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BALANCING PUBLIC INTEREST AND INDIVIDUAL LAND RIGHTS IN COMPULSORY LAND ACQUISITION IN TANZANIA: A COMPARATIVE LEGAL ANALYSIS WITH INSIGHTS FROM INDIA.

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ABSTRACT

Compulsory land acquisition constituted a key mechanism through which the State secured land for infrastructural, economic, and development projects considered essential for public welfare. The process raised significant constitutional, economic, and social justice challenges, particularly concerning the protection of individual property rights, the adequacy and fairness of compensation, and the procedural safeguards available to affected persons. In Tanzania, the legal framework governing compulsory land acquisition, including the Land Acquisition Act, the Land Act, and the Village Land Act, granted the State broad powers to acquire land for purposes defined as public interest. Despite these provisions, gaps persisted in defining public interest, establishing clear procedural safeguards, standardizing valuation methods, and ensuring livelihood restoration, which often led to disputes and resistance from communities. This study employed a comparative legal analysis to evaluate Tanzania's framework against India's reforms under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act of 2013, which introduced participatory, transparent, and livelihood-protective measures. The findings indicated that statutory clarification of public purpose, mandatory social impact

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assessments, community consultation procedures, compensation models that included more than land value, and legally enforceable rehabilitation guarantees were critical to enhancing fairness and legitimacy. The study concluded that adopting such measures in Tanzania would improve social acceptance of compulsory land acquisition and align the process with constitutional and human rights standard.

Keywords: Compulsory land acquisition; Public interest; Property rights; Fair compensation; Customary tenure; Land governance; Livelihood restoration; Human rights.

1.1 Introduction

Compulsory land acquisition refers to the authority of the State to take private or community-held land without the consent of the person holding title or customary rights, provided that such acquisition is justified as serving the public interest and subject to the payment of fair compensation.[2] In Tanzania, the constitutional protection of property is contained under Article 24 of the Constitution of the United Republic of Tanzania, which affirms the right to own property and prohibits the deprivation of property unless such deprivation is accompanied by fair and adequate compensation.[3]Despite this constitutional guarantee, concerns persist that the legal and administrative structures governing compulsory land acquisition do not adequately safeguard the rights of affected individuals and communities, particularly smallholder farmers, pastoralists, and customary landholders who constitute the majority of land users in the country.[4]

The tension between public interest and private property rights has intensified as Tanzania continues to pursue infrastructure expansion projects, extractive sector developments, energy pipelines, tourism investment zones, agribusiness estates, and urbanization plans many of which require large-scale land acquisition.[5]Yet, ambiguities in statutory definitions, limited community participation, long compensation delays, undervaluation of land and livelihood losses, and inadequate resettlement support have raised questions about whether compulsory acquisition serves the public interest or instead reinforces economic marginalization.[6]

This predicament is not unique to Tanzania. India faced similar land acquisition conflicts under its colonial-era Land Acquisition Act of 1894, which granted vast discretionary power to the State and led to widespread displacement without adequate safeguards. Following intense national debate and public protest, India enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act),

[2]The Land Acquisition Act [Cap 118 Revised Edition 2023] (Tanzania).
[3]The Constitution of the United Republic of Tanzania of 1977 amendment of 2023.
[4]Ibid.
[5]Ministry of Lands Policy Reports of 2016.
[6]The Land Acquisition Act [Cap 118 Revised Edition 2023], s. 3

which introduced strong participatory, compensatory, and rehabilitation-oriented safeguards to address historical injustices.[7]

This article argues that India's reform experience offers meaningful lessons for Tanzania, particularly in clarifying public purpose, mandating participatory mechanisms, enhancing compensation standards, and ensuring livelihood restoration. The article proceeds to examine Tanzania's legal framework, highlight compensation and procedural challenges, evaluate India's LARR reforms, and propose legal and institutional reforms that Tanzania may adopt to strengthen equity and legitimacy in compulsory land acquisition.

