of Mbarang'andu. On the one hand, villagers share their concerns that uranium sites in the WMA are using heavy machines and chemicals that cause disturbances and force animals to seek refuge outside their areas, hence intensifying the already existing human-wildlife conflicts. It is also clear to the villagers that some livelihood activities, such as beekeeping, which were introduced together with CBC, are no longer viable due to the health threats from uranium mining in the vicinity. On the other hand, concerns for the ecological implications of the ongoing activities are also shared by district officials and experts, especially those facilitating the establishment of the Selous-Niassa wildlife corridor. The following interview clips summarizes these concerns;

'The future of conservation is blinking as that of the people. Look at it this way... ADAP2 left because uranium makes beekeeping unsafe. The same logic should apply to the people who depend on these forests for food and water. It is not a secret... mining experts have clearly communicated about these health impacts'

Pers. Comm., Anonymous, 29/5/2012

'...but how can every project be accepted regardless of potential conflicts with others? The government accepted wildlife protection, then Uranium mining (and its infrastructure requirements) and also agricultural promotion in the same area?'

Interview, Paul Anspach, 30/5/2012

This section points to the importance of subjective power in creating conservation subjects and transforming village lands into corporate properties. Clearly, the wildlife policy objective of empowering communities to have full mandate over wildlife and to benefit from conservation efforts in their lands is self-defeating and it ignores the progress of events in other internal sectors of the economy and the general global rush for land and other resources. In particular, the mining law lacks complete recognition of WMAs, which pre-empts any possibility for negotiations for community rights to minerals in such areas. In other words, the empowerment process that entailed creating WMAs did not temper with mineral resources. Hence mineral speculators and exploration companies have no legal obligations to community development. It is this legal pluralism that has subjected already poor and displaced communities to the harsh realities of not only losing their basic livelihood asserts, but also rights to a safe environment³.

5 Conclusion

This paper has demonstrated how village lands in Tanzania are subject to a complex legal framework that recognizes the existence of vacant land and its use as deemed right. The acquisition of vacant land from village councils and their utilization for different purposes such as wildlife conservation has meant an irrevocable change of village land tenure. The establishment of WMAs as new protected areas in village lands has inevitably created new institutions and altered the geometry of power – strengthening access and control of village lands by the government and private investors (who are often foreign to the community) and local elites while limiting the same by the local communities. For this reason, this paper endorses the view that WMAs are new conservation enclosures and a form of green grabbing. As Corson and MacDonald (2012) observe, conservation

²ADAP is an NGO that supported beekeeping as a livelihood activity in the WMA prior to the uranium discoveries

³ Although this paper did not touch on human impacts of the ongoing uranium mining, health risks of radioactive materials are overly underplayed.

enclosures have not only entailed physical land grabs, but also the privatization of rights to nature. Although WMAs and their impacts are not homogeneous across the country, the process that establishes them is generic and it is potentially a vehicle through which more rural lands will be made available for various kinds of land-based investments in Tanzania.

References

1. Ashley, C., Mdoe, N. & Reynolds, L. (2002) Rethinking wildlife for livelihoods and diversification in rural Tanzania: a case study from northern Selous. *Livelihoods and Diversification Directions Explored by Research (LADDER), Working Paper No.15*. Norwich, University of East Anglia.
2. Baldus, R., Krischke, H., Lyamuya, V. & Ndunguru, I. (1994) People and wildlife: experiences from Tanzania. *Selous Conservation Programme Discussion Paper No. 16*. Dar es Salaam.
3. Benjaminsen, T. & Bryceson, I. (2012) Conservation, green/blue grabbing and accumulation by dispossession in Tanzania. *Journal of Peasant Studies*, 39, 335-355.
4. Benjaminsen, T., Bryceson, I., Maganga, F. & Refseth, T. (2011) Conservation and Land Grabbing in Tanzania. *Global Land Grabbing*. Institute of Development Studies, University of Sussex.
5. Beresford, M. & Phillips, A. (2000) Protected landscapes: a conservation model for the 21st century. *The George Wright Forum*, 17, 15-26.
6. Castree, N. (2008) Neoliberalising nature: processes, effects, and evaluations. *Environment and Planning A*, 40, 153-173.
7. Corson, C. & MacDonald, K. (2012) Enclosing the global commons: the convention on biological diversity and green grabbing. *Journal of Peasant Studies*, 39, 263-283.
8. Cotula, L. (2012) The international political economy of the global land rush: A critical appraisal of trends, scale, geography and drivers. *Journal of Peasant Studies*, 3-4, 649-680.
9. Cotula, L., Vermeulen, S., Leonard, R. & Keeley, J. (2009) *Land grab or development opportunity? Agricultural investment and international land deals in Africa*, London, IIED/FAO/IFAD.
10. Craig, G. (2002) Towards the measurement of empowerment: The evaluation of community development. *Journal of the Community Development Society* 33 124-146.
11. *Daily News* (11/6/2012) Three Firms Support Projects in Namtumbo. Dar es Salaam.
12. Darier, E. (1996) Environmental governmentality: the case of Canada's green plan. *Environmental Politics*, 5, 585-606.
13. Dobson, A. (2007) Environmental citizenship: towards sustainable development. *Journal of Sustainable Development*, 15, 276-285.
14. Fairhead, J., Leach, M. & Scoones, I. (2012) Green Grabbing: a new appropriation of nature? *Journal of Peasant Studies*, 39, 237-261.
15. Formo, R. (2010) Power and subjectivation: the political ecology of Tanzania's Wildlife Management Areas. Norway, Norwegian University of Life Science.
16. Foucault, M. (1982) The Subject and Power. *Critical Inquiry*, 8, 777-795.
17. Frost, P. & Bond, I. (2008) The CAMPFIRE programme in Zimbabwe: Payments for wildlife services. *Ecological Economics*, 65, 776-787.
18. Geisler, C. (2012) New terra nullius narratives and the gentrification of Africa's 'empty lands'. *American Sociological Association*, XVIII, 15-29.
19. GTZ (1998) Selous conservation program. *Report on the Internal Evaluation of Project PN 95.2079.2*. Dar es Salaam, Wildlife Division and GTZ.
20. Hahn, R. (2001) Expert meeting of GTZ/Selous conservation program/GEF/UNDP, 20 April. Dar es Salaam.

