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

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ABSTRACT

This study had three specific objectives: to assess the rural communities' awareness of the national land policy and the village land Act, to examine the actual processes of acquiring land through the village government and to analyse constraints facing rural people to acquire land through the village government. A cross-section survey method was employed whereby a sample of 86 respondents was used. Data was collected through interviews and focus group discussions. SPSS and content analysis were used to analyse the data. The findings indicated low awareness of land policy among respondents. Also, the process involved in acquiring village land did not follow land policy guidelines. Furthermore, lack of transparency and bureaucracy in land allocation process were identified as the major limitations for rural people to acquire land through the village government. The study recommended that rural people must be empowered in order the implementation of land policy to be effective.

Keywords: Land Acquisition, Rural Livelihoods, Policy And Practice

1. INTRODUCTION

Over the years, the demand for land has been increasing following expanding investment opportunities especially after introduction of economic liberalization policies in the mid1980s. In Tanzania, land is the key resource that defines not just rural livelihoods but also economic development prospects (Odhiambo, 2006). Therefore, access to land and security of tenure, especially for rural poor people, is central to poverty reduction in rural areas. Wily (2006) emphasizes that insufficient land to farm and insecure access or rights to land are well-recognized factors in sustaining poverty. In Tanzania, fertile land is becoming scarcer due to demographic and economic growth, resource depletion, and climate change. Therefore, land policy must be effective in order to protect rural people from losing their land and enable those who do not have land to acquire it for crop cultivation. This important because the current emphasis on foreign investment in agriculture spearheaded by the Tanzania investment Centre (TIC) has led to land opportunism where rich and elite people, local and foreign investors, are rushing in rural areas to acquire big tracts of land. The land being acquired is under the authority of village councils and village assemblies. Therefore, the village councils and village assemblies virtually are supposed to ensure that anybody who wants to acquire it follows the regulations and the required process which are contained in the land policy and Village Land Act. However, it has been reported that some people have been acquiring big tracts of land. This situation raises a question whether village leaders and citizen are aware of the land policy and Village

Land Act which govern land acquisition in rural areas. Also, it has been reported that the number of people living in rural areas without land for crop production is increasing. Therefore, it is important to understand the obstacles that prevent rural people to acquire land through various modes, in this case, allocation by the village council.

1.1 THE NATIONAL LAND POLICY AND VILLAGE LAND ACT NO.5 OF 1999

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) (URT, 1995). 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).

The Village Land Act, Act No. 5 of 1999 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 as 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 (URT, 1999).

1.2 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. 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).

1.3 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 (2008) 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, 2008) and sufficient institutional capacity is the vehicle to get effective and efficient institutions.

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). Tanzania is not exception: No doubt, the root of the challenges and constraints to effective land administration is found in weak governance. 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, 2008). 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. To achieve this, 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. 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, 2006).

2. METHOD AND MATERIALS

This study employed a cross section survey and it was conducted in two wards of Mikese and Kisasi in Morogoro Rural District. The selection of wards was based on the distance from Morogoro Municipality. The intent was to get a true picture of land acquisition policy and practices for people living near a town centre (Mikese Ward) and those living further away from a town centre (Kisasi Ward). The data was collected using a myriad of methods including interviews with smallholder farmers, focus group discussions and in-depth interviews with key informants. This was done as means of data triangulation also in order to gain deeper understanding of the subject matter. To get the respondents, from each ward, two villages were selected randomly and 86 respondents (43 from each ward) were selected randomly from village lists of household members obtained from village leaders. 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). For the focus group discussion (FGD), two FGDs were conducted in each ward. 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 included; 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, in-depth interviews with key informants were conducted. In each Ward, two 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. RESULTS AND DISCUSSION

In this study, men accounted for 56% and women 44% of the total sample. The majority of respondents (24.4%) were between the ages of 31 and 40 years. In terms of educational level, 55.8% had completed standard seven while nearly 20% had no formal education. Male respondents tended to have higher levels of education than females.

People who were interviewed had access to land in different ways. Some people had access to land, but did not own the land they farmed. Farmers in the focus groups that rented land complained of exploitation by landowners charging high rents. For example, when maize was cultivated, the landlord at harvest time might require one sack (of more than 80kg) of maize per hired acre, a very high price for the farmer to bear. Interviewees indicated that due to lack of other alternatives to land for cultivation, those who did not own land would continue to be exploited by those who had acquired large tracts of land.