1.2 The Legal and Institutional Framework of Compulsory Land Acquisition in Tanzania

The legal framework governing compulsory land acquisition in Tanzania is primarily anchored in the Land Acquisition Act, the Land Act, and the Village Land Act. Collectively, these statutes vest radical title to all land in the President as trustee for the nation, while recognizing conditional occupancy rights exercisable by individuals and communities.[8] Under section 3 of the Land Acquisition Act, the President is empowered to acquire land whenever it appears that such land is required for a public purpose. However, the Act does not provide a substantive definition of "public purpose," leaving its interpretation largely to executive discretion.[9] This broad discretion has been widely critiqued for creating opportunities for arbitrary or politically motivated acquisitions, undermining the predictability and fairness essential for both investor confidence and the protection of landholders' rights.

The Village Land Act introduces procedural safeguards for land held under customary tenure, mandating consultation with village councils and assemblies prior to the reclassification or transfer of village land to general land.[10]While these safeguards appear protective on paper, in practice, consultations are often perfunctory, rushed, or dominated by local elites, thereby compromising genuine community participation.[11]This reflects a broader systemic issue: legal formalism in Tanzania often masks practical exclusion, whereby statutory compliance may be observed procedurally but fails to deliver substantive protection for vulnerable communities.

Complementing the statutory framework, the Constitution guarantees the right to property and requires fair and adequate compensation in cases of compulsory acquisition. Article 24 provides that no person shall be deprived of property except in accordance with the law, and where

[7]Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (India).
[8]The Land Act [Cap 113 Revised Edition 2023]; The Village Land Act [Cap 114 revised Edition 2023]; The Land Acquisition Act [Cap 118 Revised Edition 2023].
[9]The Land Acquisition Act [Cap 118 Revised Edition 2023].
[10]The Village Land Act [Cap 114 revised Edition 2023], Sections 9 -12.
[11]NGO Reports and Media Documentation on Bagamoyo and Loliondo Cases.

deprivation occurs, compensation must be paid promptly.[12] Yet, the practical realization of these rights remains uneven. Administrative delays, limited access to valuation dispute mechanisms, and insufficient legal aid exacerbate inequitable outcomes, particularly for marginalized land users.

The multiplicity of institutional actors including the Ministry responsible for Lands, local government authorities, district land tribunals, the Chief Government Valuer, and, in the case of village land, village councils and assemblies intends to ensure checks and balances in acquisition processes.[13]Nevertheless, overlapping mandates, unclear responsibilities, and weak coordination often dilute accountability, leaving communities vulnerable to coercion or undervaluation of land.[14] Critically, this institutional fragmentation underscores a recurring tension in Tanzanian land governance: while the law envisions protection and compensation, structural and operational weaknesses frequently subvert these objectives in practice, privileging economic and investment agendas over social justice and equitable development.

Consequently, the Tanzanian legal framework for compulsory acquisition exemplifies a disconnect between formal legal protections and their practical efficacy. Legal guarantees exist, but without transparent procedures, effective institutional coordination, and mechanisms to empower affected communities, constitutional and statutory provisions risk remaining largely symbolic rather than transformative.[15]

The Constitution further guarantees the right to property and mandates fair and adequate compensation when land is compulsorily acquired. Article 24 explicitly provides that no person shall be deprived of property except in accordance with the law, and where such deprivation occurs, adequate compensation must be paid promptly.[16]However, the practical implementation of these constitutional safeguards remains uneven. Administrative delays, insufficient valuation methodologies, limited access to mechanisms for contesting valuations, and inadequate legal support disproportionately affect vulnerable land users, often leaving them without effective remedies.[17]The institutional framework for compulsory acquisition involves multiple actors, including the Ministry responsible for Lands, local government authorities, district land tribunals, the Chief Government Valuer, and, in the case of village land, village councils and village assemblies.[18] While these multiple actors are intended to ensure checks and balances, overlapping mandates, weak coordination, and unclear accountability frequently create procedural bottlenecks. Consequently, local communities may be pressured into accepting undervalued compensation or forced displacement, particularly when large-scale investments are

[12]The Constitution of the United Republic of Tanzania of 1977 Amendment of 2023, Article 24.
[13]Ibid; Interviews and field reports on compulsory acquisition cases, 2022–2024.
[14]J. Temu, *Land Rights and Governance in Tanzania*, Dar es Salaam, 2020.
[15]Ibid.
[16]The Constitution of the United Republic of Tanzania of 1977 Amendment of 2023, Article 24.
[17]NGO Reports and Media Documentation on Bagamoyo and Loliondo Cases.
[18]Ibid.