21. Hall, R. (2011) Land grabbing in Southern Africa: the many faces of the investor rush. *Review of African Political Economy*, 38, 193-214.
22. Harring, S. & Odendaal, W. (2012) "God stopped making land!" *Land Rights, Conflict and Law in Namibia's Caprivi Region*, Windhoek, Legal Assistance Centre.
23. Harvey, D. (1996) *Justice, Nature and the Geography of Difference*, Oxford, Blackwell.
24. Junge, H. (2002) Decentralization and community-based natural resource management in Tanzania. The case of local governance and community-based conservation in districts around Selous game reserve. *Tanzania Wildlife Paper No. 32*. Dar es Salaam, Wildlife Division/GTZ Wildlife Programme.
25. Kelly, A. (2011) Conservation practice as primitive accumulation. *Journal of Peasant Studies*, 38, 683-701.
26. Kepe, T., Cousins, B. & Turner, S. (2000) Resource tenure and power relations in community wildlife contexts: The case of the mkambati area on the wild coast of south africa. London, IIED
27. Kikoti, A. (2001) Elephant constraints and opportunities in west Kilimanjaro, Tanzania. *Unpublished Masters Thesis*. Aberystwyth, University of Wales.
28. Mbarang'andu (2003) Mpango wa Kanda wa Usimamizi wa Rasilimali Ndani ya Eneo la Jumuia 2003-2013. Namtumbo.
29. McCarthy, J., Vel, J. & Afiff, S. (2012) Trajectories of land acquisition and enclosure: development schemes, virtual land grabs, and green acquisitions in Indonesia's Outer Islands. *Journal of Peasant Studies*, 39, 521-549.
30. *Mining review* (28/10/2011) World-class uranium deposit in Tanzania *Mining review*.
31. Miraftab, F. (2004) Making Neo-liberal Governance: The Disempowering Work of Empowerment. *International Planning Studies*, 9, 239-259.
32. Moyo, S. (2000) The political economy of land acquisition and redistribution in Zimbabwe, 1990-1999. *Journal of Southern African Studies*, 26, 5-28.
33. Mpanduji, D. & Ngomello, K. (2007) Elephant movements and home range determinations using GPS/ARGOS satellites and GIS programme: implication to conservation in southern Tanzania. *Paper Presented at the 6th TAWIRI Annual Scientific Conference (3-6 December)*. Arusha.
34. Nalepa, R. & Bauer, D. (2012) Marginal lands: the role of remote sensing in constructing landscapes for agrofuel development. *Journal of Peasant Studies*, 39, 403-422.
35. Noe, C. (2009) Bioregional planning in southeastern Tanzania: the Selous-Niassa corridor as a prism for transfrontier conservation areas. Cape Town, Unpublished PhD thesis, University of Cape Town.
36. Ramutsindela, R. & Noe, C. (2012) Scalar thickening: Wildlife management areas and conservation scales in southeast Tanzania. *Singapore Journal of Tropical Geography*, 33, 137-151.
37. Schulz, A. & Northridge, M. (2004) Social Determinants of Health: Implications for Environmental Health Promotion. *Health Education and Behavior*, 31, 455-471.
38. Seagle, C. (2012) Inverting the impacts: Mining, conservation and sustainability claims near the Rio Tinto/QMM ilmenite mine in Southeast Madagascar. *Journal of Peasant Studies*, 39, 447-477.
39. Shivji, I. (1998) Reforming land Tenure in Tanzania. Dar es Salaam, International Institute of Environment and Development, HAKIARDHI and the Faculty of Law-University of Dar es Salaam.
40. Shivji, I. (2009) *Accumulation in an African periphery: a theoretical framework*, Dar es Salaam, Mkuki na Nyota Publishers.
41. Toomey, A. (2011) Empowerment and disempowerment in community development practice: eight roles practitioners play. *South Asia Research*, 31, 213-229.

