

DARUBINI

Land Acquisition and Access to Remedies in Tanzania's Extractive Sector: Gaps in Regulatory Frameworks and Pathways for Reform



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Introduction

While Tanzania's legal framework offers some protection for land rights, the practical implementation within Tanzania's extractive sector remains challenging, falling short of human rights standards based on the UN Guiding Principles on Business and Human Rights (UNGPs). State ownership of subsoil resources (such as minerals and petroleum) often prioritizes mineral extraction over surface rights, making land acquisition a frequent occurrence. Statutory and operational land compensation practices are based on the core principles of the [Land Acquisition Act of 1967](#). Cash settlement is generally preferred by the Project Affected Persons (PAPs), with sometimes an insignificant percentage opting for non-cash settlement. In essence, the communities are compensated for their land use and investments, but not for the land itself or the resources beneath it (minerals, petroleum, gas), as these remain under the direct control of the Tanzanian state. This is key to understanding the gaps and challenges in the sector.

This edition of Darubini, examines different issues emerging in land rights and access to remedies in the extractive sector. It presents the realities experienced by the affected communities and highlights key challenges within Tanzania's legal and policy frameworks. Through these insights, the publication aims to inform ongoing discussions on human rights protection, equitable development, and strengthening effective remedies pathways for affected individuals.

Legal and Policy Framework

In Tanzania, the legal and policy framework vests ownership of all land and subsoil resources in the state, with the President acting as a trustee on behalf of all citizens. Individual landholders exercise their rights through statutory or granted rights of occupancy as well as through customary rights recognized under [The Land Act No. 4 and 5 of 1999](#), and [The Village Land Act 1999](#), alongside other informal land rights. Related legislation, such as [The Land Act No. 4 and 5 of 1999](#) and [The Urban Planning Act of 2007](#) further govern land use and acquisition processes. [The Land Acquisition Act of 1967](#) grants the President with power to compulsorily acquire land for public use or in

the public interest, provided that [full, fair, and prompt compensation](#) is paid to Project Affected Persons (PAPs). However, this framework prioritizes minerals, oil, and gas extraction rights for public benefit over surface land rights, making compulsory land acquisition (CLA) inevitable. The Land Acquisition Act of 1967 (and its guiding principles) stipulates that compensation should cover houses, crops, trees, and loss of access, etc., but not the land itself, as the ultimate ownership remains vested in the state.

The right to compensation is enshrined as a constitutional right under Article 24(2) of the [Constitution of the United Republic of Tanzania of 1977](#). In addition to the land laws, recent legislative reforms in the extractive sector such as the [Mining Act of 2010](#), the [Mining \(Local Content\) Regulations\) 2018](#), and the new [Corporate Responsibility Regulations of 2023](#), have strengthened companies' obligations toward local community benefits and local content. These reforms require companies to make more meaningful contributions to host communities, which in some cases, indirectly mitigate the impacts of land loss and enhance their social license to operate.

Under Tanzania land laws, including [the Valuation and Valuers Registration Act of 2016](#), compensation for compulsory land acquisition is based on the market value of land and the unexhausted improvements, assessed by a qualified valuer using comparative, income, or replacement cost methods and verified by the Chief Government Valuer or his representative. In practice, however, compensation is typically provided as a one-time lump-sum cash payment to PAPs. Notably, alternative models, such as in Tarime, Mara region, where a mining company partnered with a few primary mining license holders and village authorities (local government) through a long-term production-sharing agreement, demonstrate more sustainable economic benefits compared to traditional compensation approaches.

Despite the existence of a comprehensive legal procedure, the implementation of compulsory land acquisition in Tanzania continues to face **major challenges**. Persistent delays in compensation, limited participation of the PAPs, valuation disputes, and inadequate compensation packages remain a widespread concern. Conflicts between extractive companies and host communities, and widespread dissatisfaction with compensation outcomes, are common. Research indicates that **compensation-related complaints** stem from valuation and payment issues, often resulting in compensation that fails to reflect the full extent of affected communities' losses, including those tied to communal and cultural resources such as grazing land. These shortcomings undermine livelihoods and economic stability, disproportionately affecting vulnerable groups, particularly women, who are frequently excluded from decision-making processes and face increased social and economic vulnerability in areas surrounding large-scale mining operations, such as those in the Shinyanga region.

In addition, the lack of **Free, Prior, and Informed Consent (FPIC)**, combined with inadequate transparency, accountability, and meaningful community participation during the land compensation process, worsens the loss of livelihoods, especially among agrarian and fishing communities. While the Land Act, Village Land Act, and the Valuation and Valuers Registration Act of 2016 explicitly require community participation in land acquisition processes, weak enforcement and limited corporate accountability continue to hinder fair and inclusive compensation processes in Tanzania.