prioritized over social justice.[19]This reflects a critical disjunction between formal legal provisions and the realities on the ground, illustrating that constitutional guarantees alone are insufficient without effective institutional coordination, transparent procedures, and community empowerment.[20]

1.3 Public Interest Justifications and the Problem of Discretion

The concept of public interest is central to legitimizing compulsory land acquisition. However, the absence of a precise statutory definition renders the term highly susceptible to subjective interpretation and discretionary abuse.[21] In *Attorney General v SISI Enterprises Ltd*[22], the Court of Appeal acknowledged that the power of compulsory acquisition is broad but emphasized that it must not be exercised for purposes that are only indirectly beneficial to the public. The Court further held that a public purpose must be both genuine and direct**.** In practice, however, the invocation of public interest has at times facilitated large-scale private commercial ventures, including foreign agribusiness leases, tourist hunting concessions, and mineral extraction zones.[23] For instance, the proposed Bagamoyo Port Project involved the reallocation of extensive coastal land for a foreign-led maritime industrial complex. While the project was justified as promoting national economic development, affected communities raised concerns regarding livelihood displacement, opaque compensation mechanisms, and inadequate consultation**.**[24]Similarly, in the Loliondo conservation corridor**,** pastoralist Maasai communities were subjected to forced relocation under the guise of ecological preservation and tourism development, despite their long-standing customary land occupation.[25]

These cases underscore a critical tension: the broad and ambiguous framing of public interest can disproportionately affect weaker landholding groups, particularly rural and indigenous communities. Such discretionary powers, when combined with limited oversight and weak institutional accountability, risk privileging investment and political agendas over social justice.[26]Consequently, there is an urgent need for statutory refinement of the concept of public purpose to prevent compulsory acquisition being used primarily for private profit, speculative investment, or politically motivated land reallocation.[27]

[19]Interviews and field reports on compulsory acquisition cases in Tanzania, 2022–2024.
[20]Analytical observation based on Tanzanian land governance literature (see, e.g., J. Temu, *Land Rights and Governance in Tanzania*, Dar es Salaam, 2020).
[21]The Land Act [Cap 113 Revised Edition 2023]; The Village Land Act [Cap 114 revised Edition 2023]; The Land Acquisition Act [Cap 118 Revised Edition 2023].
[22]Civil Appeal No. 30 of 2004, [2005] TZCA 2 (15 June 2005).
[23]NGO Reports and Media Documentation on Bagamoyo and Loliondo Cases.
[24]Ibid.
[25]Ibid.
[26]J. Temu, *Land Rights and Governance in Tanzania*, Dar es Salaam, 2020; Analytical observation based on field reports, 2022–2024.
[27]Ibid.

1.4 Compensation and Valuation in Practice: Procedural and Substantive Deficiencies

Although Tanzanian law mandates that compensation for compulsory land acquisition be full, fair, and prompt, in practice, these standards are frequently unmet.[28]Under the Land Act, compensation encompasses the value of land and unexhausted improvements, together with disturbance allowances, transport allowances, and loss of profits.[29]However, such compensation rarely reflects the replacement cost of land or the broader economic, cultural, and social value embedded in land-based livelihoods, particularly for agricultural and pastoralist communities. For example, pastoralist Maasai in Loliondo experienced evictions in 2017 affecting over 6,800 people with bomas burned, while compensation procedures were delayed or undervalued;[30]similarly, in the East African Crude Oil Pipeline (EACOP) project, households reported waiting months or years after land measurements before receiving compensation, resulting in livelihood disruption and food insecurity;[31] and in Bagamoyo, local communities displaced by industrial and port projects in 2015 and 2023 faced inadequate consultation and uncertainty regarding fair compensation.[32]

In *Attorney General v Lohay Akonaay*,[33] the Court of Appeal affirmed that customary land rights constitute property interests warranting compensation when extinguished. Despite this recognition, holders of customary tenure often lack documentary proof of occupancy, which valuation authorities may improperly treat as diminishing their entitlement to compensation. This practice undermines the statutory equivalence of customary tenure to granted rights of occupancy and disproportionately disadvantages marginalized communities.

