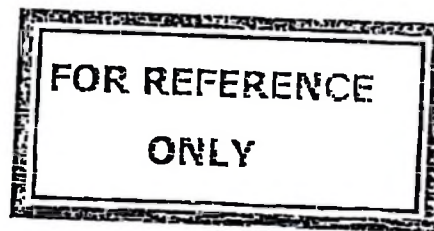


**ACQUISITION OF LAND IN RURAL AREAS OF MOROGORO DISTRICT OF
TANZANIA: POLICY AND PRACTICE**

BY

RESPIKIUS MARTIN



**A DISSERTATION SUBMITTED IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE DEGREE OF MASTER OF SCIENCE IN
AGRICULTURAL EDUCATION AND EXTENSION OF SOKOINE
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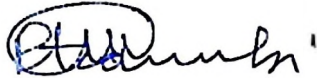
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ABSTRACT

This study aimed at assessing the implementation of land policy at the village level with specific attention to the process of land acquisition through the village government. The study had three specific objectives which are; (1) to assess the rural communities' awareness of the national land policy and the village land Act No. 5 of 1999; (2) to examine the actual processes of acquiring land through the village government in rural areas and (3) to analyze constraints facing rural people to acquire land through the village government. A cross-section survey method was employed whereby two wards were selected purposively and from each ward, two villages were selected randomly. A total of 86 respondents were interviewed while other data was solicited through focus group discussions and key informant interviews. SPSS computer program version 12 was used to analyze quantitative information while qualitative information was analyzed using the content analysis technique. The findings revealed that, the awareness of land policy is low among respondents. Majority of the respondents reported about having heard about the policy but were not familiar with key aspects of the policy. It was also revealed by the study that the process involved in acquiring village land is not as per land policy guidelines. Furthermore, lack of transparency and bureaucracy in land allocation process are the major limitations for rural people to acquire land through the village government. From the findings it is concluded that, at the village level, implementation of land policy is not effective. For the implementation to be effective the study recommends empowering rural people through access to information and capacity building for local institutions which oversee implementation process of land policy.

DECLARATION

I RESPIKIUS MARTIN, do here by declare to the Senate of Sokoine University of Agriculture that this dissertation is my own original work, and has never been submitted, nor concurrently being submitted for higher a higher degree award at any other institution.



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(MSc. Candidate)

18.11.2011
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Date

The above declaration is confirmed by:



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18.11.2011
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Date

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DEDICATION

I dedicate this work to my late father Mr. Martin Gabagambi and my mother Bi Dorothea Ngoboka who laid the foundation of my education.

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LIST OF ABBREVIATIONS

USAID	United States Agency for International Development
CBOs	Community Based Organizations
EC	European Commission
EU	European Union
FBOs	Faith Based Organizations
FGD	Focus Group Discussion
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRDS	Human Resource Development Survey
IFAD	International Fund for Agricultural Development
NGOs	Non Governmental Organizations
SPSS	Statistical Package for Social Science
UN	United Nations
URT	United Republic of Tanzania
VC	Village Council
CCROs	Customary Rights of Occupancy

CHAPTER ONE

1.0 INTRODUCTION

1.1 Background Information

Land access is broadly defined as the processes by which people individually or collectively gain rights and opportunities to occupy and utilize land (primarily for productive purposes but also other economic and social purposes) on a temporary or permanent basis (Quan, 2006). In East Africa, land is the key resource that defines not just rural livelihoods but also economic development prospects (Odhiambo, 2006). Access to land and security of tenure, especially for rural poor people, is central to poverty reduction in rural areas. Wily (2006) argues that insufficient land to live on, and insecure access or rights over land, are well-recognized factors in sustaining poverty. Fertile land is becoming scarcer due to demographic and economic growth and resource depletion, including climate change. Although on paper some countries have progressive laws and procedures that seek to increase the local voice and benefit, big gaps exist between theory and practice, between statute books and reality on the ground which results in major costs being internalised by local people (Cotula *et al.*, 2009).

In Tanzania much of the land identified as suitable for investment in different parts of the country is village land. This land is under the authority of village councils and village assemblies, with the latter comprising all the residents of a village who are over the age of 18 (URT, 1999). This land is used or occupied by local communities in various ways. Even seemingly unoccupied lands traditionally may be important areas for seasonal

livestock grazing, extraction of forest products, or other important livelihood uses (Mattee and Shem, 2006).

In Tanzania land holdings average 0.2 to 2 hectares per household (Tulahi and Hingi, 2006). Limitation in availability and access to modern technology is a major obstacle to expansion of land under crop cultivation. For example, 70% of farmers still use a hand hoe for tilling the land, 20% use animal draught ploughs and only 10% use tractors (Tulahi and Hingi, 2006).

1.1.1 The national land policy

Prior to 1995 Tanzania has never had a national land policy. Lack of policy had meant that the nation did not have a clear roadmap to guide land tenure issues. The National Land Policy (the Land Policy) was formulated in 1995 as a result of the work of the 1994 Presidential Commission of Inquiry into Land Matters (the Commission). The policy paved the way for the enactment of two major pieces of legislations-the Land and Village Land Acts, 1999 (Acts No 4 and 5 respectively). Though the two pieces of legislations were enacted in 1999, they only came into force in May 2001 (Wily, 2003). The objectives of these Acts are reflected in the principles of the Land Policy. Although one of the fundamental principle of the Land Policy is to facilitate and regulate the operation of a market for land so as to ensure that rural and urban smallholders and pastoralists in Tanzania are not disadvantaged, in practice its implementation has proved a failure. In most cases people have been acquiring land without following land allocation regulations and guidelines.

1.1.2 The Village Land Act, Act No. 5 of 1999

The Village Land Act consists of six parts and 66 sections. Village land is divided into three categories (a) communal village land for communal and not individual use; (b) land used or occupied by an individual or family under customary law; and (c) vacant land, which may be allocated for communal or individual use. The Act declares customary titles at par with granted rights of occupancy. Therefore, a lease and a sublease can be granted out of a customary right of occupancy i.e. "customary leases". A customary right of occupancy is inheritable and transmissible by will.

Section seven (7) of the Village Land Act defines 'village land' to include lands that are registered under section 22 of the Local Government (District Authorities) Act or those designated by the Land Tenure (Village Settlements) Act, 1965 or any other law or procedure. The law empowers the village council to allocate (and manage) parcels of village land or grant customary rights within the village to individuals, households, clan, community, or other lands and their adjudication, registration and titling. Accordingly, a village council is responsible to maintain the certificate of village land. The powers of allocation of village land by the Village Council is, however, subject to the approval of the village assembly, the supreme authority on all matters of general policy making at the village.

1.1.3 Theoretical foundation of the study

With respect to policy implementation, two schools of thought have dominated the debate as the most effective method for studying and describing the policy implementation process: top down and bottom up (Matland, 1995). 'Top downers' hold that policy can be implemented as it is designed through strict management control at the central level

(Mazmanian and Sabatier, 1983a; Nakamura and Smallwood, 1980; Berman, 1980). On the other hand, 'Bottom uppers' argue that the discretionary power of street level influence the implementation process to a great extent (Lipsky, 1971 and 1980; Hull and Hjern, 1983). Therefore the focus of policy implementation for the bottom uppers' is at micro level. Both top down and bottom up perspectives have their advantages and disadvantages. Relatively speaking, top down models are more useful for analysis at the macro level focusing on the formulation of policy and decision making and legislations; while bottom up models are more often applied at the micro level to explore the discretionary power of local bureaucrats (Na, *et al.*, 2011).

However, when facing a complex policy implementation process involving multi-actors across multi-levels both top down and bottom up models appear to be weak in linking multi actors across multi levels since either of them is suitable to the single level (either at the top or at the bottom). One approach that helps one to explore these linkages at different levels and illustrate the complexity of policy implementation with multiple actors and multi levels includes the actor oriented approach (Na *et al.*, 2011). Consequently, land policy implementation process in rural areas can to a large extent be understood based on this approach developed by the Wageningen School of Sociology under Professor Norman Long. The social actors is the main feature in this approach and this interest is based on the conviction that "although it may be true that certain important structural changes result from the impact of outside forces, it is theoretically unsatisfactory to base one's analysis on the concept of external determination" (Long, 1992 pp. 20).