Project Affected Persons (PAPs) Access to Remedies

Access to remedies for PAPs remains a critical area of concern due to significant barriers in both judicial and non-judicial mechanisms. Within the judicial system, PAPs face low levels of legal literacy, high litigation costs, inaccessibility, delays, and complex legal procedures. Power imbalances further disadvantage communities in disputes with well-funded state-linked companies, particularly in cases where the government holds a

financial interest. On the other hand, non-judicial mechanisms such as the **Commission for Human Rights and Good Governance (CHRAGG)** and its Complaints Management Information System (CMIS) are constrained by limited resources, weak enforceability, lack of awareness, and access to information by the public. These limitations hinder the implementation of recommendations within the prescribed 90 days period, especially when government entities are involved, where lengthy negotiation and bureaucratic procedures are common.

Company-led grievance mechanisms, as outlined in the UNGPs, also face major challenges. PAPs report issues of trust, limited access and awareness, and skepticism regarding the independence and effectiveness of these mechanisms. Such systems are often perceived as biased towards corporate interests and too narrowly focused on minor complaints rather than more complex critical corporate accountability issues, such as land compensation. Although companies often provide various channels, including village authorities, suggestion boxes, toll-free phone numbers, etc. PAPs frequently find these options inaccessible or irrelevant to their lived realities. As a result, PAPs are sometimes compelled to seek recourse through international mechanisms such as international law firms, global human rights bodies, or financial institutions such as **the World Bank Inspection Panel**.

Pathways for reforms

In the absence of actual land markets in Tanzania, reforms efforts must prioritize reinforcing the regulatory frameworks and ensuring accessible remedy mechanisms. Legislative changes should focus on mandating compensation for intangible land values and addressing rights related to common access to customary resources, while strengthening the principle of Free Prior and Informed Consent (FPIC) in land resource governance. To improve access to remedies, greater emphasis should be placed on non-judicial mechanisms. State oversight bodies such as the Commission for Human Rights and Good Governance (CHRAGG) must be provided with greater financial resources. At the same time, corporate

accountability must be strengthened by requiring extractive companies to establish independent, transparent, and accessible operational grievance mechanisms. Finally, legal empowerment is necessary to ensure that affected communities can meaningfully claim their rights. Civil society organizations should be supported to provide PAPs with legal aid and public legal education.

Community Voices: Lived Realities on Land Acquisition

Across Tanzania's regions, a clear gap persists between the legal frameworks governing land acquisition and the experiences of affected communities. While existing legislation emphasizes fairness, transparency, and meaningful community engagement, the realities on the ground tell a different story, one marked by limited access to information, inconsistent compensation practices, and marginalized community voices.

During a recent parliamentary discussion on the proposed [new system for land compensation](#), Mr. Selemani Kakoso, Chairperson of the Parliamentary Standing Committee on Infrastructure Development, remarked

"When the government needs to acquire land for project, the land should be left to the owner use until implementation of a given project is about to kick off."

This comment echoes the frustrations of many Tanzanians who face long periods of uncertainty after their land is marked for acquisition but before any compensation is delivered. Leaving land unused for years places communities in a state of uncertainty, unable to farm, invest, or plan for the future while awaiting compensation.

Reports from the Mara and Shinyanga regions further reveal distinct disparities in compensation for land of similar value. Properties of similar value are often assessed and compensated inconsistently, with little or no justification provided for these inconsistencies. Village leaders describe their role as largely limited to implementing

directives from higher authorities, leaving minimal room for residents to meaningfully influence or participate in decisions affecting their land and livelihoods.

One resident from [Mkindi village](#) shared:

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

Such testimonies underscore the need for land valuation systems that reflect actual land use and livelihood potential. Reforms should go beyond policy statements to provide real protections for the rights of communities.

In villages such as Kakola No. 9. in Kahama, the gendered implications of compensation processes are particularly pronounced. Customary norms often result in compensation being directed to male heads of household, leaving women without a voice in the process or share in the benefits. This practice reinforces existing inequalities and increases women's vulnerability, even though they often rely heavily on the land for livelihood and food security.

In [Komarera, Mjini Kati, and Kewanja villages \(Tarime District\)](#), many households were excluded from documentation processes altogether. Affected families often did not receive copies of land valuation reports, leaving them unable to verify or contest the compensation amounts offered. This lack of transparency fuels mistrust, contributes to unequal treatment, and long delays in obtaining redress.

News in Brief

1. Tanzania Reports Completion of Compensation for 9,823 Individuals Affected by EACOP([The Chanzo](#))
2. Devise a new system for land compensation ([Daily News](#))
3. Long Overdue: President Samia Hopeful New National Land Policy Will Enhance Tanzania's Land Management ([The Chanzo](#))
4. New National Land Policy Offers Promise for Tanzania's Rural Residents ([Landesa](#))
5. Tanzania's new land policy promises vital inheritance reforms for widows ([IPP Media](#))
6. Firm releases 100m/- in compensation to villagers to pave way for gas project ([IPP Media](#))
7. Early demarcation crucial to stem land conflicts in Tanzania, experts suggest ([IPP Media](#))