Valuation assessments are conducted by government-recognized valuers and approved by the Chief Government Valuer. This centralized approval process has been criticized for opacity, limited community oversight, and procedural delays.[34] Households affected by major projects, such as the East African Crude Oil Pipeline (EACOP), have reported waiting months or even years after land measurements before receiving compensation, resulting in livelihood disruption, food insecurity, and social vulnerability.

The absence of statutory timelines, sanctions for delay, or interest penalties for late compensation effectively shifts the cost of administrative inefficiency onto affected persons,

[28]The Constitution of the United Republic of Tanzania of 1977 Amendment of 2023, Article 24; The Land Act [Cap 113 Revised Edition 2023], Sections 25–27.
[29]Ibid.
[30]Amnesty International, *Tanzania: Halt Brutal Security Operation in Loliondo*, 10 June 2022; IWGIA, *Forced Evictions of Maasai People in Loliondo*, 13–14 August 2017.
[31]EACOP land acquisition reports, Sojo Village, Tanzania, 7 July 2021; Global Witness, 2023; Haki Defenders Foundation / University of Sheffield, 2025.
[32]ActionAid, *Bagamoyo EcoEnergy Project Displacement Report*, 31 March 2015; Contested Ports, *Bagamoyo Displacement Issues*, 20 November 2023.
[33][1995] TLR 80 (CA). Tanzania Court of Appeal.
[34]J. Temu, *Land Rights and Governance in Tanzania*, Dar es Salaam, 2020.

raising questions about the practical enforceability of constitutional and statutory compensation rights. Critically, these deficiencies highlight a systemic gap: while Tanzanian law provides for adequate compensation in principle, institutional weaknesses, procedural opacity, and inadequate recognition of the socio-economic value of land render the law insufficiently protective in practice.[35]

1.5 The Indian Experience: Background to the LARR Act, 2013

India provides a compelling comparative context because its historical land acquisition regime closely mirrored that of Tanzania. Under the colonial Land Acquisition Act of 1894, the Indian government exercised broad discretionary powers to acquire land in the name of public purpose, frequently facilitating infrastructure and industrial expansion. The absence of procedural safeguards led to large-scale displacement, dispossession, and social unrest, with affected communities often left without effective remedies. [36]The crises reached national prominence through the Singur and Nandigram disputes, where communities forcibly resisted compulsory acquisition for industrial projects. These conflicts triggered sustained public pressure, judicial scrutiny, and civil society advocacy, ultimately resulting in the repeal of the 1894 Act and the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act).[37]

The LARR Act introduced several innovations aimed at addressing historical injustices and ensuring social equity. It provided clear definitions of public purpose, encompassing infrastructure, social services, and public welfare activities, while explicitly excluding acquisitions primarily intended for private commercial benefit.[38]The Act mandated Social Impact Assessments (SIAs) prior to acquisition, requiring government agencies to evaluate socio-economic effects, cultural impacts, and displacement implications. It further required the consent of 70% of affected landholders for public-private partnership projects and 80% consent where land is acquired for purely private undertakings.[39]

Significantly, the LARR Act enhanced compensation: in rural areas, payment of up to four times the market value was required, and in urban areas, up to twice the market value, in addition to a solatium to account for emotional distress.[40]Moreover, the Act made rehabilitation and resettlement legally enforceable, including livelihood restoration, provision of alternative housing, food allowances, reskilling programs, and community infrastructure support.[41]

[35]Ibid.
[36]Government of India, *Land Acquisition Act, 1894*; Case studies: Singur and Nandigram disputes, 2006–2010.
[37]Ministry of Rural Development, *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*, India.
[38]Ibid, Sections 2, 4.
[39]Ibid, Sections 10-12.
[40]Ibid, Sections 26-30.
[41]Ibid, Sections 31-42.

By contrast, Tanzanian jurisprudence demonstrates ongoing challenges in the practical implementation of compensation and procedural safeguards.