One of the fascinating aspects of the actor-oriented approach is the way it looks into the issue of policy and planned development. Long substantiated that much policy analysis

still seemed to adhere to a rather mechanical or systems model of the relationship between policy formulation, implementation and outcomes. This linear approach implying some kind of step-by-step process whereby policy was formulated, implemented and then followed by certain results, after which one could evaluate the process in order to establish how far original objectives had been achieved (Long, 2001). Long argues that the separation of 'policy formulation', 'implementation' and 'outcomes' is a gross oversimplification of a much more complicated set of processes, which involve the reinterpretation or transformation of policy all the way to outcomes. He emphasized that this kind of linear approach fails to appreciate the fact that 'outcomes' often also result from factors which cannot be directly linked to the implementation of a particular development program.

Moreover, issues of policy implementation should not be restricted to the study of top-down, planned interventions by governments, development agencies and private institutions, since local groups actively formulate and pursue their own 'projects of development', which may clash with the interests of central authorities (Kontinen, 2004.) In terms of methodology, the actor-oriented approach calls for a detailed ethnographic understanding of everyday life and of the processes by which images, identities and social practices are shared, contested, negotiated by the various actors involved. This has strong implications on how we look at rural development practice and policy formulation, implementation and evaluation (Long, 2003)

1.2 Problem statement

Land is the key resource for investment, hence acquiring it is important. Over the years, the demand for land has been increasing following expanding investment opportunities in the country especially after introduction of economic liberalization policies in the mid 1980s. The land policy is expected to mediate this process of land acquisition. Although this kind of policy and Act has been implemented over the years, little is known about processes involved in its implementation and land related conflicts are being widely reported. By using the actor-oriented perspective this study explores the implementation of the land policy in Tanzania.

1.3 Justification of the study

Secure access to land is the most important condition for sustainable agricultural development and livelihoods in rural areas. Effective land policy is a key to secure access to land. Poor land administration can erode public confidence and trust in the titling and land registration system and this puts the poor, in particular at a great disadvantage. Therefore, the results of this study is expected to provide feedback to the policy makers and other stakeholders on how the land policy is actually being implemented at a grass root level so that the necessary measures can be undertaken to improve its implementation.

1.4 Objectives

1.4.1 Overall objective

To examine the policy and practices of land acquisition by people in rural areas in Morogoro District

1.4.2 Specific objectives

- i. To assess the rural communities' awareness of the national land policy and the village land Act No. 5 of 1999
- ii. To examine the actual processes of acquiring land through the village government in rural areas
- iii. To analyze constraints facing rural people to acquire land through the village government

1.5 Research questions

- i. To what extents are the people living in rural areas aware of the land policy and village land Act No. 5 of 1999?
- ii. What are the actual processes used to acquire land through the village government in rural areas?
- iii. What are the explanations given by village government leaders about the processes of allocating land to people?
- iv. What are the constraints facing rural people to acquiring land through the village government?

CHAPTER TWO

2.0 LITERATURE REVIEW

2.1 Land Acquisition in Rural Areas

Effective land policy plays an important role in land acquisition by allowing those who are productive, but are either landless or own little land, to secure access to land. Rural dwellers normally access land through a wide variety of different channels (de Janvry *et al.*, 2001). In Tanzania, Kauzeni *et al.* (1998) identified inheritance, allocation by village council, borrowing/renting, purchasing, clearing bush and allocation by clan/family to be the major modes of land acquisition. In rural areas, informal land transactions to obtain access to land are the only avenues left to the landless. In urban areas, this is illustrated by informal settlements or squatting (Okoth-Ogendo, 1999).

2.2.1 Awareness of Land Policy and Land Act in Rural Areas

Information is a raw material for development for both urban and rural dwellers (Harande, 2009). The use of information by rural communities determines their level of awareness, progress, development and success in life (Harande, 2009). Access to information is also critical to letting people know their entitlements to welfare benefits and sources of support to overcome social exclusion.” Most of the rural people are not well informed about land policy and laws. The study which was done in rural Ethiopia shows that there are no adequate awareness of the land laws by the public (USAID, 2004). While there are some unsystematic efforts to inform the public on land policy, as in the case of Amhara region of Ethiopia, the regions do not have in-built policy awareness programs for their land administration institutions nor their land certification programs.

Also, there is little capacity in rural areas for the dissemination of information to the public about the various land administration reform programs, their objectives, and ways that they will impact local resource use have been identified to be an obstacle to awareness creation (USAID, 2004). Socio-economic factors such as age, level of education, location of residence (rural or urban), occupation and the level of importance people attach to the subject matter influence the level of awareness (EC, 2007).

In Tanzania there is considerable ignorance of both the law and procedures related to land ownership and development and dispute resolution in both rural and urban areas (Kironde, 2009). For example, it has been found that only 3.5% of urban people know very well about Land Policy and 3% know very well about land act and land acquisition act. It is very important to note that in rural areas the percentage is less than in urban (Kironde, 2009). Lack of awareness about the existence of the policy and land laws by most land users, particularly farmers (crops) and livestock keepers, has resulted into intermittent conflicts between the two communities in some areas of Tanzania (Tulahi and Hingi, 2006).

2.2.2 The processes of acquiring land

Molen (2002) pointed out that land administration systems depend on culture, history and people's behaviours. Consequently, land administration systems and hence the processes of acquiring land in rural areas differ from country to country. However, a number of factors have been identified to influence land acquisition in rural areas. Social differences (along the axes of wealth, gender and descent), traditional institutions (uxorilocal or virilocal marriage, polygamy, inheritance and succession) and government policy are

central in determining access, use and control of land and natural resources in rural areas (Chileshe, 2005). In Tanzania, Village councils and assemblies have the power, through the Village Land Act, to oversee the distribution and management of village land (URT, 1999)

2.3 Land governance

In many cases land administration systems in developing countries, as well as in many developed countries, simply lack good governance instruments which are needed to translate the land policy into implementation (Masumin, 2011). No doubt, the root of the challenges and constraints to effective land administration is found in weak governance. Similarly, lack of administrative capacity and institutional weaknesses cause the major development bottlenecks and explain much poor governance (Masumin, 2011). Hence, effective, accessible, transparent, and accountable land administration agencies are crucial to any effective governance framework (UN Habitat, 2008b). In any country, the way land tenure systems are governed influences how benefits, costs and risks are distributed (Hilhorst, 2010). Moreover, resource tenure institutions only enhance security when they are trusted. For formal land administration to be useful to the rural poor, services need to be appropriate, accessible, predictable and reliable. Appropriateness implies responsiveness to local requirements and circumstances. Accessibility concerns issues such as proximity, language and costs. Accessibility is also about awareness amongst potential clients of the services on offer (Hilhorst, 2010). Rural land users, therefore, need to be informed about rights, responsibilities, and procedures and appeal mechanisms. Information and communication campaigns that are extensive and continuous are essential (Cotula *et al.*, 2009).

However, promoting responsible governance of land and natural resources is also a challenge at the local level. Weak land governance can discourage investments in land and sustainable resource use, and may contribute to the emergence of conflict, ultimately affecting broad-based economic growth (Grover *et al.*, 2007). Occurrences of weak land governance may involve administrative negligence, abuse of authority, and corruption, all of which may contribute to inequity (World Bank, 2010). The more marginal and vulnerable groups in society are most at risk, to the extent of losing their rights. One of the challenges for land administration is where the elite takes undue advantage of the system or uses political interference to improve its land holding position. In order to strengthen local institutions engaged in land governance, the following aspects need to be kept in mind: performance, efficiency and effectiveness of service delivery, transparency, checks and balances, equity, coordination and collaboration (Hilhorst & Guijt, 2006).

2.4 Institutions of land administration and management

The concept of ‘institution’ is challenging to grasp, as the term is used with a variety of different meanings (UNESCO, 2009). However, it can include both the framework of rules (both formal and informal) which define the inter-relationships between stakeholders and resources, and also the organizations which often define, work within and implement policies relating to these arrangements. Institutions therefore include locally- constituted informal norms and processes, and more formal national legal frameworks and government departments and relevant organizations (World Bank, 2004). According to EU Land Policy Guidelines, land administration is a set of structures and institutions which implement land policy, affects rights, delivers titles and deed and manage information

system. UN Habitat (2008a) states that, the term 'land administration' refers to how civil authorities run and enforce tenure rules and regulations. Therefore, deficiencies in land administration institutions responsible for boundary demarcation, registration and record keeping, adjudication of right, and resolution of conflict can prevent secure tenure. Effective land administration requires strong and fair institutions and should include an element of enforcement to ensure all actors from individuals to government bodies comply with tenure rules and regulations (UN Habitat, 2008a) and sufficient institutional capacity is the vehicle to get effective and efficient institutions.