42. United Republic of Tanzania (URT) (1998) National Wildlife Policy. Dar es Salaam, Ministry of Natural Resources and Tourism.
43. United Republic of Tanzania (URT) (1999a) The Land Act (No.4). Dar es Salaam, Government Printers.
44. United Republic of Tanzania (URT) (1999b) The Village Land Act (No.5). Dar es Salaam, Government Printers.
45. United Republic of Tanzania (URT) (2002) The Wildlife Conservation (Wildlife Management Areas) Regulations. Dar es Salaam, Government Printers.
46. United Republic of Tanzania (URT) (2009) Wildlife Conservation Act. Dar es Salaam, Government Printers.
47. Uranium One Inc. (2012) Uranium One announces record production and extends Mantra Option. Toronto, Available in www.stockhouse.com/news. Accessed in April, 2012.
48. White, B., Borrás, S., Hall, S., Scoones, I. & Wolford, W. (2012) The new enclosures: critical perspectives on corporate land deals. *Journal of Peasant Studies*, 39, 619-647.
49. Williams, G. (2004) Evaluating participatory development: tyranny, power and (re)politicisation. *Third World Quarterly*, 25, 557-578.
50. Wily, L. (2011) 'The law is to blame'. Taking a hard look at the vulnerable status of customary land rights in Africa. (3), . *Development and Change*, 42, 733-757.
51. Wily, L. (2012) Looking back to see forward: the legal niceties of land theft in land rushes. *The Journal of Peasant Studies*, 39, 751-775.
52. Wolmer, W., Chaumba, J. & Scoones, I. (2004) Wildlife management and land reform in southeastern Zimbabwe: a compatible pairing or a contradiction in terms? *Geoforum*, 35, 87-98.
53. Woodhouse, P. (2012) New investment, old challenges. Land deals and the water constraint in African agriculture. *The Journal of Peasant Studies*, 39, 777-794.
54. Young, I. (1990) *Justice and the politics of difference*, Princeton, Princeton University Press.

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A convergence of factors has been driving a revaluation of land by powerful economic and political actors. This is occurring across the world, but especially in the global South. As a result, we see unfolding worldwide a dramatic rise in the extent of cross-border, transnational corporation-driven and, in some cases, foreign government-driven, large-scale land deals. The phrase 'global land grab' has become a catch-all phrase to describe this explosion of (trans)national commercial land transactions revolving around the production and sale of food and biofuels, conservation and mining activities.

The Land Deal Politics Initiative launched in 2010 as an 'engaged research' initiative, taking the side of the rural poor, but based on solid evidence and detailed, field-based research. The LDPI promotes in-depth and systematic enquiry to inform deeper, meaningful and productive debates about the global trends and local manifestations. The LDPI aims for a broad framework encompassing the political economy, political ecology and political sociology of land deals centred on food, biofuels, minerals and conservation. Working within the broad analytical lenses of these three fields, the LDPI uses as a general framework the four key questions in agrarian political economy: (i) who owns what? (ii) who does what? (iii) who gets what? and (iv) what do they do with the surplus wealth created? Two additional key questions highlight political dynamics between groups and social classes: 'what do they do to each other?', and 'how do changes in politics get shaped by dynamic ecologies, and vice versa?' The LDPI network explores a range of big picture questions through detailed in-depth case studies in several sites globally, focusing on the politics of land deals.

Contesting village land

The continuing struggles for land in Africa and the recent and dynamic academic debates about conservation as land grabbing calls for the critical analysis of the complexity besieging land deals that disempower local resource owners in different social-economic and political settings. This paper considers Wildlife Management Areas (WMAs) in Tanzania as a new category of protected areas with potentially continuing effects on rural community land rights. Using an example of uranium mining and hunting concessions in the Mbarang'andu WMA in Namtumbo district, the paper demonstrates how WMAs have served to release village lands for different kinds of private sector investments in both nature-based and extractive industries. Conceptually, the paper draws from the body of literature on idle/waste land and the power relations to demonstrate how the existing legal framework and the relations of power work to the detriment of local land users. Qualitative techniques were the main thrust of data collection both in Dar es Salaam and during the fieldwork in Namtumbo district. The main argument of the paper is that the change of village land into conservation has entailed an irrevocable change of land and other resource tenure. Yet, the use of WMAs and the economic gains from investments in them are not determined by community members, but the relations of power at higher levels – the government ministries, investors (who are often foreign to the community) and local elites. In particular, the circumstances in Mbarang'andu suggest that the mining law lacks complete recognition of WMAs, which pre-empts any possibility for negotiations for community rights to mining investments or the associated social-economic impacts. Instead of empowering local communities, therefore, WMAs may continue to serve the interests of those with the necessary capital and political influence, which engenders new social regimes of power and inequality.



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