In *Attorney General v Lohay Akonaay*,[42] the Court of Appeal delivered a landmark ruling affirming that customary land rights have full legal recognition as property rights deserving protection under the Constitution. The Court rejected the colonial-era notion that customary tenure constituted a "lesser" or "inferior" proprietary interest, holding instead that such rights are inherent, enforceable, and compensable when extinguished. The case concerned the Maasai community whose long-standing occupation and use of grazing land was threatened by state action, and the Court held that the fact that these rights were unwritten or not formally registered did not diminish their legal validity. The Court emphasized that land held under customary tenure is protected by Article 24 of the Constitution, which guarantees the right to property and prohibits deprivation without fair and prompt compensation. This decision therefore established a constitutional equivalence between customary rights of occupancy and granted rights of occupancy, confirming that tenure security does not depend on documentary title but on actual, recognized possession and use. By placing customary rights on the same legal footing as surveyed or registered land interests, the Court underscored that communities occupying land through tradition, inheritance or collective tenure structures are entitled to full and fair compensation where their land is compulsorily acquired for state purposes. This principle remains central to Tanzania's land governance regime and has since served as a critical reference point in both judicial reasoning and policy debates concerning pastoralist, agrarian, and indigenous landholder protections.

In *Donart Kaizalwatani & Another v Commissioner for Lands & 2 Others* [43]the High Court reaffirmed the legal force of customary and deemed rights of occupancy by holding that no lawful occupant may be displaced unless the procedures for compulsory acquisition under the Land Acquisition Act and the Land Act are strictly followed. The case involved land that had been occupied and cultivated by the applicants for an extended period, amounting to lawful occupation under customary tenure, yet the land was subsequently allocated to a third party without consultation, notice, valuation, or compensation. The Court held that such allocation was null and void because it violated both statutory safeguards and constitutional protections under Article 24 regarding the right to property.

In its reasoning, the Court emphasized that the authority vested in the Commissioner for Lands does not extend to arbitrarily reallocating land where rights of occupancy whether granted or customary are already in existence. The Court stressed that the Commissioner must demonstrate that acquisition is for a genuine public purpose, must issue formal notice, must ensure valuation and compensation are carried out, and must provide affected persons the opportunity to challenge

[42](Civil Appeal No. 31 of 1994) [1994] TZCA 141 (21 December 1994).
[43](Land Case No. 40 of 2018, High Court Musoma Registry, judgment delivered 31 August 2022).

the acquisition or valuation assessment. By underscoring that "customary rights are not inferior rights," the Court reinforced the principle of tenure equality under Sections 18 and 23 of the Village Land Act, which recognize customary rights as legally secure and equivalent in status to granted rights of occupancy.

This case therefore strengthens the jurisprudential position that procedural compliance is not a mere administrative formality but a substantive legal requirement, and that failure to follow due process renders acquisition actions unlawful. Importantly, the ruling illustrates how abuses of administrative discretion and informal reallocations increasingly common in areas targeted for investment pose significant risks to tenure security, especially for rural and pastoralist communities whose rights are often unregistered but nonetheless legally protected.

In *Attorney General v Emmanuel Marangakisi & Others*[44]the Court reaffirmed the long-standing principle under Tanzanian land law that land is a public resource vested in the President as trustee for the people, and therefore only citizens are eligible to acquire rights and interests in land. In this case, the respondents, who were non-citizens, sought to inherit land through succession, arguing that inheritance was not a mode of acquisition restricted by law. The Court rejected this argument and held that inheritance is indeed a mode of acquiring land, and since the Land Act No. 4 of 1999 and the National Land Policy of 1997 explicitly restrict land ownership to Tanzanian citizens, non-citizens cannot obtain land rights, whether through purchase, lease, allocation, or inheritance. The decision emphasized the constitutional and statutory ethos that land in Tanzania must remain under the control and benefit of Tanzanian nationals, and where non-citizens require land for investment purposes, the law provides only for derivative rights through the Tanzania Investment Centre (TIC) under specifically regulated conditions. Accordingly, the judgment reinforced the protective sovereignty approach embedded in the country's land governance framework, upholding national ownership and preventing indirect dispossession through inheritance or other informal transfers.