2.5 Land policy and its implementation in Tanzania

Although there are good programmes to implement land laws, they are not adequately funded. In his study of the rural land title certification programme in Tanzania Mukandala (2008) cited by Kironde (2009) found that, the Ministry of Lands had calculated that the cost of village land title certification over a five year period (2000/01-2004/05) was TShs. 19.0 bn or 3.8 bn per annum. The Approved allocation however was 1.012 bn or an average of Tsh 203m per annum. This represents only 5.3% of the expected cost. Also Kironde (2009) argue that land sector issues do not appear to have regular public reports indicating progress towards meeting given indicators. A regular report is the one to Parliament annually made by the Minister for Lands during the Budget session. Furthermore, Kironde (2009) highlights that a comparison of Ministerial Speeches for four years (2004/05; 2005/06; 2007/08 and 2008/09) revealed that the type of information in these reports differed between the years and it was not possible to build a progressive picture over the years on Ministerial or other institutional performance. Sometimes the information is contradictory. He gave an example that in his 2008/09 Budget Speech the Minister for Lands said the Ministry had surveyed 9,577 villages out of the estimated

13000 villages in the country (Tanzania 2008). In a later report highlighting three years of the government's performance the number of villages in the country was given as 10 200 while the number of villages surveyed stand at 8 700 (Uhuru, 13 January 2009,13-18). However, the number of Customary Rights of Occupancy (CCROs) awarded is similar, 14 017 in both reports.

2.6 Land, Gender and the Right of Marginalized

Since most of the women in rural areas are farmers, access and control of land is an important determinant of women's ability to improve their well being (Macha and Mdoe, 2002). In Tanzania, the constitution, the land laws and the judiciary recognize equality of both men and women as far as access to and ownership of land is concerned. The law also requires minimum representation of women on institutions dealing with land issues. The Policy and subsequent laws prohibit discrimination on a gender basis in access to both customary and statutory rights (Kironde, 2009). As one of its fundamental principles Land Act states that: The right of every woman to acquire, hold, use, and deal with land shall to the same extent and subject to the same restrictions be treated as a right of any man is stated in Land Act section 3 (2). The same principle is explicitly laid down in the Village Land Act to cover customary rights of land. Yet traditionally, women are disadvantaged in terms of land access and control. This challenge is aggravated by HIV/AIDS pandemic where there is evidence of widows having their land 'grabbed' by the family of diseased husband (Aliber *et al.* , 2005). Less than 15% of registered land is in the name of women or is jointly owned. The situation is slightly better in urban areas where in the 20,000 plots Project over 30% of the land parcels were in the name of women or in the joint names of

spouses (Kironde, 2009). However, this is fortuitous and there is no positive action to realize increased landownership by women.

CHAPTER THREE

3.0 METHODOLOGY

3.1 Research design

The design of this study is a cross sectional survey, which involves collecting data at a single point in time (Babbie, 1990). This study design is most appropriate and not biased to any member of the population. The design is feasible, economical and data collected could be analyzed to determine relationship between variables.

3.2 Description of the study area

The two wards of Mikese and Kisaki are located in Morogoro district which is one of the six districts in Morogoro Region. The District is located in the NorthEastern part of Morogoro Region between 8°00' and 10°00' Latitudes South of Equator and between Longitudes 37°00' and 28°22' East. It borders with Lindi Region to the East, Ulanga and Kilombero districts to the South, Mvomero District to the West/North and Coast Region to the East. Administratively Morogoro District has been divided into 6 Divisions, 25 Wards and 132 villages.

Agriculture is the main economic activity in the district; this includes rain-fed and irrigated agriculture. In 2005/06 the District had a total of 1 774 000 ha arable land of which 211 000 ha land is under cultivation (URT, 2006). In terms of population the District has a total of 56,723 households, with the population of 263 920 inhabitants of which 129 285 are males and 134 635 females. The average population growth rate is 2.6%. According to 2002 census, the population density in the district was 22 people per

square kilometer (URT, 2002). Of the two wards Mikese has high population compared to Kisaki. According to 2002 population and housing census, Mikese ward had 4,014 households with an average size of 4.5 members and a total of 18,170 people of which 9,459 were male and 8,711 female. On the other hand Kisaki Ward had 3,008 households with an average size of 4.3 members and a total of 12,888 people of which 6,387 were male and 6,501 female.

In terms of land use plan and settlement patterns, out of the four villages surveyed only Kisaki Gomelo village has land use plan. Land use mainly comprises rain fed agriculture with maize, paddy (rice) and simsim being the main crops. Other crops include beans, cassava, sweet potatoes, sesame, cotton and vegetables. There are different ways of acquiring land in the study areas including inheritance, village allocation and purchasing. Both men and women can access land through mentioned ways but only few women compared to men purchase land.

3.4 The Study Population

The population for the study consisted of all farming households from 4 randomly selected villages of the two purposively selected wards of Mikese and Kisaki in Morogoro Rural District. The list of all farming households in the study villages constituted the sampling frame.

3.5 The Sample

In this study, two wards of Mikese and Kisaki were purposively selected. From each ward two villages were selected randomly. After selection of the villages a reconnaissance

survey was carried out to get a general picture of study areas. The selection of wards was based on the distance from Morogoro Municipality. Thus Mikese ward is near Morogoro town and the other (Kisaki) is away from Morogoro town. The essence was to get a true picture of land acquisition policy and practices for people living near town centre and those living away from town centre. A total of 43 respondents were selected randomly from each ward making a total of 86 respondents. The target at household level was the head of household. A Posel's (2001) gender neutral definition which considers household head as either a male or female adult person who usually resides in the household and is acknowledged by other household members as the household head was adopted by the study.

3.6 Data Collection Procedure and Analysis Method

3.6.1 Primary data

Primary data were collected using a myriad of methods as a means of data triangulation but also in order to gain deeper understanding of the subject matter. Before the actual process of data collection, the interview schedule was pretested in order to validate it.

Later it was administered to household heads in their domiciles. Direct administration of the tool (as opposed to self-administered mode) is particularly applicable to rural populations because of their low levels of literacy (Bless and Higson-Smith, 1995; Laws *et al.*, 2005).

Also two focus group discussions (FGDs) in each ward were conducted. They included one for the farmers and the other for ward land tribunals. Farmers who participated in

FGDs were purposively recruited from among those who participated in the interview schedule-based survey. To obtain representative groups, participants were selected based on their socio-demographic characteristics and their knowledge of the research topic.

The topics covered in the FGDs include: total area of the village, main forms of land use, history about the village and its inhabitants and how the villages were established. Follow up questions related to knowledge about the land policy and Village Land Act, the processes involved in acquiring village land and obstacles facing the rural people in acquiring land were also asked. Furthermore, a checklist for key informant interviews was developed and used for data collection. In each Ward, two (2) key informants were interviewed. Key informants were purposively selected on the basis of them being active members of the rural community and having adequate information about the topic. They included Village and Ward Executive Officers. Issues covered during the key informant interview included but not limited to knowledge about the land policy and Village Land Act, process of acquiring village land, identity of people who mostly acquire land in the village and constraints related to land acquisition.

3.6.2 Secondary data

Secondary data relevant to the study were obtained from village and ward office records. The records of people who applied for land through the village government in the past 5 years and people who were allocated land by the village were obtained through this source. These data helped the researcher to be more focused in primary data collection since it was possible to make out what are the gaps (deficiencies) and what additional information needed to be collected. Therefore it helped to improve the understanding of the problem.

3.7 Data Analysis

Data collected by the interview schedule were coded and analyzed using the Statistical Package for Social Sciences (SPSS version 12) computer programme and excel sheet. Descriptive statistics such as frequencies, percentages and chi-square have been used to present these data. Content analysis method was used to analyze data collected by the checklist and focus group discussions (FGDs). The following steps were followed during analysis of qualitative data. First, the researcher read and re-read the focus group transcripts and interview write ups until he was familiar with the contents. Secondly, the data was organized by question. Thirdly the data were placed in mutually exclusive categories of themes like actual process of acquiring village land, constraints faced by rural people in acquiring land through the village governments and opinion for rural land governance to be effective. Fourthly, the categories were reviewed to check if they sufficed the objectives of the study. Fifth, the researcher looked for patterns across themes to find if themes changed over time and if themes were different in different settings. Finally, the researcher came up with the summary of findings across themes.