There are various modes of land acquisition in rural areas. The predominant mode of land acquisition was through inheritance (40.3%). The results also indicated that 22.7% of people acquired land through allocation by the village government. However the results of Focus Group Discussions (FGDs) in Mikese Ward indicated that villages had not allocated land to smallholder farmers for the past decade. Land values had increased beyond the villages' means due to extensive land purchases by wealthy people from outside the ward. Village government leaders were not willing to allocate land to poor peasants because they received little in return. The results also indicated that few respondents (1.3%) were given land by landlords after safeguarding their land for many years. The other modes of acquiring land were purchasing (14.9%), renting (11%) and using clan land (10%).

To gauge the level of awareness of land policy, respondents were asked if they had heard of the land policy. The level of awareness was higher in Kisaki (44.2%) compared to Mikese (26.7%). These results are statistically significant at $p < 0.001$. The differences in level of awareness are contrary to what one would expect since Kisaki is further to the interior compared with Mikese. However, the reason for this difference was revealed during discussions with key informants in Kisaki. During these discussions, they reported 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 World Wide Fund for Nature (WWF) which also assisted the villages in developing land use plans. At the time of this

research, Kisasi Gomero had already developed a plan although it had not been implemented. Although the results showed that the majority (70.9%) had heard of the land policy, during FGDs with farmers, the participants pointed out that they were neither aware of the details of the land policy nor aware of the policy. Contrary to researcher's expectation, members of land committees seemed to be confused as they could not differentiate between the Land Policy and the Village Land Act. These results confirm that there is considerable ignorance of both the law and procedures related to land ownership in both rural and urban areas (Kironde, 2009).

In Tanzania, 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 heard of the Act. The results showed that only 37% of respondents had heard of the Act. A study by Kironde (2006) showed even lower levels of awareness compared to this study. It showed that 3% of people knew the Act very well, 14.5% were partly knowledgeable and 82.5% did not know it at all. The difference in the two studies was attributable to the differing measures, with the study by Kironde measuring the knowledge of the details of the Act while this study focused on the general level of awareness.

A question which sought to measure the awareness of the details of the Act was asked only to respondents who had heard of it. The results showed that 72% reported that they did not know anything about the details of the Act although they had heard of it. The results also revealed that 22% knew that they had the right to be allocated land by the village government when available. Only 6.3% were aware that the Act prohibits discrimination on the basis of gender regarding access to both customary and statutory rights. This low level of awareness was mainly attributed to poor implementation of land laws and the lack of 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 Tsh 19.0 bn (\$ 12.7mil) or 3.8 bn (\$ 2.5 mil) per annum. The approved allocation, however, was 1.012 bn (\$ 674, 666) or an average of Tsh 203m (\$ 135,333) per annum. This allocation was only 5.3% of the expected cost of village land title certification.

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 to demonstrate that they understood the process. It was revealed that only 20% of those who said they understood the process were able to explain it as stipulated in land policy and subsequent Act. A similar impression was evident based on the FGDs findings. Very few of those who received land through the village government, could clearly explain the process involved. 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.

When asked whether there are any constraints to acquire land through the village government 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 through 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. Lack of transparency and bureaucracy in the process of land allocation was ranked by the FGD participants as the most important constraints. They elaborated on this by saying that land information is concealed in village offices and they are not readily available to the public. The information given by the participants reflected the difficulties encountered by this author during

secondary data collection in village government offices. Out of four villages surveyed, only one village, Kisaki Gomelo, was able to produce records of people who acquired land for the years 2008-11.

4. CONCLUSION

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. The radio is the most reliable source of land policy information. However, this source is gender-biased since women do not listen to radio as frequently as men. Furthermore, illiteracy is higher among women compared to men which limit their access to written information on land policy.

The actual process of acquiring land through the village government deviates from 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 largely depends on donor funding. In cases where funds are not released, the implementation plan has remained shelved in government offices.

Various obstacles exist which impede people to acquire land through the village government. These include lack of transparency and bureaucracy in the land allocation process. Moreover, limited technical expertise and financial resources limit the capacity of village leaders and village land committees to implement the land policy.

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