These Tanzanian cases illustrate the gap between statutory recognition of rights and their practical enforcement, echoing the historical problems India faced under the 1894 Act. They demonstrate that while Tanzanian law formally acknowledges compensation and safeguards, weak enforcement, discretionary power, and limited social impact evaluation often undermine community protections. In this respect, India's LARR Act provides a useful model by legally embedding transparency, participation, and enforceable rehabilitation obligations, offering potential lessons for reforming Tanzania's land acquisition framework.

[44](Civil Application No 278/01/2023, Court of Appeal of Tanzania [2025]).

1.6 Tanzanian Case Studies Illustrating Compulsory Land Acquisition in Practice

Practical experience in Tanzania demonstrates how compulsory land acquisition unfolds on the ground and exposes institutional and procedural gaps in safeguarding community land rights. The Kigamboni Bridge Project in Dar es Salaam, initiated to enhance mobility and stimulate national infrastructure development, required the acquisition of extensive residential land. However, many affected households reported undervaluation of properties and significant delays in compensation, resulting in involuntary displacement without adequate transitional safeguards. This experience reveals persistent challenges in enforcing the constitutional requirement under Article 24(2) that compensation for compulsory acquisition must be prompt, fair, and adequate, highlighting the absence of a binding statutory timeframe for compensation disbursement, which has enabled prolonged administrative inertia in practice.[45]

The Bagamoyo Port Development Project similarly illustrates tensions surrounding the interpretation of public interest in land acquisition. Although the project was promoted as a critical gateway for regional trade and foreign investment, communities in Bagamoyo reported limited consultation, non-transparent decision-making processes, and inadequate access to information, raising doubts about whether the project served national public welfare or predominantly foreign commercial interests.[46]The experience demonstrates how "public interest" can be expansively construed, particularly in investment-led development, and underscores the need for clearer statutory guidance to prevent discretionary abuse. This concern echoes the reasoning in *Attorney General v Lohay Akonaay* [47]where the Court emphasized that customary land rights constitute legally protected property interests, and therefore cannot be extinguished without lawful justification and fair compensation. This landmark judgment affirmed that even non-titled customary landholders must be meaningfully protected where land is taken in the name of national development.

The dispute surrounding the Loliondo conservation corridor further reveals how compulsory acquisition may intersect with cultural identity and indigenous resource governance. Pastoralist Maasai communities, who have historically relied on collective customary tenure and rotational grazing rights, experienced restrictions on land access following conservation-oriented relocation orders and tourism development interests. While the State framed these measures as necessary to protect wildlife ecosystems, affected communities argued that the acquisitions primarily advanced private safari concessions and conservation agencies, rather than serving a genuine public interest. The legal principles applicable to this situation were reaffirmed in *Donart*

[45]Kigamboni compensation delays and fails to adhered with the constitutional requirements, stipulated uner Aricle 24(2) of the Constitution of the United Republic of Tanzania of 1977 Amendment of 2023
[46]Bagamoyo Port Development consultation and public interest concerns.
[47][1995] TLR 80 (CA). Tanzania Court of Appeal.

Kaizalwatani & Another v Commissioner for Lands & Others [48]where the Court held that allocation of land to third parties without adherence to statutory acquisition procedures constitutes a violation of customary or deemed land rights, stressing the centrality of procedural compliance and participatory consultation in any lawful acquisition process.

The East African Crude Oil Pipeline (EACOP) corridor presents further evidence of the socio-economic consequences of compulsory acquisition. Thousands of rural households in Tanzania and Uganda reported that valuation procedures undervalued perennial crops and land-dependent livelihoods, while compensation delays contributed to household food insecurity and economic vulnerability. These patterns indicate systemic weaknesses in valuation, livelihood restoration planning, and compensation oversight mechanisms. The significance of ensuring lawful control of land allocation in such contexts was reaffirmed in *Attorney General v Emmanuel Marangakisi & Others*[49]where the Court emphasized that land ownership is constitutionally reserved for Tanzanian citizens, and land allocated under development initiatives must be regulated to prevent unlawful or indirect dispossession.