3.8 Scope and Limitation of the Study

The study was carried out in Morogoro District and it was designed to seek understanding of the implementation of land policy with specific reference to how people acquire land through the village governments. However, this study faced a number of limitations which emanate from limited cooperation by ward and village government officials for fear of being spied.

CHAPTER FOUR

4.0 RESULTS AND DISCUSSION

4.1 Socioeconomic Characteristics of Respondents

4.1.1 Demographic characteristics

This section describes the characteristics of the respondents. Particular attention is given to the wards where respondents were randomly selected on the basis of sex, marital status, age, education level, land ownership, main livelihood activity and income based on daily expenditure.

Table 1 shows the characteristics of the respondents who were interviewed from the two wards. Of the respondent interviewed, men accounted for about 56% while women were about 44%. In terms of marital status the result shows that the majority (90.7%) of respondents were married, 3.5% were single and the rest (5.8%) were widows. Furthermore, the results reveal that 24.4% had the age between 31 and 40 years, while only 1.2 % of the respondents were under 20 years and the rest were either between 20 to 30 years or above 41 years. In terms of education level, the results show that, the majority (55.8%) had completed standard seven while others had no formal education (19.8%), few respondents (4.7%) had no formal education but could read and write. The table further shows that 3.5% completed standard four, 9.3% completed form four and the rest 7% completed standard eight.

Table 1: Characteristics of respondents (n = 86)

	n	%
Distribution of respondents by Sex		
Male	48	55.8
Female	38	44.2
Total	86	100.0
Distribution of respondents by marital status		
Single	3	3.5
Married	78	90.7
Widow	5	5.8
Total	86	100.0
Distribution of respondents by ages in years		
Under 20	1	1.2
Between 20 and 30	10	11.6
Between 31 and 40	21	24.4
Between 41 and 50	17	19.8
Between 51 and 60	15	17.4
Between 61 and 70	8	9.3
Above 70	14	16.3
Total	86	100.0
Level of education of the respondent		
No formal education and can't read	17	19.8
No formal education but can read	4	4.7
Std four	3	3.5
Std seven	48	55.8
Form four	8	9.3
Std 8	6	7.0
Total	86	100.0

4.1.2 Access to land and main livelihood activities

For rural people who rely on agriculture, secure access to natural resources, especially land, holds the most promise for the accumulation of family assets: Assets with which they can produce food to feed their families, earn income from the sale of surpluses, produce fodder for livestock and use as collateral to obtain credit (Moore, 2003). With respect to access to land and main livelihood activities, the results show that all people who were interviewed had access to land but not all of them depend on crop cultivation as their main livelihood activity. In fact, the study shows that 2.3% of the respondents run small business as their main livelihood activity. It should be noted that although the results



show that majority of respondents had access to land, the state of landless or near-landless is evident in the study areas because of limited access to land by the people. During FGDs with farmers it was pointed out that for those who gain access to land by hiring, face problems from land lords who charge higher rent. In other circumstances, when maize is cultivated, at harvest time they require one sack (of more than 80kg) of maize per each hired acre. This was seen by the FGDs participants as exploitation. It was observed that due to lack of other alternatives to land for cultivation, rural people will continue to be exploited by the class of well off people who can acquire big tracts of land.

Some factors seem to propagate the situation of landless or near landlessness. They include:

Land degradation: Large areas of cropland, grassland, woodland and forest are already seriously degraded. They require intensive utilization of agricultural inputs in order to be productive. However, in the study area a normal person cannot afford to buy fertilizer, hire tractors and other agricultural inputs. Therefore, the remaining option for them is to find other areas which can support crop production without intensive usage of agricultural inputs. These types of areas are not readily available and when available for hire these are expensive. As a result, people stay idle the whole cultivation season.

Demographic pressures: As pointed out earlier, village land allocation is one of the ways to acquire land. In some areas, this was done 30 years ago when the population was not high. To date the population has almost tripled and because of tradition of getting land through inheritance, land parceling has resulted into insufficient land for cultivation.

Land use conflicts: There exist land use conflicts between livestock keepers and crop growers. Due to these conflicts some smallholder farmers have lost their land for cultivation. When they plant crops, livestock keepers graze their cattle on cultivated fields.

When cases are taken to conflict resolving machinery, in most cases livestock keepers win because they have greater social capital with officials responsible for resolving compared to the crop cultivators. Another type of conflict which was observed is between smallholder farmers and game reserve officials. Farmers in Kisaki Ward who settled near the Selou Game Reserve complained that, when elephants and other vermin from the reserve destroy their farms, they are not compensated. As a result, farmers have abandoned farms which are close to the game reserve. Other important factors include expansion of large-scale commercial farming and natural disasters for such as floods. These factors have left poor farmers with limited opportunities to improve household well-being. In fact, as a consequence of limited access to land, people who used to be self-sufficient in food are now facing the problem of food insecurity.

Table 2: Land access and main livelihood activities (n = 86)

Land ownership	n	%
Owning land for cultivation	86	100
Total	86	100
Main livelihood activity		
Crop production	84	97.7
Running small business	2	2.3
Total	86	100

4.1.3 Household income

Household income was measured in terms of how much a person spent per day. Furthermore, respondents were divided into two categories; those who spent more than 1US \$ and those who spent less than 1US \$ per day. The results of the study show that majority (51.2 %) of the respondents spent less than 1US \$ per day and 48.8 spent above 1US\$ per day. The results confirm the World Bank findings which show that in Tanzania, about 50% of the population live below the “basic needs” poverty line (URT, 2000; World Bank, 2000). Also based on the Human Resource Development Survey (HRDS), the

World Bank (2000) data show that the incidence of poverty is twice as much in rural areas than in urban areas. Like in most other developing countries, in Tanzania poverty is concentrated in rural areas (Lymo-Macha and Mdoc, 2002).

Table 3: Daily expenditure of the respondents (n= 86)

Expenditure	n	%
Below 1 US dollar	44	51.2
Above 1 US dollar	42	48.8
Total	86	100

4.1.4 Number of land plots

In Tanzania land parceling is a normal practice (Maghimbi *et al.*, 2011). When asked the number of plots owned, the results of the study show ownership of land ranging from a minimum of 1 plot to a maximum of 4 plots. Furthermore, the results reveal that the majority (43%) owned one piece of land, 41% owned two plots while 9% owned three plots and 7% of respondents own four plots.

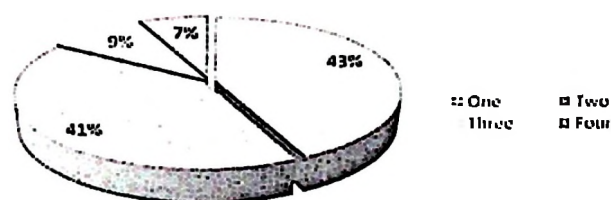


Fig 1. Number of plots own by respondents

4.1.5 Size of land holdings

Data in Table 4 reveal that, majority (33.7%) of respondents had land size ranging between 1 and 2 acres while 15.1% have land size of above 10 acres. It can be observed from these results that, although people with more than 10 acres of land are found in

Mikese Ward, on average people with big plots of land (2.1 to 10 acres) are found in Kisaki Ward. The reasons for this difference in size of land holdings between the two wards can be attributed to difference in intensity of factors which propagate the situation of landless or near land less which have been discussed earlier.

Table 4: Size of land holdings (n =155)

Area in acres	Mikese		Kisaki		Total	
	n	%	n	%	n	%
< 1	9	10.5	9	10.5	18	20.9
1 to 2	13	15.1	16	18.6	29	33.7
2.1 to 3	9	10.5	12	14.0	21	24.4
3.1 to 4	9	10.5	14	16.3	23	26.7
4.1 to 5	3	3.5	23	26.7	26	30.2
5.1 to 10	9	10.5	16	18.6	25	29.1
> 10	7	8.1	6	7.0	13	15.1
Total	59	68.7	96	111.7	155	180.2

Note: This table presents multiple responses, thus percentage do not add up to 100

4.1.6 Modes of land acquisition

There are various modes of land acquisition in rural areas. The results of the study identified 8 modes of land acquisition as shown in Table 5. The predominant mode of land acquisition was through inheritance. The results also show that 40.7% of people acquired land by being allocated by village government. However the results of FGDs in Mikese Ward show that this mode of acquiring land has not been practiced for the past decade. The reasons given by the FGD participants include land scarcity, the rise of the value of land after influx of well off people from outside the ward, and village government leaders are not willing to allocate land to poor peasants because they do not get money in return.