Across these case studies, recurring structural challenges emerge: an expansive and discretionary interpretation of public interest, limited community participation, inadequate recognition of customary tenure, frequent undervaluation of land and livelihood assets, and delayed or insufficient compensation without guaranteed resettlement and livelihood restoration. These issues highlight the need for a comprehensive reform agenda grounded in principles of transparency, participatory decision-making, cultural sensitivity, equitable valuation, and enforceable compensatory timelines, ensuring that compulsory acquisition truly aligns with the constitutional imperative to protect property rights while advancing legitimate national development objectives.

1.7 Comparative Lessons from India's LARR Act for Tanzania

India's Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) offers several instructive lessons that are directly relevant to Tanzania's compulsory land acquisition framework. First, the Act introduces a clear and narrow statutory definition of public purpose, limiting it to specifically enumerated categories of infrastructure, social welfare enhancement, and national strategic development. This contrasts with Tanzania's broad and discretionary interpretation of public interest, which has enabled compulsory acquisitions to be justified for projects that may primarily advance private commercial or foreign investment interests rather than genuine public welfare, as reflected in controversies surrounding projects such as the Bagamoyo Port Development and the Loliondo conservation corridor. A precise legal definition, therefore, helps prevent political or economic misuse of eminent domain powers.

[48](Land Case No. 40 of 2018, High Court Musoma Registry, judgment delivered 31 August 2022
[49]Civil Application No. 278/01/2023 (Court of Appeal, 2025).

Second, the LARR Act mandates the conduct of Social Impact Assessments (SIAs) before any acquisition is approved, requiring a thorough evaluation of socio-economic conditions, cultural heritage implications, livelihood dependencies, gendered impacts, displacement risks, and environmental effects. This ensures that decisions are evidence-based and participatory, rather than administratively imposed, thereby reducing conflict and enhancing legitimacy. In contrast, Tanzania's current frameworks lack a uniform, legally enforceable SIA requirement, resulting in limited stakeholder engagement and inadequate recognition of customary land systems, a challenge highlighted by judicial recognition of customary tenure as a protected property right in the case of *Attorney General v Lohay Akonaay*[50]

Third, the LARR Act incorporates community consent requirements, mandating approval from 70% of affected households when land is acquired for public–private partnership projects, and 80% consent when the acquisition benefits purely private entities. This mechanism acknowledges landowners as active rights holders rather than passive recipients of State directives, reducing resistance, enhancing transparency, and affirming democratic participation in land governance.

Fourth, the Act substantially enhances compensation standards, requiring payment of up to four times the market value in rural areas and twice the market value in urban areas, supplemented by solatium payments to account for emotional attachment, cultural ties, displacement stress, and livelihood dependency. This stands in contrast to Tanzania, where compensation frequently reflects a narrow market valuation that overlooks non-monetary and livelihood-based dimensions of land, contributing to injustices such as those observed in the Kigamboni Bridge and EACOP acquisition processes.[51]

Finally, the most transformative feature of the LARR Act lies in its legally enforceable rehabilitation and resettlement guarantees, requiring the State to ensure that displaced persons are provided with replacement housing, livelihood restoration support, reskilling programs, basic services, and community infrastructure. This approach recognizes that compulsory acquisition, if not accompanied by sustained livelihood restoration, may lead to long-term socio-economic marginalization a recurring weakness in Tanzania where resettlement planning remains largely discretionary, and displaced households frequently experience declining living standards following land loss.

Collectively, India's reforms demonstrate that economic development and social justice need not exist in tension, and that compulsory acquisition can be structured to balance public interest with the protection of property rights and community welfare. Tanzania may therefore benefit from adopting a rights-based, participatory, and livelihood-centered model inspired by the LARR Act,

[50] *Attorney General v Lohay Akonaay, Note 50.*
[51] Challenges of valuation and compensation in Kigamboni and EACOP displacement processes.

ensuring that compulsory land acquisition supports inclusive development rather than displacement-driven impoverishment.

1.8 Recommendations for Reform in Tanzania

To strengthen equity, transparency, and legitimacy in compulsory land acquisition, Tanzania should adopt a series of statutory and institutional reforms. First, the law should introduce a clear and narrow definition of public interest, limiting compulsory acquisition to projects that demonstrably advance broad-based social welfare, rather than private commercial gain or politically driven investment agendas. This would reduce the current discretionary interpretation that allows projects primarily benefiting private investors to be framed as public developments.