Also the results show that few respondents (2.3%) got land by being given by landlords after safeguarding their land for many years.

The other modes of acquiring land were purchasing (26.7%), renting (19.8), using clan land (7%) and forest slashing (10.5%).

Table 5: Modes of land acquisition (n = 154)

Modes of land acquisition	Mikeese		Kisaki		Total	
	Number	Percent	Number	percent	Number	percent
Inheritance	19	22.1	43	50	62	72.1
Purchase	12	14	11	12.8	23	26.7
Allocated by village government	14	16.3	21	24.4	35	40.7
Rent it	6	7	11	12.8	17	19.8
Slash and own	4	4.7	5	5.8	9	10.5
Given by landlords	2	2.3	0	0	2	2.3
Clan land	1	1.2	5	5.8	6	7.0
Total	58	67.6	96	111.6	154	179.1

4.2 Awareness of Land Policy

Awareness of land policy by rural people is important in securing their rights related to land issues. To gauge the level of awareness of land policy, respondents were asked if they have ever heard about the policy. The results show that 70.9% of people in the study area had heard about land policy. Basing on this measure, the level of awareness was higher in Kisaki 44.2% compared to Mikeese 26.7%. Chi square results (Chi square value =12.689 and P-value = 0.000) showed that there is a statistically significant difference in the level of awareness among the respondents in these two wards). The difference of the level of awareness between the two wards are contrary to what one would expect since Kisaki is far interior compared with Mikeese. However, the reasons for this difference were revealed during discussion with key informants in Kisaki. During discussion, they reported to have

been holding monthly meetings to sensitize villagers on land policy issues and the Village Land Act. The motivation for holding sensitization meetings was initiated by NGOs including WWF. These assisted the villages to develop land use plans. At the time of this research, Kisasi Gomero had already developed the plan although it was yet to be implemented. The village had also the plan to build the village land registry. Although the results show that majority (90.9%) had heard about the land policy, during FGDs with farmers, the participants pointed out that more than 50% of people were not aware of the details of the land policy. The same comments were also given by the Ward Land Committees during discussion with them. They expressed this by saying “We became aware of land policy when we were elected to be ward land committee members, therefore we believe that majority are not aware of the policy”. Moreover, contrary to researcher expectation, members of land committees seemed to be confused as they could not differentiate between the Land Policy and the Village Land Act. Generally, these results confirm the evidence from other studies which indicate that there is considerable ignorance of both the law and procedures related to land ownership and development and dispute resolution in both rural and urban areas (Kilonde, 2009). Also Kironde (2006), in his study on land expropriation, found that the majority of the affected households had no knowledge of the stipulations of the law. With regard to Land Policy the study revealed that 3.5% know very well the Land Policy, 18.5% were partly knowledgeable and 78% had no knowledge at all.

Table 6: Awareness of land policy (n=86)

Have you ever heard about land policy	Mikese		Kisaki		Total	
	n	%	n	%	N	%
Yes	23	26.7	38	44.2	61	70.9
No	20	23.3	5	5.8	25	29.1

Pearson Chi-Square Value=12.689 and $p = .000^{***}$

Note: *** = Significant at 1% probability level

4.2.1 Sources of information on Land Policy

Providing the right information is one the strategies to ensure citizen involvement in land matters (Maulidi, 2004). Therefore, a reliable source and relevant information is critical to rural community empowerment. Harande (2009) argues that, the use of information by rural communities determines their level of awareness, progress, development and success in life. When asked to indicate the major source of land policy information, the results indicate that majority 60.7% got the information through radio. Of these 52.5% were male and 8.2% were female. Other sources of information were village meetings 24.6% and newspapers 6.6%. The results of Chi-square (Chi-Square value = 9.734 and p -value=0.083) showed that there is no significant difference of sources of information amongst the respondents from the two wards. Although the results show that radio was the major source of information, during FGDs majority of women reported village meeting to be their major source of land policy information. This is also confirmed by the results in Table 7 which show that 16.4% of women got information via this source compared to their counterpart male 8.2%. The results underscore the fact that women listen to radio less frequently than men. The same results were reported in the study on mass information in support of peaceful Congolese and Burundian refugee Repatriation which reveals that

fewer women than men listen (80% vs 96% who listen) and women listen less frequently than men (31% vs 63%) (PRM, 2008)

Table 7: Source of information on land policy (n = 61)

Source of information	Mikese		Kisaki		Total		% disaggregated by gender	
	n	%	n	%	N	%	Male	Female
Radio	12	19.7	25	41.0	37	60.7	52.5	8.2
Workshops	1	1.6	0	0	1	1.6	0.0	1.6
Village meetings	4	6.6	11	18.0	15	24.6	8.2	16.4
Friends	3	4.9	0	0	3	4.9	1.6	3.3
Project group	1	1.6	0	0	1	1.6	0.0	1.6
News papers	2	3.3	2	3.3	4	6.6	4.9	1.6
Total	23	37.7	38	62.3	61	100	67.2	32.8

Source: Survey data, 2011

Chi-Square value = 9.734 and p- value=0.083*

Note: * = Significant at 10% probability level

4.2.2 Awareness of principles of land policy

Awareness of the Land Policy was also measured by asking the respondents if they had ever heard about the principles of the policy. Table 7 shows that majority of the respondent have heard about three principles of land policy. They include the principle of land policy which states that all land in Tanzania to be public land vested in the president as trustee on behalf of all citizens; the principle of land policy which states that the land policy facilitate an equitable distribution of and access to land by all citizens and the principle of land policy which emphasize full pay, fair and prompt compensation to any person whose right of occupancy or long standing occupation or customary use of land is revoked or interfered with to their detriment by the State or is acquired. On the other hand, majority of respondents had not heard about six fundamental principles of land policy.

These principles and percentage of respondents not heard in bracket are: land policy regulates the amount of land that any one person or corporate body may occupy and use (72.1), land policy provide guidelines to ensure that land is used productively and that any such use complies with the principles of sustainable development (76.7), land policy facilitate and regulates the operation the operation of a market in land so as to ensure that rural and urban small holders and pastoralists are not disadvantaged (76.7), land policy set out rules of land law accessibly and in a manner which can be readily understood by all citizens (81.4), land policy direct to establish an independent expedition and just system for the adjudication of land disputes which will hear and determine cases without undue delay (79.1) and land policy encourages the dissemination of information about land administration and land law through programmes of public and adult education using all forms of media (84.9).

Even though some land policy principles have been heard by majority of respondents, during farmers' FGDs participants reported that they were not aware if what they had heard were actually principles of land policy. Similarly, the same situation was encountered during interviews with key informants. It can be inferred from this that, land policy, principles of land policy and land laws still confuse rural people in their meanings and applications. These results imply that during implementation, few principles of land policy are implemented most frequently than others and seem to have immediate impacts on the livelihood of the rural people and receive more attention by the rural people. For example, the land policy which emphasize full payment, fair and prompt compensation to any person whose right of occupancy or long standing occupation or customary use of land is revoked or interfered with to their detriment by the state or is acquired have used more frequently by the government and investors in acquiring village land. Whether the government or investors make full payment, fair and prompt compensation is debatable.

On the other hand, most of the principles of land policy have not frequently been implemented and when they are implemented, there have been no immediate impacts on the livelihood of the rural people. Therefore they are not given much attention by the people.