Second, Tanzania should legally mandate Social Impact Assessments (SIAs) for all major land acquisition undertakings. SIAs must include assessment of socio-economic impacts, cultural heritage considerations, patterns of livelihood dependency, gender-specific vulnerabilities, and long-term displacement risks. These assessments should be publicly accessible, independently reviewed, and subject to community input before acquisition is approved.

Third, the government should institutionalize structured community consultation processes, ensuring meaningful participation of affected households, customary landholders, women, pastoralists, and other marginalized groups. Consultation should occur prior to decision-making, not merely as notification. This includes recognizing customary institutions and elders' councils as legitimate representatives of community interests.

Fourth, compensation standards should be enhanced to reflect the full replacement cost of land and livelihood value, including compensation for perennial crops, communal grazing land, cultural sites, and non-market values. Compensation should also include livelihood restoration measures, not only cash payments, ensuring that displaced persons maintain or improve their standard of living.

Fifth, statutory timelines for compensation assessment and payment should be clearly defined, accompanied by mandatory interest penalties for delayed disbursement. This would address the common problem of prolonged uncertainty faced by affected households, particularly in large-scale infrastructure and energy corridor projects.

Sixth, Tanzania should introduce legally enforceable resettlement and rehabilitation guarantees, including provision of alternative land, housing, access to markets and public services, reskilling programs, and transitional income support. These measures should be monitored for at least 3-5 years to ensure recovery of livelihoods.

Seventh, institutional coordination should be strengthened through the establishment of a National Land Acquisition and Resettlement Authority, responsible for oversight, monitoring, community support services, valuation supervision, grievance resolution, and ensuring inter-ministerial alignment. This would address fragmentation between the Ministry of Lands, local government authorities, valuation departments, and private acquiring entities.

Eighth, an independent land valuation and audit bureau should be established to ensure transparency and prevent undervaluation. Valuation reports should be publicly disclosed, and affected persons should have the right to independent valuation review at State expense.

Ninth, Tanzania should create accessible, affordable, and time-bound grievance and dispute-resolution mechanisms, including Land Acquisition Tribunals or specialized benches within existing courts to expedite community claims and prevent prolonged litigation.

Finally, reforms should integrate gender and indigenous rights protections, ensuring that women's land rights are formally recognized and that pastoralist and indigenous communities whose land tenure systems are collective, mobile, and cultural rather than titled and static are not disadvantaged by acquisition frameworks that privilege Western fixed-plot ownership models.

Collectively, these reforms would align Tanzania's compulsory land acquisition framework with constitutional property protection guarantees, regional human rights standards, and global best practices, promoting development that is inclusive, democratic, and socially just.

1.9 Conclusion

Compulsory land acquisition is an essential instrument for facilitating public development, infrastructure expansion, and socio-economic transformation. However, its legitimacy depends on the extent to which it fairly balances public interest with the protection of individual and community land rights. In Tanzania, the current legal and institutional framework continues to reflect structural weaknesses, including broad executive discretion in defining public interest, insufficient procedural safeguards, limited meaningful community participation, undervaluation of land and livelihood assets, and the absence of enforceable rehabilitation and resettlement guarantees. These gaps have contributed to recurrent displacement-related injustices, livelihood losses, and community resistance, particularly among rural, pastoralist, and indigenous landholding groups.

The comparative experience of India's LARR Act demonstrates that development and rights protection are not mutually exclusive. India's reforms anchored in statutory clarity on public purpose, mandatory Social Impact Assessments, community consent thresholds, enhanced compensation standards, and legally enforceable resettlement obligations illustrate how compulsory acquisition can be structured to promote equity, accountability, and social legitimacy. Applying similar principles in Tanzania would ensure that compulsory acquisition becomes a socially responsive, participatory, and human rights-compliant process, rather than a mechanism of unilateral state power.

Adopting these reforms would not only reduce land-related conflict and displacement but would also enhance public confidence in land governance, strengthen the rule of law, and promote development that is both inclusive and sustainable. Ultimately, a rights-conscious and transparent compulsory acquisition framework is critical for advancing national development that respects and preserves the dignity, identity, and livelihoods of all Tanzanians.

1.10 Author's Biography

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