Table 8: Awareness of principles of land policy (n=86)

Sn	Principle of land policy	Heard		Not heard	
		n	%	n	%
1	All land in Tanzania is public land vested in the president as trustee on behalf of all citizens	65	75.6	21	24.4
2	Land policy facilitate an equitable distribution of and access to land by all citizens	48	55.8	38	44.2
3	Land policy regulate the amount of land that any one person or corporate body may occupy or use	24	27.9	62	72.1
4	Land policy provide guidelines to ensure that land is used productively and that any such use complies with the principles of sustainable development	20	23.3	66	76.7
5	Land policy emphasize to pay full, fair and prompt compensation to any person whose right of occupancy or long standing occupation or customary use of land is revoked or interfered with to their detriment by the State or is acquired	53	61.6	33	38.4
6	Land policy espouses an efficient, effective, economical or transparent system of land adjudication	38	44.2	48	55.8
7	Land policy direct all citizens to participate in decision making on matters connected with their occupation or use of land	36	41.9	50	58.1
8	Land policy facilitate and regulate the operation of a market in land so as to ensure that rural and urban small holders and pastor lists are not disadvantaged	20	23.3	66	76.7
9	Land policy set out rules of land law accessibly and in a manner which can be readily understood by all citizens	16	18.6	70	81.4
10	Land policy direct to establish an independent expeditious and just system for the adjudication of land disputes which will hear and determine cases without undue delay	18	20.9	68	79.1
11	Land policy encourages the dissemination of information about land administration and land law through programmes of public and adult education using all forms of media	13	15.1	73	84.9
	Total	351	408.2	595	691.8

4.2.3 Awareness of Village Land Act No 5 of 1999

Rural land is owned and controlled according to the Village Land Act No. 5 of 1999 (URT, 1999). For people living in rural areas to secure and protect their land rights, awareness of the Act is essential. To measure the level of awareness of the Village Land Act No. 5 of 1999, the respondents were asked if they had ever heard about the Act. The results show that only 37% of respondents had heard about the Act. A study by Kironde (2006) showed lower level of awareness compared to this study. It showed that 3% of people knew very well the Act, 14.5% were partly knowledgeable and 82.5% did not know it at all. The slight difference in the two studies could be attributed to the fact that, the study by Kironde was measuring the knowledge of the details of the Act while this study focused on the general level of awareness.

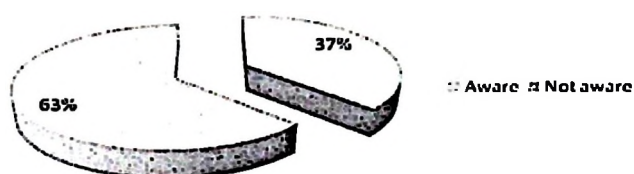


Fig. 2: Awareness of Village Land Act No. 5 of 1999

4.2.4 Awareness of the details of the Act

A question which sought to measure the awareness of the details of the Act was asked only to respondents who had ever heard about it. The results show that 62.5% reported not to know anything about the Act although they had heard about it. The results also reveal that 21.9% knew the fact that that they had full rights to be allocated land by the village government when available. Furthermore, it was found

that 9.4% could not tell anything although they confessed to have heard about it. Only 6.3% were aware that the Act prohibits discrimination on a gender basis regarding access to both customary and statutory rights. The low level of awareness is mainly attributed to poor implementation of land laws which include campaigns for creating awareness about them. Although there are good programmes to implement land laws, they are not adequately funded. For example, in his study of the rural land title certification programme in Tanzania, Mukandala (2008) found that the Ministry of Lands had calculated that the cost of village land title certification over a five year period (2000/2001-2004/2005) was 19.0 bn or 3.8 bn per annum. The approved allocation, however, was 1.012 bn or an average of Tsh 203m per annum. This is only 5.3% of the expected cost.

Table 9: Awareness of the land Act (n = 32)

If you have heard about the Village Land Act No. 5 of 1999 what do you know about the Act?		
	n	%
Don't know	20	62.5
Both men and women have right to own land	2	6.3
Can't tell	3	9.4
The right to be allocated land by the village government	7	21.9
Total	32	100.0

4.3 Knowledge of the Process of Acquiring Land through the Village Government

For formal land administration to be useful to the rural poor, services need to be appropriate, accessible, predictable and reliable. Appropriateness implies responsiveness to local requirements and circumstances. Accessibility concerns

issues such as proximity, language and costs. Accessibility is also about awareness amongst potential clients of the services on offer. Rural land users therefore need to be informed about rights, responsibilities, procedures and appeal mechanisms. For this reason information and communication campaigns that are extensive and continuous are essential (Cotula *et al.*, 2008).

To measure the knowledge about the process of acquiring land through the government machinery, respondents were asked if they understood the process of acquiring land through it. The results reveal that 58.1% reported to know the process and out of whom (38.4%) came from Kisasi. The results of Chi-square results (Chi-Square value = 12.231 and p-value =0.000) also show that the difference on the knowledge of the process for acquiring land through the government machinery among the respondents in the two wards is statistically significant. One of the reasons for this difference in understanding the process could be that, in Kisasi village more people, compared to Mikese, have been allocated land by village governments.

Furthermore, out of the four villages which participated in the study only one village Kisasi Gomelo in Kisasi Ward has village land use plan. Furthermore, it was reported by the Kisasi Gomelo village chairman that during developing the village land use plan villagers were empowered on the land policy issues including the processes of acquiring land through the village government. The empowerment process was through giving them the right information and allowing their participation in the process of developing and implementation village land use plan.

It was also reported by the Village Executive Officer (VEO) that villagers had been approached to contribute their resources in building the village land registry; such a plan did not exist in all villages surveyed in Mikese Ward.

Table 10: Distribution of respondents by their knowledge of the process of acquiring land through the village government (n= 86)

Knowledge of the processes of acquiring land through the village government	Mikese		Kisaki		Total	
	n	%	n	%	n	%
Yes	17	19.8	33	38.4	50	58.1
No	26	30.2	10	11.6	36	41.9
Total	43	50	43	50	86	100

Chi-Square value = 12.231 p- value=0.000***

*** = Significant at 1% probability level

4.3.1 Process of acquiring land through the village government

It is common when interviewing people to give answers that do not reflect the real situation on the ground. Hence, the need for follow up question to get more understanding of the situation. Thus in addition to asking respondents on whether they understood the process of getting land through the village government, those who responded in the affirmative were asked to explain this process. This was necessary so as to prove beyond reasonable doubt that indeed they understood the process. In this regard, the study revealed that only 20% of those who said they know they process were able to explain it as stipulated in land policy and subsequent Act. Also the results show that 34% could explain at least few elements of the process while majority (46%) could not explain the process at all. A similar

impression was evident based on the FGDs findings. Even those who got land through the village government, few of them could clearly explain the process involved. Majority could only say “we wrote and submitted a letter of land plot application to the village office but we didn’t know what happened until we were summoned to be allocated land after paying their sitting allowance”. The power of the village council to allocate land is subject to the approval of the village assembly, the supreme authority of all matters of general policy making in relation to affairs of the village.

The low level of understanding of the process by the rural people reflects why some elites acquire land through the village government offices without following regulations and guidelines and without being questioned by the villagers. The reason behind might be that, the power of the villagers during village assembly is mixed. On one hand, as a land manager the Village Council (VC) is given considerable power to make decisions about land. On the other hand, the law requires that the VC report to village assembly on land matters quarterly and brings all decision making matters to its attention although it is not always clear that it may overturn those decisions [s. 8 (6)]. However, there are exceptions; the law is clear that the VC may not grant Right of Occupancy without the Village Assembly approval [s. 8(5)]. Nor may it overrule the advice of the Village Assembly to requests for land to be transferred out of the village into land to administered by the Commissioner (General Land) such as when an investor has requested land in the area [s.4(6). Nor may it agree on land sharing agreement with neighbouring village or group of persons unless the Village Assembly has formally approved the request [s. 11(2)].

Table 11: Distribution of respondents by their ability to explain the process of acquiring land through the village government (n=50)

Ability to explain land policy	n	%
Cannot explain the process at all	23	46
Can at least explain few elements of land policy	17	34
Can perfectly explain the process as per land policy	10	20
Total	50	100

4.3.2 Flow of information on land policy at the village level

Although the importance of linkages between actors, coalitions, alliances and flow of information to successful implementation of land policy is highly acknowledged, this has not been evident at the village level. Interactions between village government officials, rural communities and outsiders who apply to acquire land through the village governments, are not adequate. During FGDs with farmers and interviews with key informants, it was revealed that, the flow of information about land policy and its implementation process is biased in favour of certain category of people (Fig. 3). In this figure numbers represents the frequency of flow of information among actors included in implementation of land policy. Number one (1) represents high frequency, two (2) represents medium frequency and three (3) represents low frequency. As depicted by Fig. 3, there is low frequency of flow of information from village government leaders to smallholder farmers. During FGDs and interviews with key informants it was also noted that, elite outsiders who want to acquire land in rural areas, have devised different strategies to benefit from land policy

implementation process. Hence, as noted by Long (2001) policy intervention has both a constraining and enabling effect on social behavior. Also Long (2001) noted that, every social actor posses some kind of power to maneuver the policy landscape, even in those highly subordinate positions. Rural communities in this case, are the group with little power, but at some stages of land policy implementation process, during their village assemblies, have influenced positively the actions of their leaders.

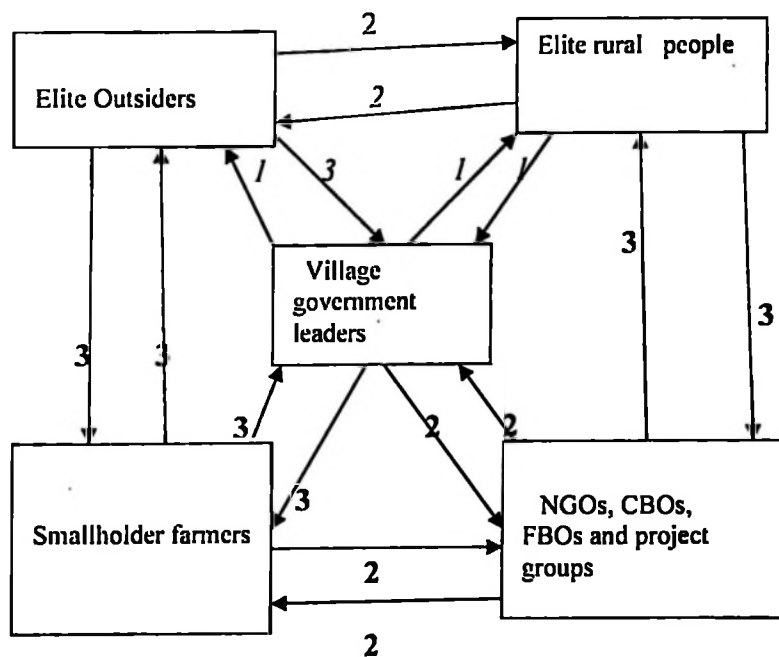


Fig. 3: Flow of information among key actors of land policy at village level

4.3.3 Applications for land by rural people

Land rights underpin land based livelihood activities of rural people (Chileshe, 2005). Therefore in their livelihood support endeavor rural people struggle to get land where they can cultivate and produce food. Applying land to the village

government is one of the avenues available for rural people to acquire land for cultivation. When asked whether they had ever applied land to the village governments, the results show that 47.7% did apply to be allocated land for crop cultivation. It can be seen from Table 12 that majority (31.4%) of respondents who applied lands are from Kisaki. Only 16.3% are from Mikese. The Chi-square results (Chi-Square value = 7.878 and p-value = 0.005) indicate statistically significant difference in land applications to village government among the respondents interviewed in the two wards. During FGDs carried out in Mikese, participants commented about reasons for failure by majority to applying land to village governments. One of the main reasons mentioned is high application fee coupled with social capital for the applications to be considered and get positive comments from Village Council. Being a village leader or having good relationships with village leaders and having good income, were mentioned to be critical elements of the social capital ensured for successful application.

Table 12: Distribution of respondents who applied to be allocated land by the village governments (n = 86)

Have you ever applied for land through village government?	Mikese		Kisaki		Total	
	n	%	n	%	n	%
Yes	14	16.3	27	31.4	41	47.7
No	29	33.7	16	18.6	45	52.3
Total	43	50	43	50	86	100

Chi-Square value = 7.878

p-value=0.005***

*** = Significant at 1% probability level

4.3.4 The process of acquiring land through the village government

Allocation of land to people by the village government presents a second major mode of land acquisition in the study area as has already been discussed in the preceding section. However, this mode of land acquisition was more predominantly used in Kisaki ward compared to Mikese. It was reported by FGD participants and key informants in the study areas that for a person to be allocated a plot of land, one must apply or register to express the interest. According to FGD participants and key informants the application or registration goes along with paying application fee which was reported to be 5 000 Tanzania shillings in Kisaki and 60 000 Tanzanian shillings in Mikese ward.

Furthermore, it was found in Mikese, the application fee has a different name in Mikese where it is called sitting allowance or '*Mfumaki*'. It was pointed out by FGD participants that paying the application fee in Kisaki or *mfumaki* in Mikese does not guarantee anyone to be allocated land by the village government. When asked why, they said "social capital matters, if you have no good relationship with the village land committee it will be a futile process to apply for land". FGD participants went further by saying that you should be 'rich' implying being able to bribe all land committee members in order for your application to be successful. They expressed their concern that some few elites from within and outside their wards, under the umbrella of agricultural investors, collude with village government officials and get tracts of land (that remain undeveloped contrary to their expectations) without the approval of the village assemblies. They bitterly expressed their worries of becoming labourers for these elites if the village leaders do not stop allocating land to people

without following the laid down procedures as required by the land policy and subsequent village land Act No. 5 of 1999.

Also, it was mentioned by the FGD participants that currently local people are becoming tenants in undeveloped farms where they pay at least 20 000Tsh (equivalent to 13 US dollar) per acre per year or a sack of maize with an average of 70kg in return. However, village government officials who were interviewed as key informants had slightly different opinions to those held by the FGD participants. As a follow-up to allegations directed to them by FGDs participants, the researcher clarified to leaders that the objective of the study was to understand issues related to the process of land allocation and not to spy village government leaders about their practices related to land allocation. After this clarification they accepted some of the allegations directed to them to be true but they gave the major reason for these malpractices to be their ignorance of land policy and its subsequent village land Act No. 5 of 1999. Based on this, it can be argued that in order to make a difference, for the rural poor these services need to be accessible on a very large scale, since building systems that are accessible to only well informed and affluent investors will not materially improve local tenure insecurity (Wiley, 2008; Place, 2009).

4.4 Constraints Facing Rural People to Acquire Land through the Village Government

The causes of landless and near-landless are numerous including dearth of land, rapid population growth, low productivity in agriculture, lack of effective government policies and colonial legacies (Rahman and Manprasert, 2006). There are various

constraints which face rural communities in their efforts to acquire land through the village government. Some of these constraints can be solved at individual level; therefore people need to be empowered to solve their own problems. However, others are structural and need intervention. When asked whether there are any constraints to acquire land through the village government, the results show that 26.7% of respondents reported in the affirmative. 47.7% said they did not exist while the rest (25.6%) didn't know whether constraints existed or not. During FGDs, participants were asked to mention all constraints which they face in getting land thorough the village governments' offices. After getting a list of constraints, they were asked to rank the main constraints from the list. After selecting the main constraints, the participants were asked to rank the main constraints according to their importance starting with the most important.

Table 13: Constraints to acquire land through the village government (n = 86)

Are there any constraints to acquire land through the village government?	n	%
Yes	23	26.7
No	41	47.7
Don't know	22	25.6
Total	86	100.0

Lack of transparency and bureaucracy in land allocation process was ranked by the participants as the most important constraint. They elaborated on this by saying that land information is concealed in village offices and they are not readily available for public consumption. The information given by the participants reflected the reality because of the difficulties encountered during secondary data searching in village government offices. Out of four villages surveyed only one village, Kisaki Gomelo,

availed the data of people who acquired land for the year 2008/11. In this village, the data show that 65 people were allocated land by the village government. Scarcity of fertile land was ranked as the second most important constraint. It was clearly elaborated that, because applicants are many and fertile land is scarce, majority of rural people end up by being allocated marginal land. Instead, fertile land is allocated to well off people who can give extra money to village government officials. Ignorance of land policy, Village Land Act and rights accrued from it was ranked third. FGD participants expressed this by saying that they can't argue their case in order to get land. They reported that, because of ignorance of land rights they were easily discouraged by false information provided by elites who benefit from the village government system. Unaffordable application fee was ranked as the fourth and last in importance among the main constraints. This constraint seemed to be more serious in Mikese compared to Kisasi. FGD participants in Mikese pointed out that the fee (*'mfumaki'*) of 60 000 shillings is not affordable to majority although they need to be allocated land. They were also concerned with unclear procedures and criteria used in selecting successful applicants. One member among participants commented that it is better to save money and buy land rather than gamble. She said "if you have no money to give the village council members you should count yourself unsuccessful".

CHAPTER FIVE

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusion

- i. The awareness of land policy and Village Land Act No. 5 of 1999 is generally low among rural people in the study areas. The low level of awareness is not limited to ordinary people but also to ward executive officers, village leaders and village land committee members.
- ii. The radio is the most reliable source of land policy information. However, this source is gender biased since women do not listen to radio more frequently as their men counterparts. Furthermore, illiteracy which is higher amongst women compared to men, bar them to access written information which may contain land policy related information.
- iii. The actual processes of acquiring land through the village government are not as stipulated in the land policy. Besides the laws and related regulations, quasi-legal procedures and directives that circumvent the legal framework overburden the land policy implementation process. Also the implementation of land policy mainly depends on donor funding. In cases where funds are not released, implementation plan has remained shelved in government offices.
- iv. Various obstacles exist which impede people to acquire land through the village government. These include lack of transparency and bureaucracy in

land allocation process. Moreover the limited capacity of village leaders and village land committees to implement the land policy, technical expertise and financial resources at the village level, aggravate the situation.

5.2 Recommendations

- i. Access to information on land policy at village level is important for its effective implementation. Accessible land policy information will increase awareness of land policy and Village Land Act among people. Also accessible information will increase transparency and accountability and therefore increase effectiveness in the implementation process. Therefore, the government must work to ensure information about land policy and administration is available and accessible by the general public of rural community to enhance stakeholder's awareness. This can be achieved through working closely with village leaders and village land committees and promotion of opportunities for public debate on property and citizen resource rights, strengthening of knowledge sharing and analysis of these issues.
- ii. In order for the land acquisition processes in rural areas to conform to the land policy guidelines, the responsible Ministry should conduct periodic monitoring and evaluation of the processes used by the village government to allocate land. To enhance sustainability of this process, villagers should be empowered on how to monitor and evaluate the processes. Empowerment of the villagers can take various forms depending on the availability of resources and circumstances. For example, training, briefings during village meetings,

villagers' participation in the monitoring and evaluation processes and radio programs. On the part of financing the implementation process, land policy should not depend only on donor funding. Land administration is a public expenditure that must be budget for by the (national) treasury, and where necessary, to be supplemented by user fees and donations with government being the collecting and disbursement channel. Therefore, for effective implementation of land policy, the government must allocate enough resources to implement the policy.

- iii. To increase access to land by rural people through the village government, there is a need for transparency in village land allocation. Village leaders and land committees should be held accountable whenever there is lack of the transparency in land allocation processes. Capacity building of stakeholders responsible for implementation of land policy at the village level should be an integral component in implementing the policy.

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APPENDICES

APPENDIX 1: INTERVIEW HOUSEHOLD INTERVIEW SCHEDULE

Study on Acquisition of land in rural areas of Morogoro District of Tanzania: Policy and Practice

Dear respondents the aim of this interview schedule is for study purpose only. The information you will provide in no way they will harm you. Please feel free to answer the questions, which will be asked correctly

Part A: Household identification variables

- A1 What is your name?.....
- A2 What is the name of your hamlet?.....
- A3 What is the name of your village.....
- A4 What is the name of your ward.....

Part B: Socioeconomic and Demographic profiles of sample households

Instructions: Tick or write in front of the question

- B1 What is your age (in years)?.....
- B2 Sex: 1) Male..... 2) Female.....
- B3 What is your marital status:
 - 1) Single.....
 - 2) Married...
 - 3) Widowed.....
 - 4) Abandoned/Divorced/Separated.....
- B4 What is your level of education?
 - a) No formal education and illiterate
 - b) No formal education but literate
 - c) Standard four
 - d) Standard seven
 - e) Form four
 - f) Form six

g) Others,
 specify.....

B5 What is your main livelihood activity? (you may tick more than one)

- 1) Crop production
- 2) Livestock keeping
- 3) Running small businesses
- 4) Others specify.....

Part C: Land tenure

C1 Do you own land?

- 1. Yes
- 2. No

C2 If yes in C1 above, please provide the following information

Plo t no	Area (in acres)	Mode of acquisition	Crops cultivated
1			
2			
3			
4			

Key

Modes of acquisition: 1 = inherited, 2 = Bought it, 3 =Allocated by village government, 4 = Rent it, 5 = Others specify (eg. Clan land, own temporarily)

Part D: Awareness of Land policy and Village Land Act of 1999

D1 Have you ever heard about the land policy?

1) Yes

2) No

D2 If yes in D1 above, what was the source of the information?.....

D3 *Not everyone has heard all issues about the Land Policy*

I am going to read several statements about our land policy. Not everyone has heard about some of these issues. If you haven't heard about the topic I read, feel free to tell me so

S n	Statement	Response (Tick where applicable)	
		Heard	Not heard
1	All land in Tanzania is public land vested in the President as trustee on behalf of all citizens		
2	Land policy facilitate an equitable distribution of and access to land by all citizens		
3	Land policy regulate the amount of land that any one person or corporate body may occupy or use		
4	Land policy provide guidelines to ensure that land is used productively and that any such use complies with the principles of sustainable development		
5	Land policy emphasize to pay full, fair and prompt compensation to any person whose right of occupancy or long standing occupation or customary use of land is revoked or interfered with to their detriment by the State or is acquired		

6	Land policy espouses an efficient, effective, economical or transparent system of land adjudication		
7	Land policy direct all citizens to participate in decision making on matters connected with their occupation or use of land		
8	Land policy facilitate and regulate the operation of a market in land so as to ensure that rural and urban small holders and pastor lists are not disadvantaged		
9	Land policy set out rules of land law accessibly and in a manner which can be readily understood by all citizens		
10	Land policy direct to establish an independent expeditious and just system for the adjudication of land disputes which will hear and determine cases without undue delay		
11	Land policy direct to encourage the dissemination of information about land administration of information about land administration and land law through programmes of public and adult education using all forms of media		

D4 Have you ever heard about the Village Land Act No. 5 of 1999?

1. Yes

2. No

D4 If yes, what do you know about the act?

.....

.....D6 Are you aware that you have the right to acquire land through the village government?

1. Yes

2. No

D7. If yes, to what extent has the awareness helped you in issues related to land acquisition?.....

Part E: Awareness of the process involved in acquiring village land

E1 Are you aware of the process involved in acquiring village land?

1. Yes

2. No

E2 If yes in E1 above, explain the process.....

Part F: Constraints to acquire land through the village government

F1 Have you ever applied land from the village government?

1. Yes

2. No

F2 What are the main four (4) constraints to acquire the land through the village government?

1.

3

THANK YOU VERY MUCH FOR YOUR COOPERATION

APPENDIX 2: FARMERS FOCUS GROUP QUESTION GUIDE

Date of the focus group discussion

Background Information

1. Name of the village.....

2. Name of the ward.....

3. Number of men.....Number of women.....Total.....

Topics of the discussion

1. Total area of the village
2. Main forms of land use
3. History about the village and its inhabitants/people
4. How the village was established (eg. Traditional settlements, after villagization etc)

Follow up questions

1. Knowledge about land policy
2. Knowledge about village land act of 1999
3. How is the village land acquired?
4. Who decides about this?
5. Are there any established process/guidelincs to conduct this exercise?
6. How many people have acquired land owned by the village government over the past one year? Five years?
7. What is their identity?
8. Which body is responsible for handling legal matters in the village?

APPENDIX 3: CHECKLIST FOR KEY INFORMANTS

Target group: Village Executives officers and Village Land Committee members

Dear respondent the aim of this interview is for study purpose only. The information you will provide in no way they will harm you. Please feel free to answer the questions, which will be asked correctly

Identification variables

1. Date of the interview.....
2. Name of the person being interviewed..... Sex.....
3. The title of the person being interviewed.....
4. Name of the village.....
5. Name of the ward.....
6. Education level of the person being interviewed.....

Follow up questions

- Qn 1. Have you ever heard of Tanzania Land Policy?
- Qn 2. How about the village land act of 1999, have you ever heard of it?
- Qn 3. Is there any member of your village or anybody from outside of your village-acquired land through the village government?
- Qn 4. What is the process if anyone wants to acquire land through the government of your village?
- Qn 5. In your opinion what do you think are the constraints for people in your village to acquire land through the village government offices?
- Qn 6. What are the obstacles do you encounter in the process of land administration?